Country/entity	Papua New Guinea Bougainville
Region	Asia and Pacific
Agreement name	Draft Basic Agreement Concerning the Bougainville Reconciliation Government
Date	24 Dec 1998
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 - partial
Conflict nature	Government/territory
Peace process	Bougainville: peace process
Parties	The Government of Papua New Guinea; The Bougainville Transitional Government; The Bougainville Resistance Force; The Bougainville Interim Government; The Bougainville Leaders Unable to read signatures
Third parties	-
Description	This draft agreement establishes a Bougainville Reconciliation Government, and includes a draft Constitution of the Bougainville Reconciliation Government, and an amendment to the Constitution

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Agreement document	PG_981224_Draft Agreement Concerning the Bougainville Reconciliation Government.pdf (opens in new tab) | Download PDF

Groups

Children/youth	No specific mention.
Disabled persons	No specific mention.
Elderly/age	No specific mention.
Migrant workers	No specific mention.
Racial/ethnic/ national group	No specific mention.
Religious groups	Groups→Religious groups→Substantive Page 9, Constitution of the Bougainville Reconciliation Government, PART II-BOUGAINVILLE RECONCILIATION GOVERNMENT, Division 1. Bougainville Reconciliation Government, Subdivision C-Composition of Congress 11. Nominated Members (1) The Congress shall appoint as nominated members except for paragraph (g) and (h) – five members from each of the following groups, namely- ... (g) The Churches; and (h) Indigenous religious groups (1)The Congress shall appoint one member each from the Churches and Indigenous religious groups.
Indigenous people	Groups→Indigenous people→Substantive Page 9, Constitution of the Bougainville Reconciliation Government, PART II-BOUGAINVILLE RECONCILIATION GOVERNMENT, Division 1. Bougainville Reconciliation Government, Subdivision C-Composition of Congress 11. Nominated Members (1) The Congress shall appoint as nominated members except for paragraph (g) and (h) – five members from each of the following groups, namely- ... (h) Indigenous religious groups (1)The Congress shall appoint one member each from the Churches and Indigenous religious groups.
Other groups	No specific mention.
Refugees/displaced persons	No specific mention.
Social class	No specific mention.

Gender

Women, girls and gender	Page 3, DRAFT BASIC AGREEMENT CONCERNING THE BOUGAINVILLE RECONCILIATION GOVERNMENT (BRG), STRUCTURE OF THE BRG ... The BRG will have both legislative and executive arms. The legislative arm will be broadly representative of the people of Bougainville, with special provision for representation of women and other interest groups as agreed by the Bougainvillean parties or, after it is established, the BRG. Page 9, PART II-BOUGAINVILLE RECONCILIATION GOVERNMENT, Division 1. Bougainville Reconciliation Government, Subdivision C-Composition of Congress, 11. Nominated Members (1) The Congress shall appoint as nominated members except for paragraph (g) and (h) – five members from each of the following groups, namely- ... (f) The Women organisations; Page 13, PART IV-TRANSITIONAL PROVISIONS, 33. Constituent Assembly, (1) The Constituent Assembly, for the purpose of this Constitution, shall consist of- ... (g) six (6) members to represent the women of Bougainville;
Men and boys	No specific mention.
LGBTI	No specific mention.
Family	No specific mention.

State definition

Nature of state (general)	No specific mention.
State configuration	No specific mention.
Self determination	No specific mention.
Referendum	No specific mention.
State symbols	No specific mention.
Independence/ secession	No specific mention.
Accession/ unification	No specific mention.

Border delimitation	No specific mention.
Cross-border provision	No specific mention.

Governance

Political institutions (new or reformed)

Governance→Political institutions (new or reformed)→Temporary new institutions
Page 3, DRAFT BASIC AGREEMENT CONCERNING THE BOUGAINVILLE RECONCILIATION GOVERNMENT (BRG), ESTABLISHMENT OF THE BRG:
A. Bougainvillean leaders will convene a constituent assembly, broadly representative of the people of Bougainville, to adopt the document establishing the BRG.
B. The document establishing the BRG will be forwarded to the Papua New Guinea Government without delay after its adoption by the constituent assembly .
C. The document establishing the BRG may provide for the progressive development of the BRG.
Existing administrative arrangements, including local-level government, the delivery of services, reconstruction and development, will continue pending review and progressive restructuring on the initiative of the BRG.
Officials will remain at their posts in order to facilitate an integrated approach towards public administration.

