



## BOUGAINVILLE REFERENDUM FORTNIGHTLY COMMENTARY

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

### **Effective Administration of the Bougainville Referendum for the Credibility of Referendum Results.**

#### ***Introduction:***

The people of Bougainville will vote at the upcoming June 15th, 2019 Referendum on two choices for the political future of Bougainville; (1) Greater Autonomy, (2) Independence. The ABG and the PNG Government will then discuss an implementation plan of the outcome and present a report to the PNG Parliament for Ratification.

The agreement for a Referendum was reached as part of the Peace Agreement that was signed by the leaders of PNG and of Bougainville on 30th August 2001 to end a ten-year brutal civil war. It was then agreed that the people of Bougainville will be lent the opportunity to vote on the future political governance arrangements following a period of peace and restoration of normality on Bougainville.

The credibility of the results from the referendum rest critically on it being administered well. This includes the people of Bougainville being provided all the information and the opportunity to make their own choices without fear or favour to any stakeholder. Credibility of the results also means that each and every legal requirement as spelt out in the “Organic Law on Peace-Building in Bougainville-Autonomous Bougainville Government and Bougainville Referendum” of 2002 are fully met. These requirements moreover are consistent with internationally agreed principles that PNG is signatory to, for the conduct of a free, fair and transparent voting process.

This article reviews some key areas highlighted from research reports commissioned by the PNG NRI Bougainville Referendum Research project and discusses these in the context of the Bougainville Referendum.

#### ***What are the key features?***

These include:

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

The first point relates to ensuring that all eligible voters are able to participate in the referendum. Eligible voters include those living on Bougainville as well as those living outside of Bougainville. The administering authority is required to have the roll displayed in a transparent manner thus allowing for objections to be registered and dealt with expeditiously.

The second point is about an enabling environment where the voter is lent the freedom to choose an option free of undue influence or fear of repercussions of their choice.

The third point is about all voters having a single vote and that every vote has equal weighting.

The fourth point is about ensuring that the votes are counted in a transparent manner where people can see that all votes have been counted and tabulated.

The final bullet point is about providing effective legal avenues where disputes can be resolved. This also includes administrative remedy mechanisms during the referendum process.

These key principles are the same as for any electoral process. However, elections in PNG are held every five years and we have seen that some of these features have eroded over time and are referred to the court of disputed returns after the elections. Two possible remedies are that the court may direct a by-election and hence the aggrieved party can try again or if the court does not then the aggrieved party has the opportunity to run again in another five years. Referendums are different in this regard. It is often a one off event with a more permanent resulting outcome.

In the case of the Bougainville Referendum, every effort must be made to avoid disputes especially where aggrieved parties are questioning the legitimacy of the results. This can have adverse effects on peace and stability on Bougainville and all efforts must be made to avoid incidences where the legitimacy of the referendum process may be disputed that can add fuel to tensions.



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### ***What are the Laws and Legislations Guiding the Administration of the Referendum.***

Most, if not all these areas are covered for in the special Organic Law approved in 2002. Part 4 which focusses specifically on the “Bougainville Referendum” provides detailed guidelines on how the Referendum is to be administered. A few areas of electoral procedures have been amended since the Organic Law was passed in 2002, thus efforts are being made to update these for consistency.

The Bougainville Referendum Commission (BRC) which is responsible for administration of the referendum is chaired by a former Prime Minister of Ireland, Bernie Ahern. The appointment of Mr Ahern who has considerable experience in overseeing political transitions, adds weight to the BRC and provides assurance regarding the administration of the referendum. The other BRC members include distinguished individuals from Bougainville and PNG together with the PNG Electoral Commissioner and the ABG Electoral Commissioner. The Commissioners act collectively and independent of all stakeholders to provide the overall policy guidelines for the administration of the Referendum.

A Chief Referendum Officer is being recruited who will be supported by staff either recruited separately or/and seconded from the PNG and ABG Electoral offices to work in the BRC and deliver the Bougainville Referendum. The BRC will need the support of all stakeholders to ensure that the referendum is administered efficiently and the results accepted without question.

### ***What are the possible Risks?***

The main risks in relation to the administration of the referendum is lack of capacity. This in the main includes insufficient funding and the organisational capacity to prepare for and administer the referendum.

There are seven months to the Referendum target date of 15th June 2019. Considerable preparatory work has been done which is a credit to the transitional body and the support given by the international community led by the UN.

However, much ground remains to be covered and time is fast running out.

The appointments of the Commissioners was finalised only a month ago. Adequate funds have yet to be released in order to establish the organisation that will prepare for and administer the referendum.

The other main risk is in terms of communications with the people of Bougainville by the Referendum Commission. Issues must be communicated to the general populace so that people know how to register, access information, and participate in the voting. If there are any issues, these need to be communicated so that the people have an understanding of these difficulties.

Finally, the process of registration, information dissemination, and voting has to be completely transparent. It is the people of Bougainville together with the people of PNG and the international community who will ultimately judge if the referendum results reflect the collective and free will of the people of Bougainville.

### ***Conclusion.***

The Bougainville Referendum is a critical pillar, one of three in the Bougainville Peace Agreement that provides for a path to peace and prosperity for Bougainville.

The forthcoming referendum is an opportunity for the people of Bougainville to express their choice on a future political governance mechanism for the region. It is the responsibility of the relevant authorities to ensure that adequate preparations are made to enable the voters to express this choice in a free and fair manner.

You can obtain the following additional reading materials that discuss these issues by sending an email to: [Referendum.Research@pngnri.org](mailto:Referendum.Research@pngnri.org).

1. Andrew Ellis (2018) Administration of Referendums: A Comparative Study of Independence Referendums.
2. The Organic Law on Peace -Building in Bougainville-Autonomous Bougainville Government and Bougainville Referendum 2002.

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