



## BOUGAINVILLE REFERENDUM FORTNIGHTLY COMMENTARY

By Dr Thomas Webster – Team Leader of the PNG NRI Bougainville Referendum Research Project

### Issues of Legitimacy and Credibility for the Bougainville Referendum

#### Introduction:

The legitimacy of the results from voting and the credibility of the outcome from the referendum that is due to be held in Bougainville before mid-2020 is a major challenge that demands attention by all stakeholders. Here I draw on research commissioned by the PNG NRI to highlight some of the key issues that have the potential to undermine the credibility of the Bougainville Referendum. This is far from being a comprehensive list so my hope is to generate discussion and debate with a view to expanding on what is provided below.

Two of the Research Reports commissioned by Bougainville Referendum Research Project point to issues that can potentially impinge on the credibility of the results. The first report stresses the importance of efficient administration of the referendums, whilst the other highlights issues around the referendum outcomes.

The credibility of the results relies critically on having a transparent and open process of discussion and debate in the lead-up to voting. The electorates would have to be fully informed of the options available to them, and the costs and benefits following from their choices. They would also need to know of any transition arrangements to be put in place to implement the outcome of the referendum as agreed to between the two governments.

Paramount for peace following the referendum is that the people of Bougainville accept the outcome of the votes. Such acceptance can only take place if the process of voting is seen as being free and fair, the information provided to the voters being complete, and the entire referendum being transparent to all stakeholders including the international community.

Ultimately the outcome of the referendum will be subject to ratification by the PNG National Parliament. Consequently, the members of the National Parliament would have to be convinced of an open, transparent, and free participation of the people of Bougainville.

This is the first of a series of four articles which are planned to cover this important subject. Subsequent articles will delve in more detail on some of the issues raised here.

#### What are the main areas of concern around Credibility and Legitimacy of Referendums?

##### *Universal Suffrage and Effective Administration of Referendums.*

The first set of issues are around the effective administration of the Referendum. This issue was covered in considerable detail by the research report compiled by Andrew Ellis (2018) which is available from the PNG NRI.

This is the first time PNG is having a Referendum. The National Constitution that was enacted in the lead-up to independence had not factored in the possibility of referendums. Consequently, amendments were made to the National Constitution in 2002 to allow for the conduct of the Bougainville Referendum. Furthermore, The Organic Law on Peace Building in Bougainville – Autonomous Bougainville Government and Bougainville Referendum had to be enacted afresh to provide details on the arrangements for the conduct of the Referendum.

Andrew Ellis reports that there are internationally agreed principles that provide the parameters and guidelines for the conduct of referendums. These standards apply to the Bougainville Referendum since PNG is a signatory to these principles.

Andrew Ellis points out that the key commitments include:

- to provide an accessible and transparent voter registration;
- to ensure secrecy of the vote;
- to ensure equality among voters;
- to ensure transparency in counting and aggregation; and,
- to make available an effective legal remedy when required.

Good practice covers issues relating to voters, campaigners, and officials administering the referendum. Further details on these will be presented in a separate forthcoming article.



## BOUGAINVILLE REFERENDUM FORTNIGHTLY COMMENTARY

By Dr Thomas Webster – Team Leader of the PNG NRI Bougainville Referendum Research Project

### *Are people clear about the implications of their choices?*

The next set of issues are around the clarity of the referendum question and the implications of their choices.

The first issue is around the clarity of the referendum question itself and the options offered in the ballot. The question must not be misleading and it must not suggest an answer.

The second issue is clarity in the minds of the voters on the possible outcomes. It calls for the freedom of the voters to access information free of biases to reach their decision. The campaigners must be lent room to advance their positions on all possible outcomes but then the voter must have the freedom to choose for themselves. A separate article will consider these set of issues in further detail.

### *Threshold and Legitimacy Issues*

The third main area is around thresholds. Two thresholds, namely that for participation and another to decide the results are required. A simple majority for both of these thresholds can lead to the outcome being decided by just a quarter of the electorate. A numerical example may help: let us say that a village with 100 eligible voters has just 50 participating of which 26 vote for a particular option which then gets adopted. This result reflects the choice of 26 percent of the eligible voters.

The best-case scenario is when at least ninety percent (90%) of the registered voters turn out to vote and of that at least ninety (90%) percent of opt for a particular option. This will mean that the final results have the support of at least 81 percent of the population. However, referendums may not deliver such a clear-cut result. Again, a separate forthcoming article will discuss the issues in more detail.

### **Conclusion**

The Bougainville Referendum is part of the Peace Agreement that was signed to end a brutal decade-long civil war. The time for the referendum is fast approaching but constructive discussions on the future political status of Bougainville is only beginning to take shape. An objective of the public commentaries offered by the PNG NRI is to hasten the discussions in the preparation for a credible referendum and a peaceful outcome.

The referendum results will be discussed by the ABG Government and the PNG Government who will collectively plan for the implementation of the results. The plan will then be presented to the PNG Parliament for ratification.

The preparations for the referendum and its conduct will be observed closely by the people of Bougainville and PNG more broadly as well as the international community.

Access to information is going to remain critical to both the preparation for and the conduct of the referendum. There is a risk of misinformation, particularly by people with an agenda of their own. Spoilers may join in and muddy the preparations even more. While we hope for the best, those in charge must be prepared for every possibility.

Thorough preparation is essential for a credible referendum and peace in its aftermath. At the end of the day, the referendum must deliver a result that reflects the free-will of the majority of the people and one that consolidates peace and prosperity for all.

You can obtain the following Research Reports that discuss these issues from; [Referendum.Research@pngnri.org](mailto:Referendum.Research@pngnri.org).

Andrew Ellis (2018) Administration of Referendums

Christine Bell and Robbie McVeigh (forthcoming) Referendum Outcome Issues.

**Authorised for release by:**  
**Dr. Osborne Sanida**  
**PNG NRI Director**

**inquire**  
**inform**  
**influence**