



## **PACIFIC ISLANDS FORUM**

### **REPORT OF THE PACIFIC ISLANDS FORUM OBSERVER TEAM**

*to the*

### **2019 AUTONOMOUS REGION OF BOUGAINVILLE REFERENDUM ON GREATER AUTONOMY OR INDEPENDENCE**

#### **EXECUTIVE SUMMARY**

From 23 November - 7 December 2019, eligible voters of the Autonomous Region of Bougainville voted in a referendum on the future political status of Bougainville. On the ballot, voters were given the choice *Greater Autonomy* or *Independence* from the Independent State of Papua New Guinea, a process entitled to voters under the Bougainville Peace Agreement 2001 (BPA). The Pacific Islands Forum Bougainville Referendum Observer Team (Forum Team) deployed to Papua New Guinea and Bougainville from 19 November to 14 December 2019 to observe the Referendum.

2. The Forum Team observed polling at 37 polling booths across the North and Central regions of Bougainville, and in Port Moresby for Non-Resident Bougainvilleans (NRB). The Forum Team observed the opening of polls, polling, close of polls, and the Scrutiny. The Forum Team was also in Bougainville for the announcement of the result.

3. The Forum Team is of the view that in general, the Referendum was administered and conducted in a highly transparent, neutral, impartial, professional and inclusive manner. The Bougainville Referendum Commission (BRC) is highly commended for achieving the guiding principles it reinforced and adhered to throughout all phases of the Referendum process. Apart from reported isolated incidents in the south of Bougainville (Konou), polling days were peaceful, orderly and festive. The Forum Team is of the view that while the BRC administered a successful Referendum, the environment in which it was able to prepare the Referendum was formally and informally co-created with domestic and international stakeholders and partners. The presence and role of some of these stakeholders are captured in this report, and they are equally commended for their roles in the Referendum process.

4. Notwithstanding the excellent arrangements for the Referendum, the Forum Team did note from its consultations and observations that there were aspects that could be improved and certain issues mitigated. The Forum Team understands however that many of these issues stemmed from delayed disbursement of funding to the BRC to conduct the Referendum.

5. Notwithstanding the issues raised and observed, the Forum Team is of the view that there was a high degree of transparency and credibility of the Referendum, and that the final result accurately reflects the will of the voters.

6. The Forum Team commends the general public for the high rate of participation, 181,067 of the 206,731 registered voters casting their votes (87.6%). Of the votes cast, 3,043 voted for Greater Autonomy (1.7%), 176,928 for Independence (97.7%) and 1,096 were informal ballot papers (0.6%).

7. The Forum Team commends the efforts of all stakeholders to the Referendum, to ensure its was peaceful and in accordance with the relevant legislation.

## **SUMMARY OF RECOMMENDATIONS**

### **8. Recommendation 1**

That women are appropriately represented at all levels of the Referendum and post-Referendum process, especially in decision-making bodies where positions are designated for women under relevant legal instruments;

### **9. Recommendation 2**

That arrangements to ensure the early financial resourcing of Electoral Management Bodies and post-Referendum processes are upheld by the National and Bougainville Governments, in order to strengthen the timely delivery and integrity of future elections and the post-Referendum process;

### **10. Recommendation 3**

That voters who cast rejected provisional votes be advised that their ballots were not counted, and the basis for the rejection; and

### **11. Recommendation 4**

That the Office of the Bougainville Electoral Commissioner and Papua New Guinea Electoral Commission explore successful aspects and opportunities from the Referendum to, as necessary, implement that would help in the delivery and integrity of the Bougainville and National elections.

## **INTRODUCTION**

12. A Pacific Islands Forum Observer team was deployed from 19 November – 14 December 2019 to observe the 2019 Bougainville Referendum on Greater Autonomy or Independence. The Forum Team was led by Mr Leon Wamytan, Deputy Secretary General of the New Caledonia

Government, and comprised of Ms Makereta Waqavonovono, Civil Society Representative. The Forum Team was supported by staff of the Forum Secretariat and officials of the Government of New Caledonia. A delegation list is appended at **Annex 1**.

