FINAL AGREED JOINT CONSULTATION REPORT

Prepared pursuant to Section 342(1) of Part XIV of the Constitution of Papua New Guinea Following the 2019 Bougainville Referendum

Jointly Prepared by:

The Executive Government of Papua New Guinea

and

The Autonomous Bougainville Government

Endorsed by the Joint Supervisory Body on 5 August 2026

For presentation to the National Parliament alongside the Referendum Results



Foreword

This Joint Consultation Report (JCR) has been jointly prepared by, the Executive Government of Papua New Guinea (National Government) and the Autonomous Bougainville Government (ABG), (the Parties), in fulfilment of Section 342(1) of Part XIV of the National Constitution. It records the consultations undertaken following the 2019 Bougainville Referendum and is intended to assist Members of the National Parliament by providing a shared factual account of the consultation process, the principal matters considered by the Parties, and the historical, constitutional and procedural context that lay the foundation for the deliberations in Parliament.



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Abbreviation	Meaning
ABG	Autonomous Bougainville Government
BHoR	Bougainville House of Representatives
BPA	Bougainville Peace Agreement
BRA	Bougainville Revolutionary Army
BRC	Bougainville Referendum Commission
CATIC	Central Agency Transfer Implementation Committee
JCR	Joint Consultations Report
JTWG	Joint Technical Working Group
JSB	Joint Supervisory Body
JSB MF	Joint Supervisoty Body on the Melanesian Framework
MF	Melanesian Framework
National Government	Executive Government of Papua New Guinea
PIT	Project Implementation Team
PMG	Peace Monitoring Group
SDOC	Sector Oversight Committee
The Parties	The Executive Government of Papua New Guinea and the Autonomous Bougainville Government
TWG	Technical Working Group
UN	United Nations
UNOMB	United Nations Observer Mission on Bougainville

Part 1: Background and Historical Context



PART 1 sets out the purpose of this report, the constitutional framework within which it is prepared, and the historical context that led to the Bougainville Peace Agreement (BPA). It explains how the BPA led to the establishment of a constitutional pathway involving autonomy, weapons disposal and a guaranteed referendum, and how the consultations recorded in this report are part of the continuing implementation of that settlement.

1.1 Introduction and Purpose of the Joint Consultation Report

This Joint Consultation Report presents the record and outcomes of the constitutionally required consultations between the Executive Government of Papua New Guinea and the Autonomous Bougainville Government regarding the results of the 2019 Bougainville Referendum. It has been prepared for presentation to the National Parliament pursuant to Section 342(1) of the Constitution of Papua New Guinea and Article 2 (i) (b) of the Era Kone Covenant.

- *Part 1 Historical background and constitutional context*
- *Part 2 Post-Referendum Consultations*
- *Part 3 Melanesian Framework Consultations*
- *Part 4 Final Position of the Autonomous Bougainville Government*
- *Part 5 National Government Position*
- *Part 6 Joint Consultations Agreements and Disagreements*
- *Part 7 Conclusion to Part XIV Section 342*
- *Part 8 Joint Supervisory Body Resolutions of July 2026*

1.2 Constitutional Framework

The constitutional basis for this report is in Part XIV of the National Constitution, which gives effect to core elements of the Bougainville Peace Agreement. Section 342 requires the National Government and the Autonomous Bougainville Government to consult on the results of the Bougainville Referendum before those results are tabled in the National Parliament. Following those consultations, the Minister responsible is required to present a report to Parliament for deliberation and consideration.

The Bougainville Peace Agreement guaranteed Bougainvilleans the opportunity to vote on their future political status, including independence as an option. It also provided that the referendum outcome would be subject to ratification by the National Parliament. The consultations recorded in this report are therefore not a separate political exercise, but part of the constitutional process established to implement the BPA.

1.3 The Bougainville Crisis

Bougainville's contemporary political history reflects a combination of historical identity, land and resource issues, governance concerns and economic grievances. Many Bougainvilleans have viewed their identity and historical experience as unique within Papua New Guinea. Bougainville's long-standing aspiration for political self-determination predates the outbreak of conflict in the late 1980s. These views contributed to earlier demands for self-determination dating back at least to the early 1960's and remained important in the years following Papua New Guinea's Independence.

Tensions intensified with the development and operation of the Panguna copper mine. The mine generated substantial revenue for the country, but many affected communities remained dissatisfied with environmental impacts, land loss, relocation, compensation arrangements and the distribution of economic benefits. Disputes over the mine became linked to wider concerns about Joint Consultation Report prepared pursuant to Part XIV Section 342 (1) of the Constitution of Papua New Guinea representation, governance, equality of treatment and the relationship between Bougainville and the State.

By the late 1980s, unresolved grievances escalated into direct action against mine infrastructure and confrontation with State authorities. The deployment of PNG police and defence personnel, and the use of force

by state security agencies, contributed to a rapid deterioration of the situation. Armed confrontation between the Bougainville Revolutionary Army (BRA) and state forces led to a prolonged conflict from 1988 to 1998, marked by violence, internal divisions, insecurity and severe disruption to normal life.

The humanitarian consequences were profound. Thousands of people died as a result of violence, displacement and the collapse of access to essential services. Communities experienced deep social division and trauma. Health, education, transport, public administration and local economies were severely disrupted. Restrictions on movement and access to goods, including food and medicine, intensified civilian hardship and contributed to a serious breakdown of trust between communities, institutions and the State.

The experience of the crisis demonstrated that a durable settlement would require more than the cessation of hostilities. From the mid-1990s, growing recognition that a military solution was unlikely to resolve the conflict encouraged renewed efforts toward dialogue.

Peace initiatives led by churches, community leaders, women, regional partners and the Governments of Papua New Guinea and New Zealand gradually created the conditions for formal negotiations.

A series of agreements, including the Burnham Declaration (1997), the Burnham Truce (1997), the Lincoln Agreement on Peace, Security and Development (1998), the Ceasefire Agreement (1998), and the deployment of the Truce Monitoring Group and subsequently the United Nations Observer Mission on Bougainville (UNOMB), helped reduce hostilities, build confidence between the parties and establish increasingly secure conditions for political negotiations.

These successive partial agreements demonstrated a growing commitment to resolving the conflict through peaceful dialogue aimed at addressing the underlying grievances, rebuilding confidence and creating a peaceful pathway for determining Bougainville's future.

That need shaped the negotiations that led to the Bougainville Peace Agreement, which transformed a violent political dispute into a constitutional process based on dialogue, agreed implementation and democratic decision-making.

1.4 The Bougainville Peace Agreement

Following the Permanent Ceasefire Agreement in 1998, the Parties engaged in an intensive period of dialogue, confidence-building and negotiations. Supported by the Peace Monitoring Group (PMG), the United Nations Observer Mission on Bougainville (UNOMB), regional partners and the wider international community, these discussions addressed the principal political, security and governance issues arising from the conflict and progressively built the trust necessary to negotiate a comprehensive and durable political settlement.

This process culminated in the signing of the Bougainville Peace Agreement on 30 August 2001. The BPA brought an end to more than a decade of armed conflict and concluded a peace process that involved extensive dialogue among Bougainvillean leaders, local communities, the National Government and other parties to the conflict. The BPA expressed the shared commitment of the Parties to achieve lasting peace by peaceful means.

The BPA deliberately linked political, security and constitutional measures into a single sequenced settlement. It established a framework through which the causes and consequences of the conflict could be addressed peacefully over time, including through the creation of autonomous institutions, the disposal of weapons and a guaranteed referendum on Bougainville's future political status.

The first pillar, Autonomy, established arrangements enabling Bougainville to exercise greater control over its own affairs within Papua New Guinea. To give effect to this pillar, the National Parliament amended the Constitution to insert Part XIV, which deals specifically with Bougainville's post-conflict governance arrangements. Elections for the first Autonomous Bougainville Government were conducted in 2005 in accordance with the provisions of Part XIV. Part XIV also set out arrangements for the transfer and exercise of functions and powers under the autonomy framework.

The second pillar, Weapons Disposal, required the collection, containment and disposal of weapons used during the conflict. This process was supported by the United Nations Observer Mission on Bougainville (UNOMB) and saw the implementation of the Rotokas Record, the Joint Bougainville Ex- Combatants Agreement on Weapons Disposal (3 May 2001). In May 2005, the UNOMB declared that implementation of the weapons disposal plan in the BPA had been adequately completed.

The third pillar, the Referendum, guaranteed that Bougainvilleans would be given the opportunity to vote on their future political status. The BPA provided that the referendum would be held no earlier than ten years and no later than fifteen years after the election of the first ABG, and that independence would be one of the options on the ballot.

The referendum pillar reflected the understanding that Bougainville's future political status would be addressed through an agreed process rather than through renewed conflict.

1.5 Background to the Bougainville Referendum

To conduct the referendum, the two governments agreed on a Bougainville Referendum Commission Charter (30 August 2017). The Referendum Charter was issued by the Governor- General of PNG as the Head of State to establish the Bougainville Referendum Commission and the administrative processes that were followed to conduct the referendum, including developing the options and definitions used in the referendum.

The Bougainville Referendum was conducted from 23 November to 7 December 2019 in accordance with the Bougainville Peace Agreement, Part XIV of the National Constitution and the Organic Law on Peacebuilding in Bougainville. The ballot offered two options: Greater Autonomy and Independence. The following definitions of these options were agreed between Prime Minister Peter O'Neill and President John Momis in May 2019:

Greater Autonomy: *"A negotiated political settlement that provides for a form of autonomy with greater powers than those currently available under constitutional arrangements."*

Independence: *"An independent nation state with sovereign powers and laws, recognised under international law and by other sovereign states to be an independent state, separate from the State of Papua New Guinea."*

The result was 3,043 votes for Greater Autonomy and 176,928 votes for Independence, representing 97.7 per cent of total votes cast. After the conduct of the referendum, the 40-day period of disputed returns lapsed without any registered disputes.

The Bougainville Referendum Commission (BRC), chaired by the former Prime Minister of Ireland, Hon. Bertie Ahern, returned the referendum writ to the Acting Governor-General, Hon Job Pomat on 13 December 2019. The BRC reported that the referendum had been conducted transparently, credibly and in accordance with the agreed legal framework.

The conduct of the referendum therefore completed the third pillar of the Bougainville Peace Agreement and triggered the constitutional requirement for consultation between the Parties.

Part 2: Post-Referendum Consultations

Part 2 records the principal consultations undertaken by the Parties following the 2019 Referendum.

These consultations were intended to give practical effect to Section 342(1), establish a pathway for bringing the referendum results to Parliament, and address the political, procedural and constitutional issues arising from the Referendum. All documents referred to are included as Annexes to this report.

2.1 Initial Post-Referendum Consultations (2021-2024)

2.1.1 Joint Communique of 11 January 2021 - Initiation of the Consultation Process

Following the 2019 Bougainville Referendum, the National Government and the ABG commenced Joint Post-Referendum Consultations as required by the Bougainville Peace Agreement and Part XIV of the National Constitution. These consultations were intended to establish a clear process for addressing the referendum result and determining the next steps in relation to Bougainville's future political status.

The first formal step was the Joint Communique of 11 January 2021, in which both governments committed to a moderated consultation process addressing Bougainville's future political status, the method of endorsement by the National Government, and the documentation of the consultation record.

2.1.2 The Sharp Agreement (13 May 2021)

Building on the Joint Communique, the ABG sought an accelerated mechanism for drawing down Section 290 powers. This led to the Sharp Agreement which waived the requirements of Section 295(a) and (b) of the National Constitution. The Sharp Agreement enabled the ABG to proceed with the drawdown of functions and powers without the usual notice and consultation requirements, and provided that the ABG could legislate on Section 290 matters in accordance with agreed plans.

The Sharp Agreement represented an important effort to strengthen the autonomy arrangements while the post-referendum process continued. Implementation has, however, remained limited, and the pace and sequencing of powers transfer has continued to be a matter of discussion between the Parties.

2.1.3 Kokopo Consultations (18-19 May 2021)

The first formal consultation on the referendum results took place in Kokopo, East New Britain Province. The Kokopo Joint Statement (19 May 2021) directed technical teams to address the meaning of ratification under Clause 311 of the Bougainville Peace Agreement, examine constitutional issues relating to the referendum result, develop a joint roadmap, and prioritise implementation of the Sharp Agreement.

President Toroama's Kokopo Presidential Statement set out Bougainville's formal position, including a proposal that both governments jointly record acceptance of the referendum result should the National Government agree in principle. He also stated Bougainville's view that independence should be achieved within four years, aligned to the scheduled June 2025 Bougainville elections.

2.1.4 Wabag Consultations and the Joint Roadmap (6-7 July 2021)

The second consultation was held in Wabag, Enga Province. Although some constitutional issues from Kokopo remained unresolved, the Wabag Consultations resulted in agreement on the Wabag Joint Statement (6 July 2021) and a Joint Referendum Results Implementation Roadmap (6 July 2021). President Toroama reaffirmed Bougainville's proposed Independence timeline of 2025, while the National Government proposed a broader period extending a final political settlement to 2030. The Wabag Roadmap was an agreed compromise based on these two proposed timelines.

The agreed position of no earlier than 2025 and no later than 2027 became an important milestone in the post-referendum process. The Joint Referendum Result Implementation Roadmap set out activities for both governments from 2021 to 2027.

2.1.5 Port Moresby Joint Statement (9 December 2021)

The third consultation culminated in the Port Moresby Joint Statement endorsed by the Prime Minister of Papua New Guinea and the President of Bougainville. This statement committed both governments to developing a framework to give effect to Section 342 of the National Constitution and to expand the mechanism for tabling and decision-making on the referendum results in the National Parliament. This work led directly to the development of the Era Kone Covenant.

A Technical Working Group comprising representatives from both governments was established to develop Constitutional Regulations to guide the procedure for tabling the referendum results in Parliament. Progress stalled because of differences on several key issues, including the proposed mechanism, voting threshold and implications of parliamentary decision-making. This impasse delayed finalisation of the Regulations and the development of a clear procedural pathway for implementing Section 342 and the Era Kone Covenant.

2.1.8 Elevation to the JSB and the Move to Sessional Orders (31 July 2023)

The unresolved matters were elevated to the Joint Supervisory Body (JSB) for consideration. At its meeting on 31 July 2023, the JSB agreed that Sessional Orders, rather than Constitutional Regulations, would prescribe the process for tabling the referendum results in the National Parliament. The JSB further directed the National Minister for Bougainville Affairs to consult with the ABG Minister for Bougainville Independence Mission and reach agreement on the content of the proposed Sessional Orders.

When the two Ministers were unable to reach consensus on the proposed approach, they jointly recommended that an external independent moderator be appointed to assist in resolving the remaining points of disagreement, in line with the resolution of the JSB.

Joint Consultation Report prepared pursuant to Part XIV Section 342 (1) of the Constitution of Papua New Guinea

2.2 Independent Moderated Consultations (2024-2025)

On 8 May 2024 Sir Jerry Mateparae was selected and appointed as the Independent Moderator. His mandate, as set out in his Terms of Reference, was to assist the Parties in jointly addressing outstanding substantive issues relating to Bougainville's future political status; resolve matters con-

cerning the sessional order required under Section 342 of the National Constitution; oversee preparation of the Joint Consultation Report; and support the Bipartisan Parliamentary Committee in developing awareness messaging for Members of the 11th National Parliament. His work was time- bound to conclude before the issue of writs for the 2025 ABG general election.

The moderation process unfolded in two phases, with the support of the United Nations. The first phase, from September 2024 to February 2025, focused on engagement with both governments, establishment of an independent secretariat and technical team, and preparation of the consultation plan.

The second phase, from March to June 2025, involved formal joint consultations supported by inter-sessional work and external consultations with women, youth, civil society and Bougainvilleans living in Bougainville and Port Moresby.

Four formal moderated consultation sessions were held. The first commenced the process, with both Parties presenting their positions and identifying key issues. The second endorsed the Joint Consultation Plan and continued detailed exchanges on respective government positions.

The third, held at Burnham Military Camp in Aotearoa New Zealand, focused on consensus-building, discussion of joint commitments and drafting of a relationship agreement. The fourth reviewed progress against the Moderator's Terms of Reference, considered the draft Moderated Consultation Report and agreed on next steps.

Across these meetings, discussions centered on two broad areas: Bougainville's future political status and the procedural requirements for taking the referendum results to the National Parliament. The ABG maintained that independence should be the outcome, reflecting the 97.7 per cent vote.

The National Government proposed a pathway involving continued drawdown of powers and elements of a free-association-type model. On procedural matters, the Parties discussed the content of the sessional order, the role of Parliament and the voting threshold required for decision-making. The key outcome of the moderated consultations was the development and endorsement of the Melanesian Agreement. While not all issues were resolved, the process narrowed the gap between the Parties, established a structured pathway for continued dialogue and confirmed that the referendum results would be taken to Parliament through a process recommended by both Speakers.

2.3 The Melanesian Agreement (26 June 2025)

The Melanesian Agreement is a jointly endorsed political commitment between the Executive Government of Papua New Guinea and the Autonomous Bougainville Government, signed on 26 June 2025 following the third Joint Moderated Consultation at Burnham Military Camp in Aotearoa New Zealand.

The Agreement outlines forward-looking principles to guide the next phase of political dialogue. These include a joint commitment to explore the creation of a Melanesian Framework with agreed timelines, the tabling of the referendum results and this Joint Consultation Report in the 11th National Parliament, and acceptance of Parliament's decision in the first instance, with provision for further consultations if required.

The Melanesian Agreement consolidates progress made through the moderated consultations and provides a structured foundation for the next steps in the post-referendum process.



Part 3: Melanesian Framework Consultations

FOLLOWING the signing of the Melanesian Agreement, the Joint Supervisory Body met at Melanesian Haus, Port Moresby, on 3 December 2025 and reaffirmed the commitment of both Governments to the Joint Supervisory Body as the constitutional authority for intergovernmental consultations, dispute resolution and guidance in the implementation of the Bougainville Peace Agreement.

The JSB endorsed the Melanesian Agreement between the Executive Government of Papua New Guinea and the Autonomous Bougainville Government, recognised it as the agreed roadmap setting out the broad principles and joint commitments of both Governments towards the tabling of the referendum results in the National Parliament, and noted that this included the joint development of a Melanesian Framework.

The JSB further noted the proposed United Nations package of support, including the Facilitator's Terms of Reference, and urged both Governments to work with the United Nations, as necessary, to support implementation of the Melanesian Agreement. In this context, the JSB endorsed the appointment of Richard Smith as the Working Facilitator. This appointment provided a jointly recognised facilitation role to assist the two Governments in giving practical effect to the Melanesian Agreement and in supporting the development of the Melanesian Framework through a process of structured consultation.

The subsequent Joint Communiqué issued on 17 March 2026 recorded the convening by the Executive Government of Papua New Guinea and the Autonomous Bougainville Government of the inaugural meeting of the Joint Melanesian Agreement Implementation Working Groups. This marked the commencement of joint work to advance the commitments undertaken under the Melanesian Agreement. The parties reviewed the mandate provided by the JSB and agreed on a work schedule to guide the development of the Framework, including a programme of facilitated consultations over the following months.

In the same Communiqué, the parties reaffirmed their shared commitment to continued dialogue and cooperation as they worked together to give effect to the Bougainville Peace Agreement, the provisions of the National Constitution of Papua New Guinea, and the joint understandings



reached between the two Governments under the Melanesian Agreement.

The Government of Papua New Guinea reiterated its recognition of the legitimate choice of the people of Bougainville as expressed through the referendum, and both Governments acknowledged their shared responsibility to progress consultations in accordance with agreed constitutional processes. Both Governments further reaffirmed their commitment to advancing this work in the true spirit of the Melanesian Way, guided by mutual respect, dialogue and partnership, as the pathway to a peaceful and mutually agreed way forward.

Pursuant to these decisions and commitments, the Joint Technical Working Groups of the National Government and the Autonomous Bougainville Government undertook a series of facilitated technical consultations on the development of the Melanesian Framework. Eight meetings of the Joint Technical Working Groups were convened. These meetings were led by the Chief Secretaries of both Governments and brought together officials from both sides to consider the purpose, structure, possible content and implementation logic of the Framework.

The technical-level discussions gathered encouraging momentum. The consultations enabled both delegations to clarify the purpose of the Melanesian Framework as a practical, realistic and forward- looking instrument that could assist both Governments, and ultimately the National Parliament, to consider the next phase of the Bougainville process in an orderly and responsible manner. The

Joint Consultation Report prepared pursuant to Part XIV Section 342 (1) of the Constitution of Papua New Guinea emerging understanding was that the Framework should provide a shared, stable and predictable pathway that could support an enduring, close and peaceful relationship between Papua New Guinea and Bougainville.

The Melanesian Framework is the principal instrument through which the outcomes of the joint consultations could be organised and further developed. The Melanesian Framework acknowledges Parliament's constitutional responsibilities; recognises the referendum result and the legitimate choice expressed by the people of Bougainville; supports the continued responsibilities of both Governments; and provides a structured pathway through which transitional arrangements, powers, implementation mechanisms and outstanding issues can be addressed.

Part 4: Final Position of the Autonomous Bougainville Government

THE Bougainville Final Position, delivered in Kokopo at a Special Session of the Joint Technical Working Groups, was a response to concerns over the manner in which the Sessional Order was introduced in the National Parliament.

In the Bougainville Final Position clear reference is made to "Violations of Melanesian Agreement (Clause 1.5) and JSB -resolution of December 2025 (Resolution 2.1.2)." The Bougainville Final Position points out that Clause 1.5 and Resolution 2.1.2 provide for joint consultation between the two Speakers on the crafting of the sessional order.

The Final Position states that "The unilateral act constitutes a direct violation of the Melanesian agreement and disrespects the spirit of the Bougainville Peace Agreement and Part XIV. The violation to the agreed consultative process now creates a dispute warranting JSB to resolve the matter.
The Bougainville Final Position sets out the considered and Final Position of the Autonomous Bougainville Government regarding the orderly and constitutional progression of Bougainville's independence.

The Autonomous Bougainville Government affirms that progress towards Independence for Bougainville must proceed in a manner that preserves peace, promotes stability and provides certainty for both governments.

The Final Position sets out a clear and unequivocal timeline:

Phase 1. Present - 1 September 2027: Preparation for self-government;

During this phase, the Autonomous Bougainville Government shall focus on the strengthening of institutions, enhancement of governance capacity, consolidation of peace and security, development of the economic and fiscal foundations of government, and the completion of all legislative, administrative and policy measures necessary for the assumption of expanded responsibilities. The details of these are captured in the Melanesian Framework.

This period shall be directed towards ensuring that Bougainville is fully prepared to enter into self- government on 1 September 2027.

Joint Consultation Report prepared pursuant to Part XIV Section 342 (1) of the Constitution of Papua New Guinea

Phase 2. 1 September 2027 to 2030: Self-Government

For the avoidance of doubt, Self-Government is defined by the Autonomous Bougainville Government as: The existing autonomous arrangements together with the assumption and exercise of all additional powers, subject to consultation and agreement with the National Government, available under Section 289 of the Constitution of Papua New Guinea.