Page 3, DRAFT BASIC AGREEMENT CONCERNING THE BOUGAINVILLE RECONCILIATION GOVERNMENT (BRG), STRUCTURE OF THE BRG
The BRG will have both legislative and executive arms.
The legislative arm will be broadly representative of the people of Bougainville, with special provision for representation of women and other interest groups as agreed by the Bougainvillean parties or, after it is established, the BRG
The document establishing the BRG will provide for the appointment, organisation and procedures of both the legislative and the executive arms, including relations between them.

Page 4, DRAFT BASIC AGREEMENT CONCERNING THE BOUGAINVILLE RECONCILIATION GOVERNMENT (BRG), STRUCTURE OF THE BRG
The four members who represent Bougainville in the national parliament will be full members of the legislative arm and entitled to be appointed to the executive arm.
The cost of the legislative and executive arms (including allowances and travel) will be met from the budget for the BRG.
The parties (and, when it is formed, the BRG and Papua New Guinea Government) will cooperate to ensure that members of the BRG can represent their people by speaking and making decisions freely within the law and according to conscience.

Page 8, CONSTITUTION OF THE BOUGAINVILLE RECONCILIATION GOVERNMENT, PART II-BOUGAINVILLE RECONCILIATION GOVERNMENT, Division 1. Bougainville Reconciliation, Subdivision A - Structure of Government
7. Structure of the Bougainville Reconciliation Government
The Bougainville Reconciliation Government consists of two principal arms, namely-
(a) the Bougainville People's Congress, which is an elective legislature with powers of law-making, and
(b) th Congressional Executive Council

Page 8, CONSTITUTION OF THE BOUGAINVILLE RECONCILIATION GOVERNMENT, PART II-BOUGAINVILLE RECONCILIATION GOVERNMENT, Division 1. Bougainville Reconciliation, Subdivision B-Congressional Power
8. Purpose of Congress
The primary purpose of congress is to steer the negotiations done on behalf of the Bougainville Reconciliation Government in the negotiations between the Bougainville Reconciliation Government and the Government of Papua New Guinea.

Page 8, CONSTITUTION OF THE BOUGAINVILLE RECONCILIATION GOVERNMENT, PART II-BOUGAINVILLE RECONCILIATION GOVERNMENT, Division 1. Bougainville Reconciliation, Subdivision B-Congressional Power

Elections	Page 2, DRAFT BASIC AGREEMENT CONCERNING THE BOUGAINVILLE RECONCILIATION GOVERNMENT (BRG), PRINCIPLES: A. The document establishing the BRG will provide for continuing progress towards free and democratic elections and settlement of the political issue as provided in the Lincoln Agreement. B. The elections will be held as soon as the necessary arrangements can be made. Page 10, CONSTITUTION OF THE BOUGAINVILLE RECONCILIATION GOVERNMENT, PART II-BOUGAINVILLE RECONCILIATION GOVERNMENT, Division 1. Bougainville Reconciliation, Subdivision C-Composition of Congress 12. Qualification for and disqualification for membership ... (2) A candidate for election to the Congress must have been born in or is indigenous to the Constituency or area for which he or she intends to nominate for elections Page 12, CONSTITUTION OF THE BOUGAINVILLE RECONCILIATION GOVERNMENT, PART II-BOUGAINVILLE RECONCILIATION GOVERNMENT, Division 1. Bougainville Reconciliation, Subdivision I-Constituencies & Elections 23.Elections (1) A general election to the Congress shall be held within three months, or within such longer period not exceeding six months, of the adoption of this Constituent Assembly. (2) Subject to Section 13, general elections to the second and subsequent Congresses shall be called the Speaker.
Electoral commission	No specific mention.
Political parties reform	No specific mention.
Civil society	Page 2, DRAFT BASIC AGREEMENT CONCERNING THE BOUGAINVILLE RECONCILIATION GOVERNMENT (BRG), PRINCIPLES: A. The BRG is intended to provide an agreed political framework through which the parties and other participants in previous conflicts can co-operate in providing good government for Bougainville in order to: 3. Create and environment in which churches, communities and no- governmental organisations can work with the people to bring about genuine reconciliation,
Traditional/ religious leaders	No specific mention.

