

# **BOUGAINVILLE PEACE AGREEMENT – PROVISIONS** **ON THE REFERENDUM**

## **INTRODUCTION AND OUTLINE**

### **2. Referendum**

The agreement provides for the right, guaranteed in the National *Constitution*, for a referendum among Bougainvilleans on Bougainville's future political status.

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

The referendum will be held no sooner than ten years, and in any case no later than fifteen years, after the election of the autonomous Bougainville Government.

The actual date of the referendum will be set taking account of standards of good governance and the implementation of the weapons disposal plan.

The outcome of the referendum will be subject to ratification (final decision making authority) of the National Parliament.

### **C. AGREED PRINCIPLES ON REFERENDUM**

309. The National Government will move amendments to the National *Constitution* to guarantee a referendum on Bougainville's future political status.
310. The choices available in the referendum will include a separate independence for Bougainville.
311. (a) The amendments will provide that the outcome will be subject to ratification (final decision-making authority) of the National Parliament.
- (b) The autonomous Bougainville Government and the National Government will consult over the results of the referendum.
312. (a) The constitutional amendments will guarantee that the referendum will be held:
- no earlier than 10 years and, in any case, no later than 15 years after the election of the first autonomous Bougainville Government;
  - when the conditions listed below have been met;
  - unless the autonomous Bougainville Government decides, after consultation with the National Government and in accordance with the Bougainville Constitution, that the referendum should not be held.

- (b) The conditions to be taken into account include:
    - weapons disposal; and
    - good governance.
  - (c) The actual date of the referendum will be agreed after consultations by the autonomous Bougainville Government and the National Government.
313. (a) The benchmarks to be used in determining good governance will take account of internationally accepted standards of good governance as they are applicable and implemented in the circumstances of Bougainville and the rest of Papua New Guinea. These benchmarks include democracy and opportunities for participation by Bougainvilleans, transparency, and accountability, as well as respect for human rights and the rule of law, including the *Constitution of Papua New Guinea*.
- (b) The National Government and the autonomous Bougainville Government will co-operate in ensuring progress towards the achievement and maintenance of these benchmarks.
  - (c) The agreed procedures for review and resolution of disputes will be used to determine whether Bougainville has achieved the standard of good governance intended by this Agreement.
314. (a) The referendum on Bougainville's future political status will be conducted in accordance with agreed constitutional arrangements.
- (b) The constitutional amendments and any Organic Law required to implement the agreed referendum arrangements will be introduced into the National Parliament together, and drafted to take effect at the same time.
315. Eligibility to vote in the referendum will be the same as for national elections in Bougainville plus non-resident Bougainvilleans (detailed criteria to be finalised through consultation).
316. (a) The question(s) to be asked in the referendum should be clear and agreed by the National Government and the autonomous Bougainville Government.
- (b) The choices should be presented so as to facilitate a clear result.
317. The referendum will be free and fair.
318. The National Electoral Commission and the authority responsible for conducting elections in Bougainville will be jointly responsible for conducting the referendum.
319. International observers will be invited to observe the conduct of the referendum.
320. This agreement will be given effect through Constitutional Laws.

321. The National Government and the autonomous Bougainville Government will consult and co-operate to ensure that the conditions intended to apply before the referendum are met.
322. The agreed dispute resolution mechanism will be used to resolve any differences concerning any issues related to holding the referendum, including issues concerning the questions or method of choice in referendum, and the actual date of the referendum.
323. Consultations over the referendum will include:
- (a) timely communication of views in writing to a specified point of contact;
  - (b) adequate opportunity to respond in a similar way;
  - (c) where there are differences, meaningful exchange of views within an adequate, agreed and specified time-frame, either orally or in writing, with a view to reaching agreement; and
  - (d) clear, written record of outcome (either agreement or different views), provided for all parties.
324. Agreed plans for weapons disposal will be fully implemented before elections for the autonomous Bougainville Government are held.

**D. AMENDMENT OF CONSTITUTIONAL ARRANGEMENTS FOR AUTONOMY AND REFERENDUM**

325. The constitutional arrangements implementing this agreement may be amended only in accordance with both requirements (a) and (b) below:
- (a) after approval by the National Parliament in accordance with the amendment provisions contained in the National *Constitution*; and
  - (b) (i) in the case of the referendum provisions, after a vote in which a two-thirds absolute majority of members of the Bougainville legislature vote in support; or  
(ii) in the case of the autonomy provisions, after a vote in which a simple majority of members of the Bougainville legislature vote in support.
326. Voting in the Bougainville legislature must be concluded before the second vote on the same Bill to amend is held in the National Parliament.
327. The National Government and the autonomous Bougainville Government will inform each other of any proposed amendments; consult over them through the agreed consultation procedures or the agreed five-yearly reviews before they are formally moved (or, in the case of Private Members' Bills put to the vote for the first time); and resolve any differences through the agreed dispute resolution procedures.

328. The constitutional provisions concerning the above entrenchment arrangements will themselves be subject to the above procedures and requirements.