Accordingly, Self-Government shall comprise:

- *the continuation of Bougainville's autonomous status under Part XIV of the Constitution;*
- *the progressive delegated and/or shared transfer, assumption and exercise of additional powers available under Section 289 of the Constitution; and*
- *the practical expression of Bougainville's right to govern its own affairs through institutions established by law and exercised in accordance with constitutional processes.*

The Autonomous Bougainville Government considers this period to represent the fullest practical and constitutional expression of self-government available under the existing constitutional framework. At the end of this period and on a specified date in 2030, Bougainville will declare independence and assume all sovereign functions and powers.

Phase 3. 2030: Independence

An independent nation state with sovereign powers and laws, recognised under international law and by other sovereign states to be an independent state, separate from the state of Papua New Guinea.

The Final Position includes a set of principles intended to guide the transition:

- *Respect for the Bougainville Peace Agreement and Part XIV of the Constitution of Papua New Guinea;*
- *Commitment to peaceful, orderly and constitutional processes;*
- *Mutual respect and cooperation between the National Government and the Autonomous Bougainville Government;*
- *Progressive transfer and exercise of powers in accordance with 289 -299 of the National Constitution;*
- *Preservation of peace, security and political stability; and*
- *Promotion of economic sustainability and effective governance.*

Following the presentation of the Final Position the ABG Leadership announced that the ABG Technical Working Group would continue to engage with the National Government in good faith.



Part 5: National Government Position

THE National Government holds the view that because Section 342(2) of the National Constitution requires the National Parliament to make "any decision" on the Referendum Results, the implementation pathway determined through consultations should provide for both an affirmative decision and a non-affirming decision.

The National Government maintains that the legal effect of this decision by the National Parliament is that Parliament would have discharged its constitutional Joint Consultation Report prepared pursuant to Part XIV Section 342 (1) of the Constitution of Papua New Guinea mandate under Section 342 of the National Constitution.

However, the fulfilment of Parliament's obligations under Section 342 does not bring to an end the operation of Part XIV of the National Constitution, nor does it terminate the constitutional relationship established between Papua New Guinea and Bougainville under the Bougainville Peace Agreement and the National Constitution.

Following Parliament's decision, Bougainville would continue to operate under the existing autonomy framework, while the National Government and the ABG undertake further consultations to implement Parliament's decision, consistent with Clause 2.3 of the Melanesian Agreement which affirms the importance of continued consultation and engagement between both Governments post-decision by Parliament.

5.1. Affirmative Decision by the National Parliament.

The National Government agrees that the Melanesian Framework jointly developed by the National Government and the ABG sets out the preferred pathway for implementing an affirmative decision by the National Parliament on the Referendum Results.

The Framework is not intended to bind, constrain, pre-empt or otherwise influence the National Parliament's decision on the Results. Rather, it provides a practical, orderly and predictable roadmap for the progressive implementation of Bougainville's independence, should the National Parliament decide to endorse the Referendum Results.

The National Government recognizes that Section 342(2) of the National Constitution grants the National Parliament unfettered discretion to make any decision it deems necessary, on the Referendum Results.

5.2. Decision Not to Endorse the Referendum Results.

Noting the above, the National Government considers it useful to propose an alternative pathway for the National Parliament to consider, should it determine not to endorse the Referendum Results. The National Government proposes the following considerations to assist in continuing cooperation and consultation following a decision by the National Parliament not in favour of the Referendum Results.

In order to preserve the spirit and intent of the Bougainville Peace Agreement and Part XIV of the National Constitution, particularly the principles of consultation, cooperation and continuous dialogue between the National Government and the ABG, it is proposed that Parliament expressly approve that both governments continue to consult in good faith on a mutually acceptable pathway forward consistent with Clause 2.3 of the Melanesian Agreement. Such consultations should seek to preserve peace, stability and constructive relations between the governments.

This pathway should continue to recognize the legitimate choice of the people of Bougainville for independence as voted for in the Referendum, and prioritize the realization of greater autonomy to its fullest extent, based on Bougainville achieving the following milestones, amongst others, which may be jointly developed by both Governments:

a) The complete drawdown and effective exercise of all functions and powers available to the ABG under the autonomy arrangements, that is Section 290 functions and powers; and

b) The promotion and maintenance of good governance, accountability and institutional effectiveness, including the strengthening of institutions and administrative capacity. The ABG must establish institutions and implement systems that promote the principles that uphold the rule of law, encourage equal opportunity and participation, transparency and accountability.

c) The attainment of full fiscal self-reliance by ABG, through the development of sustainable internal revenue sources and the strengthening of economic and public financial management systems; and

d) Regular monitoring and reviews at in accordance with Section 337 of the National Constitution to take stock of joint agreements, assess progress towards achieving the milestones/ triggers and measure them against agreed indicators, and if necessary, determine revised strategies; and

Where the National Government and the ABG are satisfied that the criteria set out above has been met, the Minister for Bougainville Affairs may bring the matter of Bougainville's political status back to the National Parliament for reconsideration and a new decision, which may include independence or an alternative political arrangement for Bougainville.

Any further discussions on Section 289 delegation is subject to broader consultations between both governments. The National Government notes that the current framework for delegation under Section 289 is to be considered in the context of a pathway towards referendum and its outcome.

Once this process runs its full course and provisions under the National Constitution on referendum become redundant, then both governments will need to consult on agreed next steps, and therefore delegation of Section 289 will need to be considered in that context.

Amendments to the Constitution.

The National Government is of the view that this pathway may require amendments to Part XIV of the National Constitution in order to provide a legal basis for returning the Referendum Results to Parliament to reconsider.

The National Government may propose the necessary amendments after consultation with the ABG in accordance with Section 345 of the National Constitution that the National Parliament approve for amendments to be made to Part XIV of the National Constitution to implement Parliament's decision on the Referendum Results and provide a clear pathway for Parliament to revisit the question of Bougainville's future political status that was voted for in the Referendum, at a later date.

Part 6: Joint Consultations Agreements and Disagreements

6.1 Agreement Reached

1. It is agreed that in the event of an affirming decision from the National Parliament in its consideration of the Referendum Results the Melanesian Framework shall facilitate a transitional phase through which the two Governments progressively give practical effect to the legitimate aspirations of the people of Bougainville for Independence, while respecting the responsibilities of the National Parliament, the Bougainville Peace Agreement and Part XIV of the National Constitution.

2. The Melanesian Framework gives practical expression to the constitutional pathway established under Part XIV of the National Constitution of the Independent State of Papua New Guinea and the commitments contained in the Bougainville Peace Agreement.

3. It is agreed that the Melanesian Framework provides a mechanism through which the two governments will consult, sequence, implement and give effect to an affirming decision of the National Parliament, in its consideration of the Referendum Results, in a peaceful, lawful, predictable and mutually respectful manner.

4. Following an affirming decision of the National Parliament on the Referendum Results, in exercising its responsibilities in relation to Part XIV Section 342 (2), the Government of Papua New Guinea and the A utonomous Bougainville Government will work together to follow the pathway outlined in the Melanesian Framework.

5. In the event of an affirming decision of the National Parliament on the Referendum Results the Parties agree that a declaration of self-government by the ABG will signal the beginning of a transitional pathway to Independence that will enable the Government of Papua New Guinea and the Autonomous Bougainville Government to jointly exercise, share or delegate S289 powers.

6. The Parties agree that adoption of this Joint Consultation Report by the National Parliament formally will conclude the Joint Post-Referendum Consultation process undertaken by the Government of Papua New Guinea and the Autonomous Bougainville Government pursuant to Part XIV, S.342 (1) of the National Constitution of Papua New Guinea.

7. The Parties agree that following the final decision of the National Parliament in its consideration of the Referendum Results, and following the adoption of the Joint Consultation Report, all of the National Parliament's responsibilities outlined in S342 will have been concluded.

6.2 Areas of Disagreement

The two Technical Working Groups did not agree to discuss a pathway that would respond to a non- affirming decision of the National Parliament on the Referendum Results.

Part 7: Conclusion to Part XIV Section 342 of the Constitution of Papua New Guinea

ADOPTION by the National Parliament of this Joint Consultation Report formally concludes the Joint Post- Referendum Consultation process undertaken by the Government of Papua New Guinea and the Autonomous Bougainville Government pursuant to Part XIV, S.342 (1) of the Constitution of Papua New Guinea.

The Melanesian Framework is the culmination of the consultation process and preserves the basis for continued engagement between the Parties. The Melanesian Framework offers a peaceful, constitutional and mutually agreed shared pathway forwards.

The final decision of the National Parliament on the Referendum Results will signal the fulfillment of the responsibilities of the National Parliament pursuant to Part XIV, S. 342(2) of the Constitution of Papua New Guinea. The responsibilities of the National Parliament pursuant to Section 342 of Part XIV of the National Constitution will thus be considered to have been fulfilled.

Part 8: Joint Supervisory Body Resolution on Next Steps

The Joint Supervisory Body Resolutions of 5 August 2026 are attached as Annex 16. Joint Consultation Report prepared pursuant to Part XIV Section 342 (1) of the Constitution of Papua New Guinea

Appendix A: Chronology of the Bougainville Peace Process and Constitutional Implementation (1988–2026).

This chronology summarises the principal milestones in the Bougainville peace process, the constitutional implementation of the Bougainville Peace Agreement, and the post-referendum consultations undertaken pursuant to Section 342 of Part XIV of the National Constitution.

It is intended to provide Members of the National Parliament with a concise overview of the progressive steps through which the Parties have sought to resolve the Bougainville question through peaceful dialogue, constitutional implementation and democratic processes.

Phase I – Conflict and Peace Process (1988–2001)

Date	Event	Significance
1988	Armed conflict begins on Bougainville	Escalation of longstanding political, environmental, economic and governance grievances into armed conflict.
1990	Withdrawal of most PNGDF personnel from Bougainville	Conflict continues with clashes between internal divisions among Bougainvillean groups as well as confrontation with the National Government.
October 1994	Arawa Peace Conference	First major attempt to re-establish political dialogue between the parties.
July 1997 October 1997	Burnham Declaration Burnham Truce	Parties commit to peaceful negotiations under New Zealand facilitation following the Sandline crisis. Formal truce agreed and arrangements established for an international Truce Monitoring Group.
January 1998	Lincoln Agreement on Peace, Security and Development	Parties reaffirm commitment to peaceful settlement, permanent ceasefire and constitutional negotiations.
30 April 1998	Permanent Ceasefire comes into effect; Peace Monitoring Group (PMG) succeeds the Truce Monitoring Group	Marks the effective end of armed hostilities and commencement of internationally monitored peace implementation.
30 August 2001	Bougainville Peace Agreement signed at Arawa	Comprehensive political settlement establishing autonomy, weapons disposal and a guaranteed future referendum on Independence.

Phase II – Constitutional Implementation (2002–2020)

Date	Event	Significance
2002	Part XIV inserted into the National Constitution and the Organic Law on Peace-building in Bougainville – Autonomous Bougainville Government and Bougainville Referendum enacted	Constitutional framework established for implementation of the Bougainville Peace Agreement.
2003	United Nations Observer Mission on Bougainville (UNOMB) completes weapons disposal verification; PMG concludes mission (August 2003)	International verification of key security provisions and completion of peace monitoring mission.
June 2005	First Autonomous Bougainville Government elected	Commencement of autonomous government under Part XIV of the National Constitution.
23 November - 7 December 2019	Bougainville Referendum conducted	Referendum held in accordance with the Bougainville Peace Agreement, Part XIV of the National Constitution and the Organic Law.
11 December 2019	Referendum result announced	97.7% of votes cast in favour of independence.
13 December 2019	Return of the Referendum Writ	Formal completion of the referendum process and commencement of the post-referendum constitutional phase.

Phase III – Post-Referendum Constitutional Consultations (2021–2026)

Date	Consultation / Agreement	Principal Outcome
11 January 2021	Joint Communiqué	Parties agree to commence formal consultations under Section 342 and establish a jointly moderated consultation process.
13 May 2021	Sharp Agreement	Accelerated pathway agreed for the drawdown of Section 290 powers and strengthening of autonomous government arrangements pending a final political settlement.
18–19 May 2021	Kokopo Consultations	Technical work commissioned on constitutional interpretation, ratification, parliamentary processes and implementation pathway.
6–7 July 2021	Wabag Consultations	Joint Referendum Result Implementation Roadmap adopted; agreement reached on a pathway towards political settlement within an agreed timeframe.
9 December 2021	Port Moresby Joint Statement	Parties commit to developing an agreed constitutional pathway for presentation of the Referendum results to Parliament.
April 2022	Era Kone Covenant	Shared commitment to present the Referendum results to the 11th National Parliament and continue developing implementation arrangements.
2022–2023	Technical Working Group on Constitutional Regulations	Draft Constitutional Regulations prepared; differing legal interpretations prevent final agreement.
31 July 2023	Joint Supervisory Body	Agreement reached to pursue a Parliamentary Sessional Order, rather than Constitutional Regulations, as the mechanism for implementing Section 342.
2024	Independent Moderated Consultation Process established	Appointment of the Independent Moderator and establishment of an independent secretariat and technical support arrangements.
September 2024 – February 2025	Preparatory Phase	Consultation methodology agreed, technical preparation undertaken; engagement with stakeholders and institutions completed.
March – June 2025	Four Joint Moderated Consultation Sessions	Parties exchange formal positions, identify areas of convergence and divergence, agree consultation methodology, and commence development of a future relationship framework.
June 2025	Burnham Consultations	Intensive discussions on the future relationship between Papua New Guinea and Bougainville and preparation of a joint political agreement.
26 June 2025	Melanesian Agreement	Joint acknowledgement of the legitimacy of the Referendum, Parliament's constitutional role, commitment to peaceful dialogue, and agreement to develop a Melanesian Framework.
2025–2026	Technical Consultations on the Melanesian Framework	Progressive development of a practical framework addressing constitutional transition, sequencing of powers, institutional arrangements, parliamentary process and the future relationship between Papua New Guinea and Bougainville.
2026	Joint Consultation Report completed	Report prepared jointly in fulfilment of Section 342(1) of Part XIV of the National Constitution for presentation to the National Parliament.
2026	Melanesian Framework finalised	Framework completed to assist Parliament in proposing a practical pathway for the continued implementation of the Bougainville Peace Agreement.

Appendix B: Principal Instruments

- Constitution of Papua New Guinea
  https://paclii.austlii.edu.au/pg/legis/consol_act/cotisopng534.pdf
- Organic Law on Peace-building in Bougainville
  https://abg.gov.pg/uploads/documents/organic_law_AROB.pdf
- Bougainville Peace Agreement
  https://peacemaker.un.org/sites/default/files/document/files/2024/05/pg010830bougainvillepeaceagreement.pdf
- Rotokas Record, the Joint Bougainville Ex-Combatants Agreement on Weapons Disposal (3 May 2001) Attached as Annex 1
- Bougainville Referendum Commission Charter (30 August 2017) Attached as Annex 2
- Joint Communique (11 January 2021) Attached as Annex 3
- Joint Supervisory Body Meeting, Sharp Memorial, Arawa Resolutions of The First JSB Proper after the Announcement of the Outcome of the Bougainville Referendum (5 February 2020) Attached as Annex 4
- Sharp Agreement (13 May 2021) Attached as Annex 5
- Kokopo Joint Statement (19 May 2021) Attached as Annex 6
- Wabag Joint Roadmap (6 July 2021) Attached as Annex 7
- Port Moresby Joint Statement (9 December 2021) Attached as Annex 8
- Era Kone Covenant (5 April 2022) Attached as Annex 9
- JSB decision on Sessional Orders (31 July 2023) Attached as Annex 10
- Melanesian Agreement (26 June 2025) Attached as Annex 11
- Melanesian Agreement Joint Communique (17 March 2026) Attached as Annex 12
- Ministers Statement on the Sessional Order/Sessional Order (9 June 2026) Attached as Annex 13
- Bougainville Final Position (23 June 2026) Attached as Annex 14
- Melanesian Framework (5 August 2026) Attached as Annex 15 and tabled separately
- Joint Supervisory Body Resolutions (5 August 2026) To be attached as Annex 16

The Rotakas Record

Joint Bougainville Ex-combatants Agreement on Weapons Disposal Togarau - 3 May 2001

The Bougainville Revolutionary Army and the Bougainville Resistance Force, hereinafter referred to as "The Parties;"

Recognising that, for the most part, they have honoured and abided by the terms and conditions of the Ceasefire Agreement of April 30th, 1998;

Reaffirming their commitment to help secure peace by peaceful means in accordance with the Lincoln Agreement;

Recalling the Agreed Principles on Referendum signed at Kokopo on January 26th, 2001;

Acknowledging that a Weapons Disposal Plan can be implemented without risking the security of any of the parties;

Aware of efforts already being undertaken by all parties to informally register and control weapons in the community;

Committed to the development of peace, democracy and the restoration of fundamental human rights without the threat or the use of weapons;

Hereby resolve:

- To continue to use their best endeavours to locate, identify, control and withdraw their respective weapons in the community;
- That the process of reconciliation between the Parties and the greater Bougainville community is necessary to the achievement of weapons disposal and will continue to be a common shared priority;
- That in areas where, by agreement, the PNG Security Forces undertake not to patrol, BRA and BRF will do their best to gather all arms and hold them securely, relying upon the goodwill and honour of the Commanders;
- That during this phase weapons mis used by ex-combatants will be taken from them;
- That actions to take control of weapons shall be reported to UNOMB, which will verify that they have been taken;

That the following Weapons Disposal Plan shall be put into effect:

WEAPONS DISPOSAL PLAN

Management of Plan

1. The Weapons Disposal process will be managed by a special sub Sub-Committee of the PPCC which will be chaired by the United Nations representative (with the PMG Commander or his delegate as Vice Chairman) and will coordinate the details of the programme on the basis of close consultation with the parties and local communities. This Committee will also resolve such differences as may arise during implementation of the Plan.

Public Awareness

2. Immediately after the signing of this Agreement, the BRA and the BRF will begin a thorough programme of public awareness throughout the island to stimulate the widest possible support for and participation in the Plan.

Implementation of Plan

3. The people in each area will decide when they are ready to move on demilitarization and will so inform the UNOMB representative through their Council of Chiefs/Elders.

4. When the Chiefs or Elders decide, after consultation with the ex-combatants, that an area is ready for demilitarization, it will inform the UNOMB representative, who in turn will notify the Commanders of the PNG Security Forces and the two factions.

5. After such notification the parties will immediately withdraw their forces or dispose of their weapons. This withdrawal/disposal shall be completed within 28 days after the notification by UNOMB.

6. After the PNG Security Forces agree to depart, BRA and BRF will order that all arms not under control will be gathered by Unit Commanders and held securely. The Unit Commanders shall provide a complete inventory of arms held in his area to UNOMB and their respective Headquarters.

7. After arms have been returned to Unit Commanders they shall be delivered to the relevant Company Commanders after the Security Forces withdraw.

8. In any case there will be no withdrawal of the PNG Security Forces from any area until UNOMB has verified the collection of weapons by the relevant Unit Commanders.

9. In implementing this agreement arms held by Company Commanders will be held securely, and once passed into their possession, will not be re-issued and once withdrawn from an area the PNG Security forces shall not be re-deployed in that area. A fresh inventory shall be prepared and handed to UNOMB.

10. After the PNG Security Forces withdraw from each command area the Company Commanders shall deliver arms held by them to one central collection point in each command area. Weapons under the control of BRF may be returned to the PNGDF for delivery to the central armoury.

11. Each step in the process shall be subject to independent verification by UNOMB, whose representative is to be given free access to all locations, documents and files.

Phases of Plan

Phase 1

12. (a) The weapons returned shall be held in secure containment under the control of the parties themselves until the constitutional amendments come into effect.

Phase 2

(b) After the constitutional amendments have come into effect the weapons shall be held in secure containment under the supervision of the UNOMB locked securely with two locks - one from the relevant Commander and the other from the UNOMB representative- until such time as the parties decide how the weapons should be finally dealt with.

Phase 3

13. The decision on how these weapons should be finally dealt with will be made within one month of the constitutional amendments coming into effect.

14. (a) If no decision on the final fate of the weapons is made within that time, the Parties must meet with a view to determining whether or not to hold the Elections despite the absence of the decision and 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 that there has been substantial compliance by the parties in the handing in of weapons and that the level of security of the weapons makes it conducive to holding the elections.

(c) The Parties shall be bound by the verification and certification by the UNOMB with the assistance of the PMG.

Verification

15. At each stage of the process the UNOMB representative shall make such inspections and enquiries as he considers necessary. After he has so satisfied himself he will notify the parties so that the next steps can be taken.

16. The UNOMB representative shall also verify the return of weapons to the Unit and Area Commanders as well as the final hand-over.

17. The UNOMB representative shall hold confidential all information obtained by him in carrying out his duties, and shall advise the Parties and the PPCC regarding compliance with the requirements of the Agreement.

18. All weapons contained shall be properly stored so as to prevent their possible deterioration;

19. This plan shall not be regarded as completed until there has been substantial compliance with this weapons plan and all PNG Security forces have withdrawn from Bougainville.

20. The Governments of Australia and New Zealand shall be requested to provide personnel and technical services to assist the processes of containment and verification under the umbrella/control of the UNOMB through the PMG or by some other appropriate means.

Agreed this 3rd day of May 2001 at Togarau,

General Ishmael Toroama

Chief of Defence
Bougainville Revolutionary Army

Commanders
Bougainville Revolutionary Army

Hilary Masiria

Chairman
Bougainville Resistants Force

Commanders
Bougainville Resistants Force

Steven Topesi

Peter Naguo

Justin Kokiai

Thomas Tari

Glen Bearas

Dominic Babatani

Joe Pakoi

Joe Korerua

Damien Kora

Cosmas Ito

Laurie Patrick

Hilary Loni

Michael Komoiki

Ambrose Omi

Jacob Naisy

Paul Akoitai

Matthew Warapere

AND WITNESSED BY:

Ambassador Noel Sinclair
UNOMB

Amos Tevaria
Chief

James Vasiviri

Tabitha Rueta
Womens' representative

Matt Anderson
PMG

Jeremiah Voiporea
Chief

Martin Varieto

BOUGAINVILLE REFERENDUM COMMISSION CHARTER

I, Grand Chief Sir Bob Dadae, GCL, GCMG, KSt. J, acting with, and in accordance with, the advice of the Papua New Guinea Electoral Commission, given after consultation and agreement between the Papua New Guinea Electoral Commission and the Bougainville Electoral Commissioner issue this charter under Section 58 of the *Organic Law on Peace- building in Bougainville – Autonomous Bougainville Government and Bougainville Referendum,* to take effect according to its terms, to establish the Bougainville Referendum Commission for the purposes of Part IV of that Organic Law.

