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# **Elections in Bougainville, Papua New Guinea**

## *2019 Bougainville Referendum*

Frequently Asked Questions

Asia-Pacific

International Foundation for Electoral Systems

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# Frequently Asked Questions

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*Disclosure:*  
*These FAQs reflect decisions made by the Bougainville elections authorities as of November 14, 2019, to the best of our knowledge. This document does not represent any IFES policy or technical recommendations.*

## **Why is there a referendum on the future status of Bougainville?**

In 2001, the Bougainville Crisis (1989-98) ended with the signing of the Bougainville Peace Agreement that formalized Bougainville's status as an autonomous region within Papua New Guinea (PNG). The Peace Agreement also mandated that a formal nonbinding referendum on the region's future political status be held within 15 years of the formation of a government, which occurred after the parliamentary elections for the Autonomous Region of Bougainville in 2005. Signed on August 30, 2017, the Bougainville Referendum Charter officially triggered preparations for the conduct of the referendum and established the Bougainville Referendum Commission as the body to conduct the referendum. Per the Peace Agreement, whatever the result of the referendum, the referendum process will be followed by bilateral negotiations between the two governments on the future political status of Bougainville. The PNG Parliament will then vote on the outcome of these negotiations.

## **What are Bougainvilleans voting for in the referendum?**

The question posed to voters is the following, written in both English and Tok Pisin – two of the three official languages of Papua New Guinea (PNG):

Preamble: The outcome of the referendum on the future political status of Bougainville, will be discussed by both governments (the Government of Papua New Guinea and the Autonomous Bougainville Government), and will be presented to the National Parliament for final decision making in accordance with the Bougainville Peace Agreement and the National Constitution.

Do you agree for Bougainville to have:

1. Greater Autonomy
2. Independence

On October 31, 2019, the Autonomous Bougainville Government (ABG) and the PNG national government released additional information on the definitions of the two options:

- 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, recognized under international law and by other international states to be an independent state, separate to the state of PNG.

Under "Greater Autonomy," the PNG national government will continue to support the implementation of the existing autonomy arrangements and provide additional powers and functions to the ABG, which may include:

- Industrial relations
- Foreign aid and investment
- International trade and civil aviation
- Migratory and straddling fish stocks

- Additional taxation and other revenue-raising powers

Independence for Bougainville as a nation-state with full sovereignty would entail:

- A defined territory inclusive of maritime boundaries and associated Exclusive Economic Zone
- A form of government chosen by decisions of the people from time to time
- Capacity to enter into and manage relations with other states and international organizations
- A right to apply for United Nations membership
- Capacity to deal with international financial institutions
- Full range of powers and functions including:
  - Revenue generation, control of natural resources, control of all categories of taxation, and ability to raise loans
  - Security, including border security
  - Judiciary, including final court of appeal
  - Police service
  - Foreign affairs
  - Telecommunications and postal services

Lastly, the two governments indicated that there are no defined timeframes for the last two stages of the referendum process – consultation between the two governments and the final PNG parliamentary vote.

## **When is the Bougainville Referendum? How will polling be conducted?**

Polling for the referendum begins on November 23 and is scheduled to conclude on December 3, with a legal maximum polling period of 15 days. Polling for the referendum is conducted by mobile polling teams. In Bougainville, 214 polling teams will cover approximately 800 polling places. In Papua New Guinea (PNG), for Bougainvilleans living outside of Bougainville, 30 polling teams will cover 25 polling places in 21 provinces. There will be two polling teams to cover the two polling places in Australia and the two polling places on the Solomon Islands. The number of polling days for each polling place depends on their remoteness and the size of each ward. The number of polling places each polling team is required to reach depends on the number of days the polling places they serve are open and the distance that they must travel. The polling schedule allows for some flexibility, as inclement weather and transportation infrastructure can restrict the movement of polling teams. It is usual practice in Papua New Guinea, including Bougainville, to have mobile polling teams and for polling places to be open for different lengths of time.