Public administration

Page 13, CONSTITUTION OF THE BOUGAINVILLE RECONCILIATION GOVERNMENT, PART III-ADMINISTRATION, Division 1-Introductory

31. Administration

(1) The Administration of Bougainville, by the model and structure in which it was established under the Administration Act of the former North Solomons Provincial Government will be adopted, initially, by the Bougainville Reconciliation Government as its administrative arm.

(2) The Secretariat, as known under that administration structure, which will be under the effective control and direction of the Bougainville Reconciliation Government, will be modified to incorporate officials presently engaged by the Bougainville Interim Government.

Constitution

Governance→Constitution→Constitutional reform/making
Draft Agreement, Page 3, ESTABLISHMENT OF THE BRG

A. Bougainvillean leaders will convene a constituent assembly, broadly representative of the people of Bougainville, to adopt the document establishing the BRG.

B. The document establishing the BRG will be forwarded to the Papua New Guinea Government without delay after its adoption by the constituent assembly.
C. The document establishing the BRG may provide for the progressive development of the BRG. Existing administrative arrangements, including local-level government, the delivery of services, reconstruction and development, will continue pending review and progressive restructuring on the initiative of the BRG. Officials will remain at their posts in order to facilitate an integrated approach towards public administration.

Page 5, Summary: provides for a draft agreed constitution of BRG
Page 7, CONSTITUTION OF THE BOUGAINVILLE RECONCILIATION GOVERNMENT, PREAMBLE
We, the people of Bougainville, proud of the wisdom and worthy customs of our ancestors, mindful of our heritage and conscious of our destiny;
DECLARE that-
(a) All power in Bougainville belongs to its people and is exercised on their behalf by the Congress to be established by this Constitution.
(b) The resources of Bougainville belong to the people of Bougainville.

Page 7, CONSTITUTION OF THE BOUGAINVILLE RECONCILIATION GOVERNMENT, PART 1. GENERAL PRINCIPLES
1. Purpose of Constitution
The purpose of this Constitution is to unite and reconcile the people and communities of Bougainville through the establishment of the Bougainville Reconciliation Government.

Page 7, CONSTITUTION OF THE BOUGAINVILLE RECONCILIATION GOVERNMENT, PART 1. GENERAL PRINCIPLES
2. Mandate for Peace by Peaceful Means
It is the expressed desire of the people of Bougainville to achieve lasting peace through only peaceful means. The mandate of the Bougainville Reconciliation Government under this Constitution is based on this principle.

Page 7, CONSTITUTION OF THE BOUGAINVILLE RECONCILIATION GOVERNMENT, PART 1. GENERAL PRINCIPLES
3. Purpose of the Bougainville Reconciliation Government
The primary purpose of the Bougainville Reconciliation Government is to negotiate an amicable political settlement with the government of Papua New Guinea and to provide for the governance of Bougainville.

Page 7, CONSTITUTION OF THE BOUGAINVILLE RECONCILIATION GOVERNMENT, PART 1. GENERAL PRINCIPLES
4. Political, Social, Cultural and Indigenous Rights of the People.
The Bougainville Reconciliation Government shall take into full account the inherent political, social, cutural and indigenous rights of the people of Bougainville, as these rights may, effectively or notionally, be known under international law, when negotiating a settlement with the government of Papua New Guinea.

Page 8, CONSTITUTION OF THE BOUGAINVILLE RECONCILIATION GOVERNMENT, PART 1. GENERAL PRINCIPLES
5. Constitution to be facilitative of the Peace Process

Power sharing

Political power sharing	Power sharing→Political power sharing→Proportionality in legislature Sub-state level Page 9, PART II- BOUGAINVILLE RECONCILIATION GOVERNMENT, Division 1. Bougainville Reconciliation Government, Subdivision C-Composition of Congress 11. Nominated Members (1) The Congress shall appoint as nominated members except for paragraph (g) and (h) – five members from each of the following groups, namely- (a) Francis Ona's group; (b) The Bougainville transitional government (c) The Bougainville Interim Government (d) The Bougainville Revolutionary Army; (e) The Resistance Forces; (f) The Women organisations; (g) The Churches; and (h) Indigenous religious groups (1)The Congress shall appoint one member each from the Churches and Indigenous religious groups.
Territorial power sharing	No specific mention.
Economic power sharing	No specific mention.
Military power sharing	No specific mention.