Date of issue: 30 August 2017

Grand Chief Sir Bob Dadae GCL GCMG
Governor-General
Acting under the authority of Section 82(2) of the
Constitution of the Independent State of Papua New Guinea

BOUGAINVILLE REFERENDUM COMMISSION CHARTER

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Bougainville Referendum Commission Charter

PREAMBLE

A Part XIV Division 7 of the Constitution of the Independent State of Papua New Guinea provides for a Referendum to be held on the future political status of Bougainville.

B The Referendum is to be conducted in accordance with the Organic Law on Peace- building in Bougainville – Autonomous Bougainville Government and Bougainville Referendum (see especially Schedule 1) on a date agreed after consultation between the Government of the Independent State of Papua New Guinea and the Autonomous Bougainville Government, but not later than 15 June 2020.

C On 24 January 2017—

(a) the Governments and the Papua New Guinea Electoral Commission and the Bougainville Electoral Commissioner made an agreement under Section 56(1) of the Organic Law on the administrative requirements for conducting the Referendum; and

(b) the electoral authorities entered into an arrangement under Section 57(6) of the Organic Law to implement the agreement.

D The agreement provides for the electoral authorities to implement the agreement through a body established under Section 58 of the Organic Law.

E The purpose of this charter is to establish that body.

F Under Section Sch.1.3 of the Organic Law it is the duty of the Governments to ensure, as far as it is within their respective legal powers, that all arrangements are made, staff, facilities and funding are provided and all steps are taken to enable and facilitate, as far as may reasonably be, the proper and convenient performance of the functions of the body established by this charter.

PART 1 - PRELIMINARY

1 Aim of charter

This charter establishes the Bougainville Referendum Commission as the agency through which the Referendum referred to in the Preamble is to be conducted, as provided by the agreement and arrangement referred to in the Preamble.

2 Commencement

This charter comes into operation on the date of its issue.

3 Interpretation

(1) In this charter, unless the contrary intention appears—

Allowance means an allowance for travel, accommodation, meals or other matters arising in the course of the performance of the functions of the Commission;

Autonomous Bougainville Government *means* the Autonomous Bougainville Government established by the Bougainville Constitution;

Board of Commissioners *means* the board established under Section 5;

Bougainville Chief Secretary *means* the person holding or acting in the office of Chief Secretary under Section 11 of the Bougainville Public Services (Management and Administration) Act 2014;

Bougainville Constitution *means* the Constitution of the Autonomous Region of Bougainville adopted by the Bougainville Constituent Assembly at Buin on 12 November 2004;

Bougainville Electoral Commissioner *means* the person holding or acting in the office of the Bougainville Electoral Commissioner established under Section 106(1) of the Bougainville Constitution;

Bougainville Executive Council *means* the Bougainville Executive Council provided for in Part VI Division 2 of the Bougainville Constitution;

Bougainville Gazette *means* the official journal of that name of the Autonomous Bougainville Government provided for by Section 226 of the Bougainville Constitution;

Bougainville Parliament *means* the House of Representatives established by Section 55 of the Bougainville Constitution;

Bougainville Public Service *means* the Bougainville Public Service established under Section 138(1)(a) of the Bougainville Constitution;

Bougainville Referendum *means* the Referendum for which provision is made under Part XIV Division 7 of the National Constitution;

Chair means—

(a) for the Board of Commissioners – the Commissioner appointed under Section 5(2)(a) or, if there is a vacancy in the office of that Commissioner, the National Electoral Commissioner and the Bougainville Electoral Commissioner acting jointly as set out in Section 7(5)(a); or

(b) for the Transitional Committee – the National Electoral Commissioner and the Bougainville Electoral Commissioner acting jointly as set out in Section 6(3);

Chief Referendum Officer *means* the person holding or acting in the office of Chief Referendum Officer under Section 14;

Commission *means* the Bougainville Referendum Commission established by Section 4;

Commissioner *means* —

(a) a member of the Board of

Commissioners (including the National Chief Secretary or the Bougainville Chief Secretary acting as a Commissioner under Section 7(5)(b) or (c) and an officer acting as a Commissioner under Section 10(1) or (2)); or

(b) a member of the Transitional Committee (including an officer acting as a Commissioner under Section 10(1) or (2));

constitutional office-holder *means*—

(a) a constitutional office-holder within the meaning of Section 221 of the National Constitution; or

(b) a person who is a Bougainville constitutional office-holder under Section 189 of the Bougainville Constitution;

governing body *means* —

(a) the Board of Commissioners; or

(b) the Transitional Committee;

Joint Supervisory Body *means* the Joint Supervisory Body established by Section 332 of the National Constitution;

last petition date *means* the last date for the filing of a petition disputing the result of the Bougainville Referendum;

Note for definition of last petition date—See Section Sch.1.157(4) of the Organic Law on Peace- Building in Bougainville – Autonomous Bougainville Government and Bougainville Referendum.

National Chief Secretary *means* the person holding or acting in the office of Chief Secretary to Government established under Section 19 of the Prime Minister and National Executive Council Act 2002 of the National Parliament;

National Constitution *means* the Constitution of the Independent State of Papua New Guinea;

National Electoral Commission *means* the Electoral Commission continued in establishment under Section 5 of the Organic Law on National and Local-level Government Elections;

National Electoral Commissioner *means* the person holding or acting in the office of Electoral Commissioner established under Section 5 of the Organic Law on National and Local-level Government Elections;

National Executive Council *means* the National Executive Council established by Section 149 of the National Constitution;

National Gazette *means* the official journal of that name of the National Government provided for by Section 252 of the National Constitution;

National Government *means* the Government of the Independent State of Papua New Guinea;

National Parliament *means* the National Parliament established by Section 99 of the National Constitution;

National Public Service *means* the National Public Service established by Section 188(1)(a) of the National Constitution;

Secretariat of the Commission *means* the staff assigned to or employed by the Commission under Section 14 and includes the Chief Referendum Officer;

Transitional Committee *means* the Committee established under Section 6.

(2) Notes in this charter do not form part of the charter.

PART 2 - BOUGAINVILLE REFERENDUM COMMISSION

4 Establishment

(1) The Bougainville Referendum Commission is established.

(2) The Commission—

(a) is a body corporate; and

(b) has perpetual succession and a common seal; and

(c) may sue and be sued in its corporate name; and

(d) has all the powers of a natural person that are capable of being exercised by a body corporate.

(3) However, the Commission is not entitled to establish a body corporate subsidiary.

(4) If a document appears to bear the common seal of the Commission, it will be presumed, in the absence of proof to the contrary, that the document was duly executed by the Commission.

PART 3 - GOVERNING BODY

Note for Part 3—Until a person is first appointed as the Chair of the Board of Commissioners, the Transitional Committee is the governing body of the Commission. After the Chair is appointed, the Board of Commissioners is the governing body of the Commission until 3 months after the last petition date. After that, the Transitional Committee is again the governing body of the Commission until the Commission is wound up.

The Commission acts through its governing body (either the Board of Commissioners or the Transitional Committee) and a decision of the Board of Commissioners or the Transitional Committee is a decision of the Commission.

5 Board of Commissioners

(1) A Board of Commissioners is to be established to govern the Commis sion.

(2) The Board of Commissioners is to consist of the following members—

(a) a person appointed by the Joint Supervisory Body by notice in both the National Gazette and the Bougainville Gazette (who will be the Chair of the Board of Commissioners and executive head of the Commission);

(b) the National Electoral Commissioner;

(c) the Bougainville Electoral Commissioner;

(d) 2 persons appointed by the National Executive Council by notice in the National Gazette;

(e) 2 persons appointed by the Bou gainville Executive Council by notice in the Bougainville Gazette.

(3) A person is not eligible to be a ppointed under Subsection (2)(a), (d) or (e) if—

(a) the person is a member of, or a candidate for election to, the National Parliament or the Bougainville Parliament; or

(b) the person is a constitutional office-holder; or

(c) the person is an officer of the National Public Service or the Bougainville Public Service; or

(d) the person has been sentenced to imprisonment and is, or could on the happening of some contingency become, liable to serve the sentence or the remainder of the sentence.

(4) At least 1 of the persons appointed under Subsection (2)(d), and 1 of the persons appointed under Subsection (2)(e), must be a woman.

6 Transitional Committee

(1) A Transitional Committee is to govern the Commission—

(a) from the commencement of this charter until the date on which

a person first becomes the Chair of the Board of Commissioners under Section 5(2)(a); and

(b) from 3 months after the last petition date until the winding up of the Commission under Section 25.

(2) The Transitional Committee consists of the following members—

(a) the National Electoral Commissioner;

(b) the Bougainville Electoral Commissioner;

(c) the National Chief Secretary;

(d) the Bougainville Chief Secretary.

(3) The National Electoral Commissioner and the Bougainville Electoral Commissioner are to jointly act as Chair of the Transitional Committee and, while the Transitional Committee governs the Commission, the executive head of the Commission.

7 Vacancies in office

(1) This section applies while the Board of Commissioners is governing the Commission.

(2) The office of a Commissioner appointed under Section 5(2)(a), (d) or (e) becomes vacant if the Commissioner—

(a) dies; or

(b) resigns by written notice to the Chair or, in the case of the Chair, to the Prime Minister of the Independent State of Papua New Guinea and the President of the Autonomous Region of Bougainville; or

(c) becomes a member of, or a candidate for election to, the National Parliament or the Bougainville Parliament; or

(d) becomes a constitutional office-holder; or

(e) becomes an officer of the National Public Service or the Bougainville Public Service; or

(f) is sentenced to imprisonment and is, or could on the happening of some contingency become, liable to serve the sentence or the remainder of the sentence; or

(g) is removed from office by the Joint Supervisory Body for serious misconduct, serious neglect of duty, or physical or mental incapacity, after having been given a reasonable opportunity to show cause as to why the Commissioner should not be so removed from office.

(3) A Commissioner appointed under Section 5(2)(a), (d) or (e) cannot be removed from office except in accordance with Subsection (2)(g).

(4) Notice of a vacancy in the office of a Commissioner under Subsection (2) must be published in the National Gazette and the Bougainville Gazette.

(5) The following rules apply—

(a) for any period for which there is a vacancy in the office of the Commissioner referred to in Section 5(2)(a), the National Electoral Commissioner and the Bougainville Electoral Commissioner are to jointly act as Chair of the Board of Commissioners and executive head of the Commission;

(b) for any period for which there is a vacancy in the office of either or both of the Commissioners referred to in Section 5(2)(d), the National Chief Secretary is to act as a Commissioner;

(c) for any period for which there is a vacancy in the office of either or both of the Commissioners referred to in Section 5(2)(e), the Bougainville Chief Secretary is to act as a Commissioner.

(6) For Subsection (5)—

(a) there is a vacancy in the office of a Commissioner if no person has been appointed to the office in accordance with Section 5 or no appointment has been made in accordance with that section to fill a vacancy in the office; and

(b) the vacancy continues only until an appointment is made in accordance with that section.

8 Validity of acts or proceedings

No act or proceeding of the Commission is invalid by reason of—

(a) a vacancy in the office of a Commissioner; or

(b) a defect in the appointment of a Commissioner.

9 Procedures

(1) Subject to this section, the governing body is to determine its own procedures.

(2) The Chair is to fix the date, time and place for a meeting of the governing body.

(3) The Chair must arrange a meeting of the governing body if requested to do so by another Commissioner.

(4) A quorum of the governing body consists of 4 Commissioners and no business may be transacted at a meeting unless a quorum is present.

(5) A meeting of the governing body is to be presided over by—

(a) the Chair; or

(b) if the Chair is absent from the meeting – a Commissioner chosen by those present.

(6) The governing body may hold a meeting by electronic communication, without the Commissioners being present in 1 place, but the Commissioners must be able to speak to, and hear, each other contemporaneously.

(7) At a meeting of the governing body—

(a) a question arising for decision is to be decided by consensus if possible; and

(b) if consensus cannot be reached – the question is to be decided by a majority of votes cast by the Commissioners present, with the Commissioner presiding at the meeting having a casting vote as well as a deliberative vote.

(8) If the National Electoral Commissioner and the Bougainville Electoral Commissioner are jointly presiding at a meeting of the governing body and cannot agree on how to exercise a casting vote, the casting vote may not be exercised.

10 Absence of Chief Secretary from meeting

(1) If the National Chief Secretary is, or is acting as, a Commissioner, the National Chief Secretary may appoint an officer of the National Public Service (including an officer for the time being performing particular duties or holding or acting in a particular position) to act as a Commissioner and attend a meeting or meetings of the governing body in the absence of the National Chief Secretary from the meeting or meetings.

(2) If the Bougainville Chief Secretary is, or is acting as, a Commissioner, the Bougainville Chief Secretary may appoint an officer of the Bougainville Public Service (including an officer for the time being performing particular duties or holding or acting in a particular position) to act as a Commissioner and attend a meeting or meetings of the governing body in the absence of the Bougainville Chief Secretary from the meeting or meetings.

(3) An appointment under this section—
(a) must be by instrument in writing; and
(b) must specify a period for which it is to remain in force or the meeting or meetings to which it relates; and
(c) is revocable at will.

11 Disclosure of interests

(1) If a Commissioner has a personal interest in a matter being considered, or about to be considered, by the governing body, the Commissioner must disclose to the other Commissioners, as soon as practicable after the relevant facts come to the Commissioner's knowl edge—
(a) the nature and extent of the interest;
and
(b) how the interest relates to the matter being considered, or about to be considered.

(2) A Commissioner will be taken to have a personal interest in a matter if the Commissioner—
(a) has a direct or indirect financial interest in the matter; or
(b) has a personal, professional, commercial or other relationship with a person and the nature of the relationship is likely to, or may reasonably be regarded as likely to, inhibit or prevent the Commissioner from exercising independent judgment about the matter.

(3) In addition, if the Commissioner is an officer appointed under Section 10(1) or (2), the Commissioner will be taken to have a personal interest in a matter if the National Chief Secretary or Bougainville Chief Secretary (as the case requires)—
(a) has a direct or indirect financial interest in the matter; or
(b) has a personal, professional, commercial or other relationship with a person and the nature of the relationship is likely to, or may reasonably be regarded as likely to, inhibit or prevent the National Chief Secretary or Bougainville Chief Secretary (as the case requires) from exercising independent judgment about the matter.

(4) The Commissioner need not give notice of an interest if the interest is an interest shared with the public generally or a substantial section of the public.

(5) The disclosure must be recorded in the record of the meeting at which, or before which, the disclosure is made.

(6) A Commissioner who is required to disclose an interest in a matter—
(a) must not take part in any deliberation or decision of the governing body about the matter; and
(b) must be absent from the meeting room, or excluded from the electronic communication by which the meeting is being held, when any deliberation or voting on the matter is taking place.

(7) However, a failure by a Commissioner to disclose an interest in a matter does not, on its own, invalidate any decision of the governing body about the matter.

12 Committees

(1) Subject to this section, the governing body may establish committees to provide advice to the governing body relevant to the functions of the Commission.
(2) The membership of a committee is to be determined by the governing body and may include persons who are not Commissioners.

(3) The governing body must appoint a person as the presiding member of a committee, or make provision for the appointment of a presiding member by the committee.

(4) The governing body may remove a member from a committee, alter the membership of a committee, or remove a person as the presiding member of a committee, as it considers appropriate.

(5) A committee may, subject to any directions of the governing body, determine its own procedures.

13 Remuneration, allowances and reimbursement of expenses

(1) The Joint Supervisory Body is to determine the amount of any remuneration and allowances payable to Commissioners and the basis on which Commissioners are entitled to allowances or to be reim bursed expenses, taking into ac count—
(a) the entitlements of constitutional office-holders; and
(b) the requirements for Commissioners to participate in meetings of the governing body and the extent to which Commissioners are likely to be required to undertake duties as Commissioners outside of those meetings.

(2) However, the following persons, while entitled to allowances or to be reimbursed expenses in accordance with Subsection (1), are not entitled to any other form of remuneration for performing duties as a Commissioner—
(a) the National Electoral Commissioner;
(b) the Bougainville Electoral Commissioner;
(c) the National Chief Secretary;
(d) the Bougainville Chief Secretary;
(e) an officer appointed under Section 10(1) or (2) to act as a Commissioner.

(3) Subsection (2) does not prevent the person receiving the remuneration ordinarily payable for the office held by the person.

(4) The Commission is to determine the amount of any allowance payable to a member of a committee of the Commission who is not a Commissioner and the basis on which such a member is entitled to an allowance or reimbursement of expenses.

PART 4 — SECRETARIAT OF THE COMMISSION

14 Secretariat

(1) The governing body is to be provided administrative support by a Secretariat.

(2) In accordance with Section Sch.1.3(2) of the Organic Law on Peace-building in Bougainville – Autonomous Bougainville Government and Bougainville Referendum, officers of the National Electoral Commission, the office of the Bougainville Electoral Commissioner, the National Public Service and the Bougainville Public Service are to be assigned to the Secretariat of the Commission as staff of the Commission.

(3) An officer assigned to the Secretariat of the Commission

remains an officer of the National Electoral Commission, the office of the Bougainville Electoral Commissioner, the National Public Service or the Bougainville Public Service (as the case requires), but while assigned to the Secretariat, lawful directions given to the officer by or on behalf of the Commission prevail over any other directions given to the officer, to the extent of any inconsistency.

(4) The National Government or Autonomous Bougainville Government remains responsible for the remuneration of an officer assigned to the Secretariat of the Commission, but any reimbursement of expenses or payment of allowances is a matter for the Commission.

(5) The Commission may employ other staff (who are not officers of the National Electoral Commission, the office of the Bougainville Electoral Commissioner, National Public Service or Bougainville Public Service) in the Secretariat on terms and conditions determined by the Commission.

(6) The Commission is responsible for all remuneration, allowances and reimbursement of expenses for staff employed by the Commission.

15 Chief Referendum Officer

(1) The Commission is to appoint a person assigned to or employed in the Secretariat as the Chief Referendum Officer.

(2) The Chief Referendum Officer is the chief executive of the Commission.

(3) All staff assigned to or employed in the Secretariat are responsible to the Chief Referendum Officer.

(4) The power to appoint under Subsection (1) includes power—
(a) to remove or suspend a person so appointed; and
(b) to appoint a person assigned to or employed in the Secretariat to act in the office of the Chief Referendum Officer during a vacancy in the office or an absence of the Chief Referendum Officer.

Note for Subsection (4)—While removed or suspended from office as the Chief Referendum Officer, the person would remain assigned to or employed in the Secretariat, subject to action being taken under Section 17.

(5) The Chief Referendum Officer must attend each meeting of the governing body (but is not entitled to cast a vote on any question arising for decision), subject to the governing body or the Chair granting leave of absence.

(6) The Chief Referendum Officer must ensure that accurate records are kept of the meetings and decisions of the governing body.

16 Relationship between governing body and Secretariat

An individual Commissioner has no direct authority over a person assigned to or employed in the Secretariat with respect to the way in which the person performs official functions.

Note for Section 16—However, the Chief Referendum Officer is responsible to the governing body for the performance of the Chief Referendum Officer's functions and the other staff are responsible, through the Chief Referendum Officer, to the governing body for the performance of their functions.

17 Termination of assignment to or employment in Secretariat

The Commission may, on the recommendation of the Chief Referendum Officer—
(a) terminate the assignment of an officer to the Secretariat; or
(b) terminate the employment of a person employed under Section 14(5) in accordance with the person's terms and conditions of employment.

PART 5 — FUNCTIONS AND POWERS OF COMMISSION

18 Functions and guiding principles

(1) The Commission has the functions assigned to it under the Organic Law on Peace- building in Bougainville – Autonomous Bougainville Government and Bougainville Referendum or any applicable law within the meaning of Section 63 of that Organic Law.

(2) In the performance of its functions, the Commission is to be guided by the following principles—
(a) **Neutrality:** The Commission should make its decisions free from undue influence or partisan control, including from political interest groups, observers, the National Government, the Autonomous Bougainville Government and any other person.
(b) **Impartiality:** The Commission should be impartial in all its work and, in particular, in its dealings with voters and interest groups and should treat all persons equally, fairly and justly according to formally established rules and procedures.
(c) **Transparency:** The Commission should communicate matters relevant to its operational and financial decisions in a regular, concise and timely manner so as to ensure that persons are fully informed about matters relevant to their interests and to promote effective consultation, with a view to furthering the integrity of the referendum process.
(d) **Professionalism:** The Commission should conduct its operations in an accurate, competent, efficient and cost effective manner through competent Commissioners and staff so as to maintain trust and confidence in the referendum process.
(e) **Inclusivity:** The Commission should seek to consult interested persons and address concerns and questions as effectively as possible to guarantee inclusive participation.

19 Financial management

Under Section 56(2)(b) of the Organic Law on Peace-building in Bougainville – Autonomous Bougainville Government and Bougainville Referendum and the agreement referred to in the Preamble, the Commission must manage its own finances in accordance with Part VIII of the Public Finances (Management) Act 1995 of the National Parliament.

Note for Section 19—It is intended that a Trust Account will be established under Section 15 of the Public Finances (Management) Act 1995 of the National Parliament for the purposes of the Commission.

20 Independence

Under Section 59 of the Organic Law on Peace-building in Bougainville – Autonomous Bougainville Government and Bou-

gainville Referendum, except as expressly provided in that Organic Law, the Commission is not subject to direction by any person, including the National Government and the Autonomous Bougainville Government.

21 Prohibition on political activity

Under Section 60 of the Organic Law on Peace-building in Bougainville – Autonomous Bougainville Government and Bougainville Referendum—

(a) the Commission must carry out its duties in an impartial manner without regard to the outcome of the Bougainville Referendum; and

(b) in particular, the Commission must not engage in promoting any particular outcome of the *Bougainville Referendum, or support any person or group promoting a particular outcome of the Bougainville Referendum.*

Note for Section 21—Also see Section Sch.1.8 of the Organic Law, which imposes similar obligations on Referendum personnel.

Under Sections Sch.1.9 and Sch.1.10 of the Organic Law, the Commission's functions include:

- *the promotion of informed debate on each side of the question or questions to be put at the Bougainville Referendum; and*
- *encouraging wider public interest and involvement in ensuring that the Bougainville Referendum is conducted in a free and fair manner; and*
- *the recognition of interest groups for purposes including polling and scrutiny.*

22 Commission offices

The Commission may establish offices as reasonably required for the performance of its functions, but its principal office is to be in Bougainville.

23 Annual and other reports

(1) The Commission must, on or before 31 March in each year, provide the Joint Supervisory Body with a written report of its operations during the previous calendar year.

(2) The Commission must, in accordance with a request of the Joint Supervisory Body, provide a written report at any other time relating to its operations.

(3) The Speaker of the National Parliament must arrange for each report provided to the Speaker by the Commission to be tabled, within 2 sitting days of receipt of the report, in the National Parliament.

(4) The Speaker of the Bougainville Parliament must arrange for each report provided to the Speaker by the Commission to be tabled, within 2 sitting days of receipt of the report, in the Bougainville Parliament.

(5) The sitting days do not need to be in the same session or term of the National Parliament or Bougainville Parliament.