13. The Forum Team was deployed to Papua New Guinea and Bougainville over three phases:

- Phase 1, 19 November – 28 November 2019: observe aspects of the pre-enabling environment and polling in North and Central Bougainville;
- Phase 2, 28 November – 8 December 2019: observe polling for NRB in Port Moresby, polling in North Bougainville, and general observation; and
- Phase 3, 9 December – 14 December 2019: observe the Scrutiny and conduct consultations with Referendum stakeholders.

14. The Forum Team met and consulted with a wide range of stakeholders including the Speaker of the Bougainville House of Representatives; Commissioners of the BRC; members of the Secretariat of the BRC; representatives from women, veteran, disability and faith-based organisations; regional and international organisation representatives; and members of the electorate. A list of interlocutors consulted is appended at **Annex 2**.

## **A BRIEF BACKGROUND**

15. The Referendum was a significant milestone for Bougainville and commitments to peace under the BPA. Bougainville's relatively recent history has been marred by violent conflict, witnessed various unsuccessful and successful attempts at resolution, and upheld an ongoing reconciliation process that embodies stakeholders' commitments to *peace through peaceful means*.

16. Bougainville was and remains richly endowed with mineral resources such as copper, gold and silver. Leading up to the conflict, at the centre was the Bougainville Copper Ltd (BCL) operated Panguna Mine – at its time, one of the world's largest open pit mines and a significant contributor to Papua New Guinea's economy. There has been a tendency for resource-wealthy regions globally to be affected by a multiplicity of issues like overexploitation, complex domestic affairs, and disagreement between and within local and foreign actors. These have at times led to unequal distribution of wealth, environmental and cultural degradation, and violent conflict. Bougainville is no exception to this.

17. Between 1988 and 1997, Bougainville was the site of the Pacific region's bloodiest civil conflict, fought primarily between the Bougainville Revolutionary Army and the Papua New Guinea Defence Force and Police. While discussions and opinions have differed on the motives of actors baring arms, it is widely agreed that the Panguna Mine and its operation provided the catalyst for the violence. During this period, it is estimated that approximately 15,000 people lost their lives. The nature of the conflict was brutal and often non-discriminatory, a reality that innocent civilians were unable to avoid.

18. While attempts to prevent and cease violence took place throughout the conflict, it was not until the devastating effects of the conflict were being realized that opposing factions genuinely began to consider a need for peace. Concerned for the long-term impacts of the civil war on Bougainville, discussions for peace between members of opposing factions, civilian groups and the international community began to foster. In 1997, movements for peace had gained considerable momentum, signifying a crucial juncture in the peace process. This would lead to a number of domestic and internationally supported initiatives, including a profound reconciliation process that continues today, of which the BPA is a cornerstone agreement.

### *The Bougainville Peace Agreement 2001*

19. Signed 30 August 2001 at Arawa, the BPA is a joint creation by its *Parties*, outlining commitments to securing lasting peace in Bougainville. The Agreement has three pillars:

- i) **Autonomy** – The pillar that provides for the Autonomous Bougainville Government (ABG) and the Bougainville Constitution, including a plan for the assumption of the ABG’s increasing powers ordinarily held by the Papua New Guinea Government (National Government);
- ii) **Referendum** – A referendum for eligible Bougainvilleans to vote on their future political status, including a choice for independence. As a non-binding referendum, the outcome would be subject to the ratification of the National Parliament; and
- iii) **Weapons Disposal Plan** – A plan to dispose of conflict related firearms in Bougainville.

20. The Referendum took place within the timeline specified under Part C paragraph 312 (a) of the BPA, which stipulates that a referendum would occur, “no earlier than 10 years and, in any case, no later than 15 years after the election of the first autonomous Bougainville Government”.

