Country/entity	Papua New Guinea Bougainville
Region	Asia and Pacific
Agreement name	Bougainville Peace Agreement
Date	30 Aug 2001
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-Bourgainville relationship, which included elections.
Close
Bougainville Conflict (1987 - 1998)

Stage	Framework/substantive - comprehensive
Conflict nature	Government/territory
Peace process	Bougainville: peace process
Parties	Hon. Sir Mekere Morauta, Kt MP Prime Minister; Hon. John L. Momis MP, Governor, Bougainville Interim Provincial Government; Hon. Moi Avei, Minister for Bougainville Affairs; Joseph Kabui, President, Bougainville People's Congress; Hon. M. Ogio, Deputy Prime Minister, MP for North Bougainville; Hon. M. Laimo, MP for South Bougainville; Hon. S. Akoitai, MP for Central Bougainville; Mr. J. Ranam, Chairman, Leitana Council of Edlders; Mr. G. Sinato, Deputy Governor, Bougainville Interim Provincial Government; Mr. T. Anis, Vice-President, Bougainville People's Congress; Mr. J. Tanis, Vice-President, Bougainville People's Congress; Ishmael Toroama, Chief of Defence, Bougainville Revolutionary Army; Hilary Masiria, Chairman, Bougainville Resistance Forces; Mrs. Ruby Mirinka, Representative of Bougainville Women

Third parties	Witnesses: Australia, New Zealand, Fiji, Solomon Islands, UNOMB (United Nations Observer Mission to Bougainville)
Description	Lengthy and comprehensive agreement providing for an autonomous Bougainville government with full provision on how powers are to be allocated between National and Autonomous governments. The Agreement also includes, provision for a referendum among Bougainvilleans on independence; detailed provisions on a constitution for Bourgainville; and weapons disposal.

Agreement document	PG_010830_Bougainville Peace Agreement.pdf (opens in new tab) | Download PDF

Groups

Children/youth	Groups→Children/youth→Rhetorical Page 20, BOUGAINVILLE PEACE AGREEMENT, Part B. AUTONOMY, chapter 4: STRUCTURES OF THE AUTONOMOUS BOUGAINVILLE GOVERNMENT, legislature 28. The Bougainville Constitution will provide that the institutions of the autonomous Bougainville Government will include a legislature which shall be a mainly elected body, but may also include members appointed or elected to represent special interests, such as women, youth, churches.
Disabled persons	No specific mention.
Elderly/age	No specific mention.
Migrant workers	Groups→Migrant workers→Substantive Page 23, BOUGAINVILLE PEACE AGREEMENT, Part B. AUTONOMY, chapter 5: DIVISION OF POWERS AND FUNCTIONS, TWO LIST SYSTEM FOR DIVIDING POWERS AND FUNCTIONS, National Government List of Powers and Functions 50. Consistent with national sovereignty, the National Government will exercise powers and functions on the National Government list in relation to Papua New Guinea as a whole, including Bougainville. […] Immigration; Page 29, BOUGAINVILLE PEACE AGREEMENT, Part B. AUTONOMY, chapter 6: AGREED ARRANGEMENTS CONCERNING EXERCISE OF NATIONAL GOVERNMENT POWERS IN RELATION TO BOUGAINVILLE, (c) IMMIGRATION - VISAS AND WORK PERMITS 80. The autonomous Bougainville Government may recommend names to the National Government for inclusion on or removal from the Visa Warning List. 81. Applications for Work Permits and Employment Visas for Bougainville will be referred by the relevant National Government agency to the autonomous Bougainville Government for recommendation. 82. The autonomous Bougainville Government may submit lists of occupations and industries for which Work Permits and Employment Visas should not be issued for Bougainville. 83. The autonomous Bougainville Government will establish appropriate machinery for implementation, including the sharing of information.

Racial/ethnic/ national group	No specific mention.
Religious groups	No specific mention.
Indigenous people	Groups→Indigenous people→Substantive Page 36, Chapter 8: Human Rights 128. The National Government and the autonomous Bougainville Government will establish a joint commission to examine and report on the issues that would be involved in giving the autonomous Bougainville Government power to make laws permitting courts or Councils of Elders to require clan-groups to which persons convicted of criminal offences belong to meet customary, non-custodial obligations.
Other groups	No specific mention.
Refugees/displaced persons	No specific mention.
Social class	No specific mention.

Gender

Women, girls and gender	Page 20, BOUGAINVILLE PEACE AGREEMENT, Part B. AUTONOMY, chapter 4: STRUCTURES OF THE AUTONOMOUS BOUGAINVILLE GOVERNMENT, legislature 28. The Bougainville Constitution will provide that the institutions of the autonomous Bougainville Government will include a legislature which shall be a mainly elected body, but may also include members appointed or elected to represent special interests, such as women, youth, churches. Page 85, SIGNED AT ARAWA, BOUGAINVILLE, PAPUA NEW GUINEA, THIS 30TH DAY OF AUGUST 2001: Mrs. Ruby Mirinka, Representative of Bougainville Women
Men and boys	No specific mention.
LGBTI	No specific mention.
Family	Page 78, BOUGAINVILLE PEACE AGREEMENT, Part F. OTHER MATTERS, 3. RECONCILIATION AND UNIFIED STRUCTURES FOR BOUGAINVILLE (a) RECONCILIATION 339. Reconciliation has many aspects, including customary, religious, spiritual, personal, psychological, and economic. It includes concerns for history, memory and justice. These qualities have been evident in the many reconciliation efforts made in Bougainville, within and between families and communities. For the peace to be self-sustaining, reconciliation efforts must continue.

State definition

Nature of state (general)

Summary: Peace agreement enshrines shared acceptance of the sovereignty of Papua New Guinea, the agreed autonomy arrangements are intended to faciliate the expression and development of Bougainvillean identity and the relationship between Bougainville and the rest of Papua New Guinea, and promote the unity of PnG; The agreement provides for the right, guaranteed in the National Constitution, for a referendum among Bougainvilleans' on Bougainville's future political status, to be held no sooner than ten years from signing;

Key provisions include:
Page 15, BOUGAINVILLE PEACE AGREEMENT, Part B. AUTONOMY, Chapter 1. Objectives of Autonomy.
4. On the basis of shared acceptance of the sovereignty of Papua New Guinea, the agreed autonomy arrangements are intended to:
(a) facilitate the expression and development of Bougainville identity and the relationship between Bougainville and the rest of Papua New Guinea; …
b) empower Bougainvilleans to solve their own problems, manage their own affairs and work to realize their aspirations within the framework of the Papua New Guinea Constitution;
(d) provide for a democratic and accountable system of government for Bougainville that meets internationally accepted standards of good governance, including protection of human rights;
(e) ensure respect for the international obligations of Papua New Guinea, as well as the interests of Bougainville when Papua New Guinea enters into new international obligations;
(f) enable the National Government and the autonomous Bougainville Government to exercise their constitutional roles effectively and co-operatively;
(g) provide sufficient personnel and financial resources for the autonomous Bougainville Government to exercise its powers and functions effectively;
(h) maintain a mutually acceptable balance of interests between the interests of Bougainville and Papua New Guinea as a whole, including equity between different parts of the country.

State configuration Page 15, BOUGAINVILLE PEACE AGREEMENT, Part B. AUTONOMY, Chapter 1. Objectives of Autonomy.

4. On the basis of shared acceptance of the sovereignty of Papua New Guinea, the agreed autonomy arrangements are intended to:

a) facilitate the expression and development of Bougainville identity and the relationship between Bougainville and the rest of Papua New Guinea;

(c) promote the unity of Papua New Guinea; […]

(h) maintain a mutually acceptable balance of interests between the interests of Bougainville and Papua New Guinea as a whole, including equity between different parts of the country.

Pages 78-79, BOUGAINVILLE PEACE AGREEMENT, Part F. OTHER MATTERS, 3. RECONCILIATION. AND UNIFIED STRUCTURES FOR BOUGAINVILLE (a) RECONCILIATION […]

340. The process of negotiating this agreement has contributed to the reconciliation process, both within Bougainville and between the rest of Papua New Guinea and Bougainville. The Agreement itself is intended to further encourage the process, and among other things:

[…]

(b) the autonomy arrangements and other aspects of the Agreement are intended to assist in building a new relationship between Bougainville and the nation as a whole; […]

Page 79, BOUGAINVILLE PEACE AGREEMENT, Part F. OTHER MATTERS, 3. RECONCILIATION. AND UNIFIED STRUCTURES FOR BOUGAINVILLE (b) BOUGAINVILLE COMMITMENT TO UNIFIED STRUCTURES

344. The parties agree that:

(a) all groups and individuals in Bougainville should commit themselves to working through the lawful and democratically elected government and the unified administrative and support structures established under the laws that will give effect to this Agreement; […]

Page 80, BOUGAINVILLE PEACE AGREEMENT, Part F. OTHER MATTERS, 3. RECONCILIATION. AND UNIFIED STRUCTURES FOR BOUGAINVILLE (b) BOUGAINVILLE COMMITMENT TO UNIFIED STRUCTURES, STATEMENT OF COMMITMENT TO UNIFIED STRUCTURES (Annex to the Bougainville Peace Agreement)

We, commanders and members of the former combatant groups, acting on behalf of those groups and speaking on behalf of their members, agree to the following things:

(a) We are committed to working through the lawful and democratically elected autonomous Bougainville Government and the unified administrative and support structures established under the laws that will be established under the Bougainville Peace Agreement made by the representatives of Bougainville and the Papua New Guinea Government signed in August 2001 […]

Self determination

Summary: The Agreement provides for arrangements for an autonomous Bougainville Government operating under a home-grown Bougainville Constitution with a right to assume increasing control over a wide range of powers, functions, personnel and resources on the basis of guarantees contained in the National Constitution. The agreement provides for a future referendum on self-determination (see Referendum section below).

Key Provisions include:
Page 15, BOUGAINVILLE PEACE AGREEMENT, Part B. AUTONOMY, Chapter 1: Objectives of Autonomy.
4. On the basis of shared acceptance of the sovereignty of Papua New Guinea, the agreed autonomy arrangements are intended to:
(a) facilitate the expression and development of Bougainville identity and the relationship between Bougainville and the rest of Papua New Guinea;
(b) empower Bougainvilleans to solve their own problems, manage their own affairs and work to realize their aspirations within the framework of the Papua New Guinea Constitution; …
(f) enable the National Government and the autonomous Bougainville Government to exercise their constitutional roles effectively and co-operatively;
(g) provide sufficient personnel and financial resources for the autonomous Bougainville Government to exercise its powers and functions effectively;
(h) maintain a mutually acceptable balance of interests between the interests of Bougainville and Papua New Guinea as a whole, including equity between different parts of the country.

See also Part B. AUTONOMY, chapter 4: STRUCTURES OF THE AUTONOMOUS BOUGAINVILLE GOVERNMENT (pp 20-22); Part B. AUTONOMY, chapter 5: DIVISION OF POWERS AND FUNCTIONS; Part B. AUTONOMY, Chapter 7: TRANSFER OF POWERS AND FUNCTIONS and section dealing with Territorial power Sharing below.

Referendum

Page 65, BOUGAINVILLE PEACE AGREEMENT, Part C. AGREED PRINCIPLES ON REFERENDUM

309. The National Government will move amendments to the National Constitution to guarantee a referendum on Bougainville's future political status.

310. The choices available in the referendum will include a separate independence for Bougainville.

311. (a) The amendments will provide that the outcome will be subject to ratification (final decision-making authority) of the National Parliament.

(b) The autonomous Bougainville Government and the National Government will consult over the results of the referendum.

312. (a) The constitutional amendments will guarantee that the referendum will be held:

• no earlier than 10 years and, in any case, no later than IS years after the election of the first autonomous Bougainville Government;

• when the conditions listed below have been met;

• unless the autonomous Bougainville Government decides, after consultation with the National Government and in accordance with the Bougainville Constitution, that the referendum should not be held.

(b) The conditions to be taken into account include:

• weapons disposal; and

• good governance.