PART 6 — WINDING UP OF COMMISSION

24 Winding up report

(1) The Commission must, within 3 months after the completion date of the Bougainville Referendum, provide the Joint Supervisory Body, the Speaker of the National Parliament and the Speaker of the Bougainville Parliament with a written report—

(a) of the operations of the Commission since the end of the period covered by the most recent annual report; and

(b) setting out details of the consultation and any agreement between the National Electoral Commission and the Bougainville Electoral Commissioner for the winding up of the Commission, including details of—

(i) the assets of the Commission and how it is proposed to dispose of those assets; and

(ii) the liabilities of the Commission and how it is proposed to dis charge or transfer those liabilities; and

(iii) any arrangements relating to staff employed in the Secretariat immediately before the winding up of the Commission.

(2) The Speaker of the National Parliament must arrange for the report to be tabled, within 2 sitting days of receipt of the report, in the National Parliament.

(3) The Speaker of the Bougainville Parliament must arrange for the report to be tabled, within 2 sitting days of receipt of the report, in the Bougainville Parliament.

(4) The sitting days do not need to be in the same session or term of the National Parliament or Bougainville Parliament.

(5) In this section— completion date of the Bougainville Referendum means—

(a) the last petition date; or

(b) if a petition is filed disputing the result of the Bougainville Referendum – the date on which the proceedings are finally determined, dismissed or withdrawn (provided that is later than the last petition date).

Note for Section 24—Under Section 6, the governing body of the Commission reverts to being the Transitional Committee 3 months after the last petition date.

25 Winding up

(1) The Head of State of the Independent State of Papua New Guinea may, by notice in the National Gazette and the Bougainville Gazette, wind up the Commission.

(2) A notice may only be made under Subsection (1) if—

(a) the Head of State acts with, and in accordance with, the advice of the National Electoral Commission; and

(b) that advice is given after consultation and agreement between the National Electoral Commission and the Bougainville Electoral Commissioner; and

(c) the Joint Supervisory Body has agreed to the making of the notice.

(3) A notice under Subsection (1) may contain—

(a) provisions for the disposal of assets of the Commission; and

(b) provisions for the discharge or transfer of the liabilities of the Commission; and

(c) arrangements relating to staff employed in the Secretariat immediately before the winding up of the Commission; and

(d) any other provisions reasonably required for the winding up of the Commission.

(4) A notice under Subsection (1) takes effect according to its terms.

(5) Notice of the winding up of the Commission must also be published in each available newspaper as defined in Section 53

of the Organic Law on Peace-building in Bougainville – Autonomous Bougainville Government and Bougainville Referendum.

(6) A notice under Subsection (1) or (5) must describe the effect of Section 26.

(7) It is the duty of the National Government and the Autonomous Bougainville Government to give effect to a notice under Subsection (1).

(8) On the winding up of the Commission, the governing body and Secretariat cease to exist.

26 Civil proceedings involving Commission after winding up

(1) For the purposes of civil proceedings commenced before the winding up of the Commission and to which the Commission was a party immediately before its winding up, on the winding up of the Commission, Papua New Guinea and the Autonomous Bougainville Government are substituted for the Commission as parties to the proceedings.

(2) For the purposes of civil proceedings not commenced before the winding up of the Commission and that could have, but for the winding up of the Commission, been brought against the Commission, the proceedings may instead be brought against Papua New Guinea and the Autonomous Bougainville Government.

PART 7 — MISCELLANEOUS

27 Protection from liability

(1) Subject to this section, no civil liability attaches to a Commissioner, member of the Secretariat or member of a committee established by the governing body for an act or omission in the exercise or purported exercise of official functions or powers.

(2) An action that would, but for Subsection (1), lie against a person lies instead against the Commission.

(3) This clause does not prejudice rights of action of the Commission in respect of an act or omission of a person not in good faith.

28 Confidentiality

A Commissioner, member of the Secretariat or member of a committee established by the governing body must not divulge personal information (including information about how a person voted or intends to vote in the Bougainville Referendum) obtained in the performance of the functions of the Commission except—

(a) in the course of the performance of those functions; or
(b) in legal proceedings under the Organic Law on Peace-building in Bougainville – Autonomous Bougainville Government and Bougainville Referendum; or
(c) as authorised by law; or
(d) with the consent of the person to whom the information relates.

29 Amendment of charter

(1) The Head of State of the Independent State of Papua New Guinea may, by notice in the National Gazette and the Bougainville Gazette, amend this charter.

(2) A notice may only be made under Subsection (1) if—
(a) the Head of State acts with, and in accordance with, the advice of the National Electoral Commission; and
(b) that advice is given after consultation and agreement between the National Electoral Commission and the Bougainville Electoral Commissioner (as required by Section 58(3) of the Organic Law on Peace-building in Bougainville – Autonomous Bougainville Government and Bougainville Referendum); and
(c) the Commission has agreed to the making of the notice.



Joint Communique on the Outcome of the Bougainville Referendum

11 January 2021

IN furthering the Bougainville Peace process in the Post Referendum period and having met today, we officially reaffirm and assure the people of Papua New Guinea and Bougainville that the Governments of PNG and Bougainville are committed to the process of the joint consultations on the outcome of the referendum.

The signing of the Joint Communique today signals our intention to immediately commence the joint consultations as is required by the National Constitution under Section 342 (1) and the Bougainville Peace Agreement under Clause 311 (b) for the Government of Papua New Guinea and the Autonomous Bougainville Government to consult over the outcome or result of the Bougainville referendum.

This Joint Communique affirms that as required by the Bougainville Peace Agreement, the referendum outcome will be subject to ratification (final decision making) of the National Parliament while Section 342 (2) of the National Constitution has prescribed that the decision of the National Parliament, relating to the referendum result is subject to consultation under Section 342 (1).

The Joint Communique builds on the tremendous achievements of both Governments on the Bougainville Peace process and embraces fully the statement of established facts and principles as outlined herewith;

- That the Bougainville Peace Agreement provides for a political right to Bougainvilleans to a referendum among Bougainvilleans, on the future political status of Bougainville; and

- That the National Government had guaranteed that political right through Section 338 (1) of the National Constitution; and

- That the constitutional guarantee for the referendum under Section 338 (1) of the National Constitution depended on the Autonomous Bougainville Government's (ABG) fulfillment of conditions relating to weapons disposal and good governance, of which the ABG satisfactorily met; and

- That the choice for separate independence was guaranteed under Section 339 (c) of the National Constitution as one of a number of possible choices available to Bougainvilleans in the referendum; and

- That the both Governments had agreed to the definition of independence before the conduct of the referendum to mean 'an independent nation with sovereign powers and laws, recognized under international law and by other international states to be an independent state, separate from the state of Papua New Guinea, with a defined territory, inclusive of maritime boundaries and associated exclusive economic zones; and a government chosen by its people; and capacity to enter into and manage international relations and United Nations membership'; and

- That the referendum question and the following two choices of option
  1 – Greater Autonomy, and option
  2 – Independence was presented to Bougainvilleans in the referendum and were intended to facilitate a clear result:; and

- That the referendum was conducted by an impartial Bougainville Referendum Commission (BRC), headed by Mr. Bertie Ahern of Ireland, which comprised of a fair number of representatives from the National Government and the Autonomous Bougainville Government; and

- The referendum that was held between November and December 2019 and witnessed by international observers was free and fair, and according to observer groups "credible, transparent and inclusive"; and

- That a total number of 181,067 Bougainvilleans voted in the referendum, out of that 97.7 % of them chose independence; and

- That the report of the Bougainville Referendum Commission was tabled in both the National Parliament and the Bougainville House of Representatives, and was unanimously endorsed by both parliaments.

In adopting fully these established facts and principles; we hereby agree that the upcoming joint consultations will be moderated by an appointed Moderator and would be, but not limited to, addressing the key issues on the future political status of Bougainville, the method of endorsement by the National Parliament and the Documentation of record of the joint consultation.

Finally, in memory of the late Sir Mekere Morauta, for his contributions to the Bougainville Peace process as a former Prime Minister of our Nation and for his role as a signatory to the Bougainville Peace Agreement in 2001, this Joint Communique embodies both our Government's sincerity to continued peace by peaceful means. God Bless our people of Papua New Guinea and Bougainville.

Source: https://reliefweb.int/report/papua-new-guinea/occasion-signing-joint-communique-prime-minister-papua-new-guinea-honourable

Annex 4

JOINT SUPERVISORY BODY MEETING

SHARP MEMORIAL, ARAWA

5TH FEBRUARY, 2020

RESOLUTIONS OF THE FIRST JSB PROPER AFTER THE ANNOUNCEMENT OF THE OUTCOME OF THE BOUGAINVILLE REFERENDUM

OFFICIAL STATEMENTS BY PRIME MINISTER OF PAPUA NEW GUINEA HON. JAMES MARAPE, MP AND PRESIDENT OF AUTONOMOUS REGION OF BOUGAINVILLE HON. ISHMAEL TOROAMA, MHR.

In appreciation of the continued peace between our Governments and our people as enabled by the Bougainville Peace Agreement, we, in our humility, praise and acknowledge that our Lord is above all and that this Resolution is commended to God for his wisdom and guide on us his servants.

We acknowledge that this is the first JSB co-chaired by the Honourable President of Bougainville Ishmael Toroama and on that note, we recognise that this is a new era of dialogue through peace by peaceful means.

We fully pledge support to each other to continue to maintain and strengthen our relationships at all levels of leadership.

Having met today at the Sharp Memorial Centre in Arawa, we note the recommendations of the Joint Technical Team meeting of February 5, 2021 and endorse the following resolutions;

Agenda 1: Joint Communique on the Outcome of the Bougainville Referendum

a) The JSB notes the intentions of the Joint Communique to be the road map to the Inter-Government joint consultations and that the Joint Communique aims to create a mutual understanding and agreement on implementation of the Referendum outcome and defining next steps.

b) The JSB notes that the Joint Communique on the Outcome of the Bougainville Referendum was signed on January 11, 2021 at the Sir Manasupe Haus, Port Moresby by the Honourable Prime Minister James Marape, MP and the Honourable President Ishmael Toroama, MHR and witnessed by GoPNG and ABG Attorney Generals Hon. Pila Niningi and Hon. Ezekiel Masatt.

c) The JSB accepts and endorses the Joint Communique as the road map to consultations on the Outcome of the Bougainville Referendum.

- **Sharp Agreement on the Dispensation of the Constitutional Requirements relating to the Process of Transfer of Functions and Powers:**

  In the context of the 97.7% vote for Independence by the people of Bougainville in the 2019 Bougainville Referendum;

  (I) The JSB notes the explanation of the ABG on the intent of the 'Sharp Agreement on the Dispensation on the Constitutional Requirements relating to the Transfer of Functions and Powers to fast track the process under Section 290 of the National Constitution.

(II) The JSB notes that the ABG has provided to the GoPNG State Solicitors the document on the Sharp Agreement and notes that the GoPNG State Solicitors have yet to provide legal feedback on the document hence the JSB recommends that a timeframe of two weeks is accorded to provide legal clearance on behalf of the National Government.

(III) The JSB accepts the *Sharp Agreement on the Dispensation of the Constitutional Requirements relating to the Process of Transfer of Functions and Powers* and directs that the legal clearance on behalf of the National Government is completed within the timeframe and that the 'Sharp Agreement' is signed no earlier than 19th February and no later than 26th February 2021, before the commencement of the Inter-Government Joint Consultations in 4th and 5th March, 2021.

Agenda 2: Bougainville Economic and Investment Summit

a) The JSB acknowledges the JTT recommendations and endorses that Bougainville Economic and Investment Summit be held from 5th to 6th May, 2021 in Arawa, Central Bougainville.
b) The JSB cautions that the venue be considered carefully as the JSB expects that the venue must be sufficient to cater for the large number of stakeholders to the Bougainville Economic and Investment Summit.

Agenda 3: BCL Shares

I. The JSB acknowledges the work in progress on the transfer of BCL shares to ABG's Bougainville Minerals Limited,
II. The JSB endorses the work in progress brief on the transfer of BCL shares.
III. The JSB emphasises that lead agencies responsible for this agenda timeframe the transfer of shares and report to the JSB the progress of this agenda.

Agenda 4: Fisheries

a) The JSB notes the update provided by GoPNG on the signing of the NFA MOU and the presentation of the K5 million cheque and the handing over of the keys to the NFA Duplex in Buka, Bougainville.

b) The JSB endorses that the K5 million for 2020 will be paid to ABG consolidated revenue and the K5 million for 2021 will be paid into the ABG Fisheries Revenue Trust Account.

c) The JSB acknowledges the presentation of the K5 million cheque and the key to the NFA duplex and the signing of the NFA MOU.

d) The JSB recommends that any further updates on this agenda be progressed outside of the JSB.

e) The JSB notes the JTT recommendations;
   I. On the option for ABG to consider Investment from the fisheries revenue,
   II. for both governments to prioritise creation of investment in the fisheries sector to generate revenue,
   III. and ABGs intention to develop a Tuna Cannery in Bougainville,

f) The JSB endorses that ABG benefits from revenue generated from PNG waters associated with Bougainville waters and that the JSB instructs that any matters arising and relating to International borders and waters associated with PNG sovereign territories must be respected as the exclusive function and power of the Government of Papua New Guinea.

g) The JSB directs that the Departments responsible for this agenda, report to the next JSB on progresses made on this matter.

Agenda 5: Taxation

a) The JSB notes the progressive updates by the Internal Revenue Commission and the Bougainville Tax Office on this matter.

b) The JSB endorses that the formula of the taxation structure of 70 percent to GoPNG and 30 percent to ABG be reversed to now accommodate for a new taxation structure of 30 percent to GoPNG and 70 percent to ABG and directs that the technical officials of both Governments further explore ways to effect this decision.

c) The JSB directs that the technical officials from both Governments explore options on amending or wavering the benchmarks of fiscal-self-reliance prescribed under the Organic Law on Peace Building on Bougainville 2002 and the BPA.

d) The JSB instructs that the Departments responsible on this matter, report to the next JSB the work in progress on these decisions.

Agenda 6: National Government SME funding

I. The JSB notes that clarification provided by GoPNG on BSP and NDB dispatching the SME funding allocated to Bougainville by the Government of Papua New Guinea.

II. The JSB direct that the BSP and NDB provide further clarity to the ABG for ease of access to SME funds.

Agenda 7: Foreign Missions Office in Bougainville

I. The JSB notes the Prime Minister's clarification on ABG's engagement with Development Partners.

II. The JSB notes that as per his correspondence of 21 January 2021, the Prime Minister will direct the Foreign Affairs Department to establish an office purely responsible for Bougainville matters and facilitate development cooperation and trade arrangements for Bougainville with all development partners.

III. The JSB directs that the Department of Foreign Affairs and International Trade facilitate the coordination of Bougainville's Development and Trade assistance.

Agenda 8: Financial Issues

a. The JSB notes the clarification on the Prime Minister's commitment of K100 million per year for ten year (2020 to 2030) is outside of the 2001 BPA and that the funding is intended for special infrastructure development in Bougainville.

b. The JSB notes and directs officials from both ABG and GoPNG to explore options for the ABG's proposal for a Sovereign Guarantee loan against the RDG Arrears of K621 million as per calculation of 2018 by the UN engaged expert.

c. The JSB notes and approves the Prime Minister's commitment for a One Line Budget Item system for the ABG and directs officials of both governments to fast track work on this agenda.

d. The JSB recommends the establishment of a joint technical working group comprising officials from the ABG and the National Government Departments with NCOBA, PM & NEC as the lead agency coordinating with the Departments of Finance, Treasury, Planning and Monitoring, Personnel Management and the Department of Justice and Attorney General, to manage and coordinate consultations and negotiations on the establishment of a one line budget item system for the ABG.

e. The JSB directs the responsible officials of both governments to report progress of work in the next JSB.

f. The JSB directs the PNG Electoral Commission to secure funds and pay the consolidated 2012 and 2017 National Elections outstanding debts to service providers in Bougainville.

Agenda 9: Next Steps on Joint Consultations Process.

1. The JSB acknowledges and accept that subsequent JSB discussions here-after, would focus on the joint inter-government consultations and ratification of the Outcome of the Bougainville Referendum and that the JSB would be the forum for dispute resolutions if there are any disputes arising from consultations;

2. In acknowledging point 1 of the next steps, the JSB endorses that the Joint Technical Team meet immediately to prepare agendas for the Inter-Government joint consultations proposed for 4th and 5th March, 2021, at Kokopo, East New Britain Province.

3. The Joint Supervisory Body officially requests the UNDP Peace Building Fund provide for Post Referendum support to the ABG Department of Post Referendum Consultation and Dialogue and the GoPNG National Coordination Office of Bougainville Affairs.

4. The JSB endorses three Joint Supervisory Body meetings to be held per year and that these meetings are scheduled in January, June and December of each calendar year.

5. The JSB agrees that its next meeting be held in Enga Province.

Meeting end.

Joint Statement:

Genuine in our intentions for sustained peace between us, we endorse that our official statements delivered at the opening and closing of this meeting and all records of discussions and notes in this meeting is an integral part of this meeting.

We conclude by reaffirming that 'man can make decisions but God has the last say, with this affirmation, we leave all resolutions reached here today in the care of our God.

Signed this 5th day of February, 2021.

.....	.....
Hon. James Marape, MP	Hon. Ishmael Toroama, MHR
Prime Minister	President
GoPNG	ABG

Annex 5

SHARP AGREEMENT

2021

Signed on Thursday 13 May, 2021 at Kumul Conference Room, Holiday Inn

SHARP AGREEMENT

On the Dispensation of Constitutional Requirements Relating to the Process of Transfer of Functions and Powers

An Agreement proposed at the Sharp Memorial Centre, Arawa, and made today at Port Moresby between the **Government of Papua New Guinea** and the **Autonomous Bougainville Government** to remove impediments to the constitutional process of transfer of functions and powers.

Preamble

Whereas Section 295 of the National Constitution provides for a process for the transfer of functions and powers from the National Government to the Bougainville Government by which a function or power may be requested by the Bougainville Government to be transferred to it; and

Whereas the pre-requisite steps for initiating the process for transfer of a function or power being for Bougainville to assess its needs and capacity in relation to the function and power; and, for the Bougainville Government to give to the National Government 12 months' notice of its intention to seek the transfer of the function or power; and, for Bougainville to then consult with the National Government concerning the transfer of that function or power; and

Whereas Section 295 of the National Constitution further provides that both Governments may however agree to waive or dispense with those requirements; and

Whereas the Prime Minister of Papua New Guinea has on the occasion of the declaration of the result of the Bougainville Referendum on the 13th of December 2019, and on other occasions, declared his Government's commitment to facilitate the transfer to Bougainville of all powers available to Bougainville under Section 290 of the National Constitution; and

Whereas both Governments understand the need also to remove other forms of economic and financial controls which hinder the ability of the Autonomous Bougainville Government to effectively perform its function:

It is now hereby **AGREED** as follows:

1. This Agreement abrogates the application of the *Memorandum of Understanding between the Government of Papua New Guinea and the Autonomous Bougainville Government on the Overarching Framework for the Transfer of Functions and Powers from the National Government to the Autonomous Bougainville Government Pursuant to the Bougainville Peace Agreement* of 2017;

2. The requirements under Section 295(a) and (b) of the National Constitution relating to the process of transfer of functions and powers available to Bougainville under Section 290 of the National Constitution, irrespective of whether a specific request was made or not by the Bougainville Government since the establishment of the Autonomous Bougainville Government, are dispensed with, effective as of the date of this agreement;

3. The Autonomous Bougainville Government shall, in consultation with the National Government, proceed to develop and continue to implement agreed plans for the transfer of functions and powers for which the Bougainville Government shall become

responsible in accordance with the Bougainville Peace Agreement and Section 3 of the *Organic Law on Peace-Building in Bougainville - Autonomous Bougainville Government and Bougainville Referendum, 2002*;

4. The Autonomous Bougainville Government shall as from this day be at liberty to legislate on any, or all, of those areas or matters under Section 290 in accordance with agreed plans;

5. All outstanding issues of the transfer of a function and power for which notice under Section 295(b) has been given, which includes the signing of inter-agency memorandum of understanding, will continue to be pursued to their completion.

6. All economic and financial controls by the National Government that continue to impede on the ability of the Autonomous Bougainville Government to effectively manage its own revenue collection – whether or not these controls have arisen under agreed plans by the implementing agencies as envisaged by Sections 4, 5, and 39 of the *Organic Law on Peace-Building on Bougainville – Autonomous Bougainville Government and Bougainville Referendum 2002* – shall be reassessed or reviewed by the relevant agencies and have them removed as soon as practicable.

Signed at Waigani this 13th day of May 2021.

.....
Hon. JAMES MARAPE, MP
Prime Minister
Government of Papua New Guinea

.....
Hon. ISHMAEL TOROAMA, MHR
President
Autonomous Bougainville Government

Witnessed by:

.....
Hon. BRIAN KRAMER, MP
Minister for Justice
Government of Papua New Guinea

.....
Hon. EZEKIEL MASATT, MHR
Attorney General & Minister for Bougainville Independence Mission Implementation
Autonomous Bougainville Government

Annex 6

JOINT STATEMENT

On the Outcomes of the first Post-Referendum Consultations held at Kokopo, East New Britain

Whereas we acknowledge the requirements under s.342 of the Constitution for both the National Government and the Autonomous Bougainville Government to consult on the results of the Referendum.

Whereas we jointly recognize that the first post referendum consultations (first consultations) have been held from 18th – 19th May, 2021 here in Kokopo, East New Britain.

We jointly acknowledge that the results of the Bougainville Referendum have been tabled in the first consultations and that of the Bougainville people have voted 97.7% in favour of Independence .

We jointly appreciate the positions of both Governments on the Referendum results and the road ahead of us.

We jointly direct the technical teams for both the National Government and the Autonomous Bougainville Government to:

I. consult on the definition and process of ratification;
II. identify Constitutional issues relating to the referendum result and the tabling of the consultation outcomes in the National Parliament;
III. develop a Joint Roadmap on Post-Referendum Consultations; and
IV. fully implement the Sharp Agreement as a matter of priority.

We jointly agree that the second Post-Referendum Consultations will be held in Wabag, Enga on the margins of the Joint Supervisory Body meeting in June 2021.

Signed at Kokopo this 19th day of May 2021.

Hon. JAMES MARAPE, MP
Prime Minister
Government of Papua New Guinea

Hon. ISHMAEL TOROAMA, MHR
President
Autonomous Bougainville Government

Annex 7

JOINT STATEMENT

The Government of Papua New Guinea (National Government) and the Autonomous Bougainville Government (ABG):

(i) Acknowledge the requirements of s. 342 of the National Constitution for both the National Government and the Autonomous Bougainville Government to consult on the results of the Referendum;

(ii) Acknowledge that the first consultation was held on 18th and 19th May, 2021 at Kokopo, East New Britain Province, and that the Referendum results of 97.7% choice for separate independence was tabled at this consultation;

(iii) Acknowledge that the Bougainville Independence Consultation Team tabled in the Kokopo Consultation, the Year "2025" as the year for the Declaration of Bougainville's Independence;

(iv) Acknowledge that the Kokopo Consultations agreed to consult on a joint roadmap in the second consultation;

(v) Acknowledge that the second consultation was held in Wabag on 6th of July 2021;

(vi) Consulted on the joint roadmap that will guide the post referendum process;

(vii) Acknowledge that the process needs to be agreed upon to decide the final political settlement.