## **PART 1: THE INSTITUTIONAL FRAMEWORK AND ENABLING ENVIRONMENT FOR CONDUCTING THE REFERENDUM**

### *The legislative framework*

21. To give legal effect to the BPA, constitutional amendments and other laws were thereafter enacted. The primary legislation and instruments under which the Referendum was conducted were the:

- Bougainville Peace Agreement 2001;
- Constitution of the Independent State of Papua New Guinea 1975 (hereafter “National Constitution”);
- Constitution of the Autonomous Region of Bougainville 2004 (hereafter “Bougainville Constitution”);

- Organic Law on Peace Building in Bougainville-Autonomous Bougainville Government and Bougainville Referendum 2002 (hereafter “Organic Law”);
- Bougainville Referendum Commission Charter 2017 (hereafter “BRC Charter”); and
- Bougainville Referendum Regulation 2019 (hereafter “Referendum Regulation”).

22. While much of the earlier primary legislation provided for comprehensive arrangements for the conduct of the Referendum, some inconsistencies, gaps, uncertainty and interpretations of legislation made it necessary for the BRC to supplement the existing legal framework. Further, various primary instruments acknowledged that some arrangements for the Referendum would need to be considered closer to the Referendum itself, including the arrangements for the *administrative agency* that would conduct it. As provided for under section 62 of the *Organic Law*, the Agency (BRC) may resolve these issues in the operation of the provisions of relevant legislation. Issuances made by the BRC detailed the arrangements for:

- Provisional Voting;
- Mixing of Ballots Across Voting Districts;
- Determination of Voting Districts;
- Age Eligibility Cut-Off for Enrolment and Voting;
- Canvassing, Broadcasting, Publications, Advertising, Media and Communications for the Bougainville Referendum; and
- Transmission and Scrutiny of Postal and Declaration Votes.

#### *The Bougainville Referendum Commission and its Secretariat*

23. Under section 58 and 59 of the *Organic Law*, the *BRC Charter* was issued to establish an independent body to conduct the Referendum, establishing the BRC. The *BRC Charter* provides for the establishment of a Board of Commissioners to govern the BRC. The Board of Commissioners comprised:

- BRC Chair Bertie Ahern – Independent International Chair;
- Commissioner Patilias Gamato – Papua New Guinea Electoral Commissioner;
- Commissioner George Manu – Bougainville Electoral Commissioner;
- Commissioner Patrick Nisira – nominated by the ABG;
- Commissioner Ruby Mirinka – nominated by the ABG;
- Commissioner Robert Igara – nominated by the National Government; and
- Commissioner Thomas Webster – nominated by the National Government.

24. Under Part 3 section 5(4) of the *BRC Charter*, the BRC should comprise of at least two women. The Forum Team however noted the under representation of women on the Board, with Commissioner Ruby Mirinka the sole female Commissioner. While the Forum Team acknowledges that the Board of Commissioners comprised a notably distinguished body, it believes that the intent of the relevant sections of the *BRC Charter* was to support and represent a significant perspective that is often underrepresented in decision-making processes. Noting the integral role that women played in the Bougainville peace and reconciliation process, the Forum Team believes that there ought to have been a second female Commissioner.

25. In administering the Referendum, the BRC and its Secretariat experienced significant pressure, much of it stemming from budgetary delays and constraints. The Forum Team understands that delays in the disbursement of funding from the National Government and the ABG affected the schedule to deliver the Referendum, which included postponing the Referendum twice (originally 15 June, then 12 October 2019). International partners also supported funding gaps in the BRC budget. The Forum Team acknowledges the decision to delay the Referendum to ensure that the integrity of the Referendum was high and maintained. It further acknowledges that timely disbursement of funding to administer elections is a common issue faced by Electoral Management Bodies across the Pacific. The Forum Team commends the BRC for the quality of the Referendum it administered under such pressures.

#### **Recommendation 1**

That women are appropriately represented at all levels of the Referendum and post-Referendum process, especially in decision-making bodies where positions are designated for women under relevant legal instruments.

#### **Recommendation 2**

That arrangements to ensure the early financial resourcing of Electoral Management Bodies and post-Referendum processes are upheld by the National and Bougainville Governments, in order to strengthen the timely delivery and integrity of future elections and the post-Referendum process.