(c) The actual date of the referendum will be agreed after consultations by the autonomous Bougainville Government and the National Government.

Pages 65-66, BOUGAINVILLE PEACE AGREEMENT, Part C. AGREED PRINCIPLES ON REFERENDUM

313. (a) The benchmarks to be used in determining good governance will take account of internationally accepted standards of good governance as they are applicable and implemented in the circumstances of Bougainville and the rest of Papua New Guinea. These benchmarks include democracy and opportunities for participation by Bougainvilleans, transparency, and accountability, as well as respect for human rights and the rule of law, including the Constitution of Papua New Guinea.

(b) The National Government and the autonomous Bougainville Government will co-operate in ensuring progress towards the achievement and maintenance of these benchmarks.

(c) The agreed procedures for review and resolution of disputes will be used to determine whether Bougainville has achieved the standard of good governance intended by this Agreement.

Page 66, BOUGAINVILLE PEACE AGREEMENT, Part C. AGREED PRINCIPLES ON REFERENDUM

314. (a) The referendum on Bougainville's future political status will be conducted in accordance with agreed constitutional arrangements.

(b) The constitutional amendments and any Organic Law required to implement the agreed referendum arrangements will be introduced into the National Parliament together, and drafted to take effect at the same time.

315. Eligibility to vote in the referendum will be the same as for national elections in Bougainville plus non-resident Bougainvilleans (detailed criteria to be finalised through consultation).

316. (a) The question(s) to be asked in the referendum should be clear and agreed by the National Government and the autonomous Bougainville Government.

(b) The choices should be presented so as to facilitate a clear result.

317. The referendum will be free and fair.

318. The National Electoral Commission and the authority responsible for conducting elections in Bougainville will be jointly responsible for conducting the referendum.

319. International observers will be invited to observe the conduct of the referendum.

320. This agreement will be given effect through Constitutional Laws.

321. The National Government and the autonomous Bougainville Government will

State symbols	No specific mention.
Independence/ secession	Summary: See referendum section
Accession/ unification	No specific mention.
Border delimitation	Page 28, BOUGAINVILLE PEACE AGREEMENT, Part B. AUTONOMY, chapter 6: AGREED ARRANGEMENTS CONCERNING EXERCISE OF NATIONAL GOVERNMENT POWERS IN RELATION TO BOUGAINVILLE, (b) FOREIGN RELATIONS, Border Agreements 77. The autonomous Bougainville Government will have a representative in National Government Delegations engaged in the negotiation of new border agreements with Solomon Islands. 78. Future border agreements (other than those concerning defence or national security aspects) which affect the jurisdiction of the autonomous Bougainville Government will take effect only by agreement between the National Government and the autonomous Bougainville Government.
Cross-border provision	No specific mention.

Governance

Political institutions (new or reformed)

Governance→Political institutions (new or reformed)→New political institutions (indefinite)

Summary:

The Agreement provides for arrangements for an autonomous Bougainville Govt operating under a home-grown Bougainville Constitution with a right to increasing control over a wide range of powers, functions, personnel and resources on the basis of guarantees contained in the National Constitution.

Key Provisions

Page 20, BOUGAINVILLE PEACE AGREEMENT, Part B. AUTONOMY, chapter 4: STRUCTURES OF THE AUTONOMOUS BOUGAINVILLE GOVERNMENT, legislature

28. The Bougainville Constitution will provide that the institutions of the autonomous Bougainville Government will include a legislature which shall be a mainly elected body, but may also include members appointed or elected to represent special interests, such as women, youth, churches.

Page 20, BOUGAINVILLE PEACE AGREEMENT, Part B. AUTONOMY, chapter 4: STRUCTURES OF THE AUTONOMOUS BOUGAINVILLE GOVERNMENT, Executive

29. The Bougainville Constitution will provide for the autonomous Bougainville Government to include an accountable executive body.

30. There will be a head of the executive whose title, method of appointment, and powers and functions will be specified in the Bougainville Constitution.

Page 20, BOUGAINVILLE PEACE AGREEMENT, Part B. AUTONOMY, chapter 4: STRUCTURES OF THE AUTONOMOUS BOUGAINVILLE GOVERNMENT, Executive Powers and Functions of Legislature etc.

32. The powers, functions and procedures of the legislature, executive and judiciary will be as specified by or under the arrangements in this Agreement and the Bougainville Constitution.

Page 20, BOUGAINVILLE PEACE AGREEMENT, Part B. AUTONOMY, chapter 4: STRUCTURES OF THE AUTONOMOUS BOUGAINVILLE GOVERNMENT, Other Government Institutions

33. The Bougainville Constitution may establish other institutions that may be required for the autonomous Bougainville Government to carry out its powers and functions effectively, including institutions responsible for public administration provided for elsewhere in this Agreement (such as bodies to administer separate public service, police, teaching service and correctional institutional services bodies) and local government bodies.

Pages 20-21, BOUGAINVILLE PEACE AGREEMENT, Part B. AUTONOMY, chapter 4: STRUCTURES OF THE AUTONOMOUS BOUGAINVILLE GOVERNMENT, Considerations Concerning Decisions on Bougainville Institutions

34. Decisions made by both the Constituent Assembly and the legislature of the autonomous Bougainville Government about establishing institutions proposed to be part of the autonomous Bougainville Government shall be made only after considering the costs likely to be involved in such decisions and the administrative capacity necessary to implement them. Such decisions include those about:

(a) the number of seats in the Bougainville legislature from time to time;

(b) the courts within the Bougainville judiciary;

(c) provision in the Bougainville Constitution for institutions other than the legislature, the executive and the judiciary.

Governance→Political institutions (new or reformed)→Temporary new institutions

Page 21, BOUGAINVILLE PEACE AGREEMENT, Part B. AUTONOMY, chapter 4: STRUCTURES OF THE AUTONOMOUS BOUGAINVILLE GOVERNMENT, Interim and Transitional Arrangements

37. Until the autonomous Bougainville Government is established through elections, the Bougainville Interim Provincial Government will continue to operate in accordance with the Organic Law on Provincial Governments and Local-level Governments and also in accordance with arrangements already agreed between the Bougainville parties.

Elections

Page 21, BOUGAINVILLE PEACE AGREEMENT, Part B. AUTONOMY, Chapter 4: STRUCTURES OF THE AUTONOMOUS BOUGAINVILLE GOVERNMENT, Interim and Transitional Arrangements
37. Until the autonomous Bougainville Government is established through elections, the Bougainville Interim Provincial Government will continue to operate in accordance with the Organic Law on Provincial Governments and Local-level Governments and also in accordance with arrangements already agreed between the Bougainville parties.
38. When the Organic Law on Provincial Governments and Local-level Governments ceases to apply in Bougainville and the autonomous Bougainville Government is established, the Bougainville Interim Provincial Government and the Bougainville People's Congress will cease to exist.

Page 23, BOUGAINVILLE PEACE AGREEMENT, Part B. AUTONOMY, chapter 5: DIVISION OF POWERS AND FUNCTIONS, TWO LIST SYSTEM FOR DIVIDING POWERS AND FUNCTIONS, National Government List of Powers and Functions
50. Consistent with national sovereignty, the National Government will exercise powers and functions on the National Government list in relation to Papua New Guinea as a whole, including Bougainville.
[...] Powers required for direct implementation of the National Constitution, as amended in implementation of this Agreement (for example, citizenship, national elections);

Page 65, BOUGAINVILLE PEACE AGREEMENT, Part C. AGREED PRINCIPLES ON REFERENDUM
312. a. The constitutional amendments will guarantee that the referendum will be held; - no earlier than 10 years and, in any case, no later than 15 years after the election of the first autonomous Bougainville Government;

Page 67, BOUGAINVILLE PEACE AGREEMENT, Part C. AGREED PRINCIPLES ON REFERENDUM
324. Agreed plans for weapons disposal will be fully implemented before elections for the autonomous Bougainville Government are held.

Page 72, BOUGAINVILLE PEACE AGREEMENT, Part E. WEAPONS DISPOSAL, 1. ENDORSEMENT OF WEAPONS DISPOSAL PLAN, PEACE PROCESS CONSULTATIVE COMMITTEE (PPCC) RESOLUTION ON WEAPONS DISPOSAL, Implementation
Stage 3; Final Fate of the Weapons
8 (a) A decision on the final fate of the weapons should be made within 4 1/2 months of the coming into effect of the constitutional amendments. If no decision is made, the Parties will meet with a view to reaching agreement on whether or not the elections should be delayed, taking into account whether or not there has been genuine handing in of weapons and the level of security of the weapons. (b) In any event, any of the parties may call on the UNOMB with the assistance of the PMG to verify and certify whether there has been substantial compliance by the parties in the handing in of weapons and whether the level of security of the weapons makes it conducive to holding the elections. (c) UNOMB's report will be presented to, and considered by, the PPCC. (d) The Bougainville parties will be bound by UNOMB's findings on whether or not the first election for the autonomous Bougainville Government will be deferred, and the length of any deferral.

Electoral commission	Page 66, BOUGAINVILLE PEACE AGREEMENT, Part C. AGREED PRINCIPLES ON REFERENDUM [….] 318. The National Electoral Commission and the authority responsible for conducting elections in Bougainville will be jointly responsible for conducting the referendum.
Political parties reform	No specific mention.
Civil society	Page 17, BOUGAINVILLE PEACE AGREEMENT, Part B. AUTONOMY, chapter 3: BOUGAINVILLE CONSTITUTION, Constitutional Commission to Develop Proposals 16. A Constitutional Commission broadly representative of the people of Bougainville will make proposals for a Bougainville Constitution. 17. The Constitutional Commission will consult widely with the people of Bougainville to understand their views on a Constitution for Bougainville, and will prepare a draft Bougainville Constitution for consideration by the Constituent Assembly. Page 18, BOUGAINVILLE PEACE AGREEMENT, Part B. AUTONOMY, chapter 3: BOUGAINVILLE CONSTITUTION, Constituent Assembly to Debate and Adopt Bougainville Constitution 18. The people of Bougainville, through a representative Constituent Assembly, will consider the draft Bougainville Constitution. 19. The Constituent Assembly will debate and may amend the draft Bougainville Constitution, and will adopt the Constitution in the manner set out in this clause. Page 20, BOUGAINVILLE PEACE AGREEMENT, Part B. AUTONOMY, chapter 4: STRUCTURES OF THE AUTONOMOUS BOUGAINVILLE GOVERNMENT, legislature 28. The Bougainville Constitution will provide that the institutions of the autonomous Bougainville Government will include a legislature which shall be a mainly elected body, but may also include members appointed or elected to represent special interests, such as women, youth, churches.
Traditional/ religious leaders	Pages 71-72, BOUGAINVILLE PEACE AGREEMENT, Part E. WEAPONS DISPOSAL, 1. ENDORSEMENT OF WEAPONS DISPOSAL PLAN, PEACE PROCESS CONSULTATIVE COMMITTEE (PPCC) RESOLUTION ON WEAPONS DISPOSAL, Implementation 5. Weapons disposal will be implemented in stages. Stage 1 6. Stage 1 will begin immediately, initially in areas where there is no Defence Force or Police Mobile Unit presence. It will proceed in all areas as follows: (1) Councils of Chiefs/Elders will inform UNOMB when the people in a particular area are ready for ex-combatants to disarm and reintegrate into the community, remaining Defence Force and Police Mobile Units to withdraw, and weapons to be securely contained;[...]

Public administration

Page 20, BOUGAINVILLE PEACE AGREEMENT, Part B. AUTONOMY, chapter 4: STRUCTURES OF THE AUTONOMOUS BOUGAINVILLE GOVERNMENT, Other Government Institutions
33. The Bougainville Constitution may establish other institutions that may be required for the autonomous Bougainville Government to carry out its powers and functions effectively, including institutions responsible for public administration provided for elsewhere in this Agreement (such as bodies to administer separate public service, police, teaching service and correctional institutional services bodies) and local government bodies.

