

<b>Country/entity</b>	Papua New Guinea Bougainville
<b>Region</b>	Asia and Pacific
<b>Agreement name</b>	Joint Bougainville Negotiating Position
<b>Date</b>	14 Dec 1999
<b>Agreement status</b>	Multiparty signed/agreed
<b>Interim arrangement</b>	Yes
<b>Agreement/conflict level</b>	Intrastate/intrastate conflict
<b>Stage</b>	Pre-negotiation/process
<b>Conflict nature</b>	Government/territory
<b>Peace process</b>	Bougainville: peace process
<b>Parties</b>	Signed by: Joseph C. Kabui; Hon. John Momis, MP; James Tanis; Thomas Anis; Hon. sam Akoital, MP; Hon. Michael Laimo, MP; Hon. Michael Ogio, MP; Mr. Joel Banam; Mr. Carolus Ketsimur; Mr. Joseph Bana; Mr. Gordon Bure; Mrs. Ezliabeth Burain; Mrs. Theresa Jaintong; Mrs. Lucy Morris; Mrs. Martha Toarats; Mrs. Dorcas Awasa; Mrs. Genevieve Pisi; Mr. Ben Kamda; Mr. Steven Topesi; Mr. Thomas Tari;
<b>Third parties</b>	-
<b>Description</b>	Outlined a common position on autonomy, mechanisms for implementation and guarantee, and options for a deferred referendum, to form the basis for any negotiations with the PNG.

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**Agreement document**      [PG\\_991214\\_Joint Bougainville Negotiating Position.pdf \(opens in new tab\)](#) | [Download PDF](#)

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## **Groups**

**Children/youth**      No specific mention.

**Disabled persons**      No specific mention.

**Elderly/age**      No specific mention.

**Migrant workers**      No specific mention.

**Racial/ethnic/  
national group**      No specific mention.

**Religious groups**      No specific mention.

**Indigenous people**      No specific mention.

**Other groups**      No specific mention.

**Refugees/displaced  
persons**      No specific mention.

**Social class**      No specific mention.

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## **Gender**

**Women, girls and  
gender**      No specific mention.

**Men and boys**      No specific mention.

**LGBTI**      No specific mention.

**Family**      No specific mention.

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**State definition**

**Nature of state (general)** Page 1, Proposals to give effect to Principles:  
ii) Government arrangements for Bougainville:  
... Democracy, transparency and accountability in the Bougainville government: essential principles of Bougainville Government.

**State configuration** No specific mention.

**Self determination** No specific mention.

**Referendum** Page 3, C. Referendum, Principles  
A referendum on independence shall be held among Bougainvilleans.

Page 3, C. Referendum, Proposals to give effect to Principles  
Timing of holding of the referendum - The referendum shall be held on a date to be determined by the autonomous Government of Bougainville after consultation with the Government of Papua New Guinea

Page 3, C. Referendum, Proposals to give effect to Principles  
Trigger - The Government of Bougainville shall consider the following matters in determining a date for the referendum:  
Capacity of the Bougainville Administration,  
Progress towards reconciliation,  
The Political and Economic situation,  
Progress in the operation of autonomy arrangements,  
Progress on Arms disposal.

Page 4, C. Referendum, Proposals to give effect to Principles  
Rejection of holding referendum (including method) - The Bougainville Legislature may determine not to hold a referendum - to be confirmed by the people of Bougainville by referendum.  
Manner of the conduct of a referendum  
Consequences of definitive yes vote and of definitive no vote  
'Binding' effect of the referendum (the mechanism)  
Guarantee of agreed referendum arrangements  
Referendum on a referendum (holding a referendum on the issue of whether or not a referendum should be held)

**State symbols** No specific mention.

**Independence/ secession** No specific mention.

**Accession/ unification** No specific mention.

**Border delimitation** Page 2, Proposals to give effect to Principles:

iv) Territory:

Maritime territories: The Government of Bougainville shall have all title, powers and jurisdiction over the maritime territories associated with Bougainville's land territory equivalent to that which the Government of PNG has under international law.

Page 2, Proposals to give effect to Principles:

iv) Territory:

... Land territory: The land territory shall be, at least, that defined under the Organic Law on Provincial Boundaries.