### ***Enrollment and the Certified Voter List***

26. The Referendum comprised two voting districts – one for qualified voters living in Bougainville and another for those living outside Bougainville. A Returning Officer managed the two districts, who appointed 33 Assistant Returning Officers (AROs) for each ABG constituency, and one ARO for Non-Resident Bougainvilleans (NRB). To enroll to vote in the Referendum, a Bougainvillean living in Bougainville would need to:

- have been living in Bougainville for at least the past six months prior to enrollment;
- have been born on or before 23 November 2001;
- be a Papua New Guinea citizen; and
- be entitled to vote in National Elections.

27. For NRB to enroll, they would need to:

- have links to Bougainville by birth, adoption, marriage or clan;
- have been born on or before 23 November 2001;
- be a Papua New Guinea citizen; and
- be entitled to vote in National Elections.

28. Voters were enrolled to the Certified Voter List, a roll created specifically for the Referendum. The Certified Voter List was compiled through a lengthy and comprehensive process, developed over three phases.

29. Phase one of the process included the BRC partnering with Department of Community Government to update and ‘clean’ the 2015 ABG electoral rolls against Ward Voter Registries. Community governments provided the BRC with Working Rolls to work off in phase two. Phase two of the process involved the face to face enrollment of voters, whereby Ward Recorders visited all dwellings within their wards to verify and/or add to the Roll. Bougainvilleans could also visit enrollment centres in nominated areas to enroll. In phase two, a Preliminary Roll was created.

30. From its consultations, the Forum Team was informed of instances where dwellings were not visited by Ward Recorders. The Forum Team acknowledges that while the occupants of some dwellings may not have been home during ward recorder-visits, it understands that where occupants confirmed they were home, Ward Recorders sometimes assumed in/eligibility of those dwellings. The Forum Team cannot verify these claims, however, raises it for the attention of relevant authorities.

31. Bougainvilleans living outside of Bougainville were also able to enroll, which took place in Papua New Guinea (outside of Bougainville), Australia (Brisbane and Cairns) and the Solomon Islands (Honiara and Gizo). The Forum Team congratulates the BRC and all relevant stakeholders for offering overseas enrollment (and polling thereafter) for the first time in Papua New Guinea election history.

32. The third phase of the enrollment process included the public display of the Preliminary Roll for the public to examine, challenge, correct, or add to. During this phase, Bougainvilleans had the opportunity to address any issues arising after the first two phases.

33. While the Forum Team was unable to observe the development of the Certified Voter List, it was widely informed that, in general, enrollment was an inclusive, extensive and transparent process. The BRC was proactive in engaging with Bougainvilleans throughout the registration phase, which provided for arguably the most comprehensive enrolment process in the history of normal elections in Bougainville and Papua New Guinea.

34. It was raised in several consultations with the Forum Team that a Civil Registry, or similar mechanism, would be beneficial for future elections. The Forum Team concurs with this, and would encourage existing informal methods of registering births and deaths by some community governments and individuals to be supported through a formal mechanism.

### ***Public Involvement and Awareness***

35. Under schedule 1.9 of the *Organic Law*, the BRC has a considerable role in encouraging public involvement and the promotion of the Referendum. Its role includes:

- a) The promotion of informed debate on each side of the Referendum question; and
- b) Encouraging wider public interest and involvement in ensuring that the Referendum is conducted in a free and fair manner.

36. Through the BRC's *Policy for Promoting Public Involvement*, the BRC carried out much of its public involvement and awareness activities. Face to face, voter materials, website, media, social media and mobile phones (SMS blasts) were extensively used to create and maintain awareness.

37. The Forum Team understands that due to the challenges posed by the natural environment, the lack of access to technologies and poor radio and mobile phone reception coverage in Bougainville, the best method of public awareness was face-to-face interaction and word-of-mouth. To address this, the BRC organized and participated in comprehensive community consultation processes. These processes included teams, including BRC Commissioners, visiting communities across Bougainville to discuss the Referendum and answer questions. The face-to-face public awareness process was especially important for those far from urban areas because they generally had less access to information. Ward Awareness Officers were also engaged to support awareness about the Referendum.