Page 22, BOUGAINVILLE PEACE AGREEMENT, Part B. AUTONOMY, chapter 4: STRUCTURES OF THE AUTONOMOUS BOUGAINVILLE GOVERNMENT, Bougainville Salaries and Rémunération
44. (a) The autonomous Bougainville Government may establish its own independent Salaries and Remuneration Commission under the Bougainville Constitution to recommend the salaries and other conditions of elected leaders, Constitutional officeholders and statutory heads (including heads of the Bougainville Police and any body equivalent to the Correctional Institutional Services) appointed under that Constitution; the autonomous Bougainville Government will meet any additional costs.

Page 24, BOUGAINVILLE PEACE AGREEMENT, Part B. AUTONOMY, chapter 5: DIVISION OF POWERS AND FUNCTIONS, Bougainville List of Powers and Functions
[…]
53. The Bougainville list will include the power to decide on foreign investment applications for Bougainville, and the autonomous Bougainville Government may establish its own administrative mechanism in relation to foreign investment matters for Bougainville.

Page 34, BOUGAINVILLE PEACE AGREEMENT, Part B. AUTONOMY, chapter 7: TRANSFER OF POWERS AND FUNCTIONS, (a) PROCESS FOR TRANSFER, Delegation of Powers over Public Service. Police and CIS
114. (a) Agreed arrangements for the delegation of powers over the Public Service, Police and CIS in Bougainville will be implemented by the National Government immediately on request from the Bougainville Interim Provincial Government (in consultation with the Bougainville People's Congress) or, when it is established, the autonomous Bougainville Government.

Page 47, BOUGAINVILLE PEACE AGREEMENT, Part B. AUTONOMY, chapter 10: Personnel, (a) PROVISIONS APPLYING GENERALLY TO PUBLIC SERVICE. POLICE AND CORRECTIONAL INSTITUTIONAL SERVICES
Implementation as Packages
184. The agreed arrangements for the Public Service, Police and Correctional Institutional Services (CIS) in Bougainville will each be implemented as a package.
Application to Other Bodies
185. The arrangements applying to the Bougainville Public Service will also apply to the Teaching Service and all public authorities established by the autonomous Bougainville Government (except where special arrangements have been agreed to apply to Police and CIS).
Constitutional Basis
186. The National Constitution will be amended to allow the autonomous Bougainville Government to establish and to make laws regarding a Bougainville Public Service, Police and Bougainvillle equivalent to the CIS ('Bougainville CIS') consistent with this Agreement.
187. The Heads of the Bougainville Public Service, Police and CIS will be responsible to the autonomous Bougainville Government through a Minister (or equivalent) appointed under the Bougainville Constitution.

Constitution

Governance→Constitution→Constitutional reform/making
Page 14, BOUGAINVILLE PEACE AGREEMENT, Part A. ROLE AND STATUS OF THIS AGREEMENT
1. This Agreement is the basis for drafting the constitutional amendments and other laws, which the National Government will move to provide for implementation.
2. The implementing Constitutional and other laws will state that they are intended to give legal effect to this Agreement.
3. This Agreement: (a) will be used as a guide for implementation and to assist the Courts in interpreting the Constitutional and other laws, which give legal effect to this agreement; […]
Page 15, BOUGAINVILLE PEACE AGREEMENT, Part B. AUTONOMY, chapter 1: Objectives of Autonomy.
4. On the basis of shared acceptance of the sovereignty of Papua New Guinea, the agreed autonomy arrangements are intended to:
(b) empower Bougainvilleans to solve their own problems, manage their own affairs and work to realize their aspirations within the framework of the Papua New Guinea Constitution;
Page 16, BOUGAINVILLE PEACE AGREEMENT, Part B. AUTONOMY, chapter 2: Boundaries
6. The Constitutional Laws implementing the agreed autonomy arrangements will define Bougainville territory as extending to three nautical miles out to sea from the coasts of islands within the boundaries specified in the Organic Law on Provincial Boundaries.
Page 17, BOUGAINVILLE PEACE AGREEMENT, Part B. AUTONOMY, chapter 3: BOUGAINVILLE CONSTITUTION, Bougainville Constitution
10. There will be a constitution for Bougainville ('the Bougainville Constitution').
11. The Bougainville Constitution will provide for the organisation and structures of the government for Bougainville under the autonomy arrangements ('the autonomous Bougainville Government') in a manner consistent with this Agreement.
12. Relations between the National Government and the autonomous Bougainville Government will be regulated in accordance with the National Constitution and will not be the subject of provision in the Bougainville Constitution except as specifically provided elsewhere in this Agreement.
13. The Bougainville Constitution will provide for the names of Bougainville and the autonomous Bougainville Government.
Page 17, BOUGAINVILLE PEACE AGREEMENT, Part B. AUTONOMY, chapter 3: BOUGAINVILLE CONSTITUTION, Developing the Bougainville Constitution
14. The Bougainville Interim Provincial Government in consultation with the Bougainville People's Congress will establish a Constitutional Commission and a Constituent Assembly to make the Bougainville Constitution.
15. (a) The National Government will be kept informed and allowed adequate opportunity to make its views known as proposals for the Bougainville Constitution are developed.
(b) Before the Bougainville Constitution is adopted by the Constituent Assembly, there will be consultation with the National Government about the contents of the draft Constitution.
Page 17, BOUGAINVILLE PEACE AGREEMENT, Part B. AUTONOMY, chapter 3: BOUGAINVILLE CONSTITUTION, Constitutional Commission to Develop Proposals
16. A Constitutional Commission broadly representative of the people of Bougainville will make proposals for a Bougainville Constitution.
17. The Constitutional Commission will consult widely with the people of Bougainville to understand their views on a Constitution for Bougainville, and will prepare a draft Bougainville Constitution for consideration by the Constituent Assembly.
Page 18, BOUGAINVILLE PEACE AGREEMENT, Part B. AUTONOMY, chapter 3: BOUGAINVILLE CONSTITUTION, Constituent Assembly to Debate and Adopt Bougainville Constitution
18. The people of Bougainville, through a representative Constituent Assembly, will

Power sharing

Political power sharing

Power sharing→Political power sharing→Proportionality in legislature
Sub-state level
Page 20, BOUGAINVILLE PEACE AGREEMENT, Part B. AUTONOMY, chapter 4: STRUCTURES OF THE AUTONOMOUS BOUGAINVILLE GOVERNMENT, legislature
28. The Bougainville Constitution will provide that the institutions of the autonomous Bougainville Government will include a legislature which shall be a mainly elected body, but may also include members appointed or elected to represent special interests, such as women, youth, churches.
Power sharing→Political power sharing→Other
Sub-state level
Page 22, BOUGAINVILLE PEACE AGREEMENT, Part B. AUTONOMY, chapter 4: STRUCTURES OF THE AUTONOMOUS BOUGAINVILLE GOVERNMENT, Appointments to Constitutional Office-holders and Heads of Services
43. The bodies established by or under the Bougainville Constitution to make appointments of Bougainville judges, other constitutional office-holders, and heads of the Bougainville Police and any body equivalent to the Correctional Institutional Services shall include two nominees of the National Government.
Page 22, BOUGAINVILLE PEACE AGREEMENT, Part B. AUTONOMY, chapter 4: STRUCTURES OF THE AUTONOMOUS BOUGAINVILLE GOVERNMENT, Bougainville Salaries and Rémunération
45. (a) The National Salaries and Remuneration Commission will continue to recommend the salaries and other conditions of elected leaders, Constitutional officeholders and statutory heads appointed under the Bougainville Constitution until and unless the autonomous Bougainville Government establishes its own Salaries and Remuneration Commission.
(b) The autonomous Bougainville Government will be represented on the National Commission when it deals with positions under the Bougainville Constitution.
Page 57, BOUGAINVILLE PEACE AGREEMENT, Part B. AUTONOMY, chapter 11: INTERGOVERNMENTAL RELATIONS, Joint Supervisory Body
263. The autonomous Bougainville Government and the National Government will consult over implementation of autonomy through a joint supervisory body, which will also be used to consult with a view to resolving any disputes.
264. The joint supervisory body (whose name will be mutually determined) will consist of equal numbers of members representing the National Government and the autonomous Bougainville Government; its functions will be to:
(a) oversee implementation of arrangements for the establishment and operation of the autonomous Bougainville Government;
(b) prepare draft legislation to further the objectives of this Agreement;
(c) finalise matters of detail; and
(d) resolve any differences or disputes.

Territorial power sharing

Power sharing→Territorial power sharing→Autonomous regions
Summary: Agreement outlines the competences of the Bougainvillean government. Key provisions include:

Page 17, BOUGAINVILLE PEACE AGREEMENT, Part B. AUTONOMY, chapter 3: BOUGAINVILLE CONSTITUTION, Bougainville Constitution
10. There will be a constitution for Bougainville ('the Bougainville Constitution').
11. The Bougainville Constitution will provide for the organisation and structures of the government for Bougainville under the autonomy arrangements ('the autonomous Bougainville Government') in a manner consistent with this Agreement.
12. Relations between the National Government and the autonomous Bougainville Government will be regulated in accordance with the National Constitution and will not be the subject of provision in the Bougainville Constitution except as specifically provided elsewhere in this Agreement.

Page 21, BOUGAINVILLE PEACE AGREEMENT, Part B. AUTONOMY, chapter 4: STRUCTURES OF THE AUTONOMOUS BOUGAINVILLE GOVERNMENT, Constitutional Office-holders
39. Bougainville will have the power to create independent Constitutional Officeholders to carry out powers and functions within Bougainville's constitutional responsibilities.
40. National Constitutional Office-holders will continue to carry out their responsibilities in areas of national jurisdiction in Bougainville.
41. National Government and Bougainville Constitutional Office-holders may enter into cooperative or agency arrangements to avoid gaps and duplication and to encourage common standards.
42. The autonomous Bougainville Government will bear the cost of creating and maintaining Constitutional Office-holders in Bougainville
Page 23, BOUGAINVILLE PEACE AGREEMENT, Part B. AUTONOMY, chapter 5: DIVISION OF POWERS AND FUNCTIONS, TWO LIST SYSTEM FOR DIVIDING POWERS AND FUNCTIONS, Basis for Drafting Lists in Constitutional Laws
46. Powers and functions will be divided between the National Government and the autonomous Bougainville Government by allocation to two comprehensive lists.
47. Those lists will be as exhaustive as possible of known and identifiable powers and functions of government.
48. The parties may be required to further consult and agree on issues that arise during the drafting of the constitutional amendments relating to how particular powers are to be described and where particular aspects of powers and functions belong.
49. The Constitutional Laws implementing this Agreement will provide an agreed mechanism to deal with possible overlap or conflict between the two lists.

Page 23, BOUGAINVILLE PEACE AGREEMENT, Part B. AUTONOMY, chapter 5: DIVISION OF POWERS AND FUNCTIONS, TWO LIST SYSTEM FOR DIVIDING POWERS AND FUNCTIONS, National Government List of Powers and Functions
50. Consistent with national sovereignty, the National Government will exercise powers and functions on the National Government list in relation to Papua New Guinea as a whole, including Bougainville.
51. The agreed National Government list is as follows:
• Defence;
• Foreign relations;
• Immigration;
• Highly migratory and straddling fish stocks;
• Central Banking;
• Currency;
• International civil aviation;
• International shipping
• International trade;

Economic power sharing

Power sharing→Economic power sharing→Sharing of resources

Page 16, BOUGAINVILLE PEACE AGREEMENT, B. AUTONOMY, chapter 2: Boundaries

[…]

8. The National Government and the autonomous Bougainville Government will agree to equitable arrangements (additional to those agreed for fishing) for sharing revenues from activities in areas of sea and seabed beyond the guaranteed three-mile limit and within the Exclusive Economic Zone and the continental shelf associated with Bougainville territory.