We agree to:

1. Continue to consult and develop clarity on establishing the constitutional and parliamentary pathway for the tabling of the results of the Referendum, the outcome of the consultation to give effect to the results of the Referendum and the outcome of the Consultations, and the pathway consequential to the outcome of the National Parliament's decision.

2. Take all actions necessary to process an end point which is the culmination of all the activities that flows from the constitutional amendments give effect to the National Parliament's decision.

3. Take immediate actions which are focused on the full implementation of the Bougainville Peace Agreement subject to the National Constitution, with a focus on completing outstanding tasks under the pillars of the Bougainville Peace Agreement, including the implementation of the Sharp Agreement to support the economic growth of Bougainville to ensure that Bougainville is in a position to effectively and efficiently manage its own economic affairs in preparation for a political settlement.

4. Allow the National Government to undertake national consultations across Papua New Guinea on the outcome of the Referendum, noting that the constitutional amendments which would have been set in motion by the signing of this Statement will need to be enacted to give effect to Bougainville's final political status.

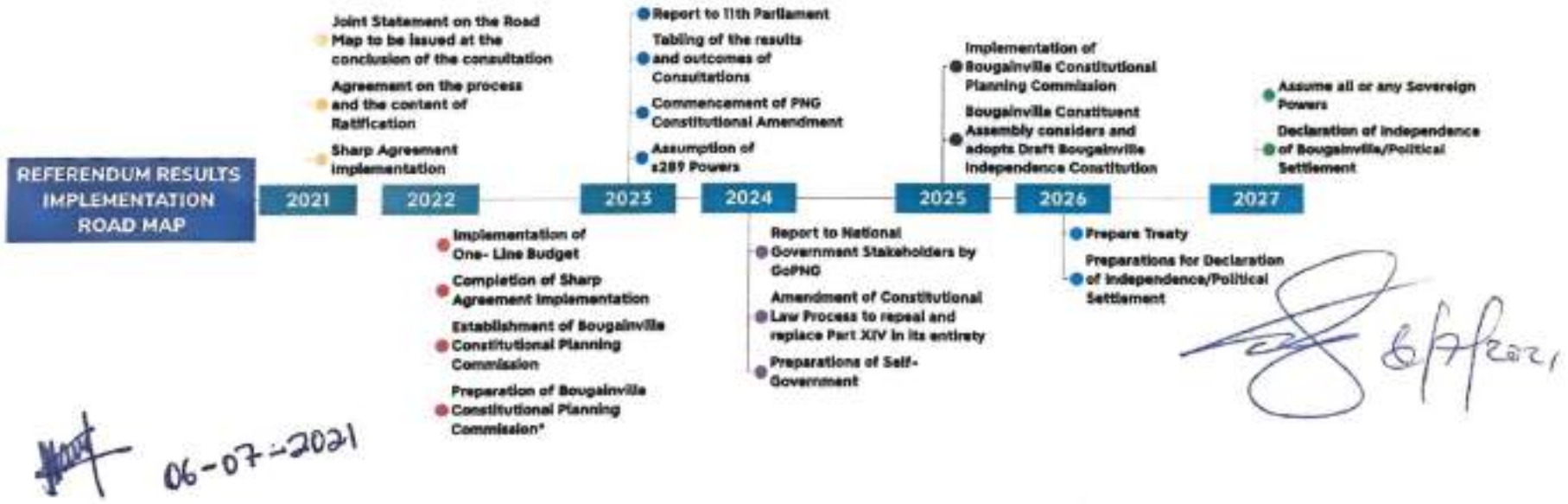
5. Determine a political settlement no earlier than 2025 and no later than 2027 guided by an agreed joint road map which is annexed to this Statement.

Signed at Wabag this 6th day of July 2021.

Hon. JAMES MARAPE, MP Prime Minister Government of Papua New Guinea	**Hon. ISHMAEL TOROAMA, MHR** President Autonomous Bougainville Government

ATTATCHMENT A

REFERENDUM RESULTS IMPLEMENTATION ROAD MAP



06-07-2021

8/7/2021

Annex 8





THIRD INTER-GOVERNMENT CONSULTATIONS ON BOUGAINVILLE REFERENDUM RESULTS

PORT MORESBY JOINT STATEMENT

The Government of Papua New Guinea (National Government) and the Autonomous Bougainville Government (ABG)

PREAMBLE

(i) Recognizing that this third joint consultation is consistent with the requirements of Section 342 of the National Constitution for both the National Government and the Autonomous Bougainville Government to consult on the results of the Referendum;

(ii) Acknowledging that both Governments, consistent with agreed decisions of the Joint Supervisory Body meeting of March 12th , 2020, have so far, held two other joint consultations on the Bougainville Referendum results, the first being at Kokopo, East New Britain Province on 18th May, 2021 and the second consultation was held in Wabag on 6th July, 2021;

(iii) Honoring our joint commitments to Kokopo and Wabag Joint Consultation statements and agreements;

(iv) Recognizing the role of the Post Referendum Consultation Moderator, His Excellency, the Hon. Bertie Ahern;

(v) Reaffirming our agreement to determining political settlement or Independence no earlier than 2025 and no later than 2027 and that the Joint Post Referendum Roadmap is the indicative guide to moving forward;

(vi) Recognizing the constitutional issues involved in that process;

(vii) Noting the Autonomous Bougainville Government proposal for a Treaty and the National Government's proposal to enact Constitutional Regulations.

WE AGREE TO:

1. Direct officials of both Governments to immediately engage further to determine an appropriate framework consistent with the Wabag Joint Statement, that;

   a. gives effect to the requirements of Section 342 of the National Constitution, taking into account the Bougainville context;

   b. expounds on the mechanism to table the referendum results in the National Parliament, including the manner in which the National Parliament may ratify the results;

   c. will be known as the '*Era Kone Covenant*' on the finalization of the Bougainville Referendum on Independence;

   d. that this work may be undertaken under the guidance of the Post Referendum Consultation Moderator, Mr Ahern, consistent with his Terms of Reference, which includes advice and support as and when required;

2. Leaders direct the proposed framework agreement be presented for their consideration, and the consideration of their respective Executive Councils, by no later than 31st January, 2022;

3. Subject to that agreement being accepted, leaders direct to implement and give legal effect by no later than 31st March, 2022.

Signed this 9th day of December, 2021 at APEC Haus, Port Moresby.

.....	.....
HON. JAMES MARAPE, MP	**HON. ISHMAEL TOROAMA, MHR**
PRIME MINISTER	**PRESIDENT**
PAPUA NEW GUINEA	**AUTONOMOUS REGION OF BOUGAINVILLE**

Annex 9





ERA KONE COVENANT ON THE FINALISATION OF THE BOUGAINVILLE REFERENDUM ON INDEPENDENCE

APRIL 2022

ERA KONE COVENANT ON THE FINALISATION OF THE BOUGAINVILLE REFERENDUM ON INDEPENDENCE

The Government of the Independent State of Papua New Guinea (hereinafter '**the National Government**') and Autonomous Bougainville Government (hereinafter '**ABG**') (hereinafter collectively referred to as '**the Parties**');

Acknowledging that this agreement is a joint creation by the National Government and ABG that encapsulates the outcomes of the consultations sanctioned by Section 342 of the National Constitution, to be known as the Era Kone Covenant on the Finalisation of Bougainville Referendum on Independence (hereinafter '**the Covenant**');

Recognising the Constitutional obligation of the Parties to consult on the Bougainville Referendum Results and Implementation before tabling in Parliament under Section 342 of the National Constitution;

Accepting that this Covenant is in addition to and strengthens the Bougainville Peace Agreement 2001 (hereinafter '**the Agreement**'),

Acknowledging the final decision-making authority of the Parliament in respect to the Referendum Results and Implementation, as guided by this Covenant, in accordance with Section 342 of the National Constitution and the Agreement;

Recognising Papua New Guinea's obligations under international law, particularly the Universal Declaration on Human Rights, United Nations International Covenant on Civil and Political Rights and United Nations International Covenant on Economic, Social and Cultural Rights;

Welcoming also the agreement and strong commitment to table the Bougainville Referendum Results following the conclusion of the joint post-referendum consultations under section 342 (1) of the National Constitution;

Acknowledging and accepting that the Bougainville Referendum Results were independently assessed as free, fair and credible and conducted in accordance with the National Constitution, the Bougainville Constitution and the Organic Law on Peace-Building in Bougainville – Autonomous Bougainville Government and Bougainville Referendum 2002 and internationally-accepted standards with an absolute majority of 97.7% in favour of Bougainville Independence;

AGREE as follows:

Article 1 - Outcomes of the Consultations

(i) The joint consultations were held and the outcomes are as reflected in the respective resolutions, namely, the Joint Communique on Outcome of the Bougainville Referendum set out in *Annex 1*, Kokopo Joint Statement set out in *Annex 2*, Wabag Joint Statement set out in *Annex 3* and Port Moresby Joint Statement set out in *Annex 4*.

(ii) The Bougainville Referendum Results and the outcomes of the joint post-referendum consultations will be tabled in the 11th Parliament.

(iii) The Parties will jointly formulate a report to brief the 11th Parliament on its role to give effect to Section 342 of the National Constitution.

(iv) To assist the 11th Parliament, the Head of State, acting with the advice of the National Executive Council (and the Bougainville Executive Council), may make Constitutional Regulations not inconsistent with Part XIV of the National Constitution, prescribing all matters that are necessary or convenient to be prescribed for carrying out and giving effect to this Covenant in accordance with Section 349 of the National Constitution.

(v) The Constitutional Regulations to be made under paragraph (iv) hereinabove shall not be amended or repealed by the National Government except with the approval of the Bougainville Executive in accordance with the Bougainville Constitution and the Agreement.

Article 2 - Timeframe

(i) The Parties reaffirm their solemn commitment to strengthening the implementation of the Agreement and where appropriate, all outcomes of the joint post-referendum consultations, bearing in mind the Referendum Results Implementation Roadmap ('**Wabag Roadmap**') that requires:

(a) implementation of arrangements for independence/political settlement by no earlier than 2025 and no later than 2027; and

(b) reporting to the 11th Parliament, tabling of the Referendum Results and outcomes of the joint post-referendum consultations by not later than the end of 2023.

Article 3 – Final Provisions

(i) This Covenant shall enter into force following the endorsement of the respective executive councils.

(ii) Any questions on interpretation and implementation of this Covenant shall be undertaken jointly by the Parties through consultations in accordance with Part XIV of the National Constitution and the Agreement.

In witness thereof the undersigned, being duly authorized thereto by the Parties, have signed this Covenant.

Signed at Port Moresby this day of **April 2022.**

Hon. JAMES MARAPE, MP
Prime Minister
Government of Papua New Guinea

Hon. ISHMAEL TOROAMA, MHR
President
Autonomous Bougainville Government

Witnessed by:

Hon. BRYAN KRAMER, MP
Minister for Justice
Government of Papua New Guinea

Hon. EZEKIEL MASATT, MHR
Attorney General & Minister for
Bougainville Independence Mission
Implementation
Autonomous Bougainville Government

Annex 10

JOINT SUPERVISORY BODY (JSB) MEETING RESOLUTIONS
APEC HAUS, ELA BEACH, PORT MORESBY, NCD
JULY 31, 2023

AFFIRMATION

In appreciation of the continued peace between our Governments and our people as enabled by the Bougainville Peace Agreement of 2001, we acknowledge and encourage that in the true spirit of our Melanesian ways on resolving disputes, we the elected leaders in this meeting shall continue to promote a transparent dialogue and consultation as a means to finding a lasting peaceful solution.

We respect that dialogue on the Independence choice of the people of Bougainville voted for in the 2019 referendum for Independence will not be an easy issue to resolve in this JSB, but we are determined to settle our joint issues collectively.

Therefore, having discussed in detail related issues to this meeting's core and only ***Agenda of Ratification of the Referendum Results***, we endorse the following resolutions:

JOINT RESOLUTIONS

The Joint Supervisory Body notes:

1. The official statements of the Co-Chairs;
2. The background provided by the Co-Chairs to the Joint Technical Team on the context of the issues arising at the level of the technical teams on the process of ratification of the referendum results;
3. The records of the joint leader's open dialogue on the agenda;

The Joint Supervisory Body resolves and endorses that:

a. The pathway to parliament is by way of Sessional Order.
b. The Sessional Order will only be moved when the content of the motion is agreed to by the National Minister for Bougainville Affairs and ABG Minister for Bougainville Independence Mission Implementation.
c. The motion will be adopted by a simple majority.
d. The proposal by the GoPNG Prime Minister to invite the ABG President and his leaders to provide awareness to Members of the National Parliament.
e. That the Constitutional Regulation will deal with other aspects of the Post Referendum matters;

JOINT SUPERVISORY BODY (JSB) MEETING RESOLUTIONS
APEC HAUS, ELA BEACH, PORT MORESBY, NCD
JULY 31, 2023

That this JSB directs:

The National Minister for Bougainville Affairs and ABG Minister for Bougainville Independence Mission Implementation to consult and agree on the content of the Sessional Order relating to;

(i) The question to be put before Parliament;
(ii) The number of sessions required to deliberate on those matters;
(iii) The voting majority required to endorse the referendum results;
(iv) The manner in which the referendum results to be brought into Parliament;

The JSB further directs that;

The National Minister for Bougainville Affairs and ABG Minister for Bougainville Independence Mission Implementation explore the possibility of seeking support from Moderators to mediate any impasses that the two Minister's encounter in the course of their consultation.

This is the true record of the JSB held on Monday, July 31, 2023.

.....

HON. JAMES MARAPE, MP
PRIME MINISTER
GOVERNMENT OF PAPUA NEW GUINEA GOVERNMENT

.....

HON. ISMAEL TOROAMA, MHR
PRESIDENT
AUTONOMOUS BOUGAINVILLE

Annexes:

i) OFFICIAL STATEMENTS OF THE CO-CHAIRS
ii) BACKGROUND CONTEXT BY JOINT TECHNICAL TEAM CO-CHAIRS
iii) RECORDS of the JOINT LEADER'S DIALOGUE on RATIFICATION OF REFERENDUM RESULTS.

Annex 11

Melanesian Agreement

Endorsed in Plenary, 12th June 2025

Burnham Military Camp, Burnham, Aotearoa New Zealand

An agreement between the Government of Papua New Guinea (GoPNG) and the Autonomous Bougainville Government (ABG), collectively, (the Parties), to craft and pursue a clear political pathway forward, in accordance with the requirements of S342 and Part XIV of the Constitution of Papua New Guinea (the National Constitution), which implements the Bougainville Peace Agreement.

Recognising the historical significance of Burnham Military Camp, Christchurch, Aotearoa New Zealand, as the spiritual birthplace of the negotiation process, leading to the Bougainville Peace Agreement, and the outcomes of the third Joint Moderated Consultation (JMC) held in Burnham, New Zealand from 9-13 June 2025;

Appreciating the support of the government and people of Aotearoa New Zealand in enabling this important round of joint consultations;

Recalling the work undertaken by the Parties so far in giving effect to important political agreements, such as the Sharp Agreement, the Kokopo Joint Statement, the Post Referendum Results Implementation Roadmap (Wabag Roadmap), the Port Moresby Joint Statement, and the Era Kone Covenant;

Guided by the outcome of the constitutionally-sanctioned Bougainville Referendum, declared on the 11th of December 2019, in which an overwhelming majority of 97.7% of Bougainvilleans had voted in favour of separate independence, based on the definition of independence used on the Bougainville referendum ballot paper;

Acknowledging the crucial role that the Joint Moderated Consultations have played in resolving important issues pertaining to the post-referendum process;

Noting the wider consultations that have taken place with civil society organisations, women's groups, churches, business representatives and youth, and the shared aspirations of women and youth for a peaceful and inclusive pathway forward;

The Parties have agreed to the following:

1. ***Joint Commitments:***

1.1. The Parties agree to the role of the National Parliament in the decision making process in accordance with Section 342 of the National Constitution;

1.2. The Parties recognise the legitimate choice of the Bougainville people for independence as expressed in the Referendum result;

1.3. The Parties recognise that the context of Bougainville is unique in Papua New Guinea, as reflected in the Bougainville Peace Agreement, the Papua New Guinea Constitution's provisions on Bougainville and the Bougainville Constitution;

1.4. The Parties are committed to maintaining a close, peaceful and enduring relationship between Papua New Guinea and Bougainville;

1.5. The Parties agree that the process for bringing the Referendum results to the National Parliament will be by way of a sessional order as determined by the National Parliament. The sessional order will be recommended by the Speakers of both the National Parliament and the Bougainville House of Representatives;

1.6. The Parties acknowledge that the National Parliament and Bougainville House of Representatives have a central and integral role to play in the process leading up to the National Parliament and thereafter;

1.7. The Parties acknowledge the importance of the Bipartisan Parliamentary Committee on Bougainville in consulting and disseminating the joint key messages, as assisted by the Moderator, for members of the 11th National Parliament, and the people of Papua New Guinea, on the Bougainville Referendum and the post-referendum process;

1.8. The Parties further acknowledge the importance of a public awareness raising programme by the Government of Papua New Guinea and the Autonomous Bougainville Government on the joint key messages for the people of Papua New Guinea and Bougainville, on the Bougainville Referendum and progress made in the post-referendum process.

2. ***Principles:***

2.1. The Parties commit to exploring the joint creation of a Melanesian framework with agreed timelines, for a pathway forwards, that may form part of the Joint Consultations Report presented to the 11th National Parliament;

2.2. The results of the Bougainville Referendum and the Joint Consultation Report will be taken to the 11th National Parliament immediately after the Bipartisan Committee has completed its work in line with its Terms of Reference;

2.3. The Parties shall accept the decision of the National Parliament, in the first instance, regarding the Referendum results, and commit to further consultations, if required and agreed, according to an agreed timeline;

2.4. The Parties jointly commit to institutional strengthening and institutional building of the ABG administration as per the Sharp Agreement;

2.5. To ensure progress is made and political commitment is sustained, monitoring of this Melanesian Agreement could include an international component, a Parliamentary component, and the Bipartisan Parliamentary Committee, all with UN support.

We endorse this agreement on this day 26 June 2025.

Signed:

.....

HON. JAMES MARAPE, MP
Prime Minister
Government of Papua New Guinea

.....

HON. ISHMAEL TOROAMA, MHR
President
Autonomous Bougainville Government

AUTONOMOUS REGION OF BOUGAINVILLE
THE COMMON SEAL

Witnessed:

.....

HON. MANASSEH MAKIBA, MP
Minister for Bougainville Affairs
Government of Papua New Guinea

.....

HON. EZEKIEL MASATT, MHR
Minister for Bougainville Independence Mission Implementation, Justice & Attorney General

Annex 12

Autonomous Bougainville Government

MELANESIAN AGREEMENT JOINT COMMUNIQUÉ

Government of Papua New Guinea and the Autonomous Bougainville Government

Port Moresby, 17th March 2026

1. The Government of Papua New Guinea and the Autonomous Bougainville Government convened the inaugural meeting of the Joint Melanesian Agreement Implementation Working Groups, marking the commencement of joint work to advance the commitments undertaken under the Melanesian Agreement.
2. The Parties welcomed the decision of the Joint Supervisory Body (JSB) to appoint Mr Richard Smith as the Independent Facilitator to support the implementation of the Agreement and to assist the two Governments in the development of a Melanesian Framework.
3. The Parties jointly reviewed the mandate provided by the Joint Supervisory Body and agreed on a work schedule to guide the development of the Melanesian Framework, including a programme of facilitated consultations to take place over the coming months.
4. The Parties reaffirmed their shared commitment to continued dialogue and cooperation as they work together to give effect to the Bougainville Peace Agreement, the provisions of the National Constitution of Papua New Guinea, and the joint understandings reached between the two Governments outlined in the Melanesian Agreement.
5. In this context, the Governments reiterated their recognition of the legitimate choice of the people of Bougainville expressed through the Referendum, and their shared responsibility to progress consultations in accordance with the agreed constitutional processes.
6. Both Governments reaffirmed their commitment to advancing this work in the true spirit of the Melanesian Way, guided by mutual respect, dialogue and partnership, as they continue to pursue a peaceful and mutually agreed pathway forward.
7. The Parties agreed that further updates will be provided as the consultations progress.

Hon. Manasseh Makiba, MP
Minister for Bougainville Affairs
Government of Papua New Guinea

Hon. Ezekiel Masatt
Vice President
Autonomous Bougainville Government

Annex 13

Statement to Parliament – June 2026

Update on the Bougainville Peace Process and tabling of the Sessional Order

Hon. Manasseh Makiba, MP

Minister for Bougainville Affairs

Mr Speaker,

I rise before the House today to provide an important update on the Bougainville peace process, and to outline the approach that will be taken to bring the results of the referendum on Bougainville's political future to the parliament for deliberation.

Since the referendum was held in the latter part of 2019, the Government has undertaken extensive work to progress the post-referendum consultation process. This statement sets out the background to that work, the consultations undertaken to date, the National Government's position on the Melanesian Framework, and the responsibilities of this Parliament. It also outlines the role of parliament under Section 342 of the Constitution, the proposal to bring forward the results by way of a sessional order, and the next steps required to bring this matter to a responsible and lawful conclusion.

Mr Speaker,

Bougainville's journey to this point has been long, painful, and deeply significant for our nation. The Bougainville conflict, which erupted in 1988, was grounded in longstanding grievances relating to identity, land, and the impacts of the Panguna mine. The conflict resulted in thousands of deaths, widespread displacement, and the destruction of infrastructure and livelihoods. It remains one of the most traumatic chapters in our nation's history.

The Bougainville Peace Agreement (BPA), signed in 2001, brought an end to the conflict and established three pillars for peace: Autonomy, Weapons Disposal, and

a guaranteed referendum on Bougainville's future political status. The BPA was given constitutional force through the insertion of Part XIV into the National Constitution, and the enactment of the Organic Law on Peace-Building in Bougainville – Autonomous Bougainville Government and Bougainville Referendum 2002. This created the Autonomous Bougainville Government (ABG), established the autonomy arrangements that are currently in place, and guaranteed that a referendum would be held no earlier than 10 and no later than 15 years after the first ABG elections.

Mr Speaker,

The referendum was conducted in 2019, and 97.7% of Bougainvilleans voted in favour of independence over the alternative option of greater autonomy. It is important to note that under the terms of the BPA, and as reflected in Section 342 of the Constitution, these results are not binding but must be tabled in the National Parliament for a final decision. This is a position that both governments respect.