38. The Forum Team notes that in addition to the awareness of the Referendum event itself, it was equally important to ensure that voters were aware of the post-referendum arrangements that would follow the announcement of the result. In order to 'keep the peace', promoting the Referendum included ensuring that the voters understood that the Referendum result was non-binding, and that a consultation process would follow. The Forum Team heard that this message was widely disseminated and contributed to the peaceful conditions within which the Referendum was conducted and the result announced.

39. The Forum Team was pleased to note from the areas that it observed, people were discussing the Referendum, BRC endorsed awareness materials were visible and simple to understand, and that the public felt free to discuss and engage with Forum Team members on the Referendum. This was a clear indication to the Forum Team that voters were aware of the Referendum, the question on the ballot, and the arrangements that would follow the announcement of the result.

40. The involvement of Civil Society Organisations in the awareness process was integral to the success of the Referendum. The Forum Team was informed that CSOs, especially those particular to specific constituencies or regions, conducted their own extensive awareness programmes, and importantly, in their local languages. Familiar CSO representatives provided for a less formal space where voters felt comfortable asking questions and raising issues.

41. Through the actions of all relevant stakeholders, the Forum Team was informed and believes that the public involvement and awareness process supported an electorate-wide ownership of the Referendum, which the Forum Team highly commends.

#### *Scrutineers and Observers*



42. Whereas in elections scrutineers often represent political parties or candidates, in the Referendum, scrutineers were appointed by Recognised Interest Groups (RIGs) and the two Governments to be present during Referendum activities. RIGs, unlike observers, were often partial parties that had a clear and defined position on their preferred result. Scrutineers were also permitted to ask specific questions during referendum activities, as they saw necessary.

43. Through RIGs and observers, the transparency of the Referendum process was heavily monitored, and in the view of the Forum Team, it contributed significantly to the integrity of the Referendum. Scrutineers were well informed and aware of their roles, its limits and the Referendum processes.

### ***Civil Society Organisations***

44. A significant component of the Forum Team's consultations was to meet with CSO representatives to discuss their roles and activities in the Referendum. The Forum Team met with representatives from women, veteran, disability, and faith-based groups. It is clear to the Forum Team that CSOs were highly engaged in all facets of the Referendum. CSOs were able to mobilize and were appropriately supported by the BRC with regards to awareness raising. While CSOs retained their organizational identities and the thematic areas in which they worked, it was clear that they were all moving in one clear direction – encouraging qualified Bougainvilleans to enroll and exercise their rights by voting.

45. The manner in which CSOs engaged with each other is also commended. The Forum Team met with stakeholders from across the CSO spectrum that had in the past been at conflict, but united over time for the Referendum. While the Referendum was a key component of the BPA and the peace process, a less clear matter was the extent to which relevant groups would band together to promote the Referendum, which in itself is of great significance. The solidarity of leaders of the North, Central and Southern Veterans groups, and the Me'ekamui faction are testament to this, and an example of the significant reconciliation process.

46. The Forum Team understands from its consultations with CSO representatives that CSOs across Bougainville were, in general, satisfied with the conduct of the Referendum.

### ***Policing and Security***

47. Given the complex historical context within which the Referendum emerged, the security of the Referendum was a key issue of discussion leading up to polling. The Forum Team was pleased to note that extensive measures were in place to keep the peace. This included the extensive awareness provided on post-Referendum arrangements and the presence of the Bougainville Police Service, which was supported by the Bougainville Referendum Regional Police Support Mission (BRRPSM). The BRRPSM comprised personnel from New Zealand, Australia, Fiji, the Solomon Islands and Vanuatu.

48. The Forum Team did not observe any attempts to obstruct polling or counting during polling or the Scrutiny. Apart from an incident in Konnou (Southern Bougainville), the Forum Team is of the view that polling was, in general, peaceful and festive.