Pages 29-30, BOUGAINVILLE PEACE AGREEMENT, Part B. AUTONOMY, chapter 6: AGREED ARRANGEMENTS CONCERNING EXERCISE OF NATIONAL GOVERNMENT POWERS IN RELATION TO BOUGAINVILLE, (e) FISHERIES

85. The National Government will provide for the autonomous Bougainville Government to be represented on:

(a) delegations negotiating access and other fisheries agreements regarding Bougainville waters and waters beyond the guaranteed three nautical mile limit and within the Exclusive Economic Zone and the continental shelf associated with Bougainville territory; and

(b) bodies responsible for determining total allowable catches, licence numbers and reservation of licenses for domestic fishers in such waters.

86. An agreed formula (based on derivation less costs) will provide for National Government fishing revenues from fishing in those waters to be distributed to the autonomous Bougainville Government

87. The autonomous Bougainville Government will decide on the allocation of an agreed quota of domestic fishing licenses for highly migratory and straddling fish stocks.

88. The autonomous Bougainville Government will be responsible for the sustainable management of other fisheries in Bougainville's waters.

Page 38, BOUGAINVILLE PEACE AGREEMENT, Part B. AUTONOMY, chapter 9: FINANCIAL ARRANGEMENTS (a) BASIC PRINCIPLES

134. The autonomous Bougainville Government will have sufficient revenue-raising powers available to it to become financially self-reliant.

135. Bougainville will continue to make a fair contribution to National Government costs - before fiscal self-reliance, through the National Government retaining control over company tax, Value Added Tax and customs duties in Bougainville; and after self-reliance, through a revenue-sharing formula.

136. Except as otherwise provided the additional costs involved in establishing and maintaining the agreed autonomy arrangements will be shared between the autonomous Bougainville Government and the National Government.

Page 38, BOUGAINVILLE PEACE AGREEMENT, Part B. AUTONOMY, chapter 9: FINANCIAL ARRANGEMENTS, (b) TAXATION

137. The National Government will support the autonomous Bougainville Government in moving towards the goal of fiscal self-reliance, defined as the year in which the revenue from company tax, 70 per cent of Value Added Tax and customs duties is equal to the value of the recurrent grant on a sustainable basis.

138. (a) Revenue from company tax, customs duties and 70 per cent of Value Added Tax collected in Bougainville will go to a trust account for Bougainville and be credited against the recurrent grant at least until Bougainville achieves financial self-reliance.

(b) "Company tax" is understood for this purpose as tax on profits of companies whose principal place of business or main business activity is in Bougainville.

139. (a) When the autonomous Bougainville Government achieves fiscal selfreliance, revenues from these sources (in excess of the costs of recurrent activities calculated in accordance with the recurrent grant formula) will be shared between the National Government and the autonomous Bougainville Government so as contribute to both National and Bougainville development.

(b) The 5-yearly reviews of financial arrangements should be used to consider the issues involved in revenue sharing.

Military power sharing

Power sharing→Military power sharing→Proportionality
Page 26, BOUGAINVILLE PEACE AGREEMENT, Part B. AUTONOMY, chapter 6: AGREED ARRANGEMENTS CONCERNING EXERCISE OF NATIONAL GOVERNMENT POWERS IN RELATION TO BOUGAINVILLE, a) defence, Other Activities

64. After the withdrawal of the PNGDF from Bougainville in accordance with the agreed weapons disposal plan, other PNGDF activities in Bougainville will be on a cooperative basis following consultation between the autonomous Bougainville Government and the National Government.

65. (a) The parties will conclude an agreed arrangement that, in respect of land- based activities and facilities in Bougainville, they accept that -

(i) the PNGDF requires immediate access to wharves, airfields, refueling, stores and associated facilities;

(ii) the National Government has no immediate plans for the PNGDF to have facilities, a base or a permanent presence in Bougainville after phased withdrawal in implementation of the agreed plan for weapons disposal;

(iii) the National Government will consult the autonomous Bougainville Government before finalising any plans to develop any of the above for the PNGDF in Bougainville; and

(iv) PNGDF personnel in Bougainville after phased withdrawal in implementation of the agreed weapons disposal plan will be unarmed.

(b) While the agreed arrangement will not be embodied in the National Constitution or an Act of the National Parliament, any disputes over it may be subject to the agreed disputes resolution procedures.

66. The parties will meet at an early, mutually convenient time to consider developing an agreed plan for civic action by the PNGDF to assist in restoration and development in Bougainville.

67. The need for any additional PNGDF facilities in Bougainville will be addressed in the agreed five-yearly reviews.

Human rights and equality

Human rights/RoL general

Page 15, BOUGAINVILLE PEACE AGREEMENT, Part B. AUTONOMY, Chapter 1: Objectives of Autonomy.
4. On the basis of shared acceptance of the sovereignty of Papua New Guinea, the agreed autonomy arrangements are intended to:
(d) provide for a democratic and accountable system of government for Bougainville that meets internationally accepted standards of good governance, including protection of human rights;

Page 36, BOUGAINVILLE PEACE AGREEMENT, Part B. AUTONOMY, chapter 8: HUMAN RIGHTS
123. The autonomous Bougainville Government will have the power to provide additional guarantees of human rights in Bougainville, which do not abrogate the human rights provisions in the National Constitution.
124. The autonomous Bougainville Government will have the power to establish mechanisms for enforcement of human rights that do not abrogate the human rights provisions in the National Constitution.
125. The autonomous Bougainville Government will have the power to qualify human rights incidental to the exercise of its powers and functions under Section 38 of the National Constitution, except in relation to 'defence'.
126. Proceedings for the enforcement of human rights by residents of Bougainville may be commenced in Bougainville courts or institutions or the National Court.
127. The Supreme Court will remain the final court of appeal on human rights matters.
Pages 65-66, BOUGAINVILLE PEACE AGREEMENT, Part C. AGREED PRINCIPLES ON REFERENDUM
313. (a) The benchmarks to be used in determining good governance will take account of internationally accepted standards of good governance as they are applicable and implemented in the circumstances of Bougainville and the rest of Papua New Guinea. These benchmarks include democracy and opportunities for participation by Bougainvilleans, transparency, and accountability, as well as respect for human rights and the rule of law, including the Constitution of Papua New Guinea.

Bill of rights/similar

No specific mention.

Treaty incorporation

Page 15, BOUGAINVILLE PEACE AGREEMENT, Part B. AUTONOMY, Chapter 1: Objectives of Autonomy.
4. On the basis of shared acceptance of the sovereignty of Papua New Guinea, the agreed autonomy arrangements are intended to:
(d) provide for a democratic and accountable system of government for Bougainville that meets internationally accepted standards of good governance, including protection of human rights;
(e) ensure respect for the international obligations of Papua New Guinea, as well as the interests of Bougainville when Papua New Guinea enters into new international obligations;

Page 24, BOUGAINVILLE PEACE AGREEMENT, Part B. AUTONOMY, chapter 5: DIVISION OF POWERS AND FUNCTIONS, Bougainville to Respect National Government's International Obligations
54. The powers and functions of the autonomous Bougainville Government will be subject to Papua New Guinea's international obligations and human rights:
(a) existing international obligations of the National Government will remain in place;
(b) the National Government will consult the autonomous Bougainville Government before new obligations are entered into.
55. For the sake of clarity, the parties agree that the international obligations which apply to Bougainville include treaties and other written international agreements to which the National Government is or becomes a party.
56. The National Government and the autonomous Bougainville Government will resolve any differences over Papua New Guinea's obligations arising from generally accepted rules of international law through the agreed dispute resolution procedures.

Page 26, BOUGAINVILLE PEACE AGREEMENT, Part B. AUTONOMY, chapter 6: AGREED ARRANGEMENTS CONCERNING EXERCISE OF NATIONAL GOVERNMENT POWERS IN RELATION TO BOUGAINVILLE, a) defence, Maritime and Border Surveillance. Search and Rescue, Assistance in Natural Disasters, etc.
62. (a) The PNGDF will continue to assist in meeting Papua New Guinea's international obligations as well as carrying out maritime and border surveillance and enforcement.
[…]
Page 28, BOUGAINVILLE PEACE AGREEMENT, Part B. AUTONOMY, chapter 6: AGREED ARRANGEMENTS CONCERNING EXERCISE OF NATIONAL GOVERNMENT POWERS IN RELATION TO BOUGAINVILLE, (b) FOREIGN RELATIONS, International Agreements - Bougainville's Role
73. The autonomous Bougainville Government may request the National Government's assistance or concurrence through an agreed mechanism for the autonomous Bougainville Government to participate or engage directly in the negotiation of international agreements of particular relevance to Bougainville.
74. The autonomous Bougainville Government will respect the National Government's authority regarding international agreements.

Page 28, BOUGAINVILLE PEACE AGREEMENT, Part B. AUTONOMY, chapter 6: AGREED ARRANGEMENTS CONCERNING EXERCISE OF NATIONAL GOVERNMENT POWERS IN RELATION TO BOUGAINVILLE, (b) FOREIGN RELATIONS, Future Treaties
75. An international agreement negotiated or signed with a purpose of altering the agreed autonomy arrangements will take effect only with the agreement of both the National Government and the autonomous Bougainville Government.
76. If a disagreement arises between the National Government and the autonomous Bougainville Government as to whether an international agreement has been negotiated or signed with such a purpose, the matter will be resolved through the agreed dispute resolution procedures.

Civil and political rights	Human rights and equality→Civil and political rights→Vote and take part Page 66, BOUGAINVILLE PEACE AGREEMENT, Part C. AGREED PRINCIPLES ON REFERENDUM […] 315. Eligibility to vote in the referendum will be the same as for national elections in Bougainville plus non-resident Bougainvilleans (detailed criteria to be finalised through consultation).
Socio-economic rights	No specific mention.

Rights related issues

Citizenship

Rights related issues→Citizenship→Citizen, general
Page 23, BOUGAINVILLE PEACE AGREEMENT, Part B. AUTONOMY, chapter 5: DIVISION OF POWERS AND FUNCTIONS, TWO LIST SYSTEM FOR DIVIDING POWERS AND FUNCTIONS, National Government List of Powers and Functions
50. Consistent with national sovereignty, the National Government will exercise powers and functions on the National Government list in relation to Papua New Guinea as a whole, including Bougainville.
• [….] Powers required for direct implementation of the National Constitution, as amended in implementation of this Agreement (for example, citizenship, national elections);

Page 29, BOUGAINVILLE PEACE AGREEMENT, Part B. AUTONOMY, chapter 6: AGREED ARRANGEMENTS CONCERNING EXERCISE OF NATIONAL GOVERNMENT POWERS IN RELATION TO BOUGAINVILLE, (c) IMMIGRATION - VISAS AND WORK PERMITS
80. The autonomous Bougainville Government may recommend names to the National Government for inclusion on or removal from the Visa Warning List.
81. Applications for Work Permits and Employment Visas for Bougainville will be referred by the relevant National Government agency to the autonomous Bougainville Government for recommendation.
82. The autonomous Bougainville Government may submit lists of occupations and industries for which Work Permits and Employment Visas should not be issued for Bougainville.
83. The autonomous Bougainville Government will establish appropriate machinery for implementation, including the sharing of information.

Democracy

Page 15, BOUGAINVILLE PEACE AGREEMENT, Part B. AUTONOMY, chapter 1: Objectives of Autonomy.
4. On the basis of shared acceptance of the sovereignty of Papua New Guinea, the agreed autonomy arrangements are intended to:
(d) provide for a democratic and accountable system of government for Bougainville that meets internationally accepted standards of good governance, including protection of human rights;
Page 65, BOUGAINVILLE PEACE AGREEMENT, Part C. AGREED PRINCIPLES ON REFERENDUM
313. (a) The benchmarks to be used in determining good governance will take account of internationally accepted standards of good governance as they are applicable and implemented in the circumstances of Bougainville and the rest of Papua New Guinea. These benchmarks include democracy and opportunities for participation by Bougainvilleans, transparency, and accountability, as well as respect for human rights and the rule of law, including the Constitution of Papua New Guinea.