The referendum schedule is as follows:

|  |                    |
|--|--------------------|
| <b>Issue of writ:</b>                        | September 27, 2019 |
| <b>End of new enrollments and transfers:</b> | September 27, 2019 |
| <b>First day of polling:</b>                 | November 23, 2019  |

|   |                   |
|---|-------------------|
| <b>Last day of scheduled polling:</b>             | December 3, 2019  |
| <b>Last day of polling specified in the writ:</b> | December 7, 2019  |
| <b>Return of writ:</b>                            | December 20, 2019 |

For the first time in Bougainville or any of the PNG provinces, postal voting will be offered for the referendum. Applications for postal voting opened on October 8 and will close on November 22. For a voter to be granted a postal vote, he or she must be on the voter roll and meet other criteria. Therefore, all those receiving postal votes had to have been either confirmed on the roll or added to the roll during the three-phase enrollment process. When the postal vote is granted by the Bougainville Referendum Commission (BRC), the ballot materials are delivered to the voter and then must be returned during the polling period to ensure they are included in the count.<sup>1</sup>

Voters can apply for a postal ballot until November 22 if they are residing inside Bougainville or outside Bougainville in the PNG provinces, Australia and the Solomon Islands (if they had already registered in person in specific locations in Australia and the Solomon Islands); if they will be outside of their voting district or will be more than 16 kilometers away from the nearest polling place in their voting district; or if serious illness or religious restrictions would prevent reasonable access to a polling place.

The postal votes will be mixed with all other ballots during counting so as to not distinguish from other votes. Integrity measures are in place during polling to check whether someone seeking to vote in person has already sought to vote by post, to mitigate dual voting.

## **How many polling places will be set up?**

Polling places are typically central locations in each urban or village ward, such as a school, market, church yard or some other well-known location. The Bougainville Referendum Commission (BRC) is currently planning for approximately 829 polling places; there will be approximately 800 polling places among the 441 wards in the 33 administrative units of Bougainville, 25 polling places in the 21 Papua New Guinea (PNG) provinces, two polling places in Australia and two polling places in the Solomon Islands. These will be served by 214 polling teams in Bougainville, 30 teams in the PNG provinces, and one team each for Australia and the Solomon Islands. The BRC established a polling schedule that contains the names of the wards, dates of polling, number of polling teams, names of the polling places, and names of the polling villages or locations.<sup>2</sup> The polling schedule was published in both governments' gazettes after the issue of election writs.<sup>3</sup>

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<sup>1</sup> A normal postal system is not available in Bougainville and PNG due to a lack of postal infrastructure. The BRC will deliver postal votes by hand, through an agent, the AROs or other BRC officials, in Bougainville. The BRC will use a courier service and the Papua New Guinea Electoral Commission to deliver them outside of Bougainville.

<sup>2</sup> <http://bougainville-referendum.org/polling-schedule-available-here/>

<sup>3</sup> For a legal notice or action to come into effect, it must be published in the Papua New Guinea National Gazette or the Bougainville Gazette, depending to which government it pertains.

## **Are there provisions for voting outside of Bougainville?**

Polling will also be conducted outside of Bougainville for nonresident Bougainvilleans (NRB). NRBs were enrolled during the voter roll update exercise following a similar three-phase process to the one conducted in Bougainville. NRB voting will take place in Papua New Guinea at 25 locations among the 21 provinces. Polling is also being offered for the first time for eligible voters in the Solomon Islands at two polling places and in Australia at two polling places. Out-of-country voters must have clan lineage to Bougainville and cannot hold dual nationality.

## **What is the election management body? What are its powers?**

The Bougainville Referendum Commission (BRC) is a special election management body formed solely for the purpose of conducting the Bougainville referendum. The BRC was formally established under the authority of the Bougainville Peace Agreement in August 2017 through a charter signed by the heads of governments of Papua New Guinea (PNG) and the Autonomous Bougainville Government (ABG). The BRC is composed of staff from the PNG Electoral Commission and the Office of the Bougainville Electoral Commissioner and is headed by six commissioners, three appointed by the Government of PNG and three appointed by the ABG. The BRC is chaired by former Prime Minister of Ireland Bertie Ahern and the BRC Secretariat is run by Chief Referendum Officer Mauricio Claudio. The BRC's mandate as set out in its charter is to implement the referendum in accordance with the principles of neutrality, impartiality, transparency, professionalism and inclusivity.