Human rights and equality

Human rights/RoL general	No specific mention.
Bill of rights/similar	No specific mention.
Treaty incorporation	No specific mention.
Civil and political rights	No specific mention.
Socio-economic rights	No specific mention.

Rights related issues

Citizenship	No specific mention.
Democracy	No specific mention.
Detention procedures	No specific mention.
Media and communication	No specific mention.
Mobility/access	No specific mention.
Protection measures	No specific mention.
Other	Page 7, CONSTITUTION OF THE BOUGAINVILLE RECONCILIATION GOVERNMENT, PART 1. GENERAL PRINCIPLES 4. Political, Social, Cultural and Indigenous Rights of the People. The Bougainville Reconciliation Government shall take into full account the inherent political, social, cutural and indigenous rights of the people of Bougainville, as these rights may, effectively or notionally, be known under international law, when negotiating a settlement with the government of Papua New Guinea.

Rights institutions

NHRI	No specific mention.
Regional or international human rights institutions	No specific mention.

Justice sector reform

Criminal justice and emergency law	No specific mention.
State of emergency provisions	No specific mention.
Judiciary and courts	No specific mention.
Prisons and detention	No specific mention.
Traditional Laws	Page 13, CONSTITUTION OF THE BOUGAINVILLE RECONCILIATION GOVERNMENT, PART III-ADMINISTRATION, Division 2-Special Policing Arrangements and Court System 32. Policing Arrangement and Court System (1) There shall be a policing entity and a system of traditional dispute settlement processes recognised by the Bougainville Reconciliation Government to complement the work of other agencies in the maintenance of justice, peace and order on Bougainville.

Socio-economic reconstruction

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

Land, property and environment

Land reform/rights	No specific mention.
Pastoralist/ nomadism rights	No specific mention.

Cultural heritage	No specific mention.
Environment	No specific mention.
Water or riparian rights or access	No specific mention.

Security sector

Security Guarantees	Page 3, DRAFT BASIC AGREEMENT CONCERNING THE BOUGAINVILLE RECONCILIATION GOVERNMENT (BRG), PRINCIPLES: ... Recognising that leaders, voters and the community generally must be able to speak and make decisions freely and according to conscience, the parties will co- operate in taking urgent steps to ensure a secure environment.
Ceasefire	No specific mention.
Police	Page 13, CONSTITUTION OF THE BOUGAINVILLE RECONCILIATION GOVERNMENT, PART III-ADMINISTRATION, Division 2-Special Policing Arrangements and Court System 32. Policing Arrangement and Court System (1) There shall be a policing entity and a system of traditional dispute settlement processes recognised by the Bougainville Reconciliation Government to complement the work of other agencies in the maintenance of justice, peace and order on Bougainville. (2) The entity and system in subsection (1) shall be established as soon as final arrangements under the Lincoln Agreement are made, if not earlier by the parties to the Lincoln Agreement, by the Bougainville Reconciliation Government and the Government of Papua New Guinea.
Armed forces	No specific mention.
DDR	No specific mention.
Intelligence services	No specific mention.
Parastatal/rebel and opposition group forces	No specific mention.
Withdrawal of foreign forces	No specific mention.
Corruption	No specific mention.
Crime/organised crime	No specific mention.

Drugs	No specific mention.
Terrorism	No specific mention.

Transitional justice

Transitional justice general	No specific mention.
Amnesty/pardon	No specific mention.
Courts	No specific mention.
Mechanism	No specific mention.
Prisoner release	No specific mention.
Vetting	No specific mention.
Victims	No specific mention.
Missing persons	No specific mention.
Reparations	No specific mention.
Reconciliation	Page 2, DRAFT BASIC AGREEMENT CONCERNING THE BOUGAINVILLE RECONCILIATION GOVERNMENT (BRG), PRINCIPLES: 3. Create and environment in which churches, communities and no- governmental organisations can work with the people to bring about genuine reconciliation,

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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	Page 4, DRAFT BASIC AGREEMENT CONCERNING THE BOUGAINVILLE RECONCILIATION GOVERNMENT (BRG), FURTHER PROGRESS A. The parties (and when it is formed, the BRG and the Papua New Guinea Government) will co-operate in producing a report before the national parliament meets in July 1999 recommending long-term arrangements, including such legislation and other preparations as may be required, for the government of Bougainville.