Detention procedures

Page 53, BOUGAINVILLE PEACE AGREEMENT, Part B. AUTONOMY, chapter 10: Personnel, (d) CORRECTIONAL INSTITUTIONAL SERVICES, Functions of Bougainville CIS

243. The Bougainville CIS will be responsible for containing and rehabilitating offenders on behalf of the National Government and the autonomous Bougainville Government in accordance with law and Papua New Guinea's international obligations, including humane treatment of prisoners and respect for human rights.

244. The National Government and the autonomous Bougainville Government will agree to arrangements for co-operating in thé containment, rehabilitation and transfer of prisoners, including escapees, held under one another's laws.

245. The National Government (working, where appropriate, through the National CIS) will inspect and audit compliance of the Bougainville CIS in respect of maintaining and enforcing National standards and laws.

246. The autonomous Bougainville Government will facilitate these inspections and audits.

247. Any differences about agreed arrangements will be resolved through the agreed dispute resolution procedures.

Page 54, BOUGAINVILLE PEACE AGREEMENT, Part B. AUTONOMY, chapter 10: Personnel, (d) CORRECTIONAL INSTITUTIONAL SERVICES, Training, Rank Structure and Uniforms of Bougainville CIS

248. Bougainville law for the Bougainville CIS will provide for the following:

(a) core training and personnel development arrangements consistent with those of the National CIS; and

(b) rank structure, and terms and conditions of employment consistent with those of the National CIS.

249. The uniforms, vehicles, premises and stationery of the Bougainville CIS will include the National Emblem or name.

Media and communication

Rights related issues→Media and communication→Governance of media
Page 23, BOUGAINVILLE PEACE AGREEMENT, Part B. AUTONOMY, chapter 5: DIVISION OF POWERS AND FUNCTIONS, TWO LIST SYSTEM FOR DIVIDING POWERS AND FUNCTIONS, National Government List of Powers and Functions
50. Consistent with national sovereignty, the National Government will exercise powers and functions on the National Government list in relation to Papua New Guinea as a whole, including Bougainville.
51. The agreed National Government list is as follows:
• […] Posts;
• Telecommunications;
Rights related issues→Media and communication→Media roles
Page 30, BOUGAINVILLE PEACE AGREEMENT, Part B. AUTONOMY, chapter 6: AGREED ARRANGEMENTS CONCERNING EXERCISE OF NATIONAL GOVERNMENT POWERS IN RELATION TO BOUGAINVILLE, (h) TELECOMMUNICATIONS
93. The parties agree on the need to facilitate the development of a telecommunications system capable of reaching people throughout Bougainville, and will co-operate to bring about the development of such a system, including such private sector participation as may be appropriate and agreed.

Page 31, BOUGAINVILLE PEACE AGREEMENT, Part B. AUTONOMY, chapter 6: AGREED ARRANGEMENTS CONCERNING EXERCISE OF NATIONAL GOVERNMENT POWERS IN RELATION TO BOUGAINVILLE, (h) TELECOMMUNICATIONS
94. The regulatory and legislative regime, including licensing, administered by PANGTEL will apply to the development of telecommunications in Bougainville, unless the National Government and the autonomous Bougainville Government otherwise agree.
95. Within the PANGTEL legislative and regulatory regime, the autonomous Bougainville Government may itself or by agreement with a third-party telecommunications carrier provide telecommunications services in Bougainville.
96. The National Government and the autonomous Bougainville Government will consult with a view to ensuring that Bougainville's interests are taken into account —
(a) in respect of privatization or changes to the legislative and regulatory regime for telecommunications; and
(b) if the autonomous Bougainville Government wishes to increase the powers and functions available to it in relation to telecommunications in Bougainville, bearing in mind available technology, the economic interests of other parts of Papua New Guinea, and relevant aspects of national security.
97. In the event that the autonomous Bougainville Government sees a need to change existing laws and policy or wishes to assume additional powers and functions in respect of telecommunications, the autonomous Bougainville Government or the National Government may refer the matter to the joint supervisory body.
98. The joint supervisory body may, by agreement, appoint a panel of experts to prepare a report, bearing in mind the mutual benefits Bougainville and the rest of Papua New Guinea seek to pursue through their joint creation of the agreed autonomy arrangement as a whole.
99. The membership of the panel will be mutually agreed; the costs will be shared; the report, which will be submitted by an agreed date, may be tabled in the National Parliament and the Bougainville legislature.
100. (a) Any proposal for a telecommunications carrier in Bougainville to develop its own international links will be subject to the national legislative and regulatory regime.
(b) Any differences between the autonomous Bougainville Government and the National Government over such a proposal or a relevant provision of the legislative and regulatory regime will be resolved through consultation, the expert panel and, if differences persist, through the agreed dispute resolution procedure.

Mobility/access	Page 26, BOUGAINVILLE PEACE AGREEMENT, Part B. AUTONOMY, chapter 6: AGREED ARRANGEMENTS CONCERNING EXERCISE OF NATIONAL GOVERNMENT POWERS IN RELATION TO BOUGAINVILLE, a) defence, Maritime and Border Surveillance. Search and Rescue, Assistance in Natural Disasters, etc. 62. […] (b) The National Government will be able to send PNGDF personnel to Bougainville for purposes of search and rescue and assistance in natural disasters and other humanitarian emergencies in response to requests from the autonomous Bougainville Government, or by giving prior notice to agreed points of contact in Bougainville.
Protection measures	No specific mention.
Other	No specific mention.

Rights institutions

NHRI	Rights institutions→NHRI→New or fundamentally revised NHRI Page 36, BOUGAINVILLE PEACE AGREEMENT, Part B. AUTONOMY, chapter 8: HUMAN RIGHTS […] 128. The National Government and the autonomous Bougainville Government will establish a joint commission to examine and report on the issues that would be involved in giving the autonomous Bougainville Government power to make laws permitting courts or Councils of Elders to require clan-groups to which persons convicted of criminal offences belong to meet customary, non-custodial obligations. 129. The terms of reference for the commission will direct it to have full regard for: (a) the aspirations of Bougainvilleans for the integration of custom and introduced law; (b) the national human rights regime; (c) the justice system in Bougainville and Papua New Guinea as a whole; and (d) the international human rights system and other relevant aspects of international law. 131. The commission's report, which will be submitted by an agreed date, will be tabled for consideration in the National Parliament and the Bougainville legislature. 132. The National Government and the autonomous Bougainville Government will inform one another of the outcome of the debates in their respective legislatures, and co-operate in giving effect to mutually acceptable, practical follow-up action, as may be appropriate, through consultation, the joint supervisory body or the agreed five-yearly reviews. 133. The above procedures may also be used to follow-up on doubts about whether the autonomous Bougainville Government has power under the existing human rights provisions to make laws regulating or restricting the qualified rights other than laws made in accordance with Section 38 of the National Constitution.
Regional or international human rights institutions	No specific mention.

Justice sector reform

Criminal justice and emergency law

Justice sector reform→Criminal justice and emergency law→Criminal Justice System reform

Page 62, BOUGAINVILLE PEACE AGREEMENT, Part B. AUTONOMY, chapter 14: CRIMINAL LAW

[…]

296. The Criminal Code will be adopted by the autonomous Bougainville Government and may only be amended in its application to Bougainville on the following basis:

(a) change to principles of the criminal law shall be evolutionary;

(b) there will be no wholesale changes to the coverage of subjects by the criminal law;

(c) there will be no amendment of the Criminal Code without proper consultation with the National Government;

(d) the autonomous Bougainville Government and the National Government will establish a joint working group on Criminal Law to develop changes that work for both Bougainville and the rest of Papua New Guinea;

(e) amendments to the Criminal Code by the autonomous Bougainville Government will be gazetted but will not come into effect without the agreement of the National Government;

(f) the National Government may require further negotiation should it not accept the proposals for amendments made by the autonomous Bougainville Government; and

(g) the agreed dispute resolution procedures will apply.

297. In the longer term, the autonomous Bougainville Government may seek to develop its own Criminal Code in consultation with the National Government, which will come into effect only upon the agreement of the National Govemment.

Justice sector reform→Criminal justice and emergency law→Delimitation of powers in Criminal Justice System

Page 62, BOUGAINVILLE PEACE AGREEMENT, Part B. AUTONOMY, chapter 14: CRIMINAL LAW

295. The autonomous Bougainville Government will have power to:

(a) create and set penalties for offences incidental to the exercise of its agreed powers and functions; and

(b) amend the Summary Offences Act and all other laws relating to criminal law as they apply in Bougainville, or to make equivalent laws of its own (the Criminal Code may only be amended as provided in the next paragraph).

State of emergency provisions

Page 59, BOUGAINVILLE PEACE AGREEMENT, Part B. AUTONOMY chapter 12: STATES OF EMERGENCY

270. The Bougainville Constitution will specify the procedures which the autonomous Bougainville Government will follow in dealing with situations in Bougainville similar to those covered in the emergency provisions of the National Constitution.

271. In circumstances where it is necessary to declare a state of emergency in Bougainville, the autonomous Bougainville Government will be responsible for initiating a request.

272. The National Government and the autonomous Bougainville Government will cooperate in the management of a declared state of emergency.

273. If it is necessary to declare a state of emergency in Bougainville and the autonomous Bougainville Government fails to initiate a timely request, the National Government will use its best endeavours to consult the autonomous Bougainville Government.

274. Only if the situation is urgent and consultation is not practicable will the National Government be able to declare a state of emergency in Bougainville.

275. The parties acknowledge that the power to initiate and declare states of emergency which apply nationally, or substantially in other parts of Papua New Guinea or in relation to a declared war will remain a National Government responsibility (states of emergency which apply only in other parts of Papua New Guinea will not be affected by this agreement).

Judiciary and courts

Page 20, BOUGAINVILLE PEACE AGREEMENT, Part B. AUTONOMY, chapter 4: STRUCTURES OF THE AUTONOMOUS BOUGAINVILLE GOVERNMENT, Judiciary
31. The Bougainville Constitution may provide for an impartial judiciary for Bougainville, or may provide for Bougainville to operate either in full or in part under courts established under the national Constitution.

Page 20, BOUGAINVILLE PEACE AGREEMENT, Part B. AUTONOMY, chapter 4: STRUCTURES OF THE AUTONOMOUS BOUGAINVILLE GOVERNMENT. Executive Powers and Functions of Legislature» etc.
32. The powers, functions and procedures of the legislature, executive and judiciary will be as specified by or under the arrangements in this Agreement and the Bougainville Constitution. Other Government Institutions

Pages 20-21, BOUGAINVILLE PEACE AGREEMENT, Part B. AUTONOMY, chapter 4: STRUCTURES OF THE AUTONOMOUS BOUGAINVILLE GOVERNMENT, Considerations Concerning Decisions on Bougainville Institutions
34. Decisions made by both the Constituent Assembly and the legislature of the autonomous Bougainville Government about establishing institutions proposed to be part of the autonomous Bougainville Government shall be made only after considering the costs likely to be involved in such decisions and the administrative capacity necessary to implement them. Such decisions include those about:
(a) the number of seats in the Bougainville legislature from time to time;
(b) the courts within the Bougainville judiciary;
(c) provision in the Bougainville Constitution for institutions other than the legislature, the executive and the judiciary.

Page 60, BOUGAINVILLE PEACE AGREEMENT, Part B. AUTONOMY, chapter 13: JUDICIARY, Bougainville Courts
276. The National Constitution will be amended to allow the Bougainville Constitution to provide for the establishment within the National Judicial System of courts and tribunals in Bougainville ranging from courts with a similar jurisdiction to Village Courts to a court of similar jurisdiction to the National Court.
277. The name "National Court" shall not be used for any Court established by Bougainville.
278. The highest court in Bougainville will have such jurisdiction, consistent with the agreed autonomy arrangements, as may be provided under the Bougainville Constitution.

Page 60, BOUGAINVILLE PEACE AGREEMENT, Part B. AUTONOMY, chapter 13: JUDICIARY, Jurisdiction of Bougainville Courts
279. Until Bougainville establishes a court of similar jurisdiction to the National Court with power to hear cases under the Criminal Code, the application and enforcement of the Criminal Code will remain solely with the National Court.
280. Subject to these arrangements, laws made by the National and Bougainville Governments will be enforceable in one another's courts.
281. The highest Court established under Bougainville law will have the power to make orders in the nature of prerogative writs and such other orders as are necessary to do justice in the circumstances of a particular case.
282. The National Government and the autonomous Bougainville Government will consult with a view to legislating for Bougainville courts and tribunals to exercise additional jurisdiction under National law.