## **Who is eligible to vote in the referendum?**

There are two legal guidelines pertaining to voter eligibility within the Organic Law: Schedule 1.23(1) and Section 55.

For resident Bougainvilleans, per Schedule 1.23(1), a person is entitled to enrollment if the person:

- Has a right to vote under Section 50 of the Constitution;<sup>4</sup>
- Has resided in the area of a voting district for a period of not less than six months immediately preceding the date of his [sic] claim for enrollment; and
- Complies with the requirements of Part VII for enrollment for a voting district.<sup>5</sup>

For the purposes of enrollment by a resident of Bougainville under Schedule 1.23(1), a place of residence may be a family residence, clan residence or work residence. Periods of temporary absence from the identified residence do not affect the continuity of residence for the purposes of enrollment.

A notice under Section 55 of the Organic Law was gazetted on February 27, 2019, outlining criteria for nonresident Bougainvilleans to be able to vote in the referendum. According to the agreed criteria, a voter must:

- Have clan or family linkages to Bougainville;

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<sup>4</sup> Section 50 of the Papua New Guinea Constitution, see "Resources."

<sup>5</sup> Part VII of the Organic Law, see "Resources."

- Be 18 years or older at the time of polling;
- Be a Papua New Guinea (PNG) citizen of “full capacity;” and
- Not be subject to any disqualifying factors under Section 50 of the PNG Constitution, which include a death sentence, imprisonment for more than nine months or conviction for election offence within three years of polling.

## How many registered voters are there?

The referendum voter roll has the following number of registered voters split between the two voting districts – resident and nonresident Bougainvilleans:

| Voting District             | Total   | Percent |
|-----------------------------|---------|---------|
| Resident Bougainvilleans    | 194,016 | 94%     |
| Nonresident Bougainvilleans | 12,715  | 6%      |
| Total                       | 206,731 | 100%    |

|              | Voting District          |         |                             |         |
|--------------|--------------------------|---------|-----------------------------|---------|
|              | Resident Bougainvilleans |         | Nonresident Bougainvilleans |         |
| <b>Women</b> | 95,371                   | 49.16%  | 5,844                       | 45.96%  |
| <b>Men</b>   | 98,565                   | 50.80%  | 6,846                       | 53.84%  |
| <b>Blank</b> | 80                       | 0.04%   | 25                          | 0.20%   |
| <b>Total</b> | 194,016                  | 100.00% | 12,715                      | 100.00% |

This is the largest voter roll that has ever been assembled for Bougainville.

## How was the electoral roll prepared?

The referendum roll was prepared by the Bougainville Referendum Commission (BRC) through a participatory process lasting more than a year, involving more than 441 local ward recorders, Papua New Guinea (PNG) Election Commission election managers, Autonomous Bougainville Government (ABG) civil servants and other stakeholders. In January 2018, the BRC Transitional Committee – the precursor to the formally established BRC – requested an assessment to ensure the roll was developed in a manner that instilled confidence among Bougainvilleans. Following the assessment, the BRC Transitional Committee opted to use the 2015 ABG voter roll as the basis for the development of the referendum roll, rather than developing a new roll from scratch. This decision was made following broad consultations at the provincial, regional and local levels, which included a wide range of stakeholders: ABG representatives, community government members, civil society organizations and international organizations. The three-phase voter roll update process was designed to produce, to the greatest extent possible, a community-owned, accurate and inclusive roll so that as many Bougainvilleans as possible can participate in the referendum.