Since 2019, the National Government and the ABG have engaged in a series of structured consultations to determine how the referendum results should be brought before parliament. These consultations have taken place through the Joint Supervisory Body (JSB), the Joint Post-Referendum Consultations (JRPC), and, more recently, the Joint Moderated Consultations (JMC). Each stage has sought to clarify constitutional issues, establish a roadmap for tabling the results, and build a shared understanding of the political pathway ahead.

Mr Speaker,

The first major milestone was the Kokopo Joint Statement of May 2021, which directed technical teams to address the meaning of "ratification," the constitutional process for tabling the results, and the development of a joint roadmap. This was followed by the Wabag Roadmap in July 2021, which set an aspirational timeframe for a political settlement between 2025 and 2027.

The Port Moresby Joint Statement of December 2021 reaffirmed the need for a clear mechanism to bring the referendum results to parliament, leading to the Era Kone Covenant in April 2022. The Covenant committed both governments to tabling the results in the 11th Parliament and allowed for the development of constitutional regulations pursuant to Section 349 of the Constitution to guide the process.

Mr Speaker,

Despite significant efforts, technical work on the constitutional regulations stalled due to divergent legal interpretations, particularly around the meaning of "ratification" and the voting majority required in parliament. As a result, the JSB agreed in July 2023 to use a sessional order, rather than constitutional regulations, to prescribe the process for tabling the referendum result. The content of this sessional order remains subject to continued discussions between the Speaker of the National Parliament, and the speaker of the Bougainville House of Representatives, and I will talk more about that process later in this statement.

Mr Speaker,

To assist in resolving outstanding issues, both governments agreed to engage an independent moderator, leading to the Joint Moderated Consultations (JMC) held in 2025 in Port Moresby and Burnham, New Zealand, chaired by former New Zealand Governor-General Sir Jerry Marteparae.

These consultations culminated in the Melanesian Agreement, signed on 26 June 2025. The Agreement commits both governments to jointly develop a Melanesian Framework, a structured political pathway that may form part of the Joint Consultation Report (JCR) to be presented to parliament. It also reaffirms the constitutional role of parliament under Section 342, the need for a bipartisan parliamentary committee to support awareness, and the importance of public messaging to ensure national understanding of the process.

Mr Speaker,

The National Government's position is grounded in constitutional law, the BPA, and the need to preserve national unity while respecting the aspirations of the Bougainville people. The Government maintains that the National Parliament is the final decision-making authority on the referendum results. Section 342(2) requires that I, as Minister for Bougainville Affairs table the results, after which Parliament may make any decision it considers appropriate.

On this point I need to be clear. The National Government rejects the ABG's interpretation of the term "ratification" in the BPA and any suggestion that the National Parliament is required to "endorse" or "accept" the referendum results. The term "ratification" was deliberately omitted from Section 342 to avoid confusion with the treaty ratification provisions of the Constitution and to ensure Parliament retains full discretion. The Supreme Court has repeatedly affirmed that Parliament is not a rubber stamp for Executive decisions and must be free to debate and determine matters of national importance. The Referendum results, while politically significant, are not binding and must be considered in accordance with our Constitutional laws.

Mr Speaker,

Section 342 places Parliament at the centre of the post-Referendum process. As Minister I must table the results, and the outcome of our joint consultations, and Parliament must make a decision. However, the Constitution does not prescribe the procedure for tabling, debating, or voting on the Referendum results. To address this procedural gap, the National Government and the Autonomous Bougainville Government have agreed that Parliament will adopt a Sessional Order.

The Sessional Order will establish: the process for introducing the Referendum results and Joint Consultation Report (JCR); the structure and timing of debate; and the applicable voting thresholds.

Mr Speaker,

Agreement on the voting thresholds required for both adoption of the Sessional Order and consideration of the Referendum results has been a longstanding point of contention. To resolve this, both Governments tasked the Speakers of the National Parliament and the Bougainville House of Representatives to finalise the Sessional Order. The respective Speakers have consulted on this matter. The Sessional Order was largely agreed, with the only difference being the required voting thresholds.

Following the consultations, I wish to inform the Haus, that the leader of the National Parliament, the Speaker has now finalised a Sessional Order to govern parliamentary consideration of the Bougainville Referendum results.

Mr Speaker,

We have now embarked on the final steps of our journey in bringing the Referendum results to Parliament.

This was initiated last week on the 2nd of June, with the tabling of the report of the Bipartisan Parliamentary Committee on Bougainville. As you will have already noted, the Committee is playing a critical role in preparing Members for this debate, ensuring we are fully informed of the legal, political, and historical context.

Importantly, the tabling of the report prompted some members to share their initial views. This is an important part of the process, and more views will be required to be shared as we move forward.

From here, there are a number of further steps that need to be taken:

Step One is the adoption of the Sessional Order. If the Motion is supported, the procedural framework for consideration of the Referendum results will be established; and will result in:

Step Two when the Referendum results will be tabled together with the Joint Consultation Report and Melanesian Framework and debates will commence.

Step Three Once sufficient time has been given for debates, members will be required to for the final vote on the Referendum result – as declared by the Prime Minister – this will be no later than 30 August 2026.

Mr Speaker,

I must advise that following the completion of this statement, that I intend to initiate Step One and move the Motion to adopt the Sessional Order.

Central to this process is the development of the Melanesian Framework.

This Framework is being jointly developed by the National Government and the Autonomous Bougainville Government and will form part of the Joint Consultation Report. Its purpose is to provide Parliament with a clear and practical roadmap of what would follow any decision.

Mr Speaker,

The National Government's position is that, should Parliament vote in the affirmative to accept the Referendum results, and support a pathway to independence, this should initiate a phased and carefully managed transition, rather than an immediate declaration. It would also require constitutional amendments.

Such a transition would be anchored in the progressive transfer of powers under Sections 289 and 290 of the Constitution—ensuring that Bougainville is equipped with the institutional capacity, fiscal and economic strength, and governance systems necessary to sustain independence.

Mr Speaker,

At the same time, we acknowledge that the Autonomous Bougainville Government has proposed a more accelerated pathway.

I note these discussions are ongoing, and they are being conducted in good faith, with mutual respect, and with a shared commitment to reaching an agreed outcome.

Mr Speaker,

As part of the Government's commitment to ensuring that this process proceeds in a lawful, orderly and constitutionally sound manner, legal advice has been sought from a range of senior legal authorities and law firms, including the State Solicitor.

The advice consistently confirms that the National Parliament has an essential constitutional role in considering and determining the outcome of the Bougainville Referendum. Importantly, the advice is clear that the Referendum result is not self-executing and does not, of itself, automatically confer independence upon Bougainville.

Mr Speaker,

The advice further confirms that, should Parliament vote to accept the Referendum result, Bougainville would not immediately become an independent state under international law. Rather, further constitutional and legal steps would be required, including amendments to Section 2 of the Constitution to remove Bougainville from the defined area of Papua New Guinea, together with the implementation of further transitional arrangements between the two Governments.

The legal advice also addresses the implications of a negative parliamentary vote. In the main, the advice indicates that a decision by Parliament not to accept the Referendum result would amount to rejection of the proposal for independence and, unless expressly qualified by Parliament, would conclude the constitutional process contemplated under Section 342.

Mr Speaker,

In those circumstances, it is important to note that the proposed arrangements under the Melanesian Framework would not be triggered. Whilst the constitutional requirements of Section 342 would have been satisfied, this would not mean that engagement between the National Government and the Autonomous Bougainville Government comes to an end.

Rather, Bougainville would continue to operate under the existing autonomy arrangements established under Part XIV of the Constitution, unless and until this Parliament determines otherwise in accordance with Section 345 of the Constitution.

Mr Speaker,

The legal advice further confirms that a decision not to endorse the Referendum result would maintain the current constitutional status quo. Any alternative political settlement — including enhanced autonomy, new governance arrangements, or another form of political relationship — would require further consultation, negotiation and parliamentary approval.

Regardless of the outcome of Parliament's deliberations, both Governments would need to consider the future operation of the Bougainville Peace Agreement and Part XIV of the Constitution to ensure that the legal and political arrangements continue to reflect the realities of the relationship between Papua New Guinea and Bougainville.

Mr Speaker,

In summary, the immediate next steps are clear. I must move for the Sessional Order to be adopted. Once adopted, the National Government and the ABG must finalise the Melanesian Framework and complete the Joint Consultation Report.

Once these steps are complete, the Referendum results together with the Joint Consultation Report will be tabled in this House.

And before the 30th of August 2026, the 11th P Members will then be called upon to make one of the most consequential decisions in our nation's history.

Mr Speaker,

Whatever decision is made, it must be grounded in law, informed by the BPA, respectful of Bougainville's aspirations, and guided by our shared commitment to peace, unity, and stability.

It is therefore critical, when the time comes, that all members of this House take time to consider the context and history of the Bougainville crisis, and the proposed way

forward. Only through exercising the democratic process, can we chart a path forward.

Mr Speaker,

Over the coming weeks I will continue to work hard to finalise the Melanesian Framework.

As Minister, I remain committed to fulfilling my constitutional obligation, and the Government stands ready to work with the ABG to secure a lasting peace in Bougainville.

Mr Speaker,

This will be one of the most important decisions ever taken by this House.
It must be a decision grounded in law, informed by history, and respectful of the expressed will of the people of Bougainville.

Above all, it must be a decision that preserves peace and secures a stable future for all our people.

Mr Speaker,

As Minister, I reaffirm this Government's commitment to working in partnership with the Autonomous Bougainville Government to achieve a lasting and peaceful settlement.

We approach this task with humility, with respect, and with a clear understanding of its significance for our nation.

I commend this statement to the Haus.

Motion – Suspension of Standing Orders- Sessional Order

Mr Speaker,

I now ask leave of the Parliament to move a motion without notice.

Mr Speaker,

I move – That pursuant to Section 342 (2) of the Constitution and Standing Order 284, this Parliament resolves to adopt the following Sessional Order in relation to the results of the referendum in Bougainville:

1) The Minister for Bougainville Affairs shall lay on the table, the return of the Writ containing the results of the referendum in Bougainville.
    - He shall make a statement and debate will ensue.
    - Debate may be adjourned from time to time until a question is put.

2) A motion ***"that the National Parliament accept the results of the Bougainville referendum"*** shall only be moved by a Minister.

3) The motion must be supported by a three-quarter absolute majority.

Annex 14



BOUGAINVILLE FINAL POSITION ON SELF-GOVERNMENT AND INDEPENDENCE

Purpose

This Position Paper sets out the considered and final position of the Autonomous Bougainville Government regarding the orderly and constitutional progression of Bougainville's independence.

The Autonomous Bougainville Government affirms that progress towards Independence for Bougainville must proceed in a manner that preserves peace, promotes stability and provides certainty for both governments.

Bougainville Final Position

The Autonomous Bougainville Government states, in clear and unequivocal terms, that:

I. Present - 1 September 2027: Preparation for self-government; and
II. 1 September 2027 to 2030: Self-Government
Ill. 2030: Independence - An independent nation state with sovereign powers and laws, recognized under international law and by other sovereign states to be an independent state, separate from the state of Papua New Guinea.

Phase One: Present to 1 September 2027

Preparation for Self-Government

The period from the present until 1 September 2027 shall constitute the period of preparation for self-government.

During this phase, the Autonomous Bougainville Government shall focus on the strengthening of institutions, enhancement of governance capacity, consolidation of peace and security, development of the economic and fiscal foundations of government, and the completion of all legislative, administrative and policy measures necessary for the assumption of expanded responsibilities. The details of these are to be finalized and captured in the Melanesian Framework currently being drafted by the Joint Technical Team.

This period shall be directed towards ensuring that Bougainville is fully prepared to enter into self-government on 1 September 2027.

The Melanesian Framework is the **fKil..StLcrt□gy** that provides for the transitional period, defined as Self-Government by the ABG, provided for under Part XIV.

Phase Two: 1 September 2027 to 2030

Self-Government

The period commencing on 1 September 2027 and concluding in 2030 shall constitute the period of self-government.

For the avoidance of doubt, Self-Government is defined as:

The existing autonomous arrangements together with the assumption and exercise of all additional powers, subject to consultation and agreement with the National Government, available under Section 289 of the Constitution of Papua New Guinea.

Accordingly, self-government shall comprise:

- the continuation of Bougainville's autonomous status under Part XIV of the Constitution;
- the progressive delegated and/or shared transfer, assumption and exercise of additional powers available under Section 289 of the Constitution; and
- the practical expression of Bougainville's right to govern its own affairs through institutions established by law and exercised in accordance with constitutional processes.

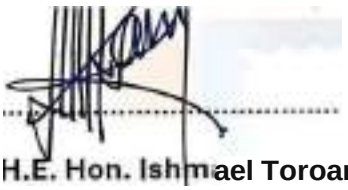
The Autonomous Bougainville Government considers this period to represent the fullest practical and constitutional expression of self-government available under the existing constitutionalframework. At the end of this period and on a specified date in 2030, Bougainville will declare independence and assume all sovereign functions and powers.

Principles Guiding the Transition

The progression to self-government shall be guided by the following principles:

- Respect for the Bougainville Peace Agreement and Part XIV of the Constitution of Papua New Guinea;
- Commitment to peaceful, orderly and constitutionalprocesses;
- Mutual respect and cooperation between the National Government and the Autonomous Bougainville Government;
- Progressive transfer and exercise of powers in accordance with 289-299 of the national Constitution;
- Preservation of peace, security and political stability; and •
- Promotion of economic sustainability and effective governance.

Endorsed by:



H.E. Hon. Ishmael Toroama, MHR

President



Hon. Ezekiel Masatt, MHR

Vice President

Date: 23 June 2026

Attachment 1: Features of the Final Bougalnvllle Position

Featured items	Overview	ABG Position
a) BPA and Part XIV of National Constitution.	Part XIV was crafted from the BPA. The final ABG position is firmly grounded in the BPA and Part XIV	We have consistently complied with the BPA and Part **XIV,**
b) Independence Definition and Referendum results	Independence: An independent nation state with sovereign powers and laws, recognized under international law and by other sovereign states to be an independent state, separate from the state of Papua New Guinea. Referendum Results: • Independence= **97.7%** • Greater Autonomy= **1.69%**	ABG is giving effect to the jointly agreed definition. ABG is committed to honouring the outcome of the referendum results based on the jointly crafted independence definition.
c) Good faith: Joint Communique - January 11, 2021	Joint Communique outlines the process for the joint consultations as per S342 (1). The ABG has consistently implemented this Joint Communique in good faith.	ABG commitment In Joint consultation is made in good faith according to the letter of the law and the spirit of the peace agreement.
d) Agreed roadmap and timeframe (In the process of the joint post-referendum consultation, both governments agreed to self-government, independence, adoption of the Bougainville constitution	• Part **XIV, BPA** • Joint Communique • Kokopo Joint Statement • WabagJoint Statement • APEC Joint Statement • Era Kone Covenant • Melanesian Agreement	Era Kone Covernant, the Wabag roadmap is the basis of ABG exit within the agreed timeframe of no earlier than 2025 and no earlier than 2027. **The autonomy arrangement is transitional to independence.** Referendum options included a constitutionally-

		guaranteed choice of separate independence.
e) Melanesian Agreement, Melanesian Framework, JSB December 2025	The Melanesian Agreement came about as a result on the impasse on the voting threshold.	**ABG** in good faith has remained in full compliance to the process.
f) Violations	Melanesian Agreement (Clause 1.5), JSB -resolution of December 2025 (Resolution 2.1.2), provide for the joint consultation between the two Speakers on the crafting of the sessional order.	The unilateral act constitutes a direct violation of the Melanesian agreement and disrespects the spirit of the Bougainville Peace Agreement and Part XIV. The violation to the agreed consultative process now creates a dispute warranting JSB to resolve the matter.
g) Exit	Bougainville Peace Agreement and Part XIV provides for the exit based on the independence definition and the results of the referendum.	The BPA and Part XIV of the National Constitution always intended for the autonomy arrangements to be transitional to Bougainville's political future. As such, the exit (process after consultations per S342) is sufficiently provided for in the legal framework. **The Melanesian Framework is the Exit strategy that is provided for under Part XIV.**
h) Final Position	Joint consultations outcome documents - EKC, MA, MF in overarching- Part XIV	**Self-Government September, 1 2027.** (Autonomy plus exercise of S289 powers) **Independence to be declared In 2030.**

Annex 15

Melanesian Framework

FINAL

5 August 2026

An agreed pathway forward

between the Autonomous Bougainville Government and the Government of Papua New Guinea giving effect to the Melanesian Agreement (26 June 2025) subject to an affirmative decision by the National Parliament agreeing to the Referendum results.

This Melanesian Framework outlines self-government as the transitional pathway through which the aspirations of the people of Bougainville for Independence are given practical effect while respecting the constitutional role and responsibilities of the National Parliament.

It further delineates a Melanesian pathway that is peaceful, stable and consistent with the Constitution, and directed towards building an enduring relationship between Papua New Guinea and an independent Bougainville.

Glossary

Agreed Instrument
A legal, constitutional, administrative, executive, parliamentary, political or intergovernmental instrument used to give effect to part of the Framework.

Bougainville Peace Agreement / BPA
The 2001 agreement that established the agreed foundations for weapons disposal, autonomy, and a constitutionally guaranteed referendum on Bougainville's future political status.

Constitutional and Legal Integrity
The principle that all arrangements under the Framework must be grounded in the Constitution of Papua New Guinea, the Bougainville Peace Agreement, applicable laws, including international law, and any additional relevant legal or constitutional instruments.

Delegated Authority
An arrangement through which Bougainville exercises a power or function by agreement or authorisation, while the National Government may retain constitutional or legal responsibility during the transitional period.

Dispute Resolution and Problem-Solving
The procedures through which the Parties prevent, manage and resolve difficulties arising during implementation, with emphasis on dialogue, good faith and preservation of the relationship.

Drawdown
The process through which powers and functions available under the autonomy arrangements are transferred to Bougainville.

Enduring Melanesian Relationship
The future relationship between Papua New Guinea and Bougainville, intended to preserve peace, cooperation, mutual respect, family, cultural, economic and geographic ties, and practical cooperation in areas of common interest.

Financial and Economic Readiness
The existence of sufficiently clear, sustainable and predictable financial and economic arrangements to support a power, function or authority, against which the overall strength of the economy can also be measured.

Full Assumption or Transfer
The stage at which the Parties jointly determine that the relevant readiness considerations have been adequately fulfilled and that Bougainville may fully assume a power, function or authority in accordance with applicable law.

Good Faith
The commitment of the Parties to act honestly, constructively and consistently with the agreed purposes of the Framework, and to avoid unnecessary delay, unilateral action or conduct that undermines confidence.

Implementation Architecture
The agreed mechanisms established to guide, coordinate, monitor and review implementation of the Framework.

Independence Definition
An independent nation state with sovereign powers and laws, recognised under international law and by other sovereign states to be an independent state, separate from the state of Papua New Guinea.

Institutional Readiness
The existence of institutions sufficiently capable of exercising a power, function or authority responsibly.

Joint Supervisory Body
The Parties shall amend the Terms of Reference of the existing Joint Supervisory Body to establish the Joint Supervisory Body (JSB) which will provide overall political leadership, direction and oversight for the implementation of this Framework.

Joint Committee on the Melanesian Framework
The high-level joint mechanism responsible for political leadership, direction and oversight of implementation.

Joint Determination
Decision-making by the Parties through agreed mechanisms, rather than unilateral determination by either side.

Joint Sectoral Oversight Committees
Practical joint bodies or departmental arrangements established for specific powers, functions or sectors requiring shared management during the transition.

Legal and Legislative Readiness
The existence of the legislative basis required for a proposed arrangement.

Melanesian Values
Values including dialogue, mutual respect, consensus, relationship, partnership, good faith, peaceful cooperation, and enduring ties between the peoples of Papua New Guinea and Bougainville.

Monitoring Body
The mechanism responsible for impartial and credible reporting on implementation. It observes, reports, advises and supports confidence, but does not make decisions for the Parties.

National Constitution
The Constitution of Papua New Guinea.

Part XIV
The part of the Constitution of Papua New Guinea that gives constitutional effect to the Bougainville arrangements, including autonomy and the referendum.

Policy Readiness
The existence of a sufficiently clear policy basis for exercising a power, function or authority.

Readiness
A jointly determined and jointly supported assessment against considerations required for a power, function or authority to be exercised effectively, sustainably, lawfully and peacefully.

Readiness, Review and Sequencing Body
The mechanism responsible for supporting joint assessment of readiness, sequencing, milestones, implementation gaps and recommended support measures.

Readiness Indicators / Benchmarks
The agreed indicators used to assess progress, including institutional capacity, policy and legislative readiness, fiscal and economic sustainability, service continuity, and the effectiveness of cooperative or shared arrangements.

Reserved for Final Status Arrangements
Powers, functions or authorities that the Parties jointly agree should be addressed only as part of the final constitutional or political settlement.

Revenue Raising Regime
The legal, institutional and administrative arrangements that enable the generation, collection and management of public revenue from lawful sources, including taxation, fees, licences, royalties, dividends and other public revenues, in order to support the sustainable financing of government functions and public service delivery.

Section 289 Powers and Functions
Powers and functions associated with sovereignty under Section 289 of the Constitution.

Section 290 Powers and Functions
Powers and functions eligible for transfer to and assumption by Bougainville under the existing autonomy arrangements.

Self-Government
The beginning of a new transitional phase in Bougainville's constitutional and political development, enabling the progressive exercise, delegation, sharing and joint management of additional powers, functions and forms of authority associated with Section 289 of the Constitution, as well as the accelerated drawdown of residual S290 powers.

Service Continuity and Public Welfare
The principle that the transition should protect essential services, livelihoods, dignity, security and public welfare.

Shared or Jointly Exercised Authority
An arrangement through which the Parties jointly exercise or manage a power or function during the transition.

The Parties / The Two Governments
The Government of Papua New Guinea and the Autonomous Bougainville Government.

Transfer of Powers
The legal, constitutional, administrative or executive process through which a power or function moves from the National Government to Bougainville.

Transitional Arrangement
An arrangement used where a power or function is jointly exercised, shared or delegated by the National Government to the Autonomous Bougainville Government.

Transitional Period
The period during which Bougainville progressively assumes greater responsibility for governing its own affairs, while constitutional continuity, legal certainty, service delivery, peace and stability are maintained. This may be done through enabling the progressive exercise, delegation, sharing and joint management of additional powers, functions and forms of authority associated with Section 289 of the Constitution, as well as the accelerated drawdown of residual S290 powers

Treaty of Friendship
A possible future agreement between Papua New Guinea and an independent Bougainville, intended to support an enduring Melanesian relationship and cooperation in areas of common interest.

Wokbung
A Melanesian expression of working together in a spirit of cooperation, mutual respect and shared responsibility.

Preamble

This Melanesian Framework is jointly crafted by the Government of Papua New Guinea (National Government) and the Autonomous Bougainville Government (ABG), to give effect to the Melanesian Agreement, co-signed on 26 June 2025.