Page 60, BOUGAINVILLE PEACE AGREEMENT, Part B. AUTONOMY, chapter 13: JUDICIARY, Appeals
283. The highest Bougainville Court may have the power to review the exercise of judicial

Prisons and detention

Page 34, BOUGAINVILLE PEACE AGREEMENT, Part B. AUTONOMY, chapter 7: TRANSFER OF POWERS AND FUNCTIONS, (a) PROCESS FOR TRANSFER Delegation of Powers over Public Service. Police and CIS
114. (a) Agreed arrangements for the delegation of powers over the Public Service, Police and CIS in Bougainville will be implemented by the National Government immediately on request from the Bougainville Interim Provincial Government (in consultation with the Bougainville People's Congress) or, when it is established, the autonomous Bougainville Government.
(b) The autonomous Bougainville Government may exercise its powers to establish a Bougainville Public Service, Police and CIS when agreed plans have been implemented.

Page 47, BOUGAINVILLE PEACE AGREEMENT, Part B. AUTONOMY, chapter 10: Personnel, (a) PROVISIONS APPLYING GENERALLY TO PUBLIC SERVICE. POLICE AND CORRECTIONAL INSTITUTIONAL SERVICES
Implementation as Packages
184. The agreed arrangements for the Public Service, Police and Correctional Institutional Services (CIS) in Bougainville will each be implemented as a package.
Application to Other Bodies
185. The arrangements applying to the Bougainville Public Service will also apply to the Teaching Service and all public authorities established by the autonomous Bougainville Government (except where special arrangements have been agreed to apply to Police and CIS).
Constitutional Basis
186. The National Constitution will be amended to allow the autonomous Bougainville Government to establish and to make laws regarding a Bougainville Public Service, Police and Bougainvillle equivalent to the CIS ('Bougainville CIS') consistent with this Agreement.
187. The Heads of the Bougainville Public Service, Police and CIS will be responsible to the autonomous Bougainville Government through a Minister (or equivalent) appointed under the Bougainville Constitution.
Recruitment, Employment and Industrial Relations
188. Bougainville law will provide for recruitment and terms and conditions of employment for the Bougainville Public Service, Police and CIS to be based on individual merit.
189. Bougainville will accept the National industrial relations system.
Oath of Allegiance
190. Members of the Bougainville Public Service, Police and CIS will swear allegiance to the Head of State of Papua New Guinea.

National Public Service, Police and CIS
191. The Papua New Guinea Public Service, Police and CIS will remain national organizations, which recruit throughout Papua New Guinea.

Page 48, BOUGAINVILLE PEACE AGREEMENT, Part B. AUTONOMY, chapter 10: Personnel, (a) PROVISIONS APPLYING GENERALLY TO PUBLIC SERVICE. POLICE AND CORRECTIONAL INSTITUTIONAL SERVICES
Co-operative Arrangements
192. The National Government and the autonomous Bougainville Government will agree to arrangements to:
(a) facilitate transfers, secondment and exchanges of personnel;
(b) provide for core training and personnel development programmes, together with utilization of common training facilities throughout Bougainville and the rest of Papua New Guinea; and
(c) provide for regular consultations between the most senior officers responsible for Public Service, Police and CIS matters in the National Government, the autonomous

Traditional Laws

Page 36, BOUGAINVILLE PEACE AGREEMENT, Part B. AUTONOMY, chapter 8: HUMAN RIGHTS

[…]

128. The National Government and the autonomous Bougainville Government will establish a joint commission to examine and report on the issues that would be involved in giving the autonomous Bougainville Government power to make laws permitting courts or Councils of Elders to require clan-groups to which persons convicted of criminal offences belong to meet customary, non-custodial obligations.

Socio-economic reconstruction

Development or socio-economic reconstruction	No specific mention.

National economic plan

Page 40, BOUGAINVILLE PEACE AGREEMENT, Part B. AUTONOMY, chapter 9: FINANCIAL ARRANGEMENTS, (c) GRANTS SYSTEM

149. Until the autonomous Bougainville Government becomes fiscally self-reliant, the National Government will provide grants to the autonomous Bougainville Government, including the following kinds of grants:

(a) recurrent unconditional grants;

(b) restoration and development grants;

(c) specific purpose conditional grants, including the recurrent grant for policing; and

(d) the one-off Establishment Grant.

150. As the autonomous Bougainville Government's revenue increases, grants will decrease according to an agreed set of factors.

Pages 40-41, BOUGAINVILLE PEACE AGREEMENT, Part B. AUTONOMY, chapter 9: FINANCIAL ARRANGEMENTS, (d) RECURRENT GRANTS

151. The autonomous Bougainville Government will receive an annual unconditional grant to cover the recurrent costs of functions for which it is responsible including funding of newly transferred powers and functions, based on their costs.

152. The funding of maintenance and operational costs of former development projects will be subject to consultation when funding is sought for new projects.

153. These consultations will be based on mutual recognition of constraints on the National Government, the particular situation in Bougainville during the early phases of restoration, and cost sharing

154. The grant will be adjusted annually in the same manner as annual grants for a provincial government activity under the Organic Law on Provincial Governments and Local-level Governments - that is, by the percentage increase or decrease in the cost of living or by the percentage increase or decrease in the payments to the Consolidated Revenue Fund in the year two years before the year of grant.

155. The calculation and timely payment of the grant will be guaranteed by law (debt servicing and salary obligations must be paid first).

156. The grant will be cut only if seriously adverse economic conditions arise, requiring "across the board" cuts to the National Budget and by no more than the average of these cuts.

157. In years when overall public expenditures increase, the National Government will do its best to increase the recurrent grant to balance any cuts in previous years.

158. The autonomous Bougainville Government will have full control over use of this grant.

159. The autonomous Bougainville Government will prepare plans and consult the National Government in cases where it wants to reallocate funds in ways which affect the continued employment of public servants or other forward commitments.

Page 41, BOUGAINVILLE PEACE AGREEMENT, Part B. AUTONOMY, chapter 9: FINANCIAL ARRANGEMENTS, (e) RESTORATION AND DEVELOPMENT GRANT

160. The autonomous Bougainville Government will receive an annual restoration and development grant no less than the 2001 Public Investment Programme (PIP) and adjusted upwards pro rata in accordance with the National PIP averaged over a rolling five year period.

161. An agreed Bougainville-controlled mechanism, including both Bougainville and National Government representation, will be established to coordinate the restoration and development program in Bougainville.

162. The National Government representation in that mechanism will be subject to review in the future review process.

Page 41, BOUGAINVILLE PEACE AGREEMENT, Part B. AUTONOMY, chapter 9: FINANCIAL ARRANGEMENTS, (f) CONDITIONAL GRANTS

163. The National Government may offer to the autonomous Bougainville Government, conditional grants, for purposes: (a) proposed by the National Government after consultation with the autonomous Bougainville Government and implemented after consultation and agreement between the Governments; or (b) provided for in this

Natural resources

Pages 29-30, BOUGAINVILLE PEACE AGREEMENT, Part B. AUTONOMY, chapter 6: AGREED ARRANGEMENTS CONCERNING EXERCISE OF NATIONAL GOVERNMENT POWERS IN RELATION TO BOUGAINVILLE, (e) FISHERIES

85. The National Government will provide for the autonomous Bougainville Government to be represented on:

(a) delegations negotiating access and other fisheries agreements regarding Bougainville waters and waters beyond the guaranteed three nautical mile limit and within the Exclusive Economic Zone and the continental shelf associated with Bougainville territory; and

(b) bodies responsible for determining total allowable catches, licence numbers and reservation of licenses for domestic fishers in such waters.

86. An agreed formula (based on derivation less costs) will provide for National Government fishing revenues from fishing in those waters to be distributed to the autonomous Bougainville Government

87. The autonomous Bougainville Government will decide on the allocation of an agreed quota of domestic fishing licenses for highly migratory and straddling fish stocks.

88. The autonomous Bougainville Government will be responsible for the sustainable management of other fisheries in Bougainville's waters.

International funds

BOUGAINVILLE PEACE AGREEMENT, Part B. AUTONOMY, chapter 9: FINANCIAL ARRANGEMENTS, Page 42, (i) Foreign Aid

172. The agreed arrangements for foreign relations will also apply to foreign aid (consultation mechanism, and Bougainville representation on delegations).

173. The National Government will do its best to obtain foreign aid to support restoration and development in Bougainville, and to facilitate the autonomous Bougainville Government's participation in managing aid projects.

174. The autonomous Bougainville Government will be able to obtain foreign aid.

175. The National Government will approve foreign aid secured by the autonomous Bougainville Government, which does not reduce the value of aid already available to Papua New Guinea - and subject to overriding foreign policy considerations.

176. The autonomous Bougainville Government will keep the National Government fully informed of its efforts to obtain foreign aid.

177. The National Government will co-operate with the autonomous Bougainville Government by negotiating such international agreements as may be required to finalise foreign aid prospects identified by the autonomous Bougainville Government.

Business

Page 24, BOUGAINVILLE PEACE AGREEMENT, Part B. AUTONOMY, chapter 5: DIVISION OF POWERS AND FUNCTIONS, Bougainville List of Powers and Functions

[…]

53. The Bougainville list will include the power to decide on foreign investment applications for Bougainville, and the autonomous Bougainville Government may establish its own administrative mechanism in relation to foreign investment matters for Bougainville.

Page 34, BOUGAINVILLE PEACE AGREEMENT, Part B. AUTONOMY, chapter 7: TRANSFER OF POWERS AND FUNCTIONS, (b) ASSOCIATED ARRANGEMENTS, Privatisation Issues

120. The National Government will use its best endeavours to ensure that any future privatisation takes account of the agreed autonomy arrangements.

121. The National Government will use its best endeavours to ensure that any future privatisation takes account of the need to rebuild the infrastructure of Bougainville following the crisis, and may take steps to ensure that community service obligations relating to Bougainville, including restoration and development, are recognised by purchasers of privatised assets in Bougainville.

122. The National Government will use its best endeavours to ensure that potential purchasers are made aware of the capacity of the autonomous Bougainville Government to develop laws and policies that might impact on the operation of proposed privatised enterprises, and of the sensitive nature of unresolved issues regarding the economic and property rights of Bougainvilleans and their ability to participate in economic activity in Bougainville.

Page 38, BOUGAINVILLE PEACE AGREEMENT, Part B. AUTONOMY, chapter 9: FINANCIAL ARRANGEMENTS (a) BASIC PRINCIPLES

[…]

135. Bougainville will continue to make a fair contribution to National Government costs - before fiscal self-reliance, through the National Government retaining control over company tax, Value Added Tax and customs duties in Bougainville; and after self-reliance, through a revenue-sharing formula.

Page 38, BOUGAINVILLE PEACE AGREEMENT, Part B. AUTONOMY, chapter 9: FINANCIAL ARRANGEMENTS, (b) TAXATION

137. The National Government will support the autonomous Bougainville Government in moving towards the goal of fiscal self-reliance, defined as the year in which the revenue from company tax, 70 per cent of Value Added Tax and customs duties is equal to the value of the recurrent grant on a sustainable basis.

138. (a) Revenue from company tax, customs duties and 70 per cent of Value Added Tax collected in Bougainville will go to a trust account for Bougainville and be credited against the recurrent grant at least until Bougainville achieves financial self-reliance.
(b) "Company tax" is understood for this purpose as tax on profits of companies whose principal place of business or main business activity is in Bougainville.

Page 39, BOUGAINVILLE PEACE AGREEMENT, Part B. AUTONOMY, chapter 9: FINANCIAL ARRANGEMENTS, (b) TAXATION

[…]

144. The National Government will retain the power to set rates for company tax, Value Added Tax and customs. But after fiscal self reliance the autonomous Bougainville Government will have power to set rates and collect company tax; provided that the effective rates of company tax will not vary from the National Government's rate by more than five percentage points.