Phase 1 of the voter roll update exercise consisted of community government ward recorders comparing base ward rolls from the ABG 2015 voter roll against the community government ward

registers, noting corrections, removing voters no longer eligible in the ward, and noting resident citizens not on the voter roll who should be enrolled in later phases of the roll update exercise. Once updated, the rolls were returned to the BRC for data processing and quality control. No new enrollments were undertaken during Phase 1.

Phase 2 consisted of ward recorders taking the working rolls produced as a result of Phase 1 and going door-to-door in their wards to consult and verify each household member's status. Voters were marked for removal, corrected, and eligible voters not on the roll for that ward were given the opportunity to submit claims for new enrollment or transfers. Updated rolls and claims for enrollment or transfers were then quality-checked and the data was processed in district or regional centers to promote local ownership of the enrollment process.

Phase 3 consisted of displaying the roll publicly at the ward level and providing opportunities for new claims and objections to existing entries. Community members had the opportunity to verify that their names appeared on the preliminary voter roll; to verify that their names were listed correctly; and, for eligible voters listed on the preliminary roll, to raise an objection against any voter listed on the same roll who they believed to be ineligible. Voters not on the preliminary voter roll were also offered the opportunity to complete a claim for enrollment or transfer form to have their registration transferred to their current ward. The public display was conducted in all wards, PNG provinces, and out-of-country enrollment locations.<sup>6</sup> More than 5,000 voters were added to the roll during Phase 3.

## **How will voters with disabilities cast their ballots?**

Voters with disabilities are guaranteed the right to vote in the referendum. When a voter with disabilities requires assistance to vote, he or she may appoint no more than two persons to provide such assistance. If an aid discloses any knowledge of how the assisted voter voted, he or she is liable to a fine or prison term. For postal, declaration or provisional votes, the presiding officer must state in the accompanying forms that the voter is requesting assistance.

Voters with disabilities that restrict them from going to their polling place may apply for a postal vote. Applications for postal voting opened on October 8 and close November 22, the day before the start of polling.

## **How will referendum results be counted?**

The ballots will be counted in a central counting center in Buka, the capital of the Autonomous Region of Bougainville. Ballots from all parts of Bougainville and those cast by nonresident Bougainvilleans in Papua New Guinea's other provinces or abroad – Australia and the Solomon Islands – will be mixed prior to counting in order to ensure that results cannot be linked to voters in certain geographical areas. Counting and aggregation of results is expected to take several days as ballots must be transported long distances, received, processed, counted and tabulated before the announcement of results and return

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<sup>6</sup> Due to severe inclement weather, remoteness, the logistical challenges of reaching the locations and the low populations involved, the three phases of the roll update process for the two most remote atolls were conducted at the same time.



of writ can take place. Three numbers will be announced in the writ: the number of votes in favor of independence, the number of votes in favor of greater autonomy and the number of informal ballots.<sup>7</sup>

## **When will the official results be announced? How will the results be announced?**

The official results will be announced with the return of the writ on or before December 20, 2019. The Bougainville Referendum Commission will publicly announce the result, as required under the law, and will also record the written result in the writ, which is formally returned to the head of state.

## **What integrity measures are being used to prevent fraud during the referendum?**

All polling and counting staff are required to sign a code of conduct. Failure to adhere to this code of conduct can result in the termination of their employment by the Bougainville Referendum Commission.

Each voter must be on the referendum roll to cast an ordinary vote. While provisional voting will be available so that people whose names are not found on the roll may cast their vote, these declaration votes will not be counted until they are verified as registered voters. To prevent voter impersonation, each voter's name is crossed off the list as they vote. To prevent multiple voting, each voter will have his or her finger inked after voting.