Acknowledging the continuing role of the National Parliament and the Bougainville House of Representatives in considering, enabling and giving effect to the Melanesian Framework and the pathway it outlines;

Guided by the Constitution of the Independent State of Papua New Guinea (the National Constitution), the Bougainville Peace Agreement**,** the results of the Bougainville Referendum, and the Melanesian Agreement**;**

Recognising the referendum result, announced by the Bougainville Referendum Commission on 11 December 2019, in which 176,928 voters, representing 97.71 per cent of votes cast, chose Independence, while 3,043 voters, representing 1.68 per cent of votes cast, chose Greater Autonomy. There were 1096 invalid ballots representing 0.61% of the votes cast.

Acknowledging the 2019 Bougainville Referendum as a constitutionally mandated and democratic expression of the will of the people of Bougainville, undertaken pursuant to the Bougainville Peace Agreement, the Organic Law on Peace-Building on Bougainville and Part XIV of the National Constitution, and recognising its outcome as a legitimate expression of the will of the people of Bougainville and a central reference point for the consultations;

Recognising that the Bougainville Peace Agreement and Part XIV of the National Constitution vested in the National Parliament, the final decision-making authority on the Referendum Results;

Acknowledging the consultations of the National Government and the Autonomous Bougainville Government in accordance with Section 342(1) of the National Constitution, that have taken place thus far;

Further affirming continued commitment and adherence to the purposes and principles of the Charter of the United Nations (UN Charter) and to strengthening the constructive role of the United Nations (UN) and the international community in supporting peaceful political transitions;

Recalling, in this regard, the principles of 'self-determination of peoples' reflected under International Law, and noting that these principles will be advanced in the Bougainville context through peaceful, constitutional and mutually agreed arrangements that sustain an enduring relationship between Papua New Guinea and Bougainville;

Reaffirming their commitment to democratic principles and human rights and fundamental freedoms as laid down in the Universal Declaration of Human Rights and other relevant international human rights instruments as well as to the principles of integral human development, equality and participation, national soveriegnty and self-reliance, natural resources and environment and Melanesian ways.

Upholding Melanesian solidarity by drawing on Melanesian values of dialogue, mutual respect, consensus, relationship, partnership and good faith;

Recognising that the pathway ahead must be phased, orderly, predictable and jointly developed and managed, including through the progressive delegation and sharing of agreed Section 289 functions and powers, and the transfer and accelerated assumption of agreed Section 290 functions and powers;

Recognising further that the future relationship between the Parties shall evolve progressively through peaceful negotiation, mutual agreement, institutional development, and cooperative implementation consistent with constitutional processes, international law, and Melanesian values;

Affirming their shared intention to work constructively, collaboratively, and in good faith toward achieving an agreed and enduring political and constitutional settlement concerning Bougainville's future political status;

The Parties agree to this Melanesian Framework as a practical and forward-looking basis for the implementation of the Melanesian Agreement which will guide the transition of Bougainville from autonomy through a transitional period of self-government towards an end state that ensures political independence for Bougainville while retaining a close, peaceful and enduring relationship between Bougainville and Papua New Guinea.

1. Purpose and Objectives

The purpose of this Melanesian Framework is to provide a clear, practical, realistic and forward-looking pathway that guides both governments, and informs the National Parliament and the Bougainville House of Representatives, as the two governments work in partnership through the next phase of Bougainville's pursuit of political independence, following the decision of the National Parliament made pursuant to Section 342(2) of the National Constitution.

The Melanesian Framework outlines agreed arrangements that will provide a shared and predictable pathway for the next phase of Bougainville's transition. The Framework will clarify the shared responsibilities of both governments; and set out an accelerated, phased and sequenced approach to the final full transfer and assumption of agreed powers, alongside

agreed cooperative arrangements, with regards to Sections 289 and 290 powers, as detailed in Part XIV of the National Constitution.

It will also identify interim, transitional and shared arrangements, indicate the legal and constitutional implications of the proposed pathway, and establish monitoring and review mechanisms to accompany both governments through implementation. This pathway will align with guiding principles that shape and inform the interactions between the National Government and ABG throughout the development and implementation of the Melanesian Framework.

The Melanesian Framework respects the role and responsibilities of the National Parliament throughout the process.

The Melanesian Framework forms part of the Joint Consultation Report which will be submitted to the National Parliament in fulfilment of Section 342(1), subject to which the National Parliament will take a decision when the referendum results are tabled in accordance with Section 342(2) of Part XIV of the National Constitution.

2. Guiding Principles

The Parties therefore agree to the following Guiding Principles to govern and inform the progressive shaping of their future relationship:

2.1 Recognition of the Referendum Results

The Parties recognise the results of the Bougainville Referendum as a legitimate expression of the democratic will of the people of Bougainville, forming a foundational reference point for the Parties' ongoing consultations.

2.2 Shared Commitment to Facilitate a Pathway Forwards

The Parties commit to their shared responsibility to give practical and meaningful effect to the Referendum outcome, in accordance with the decisions of the National Parliament, through a peaceful and agreed processes.

2.3 Shared Responsibilities in building a sovereign Melanesian relationship

The Parties commit to working in partnership to build a sovereign Melanesian relationship between Papua New Guinea and Bougainville that reflects an agreed spirit of ongoing collaboration (wokbung), mutual respect and enduring peace.

2.4 Constitutional and Legal Integrity

All arrangements, decisions and transitional arrangements shall be grounded in the National Constitution, the Bougainville Peace Agreement, and other documents and agreements where applicable.

2.5 Relational approach to exercise of authority

The Parties recognise that S289 powers and functions shall, during the transitional self-government phase, involve flexible, cooperative, or shared arrangements designed to support stability, continuity, and confidence-building based on agreement, while strengthening capacity that builds on practical experience.

2.6 Phased and Sequenced Transition

The Parties acknowledge that the assumption of functions and powers shall take place through lawful, orderly, and mutually agreed processes consistent with constitutional integrity, legal continuity, the National Constitution, the Bougainville Peace Agreement, including the Melanesian Agreement and related aspirational instruments.

2.7 Capacity and Institutional strengthening

The Parties shall cooperate in identifying and mobilising technical, financial, institutional, and development support necessary to enable the effective and sustainable implementation of agreed arrangements.

2.8 Joint Assessment, Monitoring, Review and Adaptation

The Parties shall, through approved mechanisms and bodies, jointly assess and review progress towards an enabling environment for the delegation and transfer of powers. Such assessments shall support adaptive implementation and allow arrangements to evolve in response to practical experience, emerging needs, and agreed priorities.

Monitoring, review, and adaptation shall be done through jointly agreed mechanisms, which may include independent, international, and domestic elements with international oversight.

2.9 Continuity of Development, Services and Protection of Livelihoods

The process shall ensure the continuity, accessibility and effective delivery of essential services and development and safeguard the welfare and livelihoods of the people of Bougainville.

2.10 Good Governance and Rule of Law

The Parties commit to establishing and strengthening institutions that uphold the rule of law, human rights, transparency, accountability, and inclusive participation.

2.11 Cooperation and Ongoing Consultation based on Melanesian Values

The Parties shall engage with one another in good faith, and be guided by Melanesian Principles of consensus, respect, relationship, and peaceful dialogue, fostering trust, understanding, and cooperation and preserving peaceful relations between the Parties.

2.12 Progressive International Engagement

International and regional engagement for Bougainville shall develop progressively, in a manner consistent with this Framework and with the evolving exercise of authority and the broader objectives of peaceful transition and cooperation in accordance with international law.

2.13 Support and Partnership

The process may be supported by the United Nations, witnessing signatories of the BPA, regional organisations, and development partners, in ways jointly agreed by the Parties.

2.14 Agreement on Pathway and Outcomes

In the event of an affirmative outcome from the Parliament's consideration of the referendum the Parties commit to working towards modalities, institutional arrangements, legal measures, and joint assessments of progress against agreed readiness indicators, carried out within agreed timeframes, through which the Independence aspirations of the Bougainville people will be advanced in a stable, peaceful, and sustainable manner.

The Parties affirm their common intention to advance Bougainville's transition to Independence, while fully respecting the Constitutional responsibilities of the National Parliament, in a manner that secures peace, stability, dignity, cooperation, and enduring relations between Bougainville and Papua New Guinea.

2.15 Dispute Resolution

The Parties commit to resolving disagreements through the BPA-endorsed process for dispute resolution, by applying Melanesian values, constitutional principles, and international law, and by making use of the principles and mechanisms agreed through this framework.

3. Considerations, Criteria and Readiness

3.1 Purpose of this Section

This section establishes the considerations, criteria and readiness factors that will guide the establishment of indicators and milestones, to advance the transition through a phased approach to exercising governance functions, agreeing on cooperative shared mechanisms, and exploring pathways for the delegation of S.289 powers, functions and authorities and the

accelerated transfer and assumption of S.290 powers, along the pathway outlined in this Framework.

It is intended to provide the National Parliament, the Bougainville House of Representatives, the two Governments, and the people of Papua New Guinea and Bougainville with a stable, predictable and responsible basis for understanding how authority will evolve over time. It recognises that the transition from the present constitutional arrangements towards self-government and political independence for Bougainville must be managed in a manner that protects peace, maintains stability, sustains public services, strengthens institutions, and gives practical effect to the will of the people expressed through the Bougainville Referendum.

The criteria set out in this section are not intended to create obstacles to the shared pathway. They are intended to provide a shared basis for confidence building, preparation, mutual accountability and orderly implementation. They should enable the Parties to identify what is ready for immediate drawdown, what may be exercised jointly, what may be delegated or transferred through interim arrangements, and what may require further institutional, legal, financial or technical preparation before full assumption by Bougainville.

In this sense, readiness is understood as a shared responsibility. It is a jointly determined and jointly supported process through which the Parties assess the enabling conditions required for each function or authority to be exercised effectively, sustainably and peacefully.

3.2 Guiding Approach

The Parties agree that the exercise, sharing, delegation, transfer and assumption of powers, functions and authorities relating to sovereignty shall be guided by the principles articulated in Section 2 of this Melanesian Framework.

The Parties further agree that delegated authority may be exercised in different forms at different stages of the pathway. Depending on the nature of the power or function concerned, and the readiness conditions jointly identified by the Parties, a power, function or authority may be:

a. exercised by Bougainville under self-government arrangements during the transition;

b. delegated to Bougainville by the National Government for a defined period, purpose or function;

c. exercised jointly by Papua New Guinea and Bougainville through an agreed shared mechanism;

d. exercised through an interim or transitional arrangement pending full assumption;

e. reserved for final status arrangements, where this is jointly agreed to be necessary.

The Parties recognise that some powers and functions associated with Section 289 may need to be unbundled into their practical components. These components may not all require the same form of treatment or the same sequence of transition. Some components may be suitable for early cooperation or joint exercise. Others may be suitable for delegation. Others may require further agreement, legislation development and constitutional amendments, institutional development or international recognition processes.

The purpose of this Framework is therefore to provide a practical pathway for moving responsibly from current arrangements into the future, in a manner that ensures a peaceful enduring relationship between Papua New Guinea and Bougainville through a transitional pathway between self-government and Independence, towards a Treaty of Friendship between sovereign countries.

This approach allows the Parties to move beyond an all-or-nothing treatment of sovereign powers. It enables practical progress while preserving constitutional, and legal integrity. It also provides Parliament with a clear basis for understanding how the pathway can be managed responsibly, without creating sudden disruption or uncertainty.

In this way, the Framework provides a bridge between an announcement of self-government and independence for Bougainville. It enables the Parties to identify what can be done now, what can be prepared next, what must be shared or jointly managed during transition, and what must be resolved as part of the details of a final relationship.

3.3 Core Readiness Considerations

In determining the appropriate treatment of any S289 power, function or authority, the Parties shall be guided by the following core readiness considerations.

3.3.1 Policy Readiness

The Parties shall consider whether there is an agreed or sufficiently developed policy framework for the respective Governments to guide the exercise of the relevant power, function or authority.

Policy readiness may include:

a. an agreed statement of policy intent;

b. clarity on the purpose, scope and expected outcomes of the power or function;

c. identification of the public interests to be protected during the transition;

d. identification of risks, safeguards and mitigation measures; and

e. where appropriate, consistency with regional and international obligations.

Policy readiness requires that there be sufficient shared understanding to enable the function or authority to be exercised responsibly and in a way that contributes to confidence, stability and continuity.

3.3.2 Legal and Legislative Readiness

The Parties shall consider whether the necessary legal and legislative basis exists, or can be developed, to enable the proposed form of exercise, sharing, delegation, transfer or assumption.

Legal and legislative readiness may include:

a. identification of the constitutional basis for the proposed arrangement;

b. identification of any existing laws, regulations or agreements that already permit action;

c. identification of any legal instruments, amendments, regulations, delegations, memoranda of understanding, intergovernmental agreements or transitional instruments that may be required;

d. clarity on whether the arrangement is administrative, executive, legislative, constitutional, transitional or final in character;

e. where appropriate, identification of legal implications for third parties, development partners, regional organisations or international actors.

f. where there are matters that have legal implications under international law, there needs to be a clear demonstration of legal capacity and capability to exercise a certain power that is consistent with the National Constitution and recognisable within international law.

The Parties recognise that legal readiness may develop progressively. In some cases, an interim legal instrument may enable initial movement while more comprehensive legislation is prepared. In other cases, a legal action may be required before a power or function can be fully assumed. The Framework should therefore guide both immediate action and longer-term legal preparation emerging from further discussion and agreement between the Parties.

3.3.3 Institutional Readiness

The Parties shall consider whether the institutions required to exercise the relevant power, function or authority exist, or can be strengthened, established or supported within an agreed period.

Institutional readiness may include:

a. an identified Bougainville institution, department, agency or authority responsible for the function;

b. clarity on mandates, lines of accountability and decision-making authority;

c. appropriate staffing, skills, leadership and administrative systems;

d. information management, records, data and reporting systems;

e. operational policies, procedures and internal controls;

f. mechanisms for coordination with National Government institutions;

g. arrangements for training, mentoring, technical support and capacity strengthening;

h. arrangements for public communication and community engagement; and

i. safeguards for transparency, accountability, inclusion and responsiveness.

Institutional readiness shall be assessed in a practical and functional manner. The question is not whether Bougainville institutions are already perfect or fully mature, but whether the relevant function can be exercised responsibly, with appropriate support, safeguards and phased development. The Parties recognise that institutions are often strengthened through the exercise of responsibility, and that carefully sequenced assumption of authority can itself be a means of building capacity.

3.3.4 Financial and Economic Readiness

The Parties shall consider whether the financial and economic arrangements necessary to support the relevant power, function or authority are sufficiently clear, sustainable and predictable. In considering financial and economic readiness, the Parties recognise the distinction between transitional financing arrangements and the longer-term establishment of a sustainable economic and fiscal foundation capable of supporting the exercise of sovereign responsibilities. Particular attention shall therefore be given to the progressive development of Bougainville's revenue raising regime and broader economic self-reliance.

Financial and economic readiness may include:

a. identification of the costs associated with the function or authority;

b. clarity regarding existing and future sources of funding, including the progressive establishment of a sustainable domestic revenue raising regime

c. arrangements for budget planning, appropriation, transfer and reporting;

d. financial management and audit capacity;

e. development and operational readiness of revenue raising institutions and legal frameworks, including taxation, customs (where applicable), royalties, fees, licences and other lawful sources of public revenue.

f. transitional funding arrangements between the National Government and Bougainville;

g. development partner and International Financing Institutional support, where agreed by the Parties;

h. economic sustainability and service delivery implications;

i. safeguards against fiscal disruption or unfunded mandates;

j. arrangements for monitoring the financial viability of the function over time;

k. agreed revenue sharing arrangements;

l. regular assessment of the resilience, diversity and projected sustainability of Bougainville's economy, including medium and long-term fiscal projections.

The Parties recognise that financial and economic readiness are central to the credibility and sustainability of the transition. Financial readiness extends beyond the availability of transitional funding and includes the progressive establishment of the fiscal institutions, revenue raising regime and economic foundations necessary to support the effective exercise of public authority over the long term. These capabilities should be strengthened progressively through partnership, agreed transitional support, predictable financing, institutional development and measures that enhance Bougainville's long-term economic self-reliance.

3.3.5 Service Continuity and Public Welfare

The Parties shall consider whether the proposed arrangement protects the continuity of essential services, livelihoods and public welfare.

The Parties agree that the pathway must be people centred. The transfer or assumption of authority is not only a constitutional or institutional matter. It must improve, or at minimum protect, the everyday wellbeing, dignity and security of the people of Bougainville and Papua New Guinea.

3.4 Criteria for Determining the Form of Authority

In applying the above readiness considerations, the Parties shall jointly determine the appropriate form through which each power, function or authority that may be delegated or transferred will be exercised at each stage of the pathway.

The following criteria shall guide that determination.

3.4.1 Existing or Available Authority

Where a power or function is already available to Bougainville under existing constitutional, legal or administrative arrangements, the Parties shall identify the steps required for its effective exercise or immediate drawdown.

In such cases, the focus shall be on removing practical obstacles, clarifying procedures, ensuring resourcing, and supporting implementation.

3.4.2 Delegated Authority

Where a power or function is not yet fully transferred but can be exercised by Bougainville through delegation or administrative authorisation, the Parties may agree to a delegated authority arrangement.

Delegated authority may be appropriate where:

a. Bougainville has or can develop the institutional capacity to exercise the function;

b. the National Government retains constitutional or legal responsibility during the transitional period;

c. clear terms of delegation can be agreed;

d. accountability, reporting and review arrangements are established;

e. risks can be managed through agreed safeguards; and

f. delegation would contribute to readiness for future assumption.

Delegated authority should be used as a practical bridge between current arrangements and the realisation of final independence. It should be designed to build experience, confidence and capacity, rather than to delay transition.

3.4.3 Shared or Jointly Exercised Authority

Where a power or function requiring continuing involvement by both Governments, can legally be jointly exercised in order to protect stability, legality, service continuity or the future relationship, the Parties may agree to a shared or jointly exercised authority arrangement.

Shared authority may be appropriate where:

a. the function affects both Papua New Guinea and Bougainville;

b. the function has significant constitutional, security, financial, regional or international implications;

c. the Parties agree that joint decision-making would build trust and reduce risk;

d. the function requires coordination between national and Bougainville institutions;

e. the function is part of a broader transition towards future assumption by Bougainville; or

f. the function is expected to remain an area of cooperation in the future relationship.

Shared authority arrangements should clearly define the respective roles of the Parties, the decision-making process, the duration or review points, the responsible institutions, the applicable law, and the mechanism for resolving differences. Where appropriate, shared authority may include joint committees, joint boards, co-chaired mechanisms, agreed protocols, shared technical secretariats, or other arrangements agreed by the Parties.

3.4.4 Interim or Transitional Authority

Where a power or function is associated with future sovereignty or independence but cannot yet be fully assumed, the Parties may agree to an interim or transitional authority arrangement. This may require amendments to Part XIV of the National Constitution.

Interim or transitional authority may be appropriate where:

a. the function is important to Bougainville's pathway through self-government to independence;

b. immediate full transfer is not yet legally, institutionally, financially or operationally feasible;

c. a phased arrangement would enable preparation, learning and confidence-building;

d. the function requires engagement with external actors, regional bodies or technical partners;

e. continuity of services or obligations must be protected; or

f. the arrangement can serve as a bridge between the present constitutional order and the future relationship.

Such arrangements should be subject to regular assessment and review, and linked to clear readiness indicators. They may include phased assumption, co-administration, shadow functions, observer status, joint representation, delegated representation, technical participation, or other agreed modalities.

3.4.5 Full Assumption or Transfer

Where the Parties jointly determine that the relevant readiness conditions have been met, or on a date agreed by both of the Parties, a power, function or authority may be transferred to, or fully assumed by, Bougainville in accordance with the applicable constitutional, legal and political requirements.

Full assumption or transfer may be appropriate where:

a. the legal basis is clear;

b. the responsible Bougainville institution is established and operational;

c. financial and administrative arrangements are in place;

d. service continuity can be maintained;

e. accountability mechanisms are established;

f. risks have been assessed and mitigated;

g. any necessary parliamentary or legislative steps have been identified or completed; and

h. the transfer is consistent with the agreed pathway and future relationship.

Full assumption or transfer should be recorded in an agreed instrument and, where necessary, supported by legislation, regulation, administrative direction, budgetary provision or other enabling measures.

3.6 Joint Assessment and Determination

Consistent with the principle of joint determination, the Parties shall establish mechanisms in line with Section 6 of the Melanesian Framework to assess readiness, review progress and make recommendations on the appropriate treatment of powers, functions and authorities.

3.7 Readiness as a Shared Commitment

The Parties affirm that readiness is not only the responsibility of Bougainville. It is a shared commitment of both Governments.

The National Government has responsibilities to support an orderly transition, including through cooperation, information sharing, legal and administrative facilitation, capacity support, predictable resourcing where agreed, and timely consideration of required instruments or decisions. Where the National Government has reservations regarding readiness, it shall provide clear guidance on how readiness can be achieved and fulfil its shared responsibilities, including but not limited to capacity building, where relevant.

The Autonomous Bougainville Government has responsibilities to continue strengthening its institutions, policy frameworks, legal preparedness, financial systems, accountability mechanisms and public communication, so that powers and functions can be exercised effectively and in the interests of the people.

Both Governments have a shared responsibility to avoid delay, uncertainty or unilateral action that could undermine confidence in the pathway. Both Governments also have a shared responsibility to act in good faith, to address obstacles as they arise, and to ensure that the transition is carried forward in a way that protects peace, stability and the enduring relationship between Papua New Guinea and Bougainville.

3.8 Summary Commitment

The Parties agree that the pathway from self-government to independence for Bougainville shall be guided by jointly determined considerations, criteria and readiness indicators. These shall support the phased cooperative exercise, for the sharing and delegation of S289 powers, and the accelerated transfer and assumption of S290 and S289 powers, in a manner that is peaceful, lawful, practical, sustainable and consistent with the future close and enduring relationship between Papua New Guinea and Bougainville.

The Parties further agree that the readiness process shall be grounded in partnership, shared responsibility and mutual respect. It shall provide Parliament with confidence that the Framework offers a stable and predictable pathway, while providing Bougainville with assurance that the pathway will give practical and meaningful effect to the referendum outcome through agreed stages of implementation.

The Parties shall therefore use this section as a common reference point when determining how powers, functions and authorities will move between the two governments. These are not checklists to be applied rigidly but rather guidelines to be interpreted in the light most favourable to the achievement of the objectives and principles of the Melanesian Framework.

4. Implementation Architecture

4.1 Purpose of the Implementation Architecture

The Parties agree that the Melanesian Framework shall be supported by an implementation architecture capable of guiding, coordinating, monitoring and reviewing the transition from the present autonomy arrangement, through a transitional period beginning with an announcement of self-government, as the beginning of a transition to the phased delegation and sharing of S.289 powers, towards independence and an enduring Melanesian relationship between Papua New Guinea and Bougainville.