[…]

146. The Internal Revenue Commission will initially collect all taxes for the autonomous Bougainville Government but the autonomous Bougainville Government will have the power to establish its own tax office to collect Bougainville taxes as well as, by agreement, company tax, Value Added Tax, and customs duties.

Taxation

Socio-economic reconstruction→Taxation→Power to tax
Summary: see section on economic powersharing. Key provisions include:

Page 38, BOUGAINVILLE PEACE AGREEMENT, Part B. AUTONOMY, chapter 9: FINANCIAL ARRANGEMENTS (a) BASIC PRINCIPLES
134. The autonomous Bougainville Government will have sufficient revenue-raising powers available to it to become financially self-reliant.
135. Bougainville will continue to make a fair contribution to National Government costs - before fiscal self-reliance, through the National Government retaining control over company tax, Value Added Tax and customs duties in Bougainville; and after self-reliance, through a revenue-sharing formula.
136. Except as otherwise provided the additional costs involved in establishing and maintaining the agreed autonomy arrangements will be shared between the autonomous Bougainville Government and the National Government.

Page 38, BOUGAINVILLE PEACE AGREEMENT, Part B. AUTONOMY, chapter 9: FINANCIAL ARRANGEMENTS, (b) TAXATION
137. The National Government will support the autonomous Bougainville Government in moving towards the goal of fiscal self-reliance, defined as the year in which the revenue from company tax, 70 per cent of Value Added Tax and customs duties is equal to the value of the recurrent grant on a sustainable basis.
138. (a) Revenue from company tax, customs duties and 70 per cent of Value Added Tax collected in Bougainville will go to a trust account for Bougainville and be credited against the recurrent grant at least until Bougainville achieves financial self-reliance.
(b) "Company tax" is understood for this purpose as tax on profits of companies whose principal place of business or main business activity is in Bougainville.
139. (a) When the autonomous Bougainville Government achieves fiscal selfreliance, revenues from these sources (in excess of the costs of recurrent activities calculated in accordance with the recurrent grant formula) will be shared between the National Government and the autonomous Bougainville Government so as contribute to both National and Bougainville development.
(b) The 5-yearly reviews of financial arrangements should be used to consider the issues involved in revenue sharing.

Page 39, BOUGAINVILLE PEACE AGREEMENT, Part B. AUTONOMY, chapter 9: FINANCIAL ARRANGEMENTS, (b) TAXATION
140. The National Government will continue to impose and collect personal income tax in accordance with the provisions below until such time as restoration is achieved.
141. (a) Revenue from personal income tax collected from Bougainville will be paid directly to a trust account for the autonomous Bougainville Government and distributed to the autonomous Bougainville Government on its request to be used to support development in Bougainville.
(b) The autonomous Bougainville Government will have the power to adjust the rate of personal income tax to apply in Bougainville by no more than five per cent.
142. The autonomous Bougainville Government will assume the powers and functions to impose, set rates of, and collect personal income tax when restoration is achieved.
143. Revenues from all other existing National Government taxes (including 30 per cent of Value Added Tax) collected in Bougainville will be paid direct to the autonomous Bougainville Government
144. The National Government will retain the power to set rates for company tax, Value Added Tax and customs. But after fiscal self reliance the autonomous Bougainville Government will have power to set rates and collect company tax; provided that the effective rates of company tax will not vary from the National Government's rate by more than five percentage points.
145. The autonomous Bougainville Government will have power to set rates or establish

Banks

Socio-economic reconstruction→Banks→Central bank
Page 23, BOUGAINVILLE PEACE AGREEMENT, Part B. AUTONOMY, chapter 5: DIVISION OF POWERS AND FUNCTIONS, TWO LIST SYSTEM FOR DIVIDING POWERS AND FUNCTIONS, National Government List of Powers and Functions
50. Consistent with national sovereignty, the National Government will exercise powers and functions on the National Government list in relation to Papua New Guinea as a whole, including Bougainville.
51. The agreed National Government list is as follows:
• […] Central Banking;

Page 30, BOUGAINVILLE PEACE AGREEMENT, Part B. AUTONOMY, chapter 6: AGREED ARRANGEMENTS CONCERNING EXERCISE OF NATIONAL GOVERNMENT POWERS IN RELATION TO BOUGAINVILLE, (f) CENTRAL BANKING RESPONSIBILITIES
89. The National Government will makes its best efforts to assist the autonomous Bougainville Government assume powers to supervise non-banking financial institutions.
90. The National Government will make its best efforts to assist in the establishment of a commercial bank in Bougainville.
91. As part of the agreed review process, the National Government and the autonomous Bougainville Government will consult on what other central banking responsibilities it might be appropriate for Bougainville to assume after fiscal self-reliance. The National Government will then make its best efforts to assist Bougainville assume those powers agreed upon.

Pages 41-42, BOUGAINVILLE PEACE AGREEMENT, Part B. AUTONOMY, chapter 9: FINANCIAL ARRANGEMENTS, (g) BORROWINGS - REVENUE RAISINGS
[…]
165. Domestic borrowing by the autonomous Bougainville Government will comply with Central Bank regulation of the banking system.
166. Overseas borrowings will require Central Bank approval. […]

Land, property and environment

Land reform/rights

Land, property and environment→Land reform/rights→Land reform and management
Page 34, BOUGAINVILLE PEACE AGREEMENT, Part B. AUTONOMY, chapter 7: TRANSFER OF POWERS AND FUNCTIONS, (b) ASSOCIATED ARRANGEMENTS, National Government Assets and Land
117. National Government assets and land will be transferred to the autonomous Bougainville Government at the same time as the powers and functions with which they are associated.
118. The National Government will have the right to retain such assets and land as may be required for its continuing responsibilities in relation to the same powers and functions.
119. The future of other National Government assets and land will be subject to future negotiation.

Pastoralist/ nomadism rights

No specific mention.

Cultural heritage	Land, property and environment→Cultural heritage→Promotion Page 29, BOUGAINVILLE PEACE AGREEMENT, Part B. AUTONOMY, chapter 6: AGREED ARRANGEMENTS CONCERNING EXERCISE OF NATIONAL GOVERNMENT POWERS IN RELATION TO BOUGAINVILLE, (b) FOREIGN RELATIONS, Sporting and Trade Missions 79. The two Governments will consult over appropriate forms of cooperation for Bougainville to participate or engage in international cultural exchanges; trade, investment and tourism promotion; and sport.
Environment	No specific mention.
Water or riparian rights or access	Pages 29-30, BOUGAINVILLE PEACE AGREEMENT, Part B. AUTONOMY, chapter 6: AGREED ARRANGEMENTS CONCERNING EXERCISE OF NATIONAL GOVERNMENT POWERS IN RELATION TO BOUGAINVILLE, (e) FISHERIES 85. The National Government will provide for the autonomous Bougainville Government to be represented on: (a) delegations negotiating access and other fisheries agreements regarding Bougainville waters and waters beyond the guaranteed three nautical mile limit and within the Exclusive Economic Zone and the continental shelf associated with Bougainville territory; and (b) bodies responsible for determining total allowable catches, licence numbers and reservation of licenses for domestic fishers in such waters. 86. An agreed formula (based on derivation less costs) will provide for National Government fishing revenues from fishing in those waters to be distributed to the autonomous Bougainville Government 87. The autonomous Bougainville Government will decide on the allocation of an agreed quota of domestic fishing licenses for highly migratory and straddling fish stocks. 88. The autonomous Bougainville Government will be responsible for the sustainable management of other fisheries in Bougainville's waters.

Security sector

Security Guarantees	No specific mention.
Ceasefire	No specific mention.

Police

Page 20, BOUGAINVILLE PEACE AGREEMENT, Part B. AUTONOMY, Chapter 4: STRUCTURES OF THE AUTONOMOUS BOUGAINVILLE GOVERNMENT, Other Government Institutions
33. The Bougainville Constitution may establish other institutions that may be required for the autonomous Bougainville Government to carry out its powers and functions effectively, including institutions responsible for public administration provided for elsewhere in this Agreement (such as bodies to administer separate public service, police, teaching service and correctional institutional services bodies) and local government bodies.

Page 34, BOUGAINVILLE PEACE AGREEMENT, Part B. AUTONOMY, chapter 7: TRANSFER OF POWERS AND FUNCTIONS, (a) PROCESS FOR TRANSFER, Delegation of Powers over Public Service, Police and CIS
114. (a) Agreed arrangements for the delegation of powers over the Public Service, Police and CIS in Bougainville will be implemented by the National Government immediately on request from the Bougainville Interim Provincial Government (in consultation with the Bougainville People's Congress) or, when it is established, the autonomous Bougainville Government.
(b) The autonomous Bougainville Government may exercise its powers to establish a Bougainville Public Service, Police and CIS when agreed plans have been implemented.

Page 40, BOUGAINVILLE PEACE AGREEMENT, Part B. AUTONOMY, chapter 9: FINANCIAL ARRANGEMENTS, (c) GRANTS SYSTEM
149. Until the autonomous Bougainville Government becomes fiscally self-reliant, the National Government will provide grants to the autonomous Bougainville Government, including the following kinds of grants:
[…]
(c) specific purpose conditional grants, including the recurrent grant for policing; and (d) the one-off Establishment Grant.

Page 47, BOUGAINVILLE PEACE AGREEMENT, Part B. AUTONOMY, chapter 10: Personnel, (a) PROVISIONS APPLYING GENERALLY TO PUBLIC SERVICE. POLICE AND CORRECTIONAL INSTITUTIONAL SERVICES
Implementation as Packages
184. The agreed arrangements for the Public Service, Police and Correctional Institutional Services (CIS) in Bougainville will each be implemented as a package.
Application to Other Bodies
185. The arrangements applying to the Bougainville Public Service will also apply to the Teaching Service and all public authorities established by the autonomous Bougainville Government (except where special arrangements have been agreed to apply to Police and CIS).
Constitutional Basis
186. The National Constitution will be amended to allow the autonomous Bougainville Government to establish and to make laws regarding a Bougainville Public Service, Police and Bougainvillle equivalent to the CIS ('Bougainville CIS') consistent with this Agreement.
187. The Heads of the Bougainville Public Service, Police and CIS will be responsible to the autonomous Bougainville Government through a Minister (or equivalent) appointed under the Bougainville Constitution.
Recruitment, Employment and Industrial Relations
188. Bougainville law will provide for recruitment and terms and conditions of employment for the Bougainville Public Service, Police and CIS to be based on individual merit.
189. Bougainville will accept the National industrial relations system.
Oath of Allegiance
190. Members of the Bougainville Public Service, Police and CIS will swear allegiance to

Armed forces

Page 26, BOUGAINVILLE PEACE AGREEMENT, Part B. AUTONOMY, chapter 6: AGREED ARRANGEMENTS CONCERNING EXERCISE OF NATIONAL GOVERNMENT POWERS IN RELATION TO BOUGAINVILLE, a) defence
60. The National Government will exercise this responsibility in Bougainville in accordance with this agreement and arrangements made under it.
61. The Papua New Guinea Defence Force (PNGDF) remains a national organization which recruits throughout Papua New Guinea.
Page 26, BOUGAINVILLE PEACE AGREEMENT, Part B. AUTONOMY, chapter 6: AGREED ARRANGEMENTS CONCERNING EXERCISE OF NATIONAL GOVERNMENT POWERS IN RELATION TO BOUGAINVILLE, a) defence, Maritime and Border Surveillance. Search and Rescue, Assistance in Natural Disasters, etc.
62. (a) The PNGDF will continue to assist in meeting Papua New Guinea's international obligations as well as carrying out maritime and border surveillance and enforcement.
(b) The National Government will be able to send PNGDF personnel to Bougainville for purposes of search and rescue and assistance in natural disasters and other humanitarian emergencies in response to requests from the autonomous Bougainville Government, or by giving prior notice to agreed points of contact in Bougainville.
63. (a) The parties will co-operate in assisting the PNGDF to carry out the above activities.