## **How will electoral disputes be adjudicated?**

There are different processes for adjudicating different types of objections, disputes, and violations in the referendum process. The Bougainville Referendum Commission (BRC) is responsible for adjudicating various pre-election disputes, including voter registration objections and complaints regarding the polling schedule or appointment of polling places. Certain BRC decisions, including on voter registration, can be appealed and reviewed by the Supreme Court. For election offences, if the public prosecutor or equivalent office established under the Bougainville Constitution advises, the BRC will institute legal proceedings against a person committing an offense as set out in the referendum law. This does not affect the rights of any person to institute court proceedings related to an election offense. For disputes regarding the result of the referendum, any voter or the BRC can submit a petition to court. A petition must be filed within 40 days after the declaration of the result, and the court will endeavor to begin proceedings within 28 days of the petition filing and deliver a judgment within 14 days of proceedings concluding. The result of the referendum cannot be disputed on the grounds of minor defects in the referendum process, and the court has the power to make any order it considers just and equitable.

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<sup>7</sup> Informal ballots are ballots that will be omitted from the count. During the counting process, only the officer conducting the scrutiny of the ballots can mark a ballot as informal. In addition, any scrutineer – who is similar to an observer but is allowed to ask questions of polling and counting officials during the polling and counting process – can raise an objection that a ballot being scrutinized is informal.

## Who will be managing electoral security?

The Bougainville Police Service will provide security during the referendum and will be supported by the Bougainville Referendum Regional Police Support Mission. This contingent of over 25 police officers is led by New Zealand and also includes personnel from Australia, Fiji, Vanuatu and the Solomon Islands. The Regional Police Support Mission arrived in Bougainville the week of November 4 and will stay through counting.

## Who can observe during the elections? How can they get accreditation?

A Recognized Interest Group (RIG) provides an official way for political parties, nongovernmental organizations and civil society groups to take part in the referendum by appointing scrutineers during polling and counting. Unlike observers, scrutineers can request that the presiding officer ask a voter any of a list of six questions, provided under Schedule 1.81 of the Organic Law, during polling when the voter is receiving his or her ballot if the scrutineer is suspicious or spots any irregularity before the voter is issued a ballot paper.<sup>8</sup> Scrutineers help ensure the referendum is conducted in a transparent, neutral manner, where voting and counting is conducted freely and fairly. In a referendum, scrutineers take the role of candidate agents in an election. They help the BRC to ensure the referendum result is credible. The questions and the process of asking them are set out in the Organic Law. The Bougainville Referendum Commission (BRC) will only recognize organizations, not individuals, as RIGs. Once groups have been recognized, they can appoint scrutineers and the BRC can declare a group to be recognized in relation to any of the following:

- A particular area or areas;
- A specified polling booth or booths;
- The poll only, whether or not at a particular place; or
- The scrutiny only, whether or not at a particular place.

In addition to the two governments – the Government of Papua New Guinea and the Autonomous Bougainville Government – RIGs are the only organizations permitted to appoint scrutineers to be present at polling centers, during the transport of votes to the counting centers and during the scrutiny of votes.

International and domestic observers are also able to observe the referendum if they are accredited with the BRC. International observer groups must be invited by both governments to observe the referendum. Observers are accredited by the BRC and can apply through the BRC website. They must adhere to the Code of Conduct for Referendum Observers.<sup>9</sup>

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<sup>8</sup> <http://bougainville-referendum.org/wp-content/uploads/2019/08/Code-of-Conduct-for-Scrutineers-v0.1-1-1.pdf>

<sup>9</sup> <http://bougainville-referendum.org/wp-content/uploads/2019/06/Code-of-Conduct-for-Referendum-Observation.pdf>

## Resources

- [Bougainville Peace Agreement](#) provisions that pertain to the referendum:
  - Introduction and Outline
  - Agreed Principles on the Referendum
  - Amendment of Constitutional Arrangements for Autonomy and Referendum
- [PNG Constitution](#) provisions that pertain to the referendum:
  - Division 7. Bougainville Referendum
  - Division 9. Miscellaneous
- [Organic Law on Peace-Building in Bougainville – Autonomous Bougainville Government and Bougainville Referendum](#)
  - Organic Law: Schedule 1
- [Bougainville Constitution](#)
- [Bougainville Referendum Commission Charter](#)
- [Polling Schedule](#)
- [Code of Conduct for Referendum Observers](#)
- [Code of Conduct for Scrutineers](#)