The purpose of the implementation architecture is to ensure that the pathway set out in this Framework is carried forward in a stable, predictable, coordinated and accountable manner. It shall provide the institutional means through which the Parties give practical effect to their shared commitments, manage the phased exercise of powers and functions, resolve implementation issues, and maintain confidence among Parliament, the Bougainville House of Representatives, the two Governments, and the People of PNG and Bougainville.

The architecture should be established immediately following or soon after an affirmative decision by the National Parliament. It shall support the Parties during the transitional period and shall adapt or phase out as appropriate upon independence, or be adapted to ensure a close, peaceful and enduring relationship.

4.2 General Design Principles

The implementation architecture shall be designed to be clear, practical and politically accountable. It should not create unnecessary complexity or duplicate existing institutions. Its purpose is to support implementation, not to replace the constitutional responsibilities of the National Government, the Autonomous Bougainville Government, the National Parliament, or the Bougainville House of Representatives. Where required this architecture will be supported through appropriate amendment's to legislation and the National Constitution.

The architecture shall be based on the following design principles:

a. **Political ownership:** the transition shall remain under the political leadership of the two Governments, with appropriate reporting to Parliament and the Bougainville House of Representatives.

b. **Joint responsibility:** implementation shall be carried forward through mechanisms jointly established and jointly mandated by the Parties.

c. **Subsidiarity and functionality:** matters should be handled at the level best placed to resolve them, whether political, ministerial, departmental, technical or community-facing.

d. **Clear division of mandate and authority:** each mechanism shall have a clear mandate, authority, reporting line and relationship to existing constitutional and statutory institutions.

e. **Phased adaptation:** the architecture shall evolve as the transition moves through self-government, to the phased delegation and assumption of powers, towards independence and an evolving future relationship.

f. **Transparency and accountability:** progress shall be monitored, reported and reviewed in a manner that builds confidence and allows corrective action where required.

g. Dispute Resolution-the architecture should provide a clear, transparent and effective way to respond to, prevent and resolve disputes arising through the implementation of the Framework.

h. **External support by agreement:** regional and international support may be included where agreed by the Parties, including support from the witnessing signatories to the Bougainville Peace Agreement, regional institutions, development partners and the United Nations.

4.3 Core Components of the Architecture

The Parties agree that the implementation architecture may include the following core components:

a. The Joint Supervisory Body and Joint Technical Teams

b. Joint Sector Oversight Committees as required;

c. Central Agency Transfer Implementation Committees

d. Project Implementation Teams

e. Monitoring, reporting and assurance mechanism; and

f. Agreed arrangements for regional, international and partner support.

These mechanisms shall be established through an agreed instrument, grounded in law, which may take the form of an intergovernmental agreement, implementation protocol, constitutional regulation, legislation, parliamentary endorsement, administrative arrangement, or other legal or political instrument as jointly determined by the Parties.

The Parties may decide to establish all mechanisms at once, or to establish them progressively according to need. The core political and coordination mechanisms should be established promptly and should be in place before the start of a transitional period.

4.4 Joint Supervisory Body

The Joint Supervisory Body, in accordance with Section 332 of the National Constitution, will provide a consultative forum through which consultation between the National Government and the Bougainville Government will provide overall political leadership, direction and oversight for the implementation of this Framework.

The JSB shall be jointly chaired by senior political representatives of the National Government and the Autonomous Bougainville Government, as agreed by the Parties. Its membership may include relevant ministers, senior political representatives, and such other persons as the Parties may agree. When required the JSB will be led by the Prime Minister of Papua New Guinea and the President of Bougainville.

The JSB shall be responsible for:

a. providing overall political guidance for the implementation of the Framework;

b. confirming priorities for the phased delegation and sharing of S289 powers and functions and the accelerated transfer and assumption of S290 powers;

c. considering recommendations from technical, legal, departmental and review mechanisms;

d. resolving issues that cannot be resolved at technical or departmental level;

e. ensuring that implementation remains consistent with the Bougainville Peace Agreement, Part XIV of the Constitution, the Melanesian Agreement and this Framework;

f. guiding preparations for the transitional phase of self-government;

g. overseeing the transition through the period of phased delegation and sharing of S289 powers;

h. Establishing and directing the work of any Joint Sector Oversight Committees established in line with 6.5

i. approving matters to be referred to the National Parliament and the Bougainville House of Representatives;

j. negotiating the framing of the enduring relationship between Papua New Guinea and independent Bougainville;

k. maintaining political and public confidence in the pathway; and

l. Clear, coordinated and responsible public communication that is accurate, accessible and consistent with a peaceful, orderly and dignified transition.

The JSB shall not replace the constitutional authority of either Government or either legislature. Its role is to provide joint political direction and to ensure that implementation proceeds in a coordinated, consensual and accountable manner.

The JSB should meet at agreed intervals and may meet more frequently at key milestones or when urgent implementation issues arise.

4.5 Joint Sector Oversight Committees

The Joint Supervisory Body may establish Joint Sector Oversight Committees (JSOCs), or joint departmental arrangements for specific powers, functions or sectors requiring shared management during the transition. Sectors would be identified that would cluster together agencies and departments affected by the implementation of agreements reached in accordance with this Framework.

Joint Sector Oversight Committees should be practical bodies with clear mandates, defined responsibilities, agreed reporting lines and milestone-based functions.

Their responsibilities may include:

a. preparing sectoral transition plans;

b. identifying functions to be drawn down, delegated, jointly exercised or transferred;

c. preparing legal, administrative and financial instruments;

d. supporting institutional readiness and capacity development;

e. ensuring continuity of services during transition;

f. identifying risks and mitigation measures;

g. coordinating technical assistance and partner support;

h. reporting progress to the Joint Supervisory Body on the Melanesian Framework; and

i. recommending when a function is ready for further delegation, transfer or assumption.

Joint Sector Oversight Committees should be used where they add value. They should not be created for every function or sector. In some cases, existing intergovernmental or departmental

mechanisms may be sufficient, provided their mandate is clarified and aligned with this Framework.

4.6 Joint Central Agencies Transfer Implementation Committee

A standing Joint Central Agencies Transfer Implementation Committee (JCATIC), including representatives from both governments, will be established which will provide input on the human resource and budgeting aspect of each drawdown project. There should be one standing JCATIC which can be consulted by all the SOCs and PITs as required on different projects.

The JCATIC should comprise designated technical officers from GoPNG and ABG central agencies, particularly Treasury, Finance, National Planning and Personnel Management. These technical officers should receive a specific induction and training on the Bougainville Peace Process, constitutional provisions relevant to the Melanesian Framework.

The purpose of this body is also to ensure that decisions on the exercise, sharing, delegation, and final transfer and assumption of powers are supported by a clear, jointly agreed assessment of readiness and sequencing.

Its responsibilities may include:

a. applying the readiness criteria agreed in this Framework;

b. reviewing sectoral transition plans prepared by Joint Sector Oversight Committees ;

c. assessing policy, legal, institutional, financial and service-continuity readiness;

d. identifying gaps and recommending support measures;

e. proposing milestones for phased delegation, transfer or assumption;

f. recommending whether a power or function should be treated as existing, immediate drawdown, delegated, shared, interim/transitional, or ready for full assumption;

g. reviewing progress against agreed milestones;

h. identifying delays, blockages or risks; and

i. reporting recommendations to the Joint Supervisory Body.

The role of the JCATIC is to support joint determination on the implementation of the Melanesian Framework. Where readiness gaps are identified, the body shall recommend the actions, support, sequencing or safeguards required to address them.

4.7 Project Implementation Teams

SOCs will appoint specific Project Implementation Teams (PITs). PITs will comprise a small group of specialist technical and legal officers from both Governments and should engage advisory support and consultants where required. PITs should be made up of no more than 5-10 officials and should meet regularly and informally to drive progress. The PIT will be responsible for drawing up and implementing workplans and making progress on the ground

4.8 Monitoring Body

The Parties shall establish a Monitoring Body to provide regular, impartial and credible reporting on implementation of the Framework to the National Parliament, the Bougainville House of Representatives and the Joint Supervisory Body.

The purpose of this mechanism is to build confidence that the pathway is being implemented in good faith, that commitments are being followed through, and that difficulties are identified early enough for corrective action to be taken.

The mechanism may include representatives or observers from Papua New Guinea, Bougainville, the witnessing signatories to the Bougainville Peace Agreement, relevant regional institutions, and the United Nations, as agreed by the Parties. Its composition should reflect the need for credibility, balance, regional legitimacy and respect for the ownership of the two Governments.

Its responsibilities may include:

a. monitoring implementation of agreed milestones;

b. reviewing progress reports from the Joint Committee;

c. identifying delays, risks or areas requiring corrective action;

d. supporting transparency and public confidence;

e. preparing periodic implementation reports for the National Parliament and the Bougainville House of Representatives;

f. advising on whether additional technical, financial or institutional support may be required; and

g. supporting peaceful dialogue where implementation difficulties arise.

The Monitoring Body shall not have decision-making authority over the Parties. Its role is to observe, report, advise and support confidence in the process. Its mandate, membership,

access to information, reporting cycle and relationship to the Joint Committee shall be agreed by the Parties.

The involvement of regional and international actors should be carefully framed. It should strengthen confidence and support implementation, while preserving the ownership and leadership of Papua New Guinea and Bougainville.

4.9 Relationship with Parliament and the Bougainville House of Representatives

The Parties recognise that the National Parliament will have a central role in considering any legislative or constitutional measures required along the pathway. The Bougainville House of Representatives will also have a central role in preparing Bougainville's legal and institutional environment for self-government, and the phased assumption of powers in preparation for independence.

The Joint Supervisory Body and the Monitoring Body shall ensure that appropriate reports, recommendations or instruments are prepared for consideration by the appropriate committees of the National Parliament and the Bougainville House of Representatives at regular intervals

4.10 Regional, International and Partner Support

The Parties may invite regional and international actors to support the implementation architecture where such support is jointly agreed.

Such support may include:

a. technical advice;

b. monitoring and assurance;

c. capacity development;

d. institutional strengthening;

e. support to legal and constitutional processes;

f. support to public communication and dialogue;

g. financial or development assistance; and

h. facilitation of regional or international engagement.

4.11 Dispute Resolution and Problem-Solving

The implementation architecture shall include procedures for preventing, managing and resolving difficulties that arise during implementation.

Where possible, issues should be resolved at the lowest appropriate level. Technical matters should first be addressed by the relevant technical or sectoral mechanism. Matters requiring political direction should be referred to the Joint Supervisory Body.

The Parties may also agree to use facilitation, mediation, independent technical advice or regional support where a matter cannot be resolved through ordinary implementation channels.

The emphasis shall be on early identification, dialogue, good faith problem-solving and the preservation of the relationship between the Parties.

4.12 Summary Commitment

The Parties agree to establish an implementation architecture that can guide the transition from the present arrangements, through self-government and the phased delegation and assumption of powers, toward independence and an enduring Melanesian relationship.

This architecture shall be jointly owned, politically accountable, technically competent, legally grounded, transparent and adaptable. It shall provide Parliament and the Bougainville House of Representatives with confidence that the pathway is capable of implementation, and it shall provide the people of Papua New Guinea and Bougainville with assurance that the transition will be managed peacefully, responsibly and in accordance with agreed principles.

The implementation architecture shall be established within a reasonable period following Parliament's decision to support the phased transition of powers and functions, and adapt or phase out as independence is reached and the future relationship between Papua New Guinea and Bougainville is established.

5. Transitional Pathway

5.1 Purpose of This Section

The purpose of this section is to outline the legal and constitutional transition which will guide the implementation of the Melanesian Framework. It is intended to recognise the agreement of both parties that the transition of Bougainville through increasing self-government must be governed up until independence by the Constitution of Papua New Guinea and other relevant legislation. At the same time, the parties recognise that the transition necessarily involves a change in the constitutional relationship between the Government of Bougainville and the

Government of Papua New Guinea, which must be articulated through amendments to the Constitution and relevant laws.

Furthermore, while agreeing to conduct all actions in line with the commitment to rule of law and orderly and predictable transition articulated in Sections 3 and 4 above, the Parties also agree to seeking to apply and interpret the law, in case of uncertainty or ambiguity, in a light most favourable to the objectives and principles of this Agreement.

The law provides guardrails to guide the transition and offers an opportunity for the Parties to define their relationship according to the unique Melanesian context. The Parties agree to define all terms used in this Melanesian Framework, including self-government, through Papua New Guinean Law, to ensure a clear understanding of the legal character, relationships, rights and obligations of both governments throughout the transition.

The transition pathway envisioned by the Parties is bookended by two constitutional moments: one at or soon after the announcement of self-government in Bougainville and the second at the moment of independence. During the period in between, the transition will be supported through the gradual evolution of the legal framework applicable to Bougainville in a manner which supports increasing self-government and prepares both sides for the eventual end stage of independence.

5.2 Self-Government as a Transitional Phase

At or soon after 1 September 2027 the two Governments will mark the opening of a new chapter, a transitional phase that commences with a declaration of Self-Government.

Section 289 of the National Constitution provides an exhaustive list of powers that remain with the National Government during ABG's autonomy, which are tied to sovereignty and national security. Section 296 of the National Constitution further stipulates that the ABG may legislate on matters listed in Section 289 "but not so as to be inconsistent with National laws on such subjects". Moreover, Section 299 of the National Constitution provides an avenue whereby either government may delegate or transfer any of its powers and functions to the other following agreement.

Section 296 and Section 299 have been considered as potential constitutional mechanisms within the framework of Part XIV and the autonomy arrangements, that allow for the ABG to begin exercising Section 289 functions and powers whilst preserving its autonomy arrangement.

Section 299, in particular, allows for the "delegation" of functions and powers and is relied upon as the basis to begin delegating sovereign functions to the ABG. However, whether a particular Section 289 function or power may be delegated under Section 299 will be assessed on a case-

by-case basis, taking into account the nature of the function, and any constitutional or statutory limitations on delegation. This assessment is necessary to ensure that any delegation is constitutionally sound, effective, and consistent with the autonomy framework established under Part XIV of the Constitution.

A transition into this phase should support the framing of the new relationship under Self-Government between Bougainville and Papua New Guinea, as well as facilitate the pathway for transition going forward.

The pathway envisioned by the Parties will involve legal transition: enabling Bougainville to take up agreed-upon powers and authorities under Part XIV of the National Constitution, and agreement between the two governments on the legal character of the enduring Melanesian relationship in the future. Regarding the former, in line with Sections 3 and 4 above, there may be required changes to the applicable legal frameworks throughout the transitional period to facilitate progress along the pathway.

Concurrently, the Joint Supervisory Body of the Melanesian Framework will commence talks between the two governments regarding the contours of the legal character of the enduring Melanesian Relationship. This will be necessary to ensure a predictable and orderly transition, while respecting the rights of both parties, their citizens and third parties with ongoing legal interests in Papua New Guinea.

5.3 Independence

Subject to the final decision of the National Parliament the agreed end state of the pathway is the Independence of Bougainville and an enduring Melanesian Relationship with Papua New Guinea.

This point will be triggered when both governments agree that Bougainville has satisfied all readiness criteria to assume agreed Section 289 functions and powers and may be marked with an amendment to Section 2 of the Papua New Guinea Constitution to redefine the territory of Papua New Guinea as no longer including the territory of Bougainville, as well as repealing Part XIV.

Readiness is understood as a shared responsibility. It is a jointly determined and jointly supported process through which the Parties assess the enabling conditions required for each function or authority to be exercised effectively, sustainably and peacefully.

Concurrently, Bougainville would promulgate its own National Constitution, which would no longer be the Constitution of an Autonomous Region, but would be the constitution of an

independent state, including necessary and relevant issues pertaining to such which are not included in the current Constitution.

Furthermore, both parties agree to strive for an agreement between the two governments in the form of a Treaty of Friendship which may include such areas of cooperation and coordination as deemed necessary and desirable to give effect to an enduring Melanesian Relationship.

6. Future Relationship Arrangements Post- Independence

6.1 The Governments of Papua New Guinea and Bougainville affirm that the pathway provided for in this Framework is intended not only to give effect to the referendum result, but also to secure an enduring peaceful relationship between Papua New Guinea and Bougainville, post-independence.

6.2 The future relationship shall be guided by the principles of mutual respect, good faith, peaceful cooperation, non-interference, shared responsibility, and recognition of the historical, cultural, family, economic and geographic ties that bind the peoples of Papua New Guinea and Bougainville.

6.3 Future relationship arrangements may include, as appropriate, agreed mechanisms for cooperation in areas of common interest.

6.4 These arrangements shall be developed progressively, alongside the phased transfer, delegation or assumption of powers, and shall be designed to support stability, predictability and continuity during the transition.

6.5 The Governments may establish joint or reciprocal mechanisms, including agreements, protocols, liaison arrangements, technical committees or other instruments, to manage areas of mutual responsibility.

6.6 Nothing in these future relationship arrangements shall diminish the agreed pathway toward Bougainville's assumption of sovereign powers. Rather, such arrangements shall provide the basis for a cooperative and enduring Melanesian relationship between two closely connected peoples and governments.

6.7 The detailed content, legal form and timing of these arrangements shall be developed through further consultation between the two Governments and, where required, submitted for appropriate constitutional, parliamentary or legislative consideration.

7. Final Provisions

7.1 The Melanesian Framework is a joint political and procedural framework. It does not, by itself, amend the Constitution, transfer sovereign powers or create legal obligations beyond

those already established by law. It provides an authoritative agreed reference for both governments in guiding the next phase of the Bougainville process, including parliamentary consideration, interim and transitional arrangements, and the phased and sequenced transfer, delegation, assumption or joint exercise of powers and functions. Any measure requiring legal, constitutional, executive, parliamentary or administrative action shall take effect only through the procedures required by law.

7.2 Where the Framework identifies possible interim, transitional, delegated, shared or jointly exercised arrangements, such arrangements shall be developed through appropriate legal, constitutional and administrative processes. This may include, as required, legislation, constitutional regulations, executive instruments, intergovernmental agreements, memoranda of understanding, administrative delegations, treaty-type arrangements, or other mechanisms agreed by the parties and consistent with applicable law.

7.3 The specific legal consequences of any element of the Framework shall depend on the legal instrument through which that element is implemented. Entry into effect of the Framework shall not remove the need for separate legal, constitutional, parliamentary or administrative action where such action is required.

7.4 The Framework may be amended by mutual agreement of the Government of Papua New Guinea and the Autonomous Bougainville Government.

7.5 Any proposed amendment shall be considered through the agreed implementation architecture established under the Framework. Unless the parties agree otherwise, proposed amendments should first be reviewed at technical level, then submitted to the relevant senior officials' mechanism and thereafter to the appropriate political decision-making body of the two governments.

Annex 16

JOINT SUPERVISORY BODY MEETING
Wednesday 5th of August, 2026
MELANESIAN HAUS, PORT MORESBY

We, the leaders of the Joint Supervisory Body (JSB) take note of our mandate under Section 332 of the *Constitution of Papua New Guinea* (National Constitution) to implement the Bougainville Peace Agreement and Part XIV of the National Constitution; and

Recognize the requirements of Section 342 of the National Constitution for consultations to take place between the Autonomous Bougainville Government (the ABG) and the Government of Papua New Guinea (GoPNG) on the Referendum Results, followed by the tabling of the Results in the National Parliament; and

Appreciate that post-Referendum consultations were conducted between the GoPNG and the ABG, the outcome of which are reflected in the Joint Consultation Report (JCR); and

Noting Further that the consultations have culminated in the jointly developed Melanesian Framework which aims to provide an agreed pathway forward to reaching a final political settlement for Bougainville, as per Clause 2.1 of the Melanesian Agreement of 26 June 2025; and

Having met on Wednesday 5th August 2026 to discuss the JCR and the Melanesian Framework for tabling alongside the Referendum Results in the National Parliament, endorse the following resolutions:

RESOLUTIONS

1. Melanesian Framework.

1.1. The JSB endorses the Melanesian Framework (5 August 2026) as the agreed pathway jointly designed by the GoPNG and the ABG to give effect to an affirmative decision by the National Parliament, should the National Parliament endorse the Referendum Results; and

1.2. The JSB endorses that the Melanesian Framework be submitted as an annexure to the JCR to be presented in the National Parliament alongside the Referendum Results.

2. Joint Consultation Report.

2.1. The JSB endorses the JCR (5 August 2026) as an accurate and factual record of the post-Referendum consultations that have taken place following the 2019 Bougainville Referendum, which includes historical context, principal matters considered, and key areas of agreement and disagreement identified during this consultative process; and

2.2. The JSB approves the tabling of the JCR for the National Parliament's consideration, in deliberating and making its decision on the Referendum Results; and

2.3. The JSB agrees that the JCR is a fulfillment of the requirements under Section 342 of the National Consultation, including the requirements to consult on the Referendum Results.

3. Referendum Results.

3.1 The JSB, in recognizing the conclusion of the constitutionally mandated consultations, endorse that the Referendum Results be tabled in Parliament on 27 August 2026 for a decision to be made regarding it, together with the JCR with the Melanesian Framework annexed; and

3.2 The JSB acknowledges that the Prime Minister and the President will jointly determine a date for the question to be put to the National Parliament on the decision on the Referendum Results; and

3.3 The JSB directs the Independent Facilitator and the Joint Technical Team supported by the Joint Ministers to do awareness to members of the National Parliament on the JCR and the Melanesian Framework before a the date the question is put to the National Parliament.

4. Fisheries Revenue Sharing Arrangement and Taxation.

The JSB:

(a) Takes note of the ABG introduced agendas relating to Taxation, Revenue Streams, Fees and related Fiscal Powers for the ABG; and strengthening Bougainville's Fisheries Governance and Marine Resource Benefit Sharing Framework; and

(b) Resolves to direct both Chief Secretaries to the Government of Papua New Guinea and the Autonomous Bougainville Government:

- to exercise full oversight, coordination and accountability for all technical agency-to-agency engagements relating to

taxation, customs and excise, fisheries, revenue streams, statutory fees and charges, and other fiscal and economic matters affecting Bougainville, and present a comprehensive joint progress report to the JSB meeting for consideration and further matters; and

- to work towards a 100 percent transfer of revenue generated in Bougainville in fisheries, mining, forestry, land and other relevant tax by the 31 December 2026.

We, the Co-chairs of the JSB, affirm this resolution as the true records of the Joint Supervisory Body Meeting on this 5th day of August 2026.

Signed:

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HON. JAMES MARAPE, MP
Prime Minister
Government of Papua New Guinea

.....

HON. ISHMAEL TOROAMA, MHR
President
Autonomous Bougainville Government

Witnessed:

.....

HON. MANASSEH MAKIBA, MP
Minister for Bougainville Affairs
Government of Papua New Guinea

.....

HON. EZEKIEL MASATT, MHR
Vice President & Attorney General
Autonomous Bougainville Government

BOUGAINVILLE REFERENDUM



PAPUA NEW GUINEA

Autonomous Region of Bougainville

MELANESIAN FRAMEWORK

FINAL AGREED

JOINT CONSULTATION REPORT

Endorsed by the Joint Supervisory Body on 5 August 2026

For presentation to the National Parliament alongside the Referendum Results