Page 2, Proposals to give effect to Principles:

iv) Territory:

... Defining internal maritime boundaries: The maritime territories of Bougainville within PNG shall be agreed through consultations carried out by a consultative group, comprised of officers of the Government of PNG and of the Bougainville Administration, and those agreed boundaries shall then be defined by Organic Law and by a schedule to the Bougainville Constitution. If the consultative group cannot reach agreement the matter shall be referred to the mediation panel with jurisdiction to deal with disputes about implementation of the agreed arrangements (below), and that panel shall be guided by the principle that neither PNG nor Bougainville should have jurisdiction beyond that available on the basis of the equip-distant principle.

Page 2, Proposals to give effect to Principles:

iv) Territory:

... Defining international maritime boundaries: The Government of Bougainville shall be a party to any negotiations that the Government of PNG may have with any state or any regional or international organisation concerning, or that may impinge upon, the maritime territories of Bougainville or, prior to those territories being defined, any area that may reasonably be expected to be included in those territories.

**Cross-border provision** No specific mention.

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## Governance

**Political institutions (new or reformed)** Governance→Political institutions (new or reformed)→General references  
Page 1, Proposals to give effect to Principles:

**Elections** No specific mention.

**Electoral commission** No specific mention.

**Political parties reform** No specific mention.

<b>Civil society</b>	No specific mention.
<b>Traditional/ religious leaders</b>	No specific mention.
<b>Public administration</b>	No specific mention.
<b>Constitution</b>	Governance→Constitution→Constitutional reform/making Page 1, Proposals to give effect to Principles: i) Establishing self-government: Adopting a Bougainville Constitution- structures a matter for Bougainville Constitution to be adopted by the Constituent Assembly after consultation. Status of the Bougainville Constitution To prevent change by PNG statutes high status in PNG hierarchy of laws shall be given to the Constitution

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## **Power sharing**

<b>Political power sharing</b>	No specific mention.
<b>Territorial power sharing</b>	Power sharing→Territorial power sharing→Autonomous regions Page 1, A. Autonomy, Principles 1. The highest level of self-government short of independence shall be established in Bougainville immediately 2. Under the highest level of self-government the Bougainville government shall have exclusive responsibility for the full range of powers and functions of government other than agreed essential powers and functions that may be reserved primarily to the Government of PNG.
<b>Economic power sharing</b>	No specific mention.
<b>Military power sharing</b>	No specific mention.

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## **Human rights and equality**

<b>Human rights/RoL general</b>	No specific mention.
<b>Bill of rights/similar</b>	No specific mention.
<b>Treaty incorporation</b>	No specific mention.

**Civil and political rights** No specific mention.

**Socio-economic rights** No specific mention.

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**Rights related issues**

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

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

**Detention procedures** No specific mention.

**Media and communication** No specific mention.

**Mobility/access** No specific mention.

**Protection measures** No specific mention.

**Other** Page 3, Proposals to give effect to Principles:  
viii) Human Rights:  
Bougainville able to have its own regime wholly or in part.  
Bougainville to have its own enforcement provisions.

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**Rights institutions**

**NHRI** No specific mention.

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

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## Justice sector reform

**Criminal justice and emergency law** No specific mention.

**State of emergency provisions** No specific mention.

**Judiciary and courts** No specific mention.

**Prisons and detention** No specific mention.

**Traditional Laws** No specific mention.

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## Socio-economic reconstruction

**Development or socio-economic reconstruction** No specific mention.

**National economic plan** No specific mention.

**Natural resources** No specific mention.

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

**Business** No specific mention.

**Taxation** No specific mention.

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

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## 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.

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## **Security sector**

**Security Guarantees** No specific mention.

**Ceasefire** No specific mention.

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

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

**DDR** Security sector→DDR→Demilitarisation provisions  
Page 3, C. Referendum, Proposals to give effect to Principles  
Trigger - The Government of Bougainville shall consider the following matters in determining a date for the referendum:  
... Progress on Arms disposal.

**Intelligence services** No specific mention.

**Parastatal/rebel and opposition group forces** No specific mention.

**Withdrawal of foreign forces** No specific mention.

**Corruption** No specific mention.

**Crime/organised crime** No specific mention.

**Drugs** No specific mention.

**Terrorism** No specific mention.

## **Transitional justice**

**Transitional justice general** No specific mention.

**Amnesty/pardon** No specific mention.

**Courts** No specific mention.

**Mechanism** No specific mention.

**Prisoner release** No specific mention.

**Vetting** No specific mention.

**Victims** No specific mention.

**Missing persons** No specific mention.

**Reparations** No specific mention.

**Reconciliation** No specific mention.

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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** No specific mention.

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