(b) In the interests of transparency and mutual confidence-building, the National Government and the autonomous Bougainville Government will make arrangements for officials of the autonomous Bougainville Government to participate actively in the Bougainville-based aspects (including maritime aspects) of the above activities.

Page 26, BOUGAINVILLE PEACE AGREEMENT, Part B. AUTONOMY, chapter 6: AGREED ARRANGEMENTS CONCERNING EXERCISE OF NATIONAL GOVERNMENT POWERS IN RELATION TO BOUGAINVILLE, a) defence, Other Activities

64. After the withdrawal of the PNGDF from Bougainville in accordance with the agreed weapons disposal plan, other PNGDF activities in Bougainville will be on a cooperative basis following consultation between the autonomous Bougainville Government and the National Government.

65. (a) The parties will conclude an agreed arrangement that, in respect of land- based activities and facilities in Bougainville, they accept that -

(i) the PNGDF requires immediate access to wharves, airfields, refueling, stores and associated facilities;

(ii) the National Government has no immediate plans for the PNGDF to have facilities, a base or a permanent presence in Bougainville after phased withdrawal in implementation of the agreed plan for weapons disposal;

(iii) the National Government will consult the autonomous Bougainville Government before finalising any plans to develop any of the above for the PNGDF in Bougainville; and

(iv) PNGDF personnel in Bougainville after phased withdrawal in implementation of the agreed weapons disposal plan will be unarmed.

(b) While the agreed arrangement will not be embodied in the National Constitution or an Act of the National Parliament, any disputes over it may be subject to the agreed disputes resolution procedures.

66. The parties will meet at an early, mutually convenient time to consider developing an

DDR

Security sector→DDR→DDR programmes
Page 26, BOUGAINVILLE PEACE AGREEMENT, Part B. AUTONOMY, chapter 6: AGREED ARRANGEMENTS CONCERNING EXERCISE OF NATIONAL GOVERNMENT POWERS IN RELATION TO BOUGAINVILLE, a) defence, Other Activities
64. After the withdrawal of the PNGDF from Bougainville in accordance with the agreed weapons disposal plan, other PNGDF activities in Bougainville will be on a co-operative basis following consultation between the autonomous Bougainville Government and the National Government.

Page 27, BOUGAINVILLE PEACE AGREEMENT, Part B. AUTONOMY, chapter 6: AGREED ARRANGEMENTS CONCERNING EXERCISE OF NATIONAL GOVERNMENT POWERS IN RELATION TO BOUGAINVILLE, a) defence, Other Activities
65. (a) The parties will conclude an agreed arrangement that, in respect of land-based activities and facilities in Bougainville, they accept that –
(i) the PNGDF requires immediate access to wharves, airfields, refueling, stores and associated facilities;
(ii) the National Government has no immediate plans for the PNGDF to have facilities, a base or a permanent presence in Bougainville after phased withdrawal in implementation of the agreed plan for weapons disposal;
(iii) the National Government will consult the autonomous Bougainville Government before finalising any plans to develop any of the above for the PNGDF in Bougainville; and
(iv) PNGDF personnel in Bougainville after phased withdrawal in implementation of the agreed weapons disposal plan will be unarmed.
Page 65, BOUGAINVILLE PEACE AGREEMENT, Part C. AGREED PRINCIPLES ON REFERENDUM
312. (b) The conditions to be taken into account include:
• weapons disposal; and
• good governance.

Pages 66-67, BOUGAINVILLE PEACE AGREEMENT, Part C. AGREED PRINCIPLES ON REFERENDUM
314. (a) The referendum on Bougainville's future political status will be conducted in accordance with agreed constitutional arrangements.
[…]
324. Agreed plans for weapons disposal will be fully implemented before elections for the autonomous Bougainville Government are held.
Page 69, BOUGAINVILLE PEACE AGREEMENT, Part E. WEAPONS DISPOSAL 1. ENDORSEMENT OF WEAPONS DISPOSAL PLAN
329. The Parties endorse the weapons disposal plan developed with ex-combatants and contained in the Resolution on Weapons Disposal adopted by the Peace Process Consultative Committee (PPCC) on 9th May 2001 (set out in the following pages), and will regard implementation in full accordance with the Plan as representing mutually acceptable compliance with the last paragraph of the Agreed Principles on Referendum (set out above).

Pages 78-79, BOUGAINVILLE PEACE AGREEMENT, Part F. OTHER MATTERS, 3. RECONCILIATION. AND UNIFIED STRUCTURES FOR BOUGAINVILLE (a) RECONCILIATION
[…]
340. The process of negotiating this agreement has contributed to the reconciliation process, both within Bougainville and between the rest of Papua New Guinea and Bougainville. The Agreement itself is intended to further encourage the process, and among other things:
[…]
(d) the agreed weapons disposal plan is intended to remove a major factor contributing

Intelligence services	No specific mention.
Parastatal/rebel and opposition group forces	No specific mention.
Withdrawal of foreign forces	No specific mention.
Corruption	Page 44, BOUGAINVILLE PEACE AGREEMENT, Part B. AUTONOMY, chapter 9: FINANCIAL ARRANGEMENTS, (k) follow-up audits 183. Should any audit carried out by the National Government pursuant to this agreement disclose systematic and widespread abuse (or misuse) of funding provided to the autonomous Bougainville Government by way of Recurrent or Conditional Grant then the following steps will take place – (a) the National Government will advise the autonomous Bougainville Government of the details of the abuse; (b) the autonomous Bougainville Government will immediately investigate the concerns raised by the National Government and will take appropriate steps to remedy the situation as soon as is reasonably possible; (c) should the autonomous Bougainville Government, after investigation, disagree with the National Government's concerns or if the National Government is not satisfied with the response of the Bougainville Government they will consult with each other to resolve the differences; (d) if the consultations do not resolve the matter the National Auditor General and the auditor responsible for auditing accounts on behalf of the autonomous Bougainville Government will consider the matters in question and provide a report making joint recommendations to resolve these matters; (e) the autonomous Bougainville Government will implement the reasonable joint recommendations of both auditors to their satisfaction; (f) if the autonomous Bougainville Government fails to attend to the recommendations within a reasonable time, the National Government may withhold the further release of funds (other than the costs of essential services, such as salaries and medical supplies) until such time as the recommendations have been attended to; (g) should the National Government or the autonomous Bougainville Government disagree on reasonable grounds as to the recommendations, or should there be a dispute as to whether the autonomous Bougainville Government has implemented the recommendations, recourse may be had to the agreed dispute resolution procedures.
Crime/organised crime	No specific mention.
Drugs	No specific mention.
Terrorism	No specific mention.

Transitional justice

Transitional justice general	No specific mention.
Amnesty/pardon	Transitional justice→Amnesty/pardon→Amnesty/pardon proper Page 76, BOUGAINVILLE PEACE AGREEMENT, Part F. OTHER MATTERS, 1. AMNESTY AND PARDON 331. The parties confirm that grants of amnesty and pardon (as agreed in the Lincoln Agreement) for all persons involved in crisis-related activities or convicted of offences arising out of crisis-related activities should be expedited, and will cooperate to ensure that they are. Transitional justice→Amnesty/pardon→Relief of other sanctions TjSan: Relief of other Sanctions Page 23, BOUGAINVILLE PEACE AGREEMENT, Part B. AUTONOMY, chapter 5: DIVISION OF POWERS AND FUNCTIONS, TWO LIST SYSTEM FOR DIVIDING POWERS AND FUNCTIONS, National Government List of Powers and Functions 50. Consistent with national sovereignty, the National Government will exercise powers and functions on the National Government list in relation to Papua New Guinea as a whole, including Bougainville. • [….] Powers required for direct implementation of the National Constitution, as amended in implementation of this Agreement (for example, citizenship, national elections); Page 76, BOUGAINVILLE PEACE AGREEMENT, Part F. OTHER MATTERS, 1. AMNESTY AND PARDON 331. The parties confirm that grants of amnesty and pardon (as agreed in the Lincoln Agreement) for all persons involved in crisis-related activities or convicted of offences arising out of crisis-related activities should be expedited, and will cooperate to ensure that they are. Pages 78-79, BOUGAINVILLE PEACE AGREEMENT, Part F. OTHER MATTERS, 3. RECONCILIATION. AND UNIFIED STRUCTURES FOR BOUGAINVILLE (a) RECONCILIATION […] 340. The process of negotiating this agreement has contributed to the reconciliation process, both within Bougainville and between the rest of Papua New Guinea and Bougainville. The Agreement itself is intended to further encourage the process, and among other things: […] (e) the arrangements for pardon and amnesty are intended to reduce tensions and divisions that could continue to flow from the conflict.
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

Page 73, BOUGAINVILLE PEACE AGREEMENT, Part E. WEAPONS DISPOSAL, 1. ENDORSEMENT OF WEAPONS DISPOSAL PLAN, PEACE PROCESS CONSULTATIVE COMMITTEE (PPCC) RESOLUTION ON WEAPONS DISPOSAL, Reconciliation

14. Recognising that weapons disposal and reconciliation are both mutually reinforcing and necessary to lasting peace by peaceful means, the parties undertake to co-operate in promoting reconciliation among ex-combatants and in the wider community, and restoration of civil authority in Bougainville.

Pages 78-79, BOUGAINVILLE PEACE AGREEMENT, Part F. OTHER MATTERS, 3. RECONCILIATION AND UNIFIED STRUCTURES FOR BOUGAINVILLE (a) RECONCILIATION

337. The parties acknowledge the suffering, pain and loss, which has been caused to so many by the Bougainville conflict. Where tensions and differences between individuals and groups remain unresolved, not only is suffering intensified, but peace itself can be threatened by risks of renewed conflict.

338. The success of the peace process has been based on resolution of tensions and differences through a wide range of reconciliation efforts.

339. Reconciliation has many aspects, including customary, religious, spiritual, personal, psychological, and economic. It includes concerns for history, memory and justice. These qualities have been evident in the many reconciliation efforts made in Bougainville, within and between families and communities. For the peace to be self-sustaining, reconciliation efforts must continue.

340. The process of negotiating this agreement has contributed to the reconciliation process, both within Bougainville and between the rest of Papua New Guinea and Bougainville. The Agreement itself is intended to further encourage the process, and among other things:

(b) the autonomy arrangements and other aspects of the Agreement are intended to assist in building a new relationship between Bougainville and the nation as a whole;

(c) the autonomous Bougainville Government and other arrangements for government in Bougainville are intended to end institutional divisions and encourage cooperation among Bougainvilleans;

(d) the agreed weapons disposal plan is intended to remove a major factor contributing to conflict within Bougainville and between Papua New Guinea and Bougainville;

(e) the arrangements for pardon and amnesty are intended to reduce tensions and divisions that could continue to flow from the conflict.

341. The signing of this Agreement is intended to be a symbol of progress in reconciliation.

342. The parties commit themselves to continuing to promote and pursue meaningful reconciliation both within Bougainville and between Bougainville and the rest of Papua New Guinea. They agree to cooperate in:

(a) discouraging threats to individuals and groups or to the peace process as a whole;

(b) where appropriate, preventing and punishing such threats in accordance with the law.

343. The parties will consult from time to time, as required, concerning the steps and resources that might be needed to facilitate further development of reconciliation efforts in the future.

Page 80, BOUGAINVILLE PEACE AGREEMENT, Part F. OTHER MATTERS, 3. RECONCILIATION. AND UNIFIED STRUCTURES FOR BOUGAINVILLE (b) BOUGAINVILLE COMMITMENT TO UNIFIED STRUCTURES, STATEMENT OF COMMITMENT TO UNIFIED STRUCTURES (Annex to the BOUGAINVILLE PEACE AGREEMENT)

We, commanders and members of the former combatant groups, acting on behalf of those groups and speaking on behalf of their members, agree to the following things:

[…]

(c) We will work towards reconciliation of all disputes and tensions within Bougainville and to avoiding disputes and tensions in the future.

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.