## **PART 2: THE BOUGAINVILLE REFERENDUM**

### ***Polling***

49. The polling period commenced at 8am on 23 November and concluded at 6pm 7 December 2019. The Forum Team divided into three teams and observed polling at 37 polling booths across North and Central Bougainville, and in Port Moresby for NRB voters. On each polling day, polling booths were due to open at 8am. However there were some delays at some polling booths due to several reasons, including customary processes. Festivities, dancing and singing were observed throughout the polling period. The Forum Team acknowledges the importance of these processes.

50. Polling was carried out by polling teams, most of which were responsible for conducting polling in different polling places across multiple days, servicing several villages according to their schedules. Regional centres were also set up in Buka, Arawa and Buin, at which any voter could cast a vote until their closure. The *Bougainville Referendum Polling Schedule* provided for the wards, villages, dates, venues and times for polling, and was widely communicated to voters. At the end of each polling day, ballot boxes and materials were packed following necessary procedures and stored in secured designated areas. For the most part, the Forum Team observed that polling was conducted per the polling schedule. In some cases however, the Forum Team visited polling booths according to the schedule to find that polling had been conducted in those polling booths the day before. The Forum Team was informed that, amongst other reasons, polling teams altered their schedules to respond to community requests, including the polling of voters with disability. The Forum Team cannot verify this, but raises it for the attention of the relevant authorities.

51. The Forum Team acknowledges that due to the environment and infrastructure available to conduct polling, polling booths were at times difficult to access. Within the context of Bougainville, polling booths were, in general, sufficient. The Forum Team did note that access to a very few polling booths was not disability friendly, some requiring stairs (no ramps) to enter. The Forum Team also noted that long lines outside polling booths could at times be difficult in the sun and heat, particularly for pregnant women, women with young children, and the elderly. The Forum Team was however pleased to note that arrangements were made by the BRC to organize tents and seats/chairs when they were advised of these issues. In some polling booths, women and men were divided into two separate lines.

52. At most polling booths, the Forum Team observed the presence of scrutineers and observers. All polling booths visited had at least the minimum requisite number of polling officials to conduct polling. It was clear to the Forum Team that polling officials were well trained and resourced with comprehensive polling manuals and materials. The Forum Team however did visit a polling booth that had closed for a short time in the middle of the day to have lunch. Voters waited outside the polling booth until polling officials reopened it. The Forum Team understands

that it is the responsibility of Presiding Officers to schedule meal breaks throughout the day in such a way that ensures that polling is not paused.

53. The Forum Team witnessed a number of voters voting with assistance. Voters requiring assistance could request the Presiding Officer or nominate someone to help them through the polling process.

54. Information and instructions on the ballot were in English and Tok Pisin.

### *Polling process*

55. The Forum Team can report that the process for voting was consistent across the polling booths it observed. The process for voting included the following steps:

- i) The voter presenting themselves and the polling official locating the voter's name on the relevant list of voters;
- ii) The polling official crossing off the voter's name *if* it is found and not already crossed off;
- iii) The voter's left-hand little finger dipped into indelible ink;
- iv) Receiving a ballot that had the Presiding Officer's initials on the back; then
- v) Marking the ballot in a designated voting compartment, folding it in half, placing it into a ballot box and exiting the polling booth.

56. If at step (ii) above a voter's name had already been crossed off the list, could not be found, or was marked as a Postal Voter but claimed to have not received a postal ballot, they could be issued declaration or provisional votes to allow them to vote, for verification during the Scrutiny process.

### *Provisional Voting*

57. Provisional voting was introduced in the Referendum for the first time in Bougainville and Papua New Guinea. Provisional voting allowed a voter that was not on a polling booth's voter list, whether by omission or voting outside of their registered constituency, to cast a vote. The intention of provisional voting was to allow all voters that believed they were or should be on the Certified Voter List to vote. In such instances, the Forum Team understands that it was possible that during the enrollment or polling phases, human error, amongst other mistakes, may have incorrectly removed or altered voters' names. The Forum Team understands that in previous National and Bougainville elections, voters that believed they were correctly enrolled to vote have been turned away due to them not being on the electoral rolls. In such instances, heated arguments between polling officials and rejected voters could ensue. Provisional voting remedied this issue, and the Forum Team did not observe any voter being turned away at any polling booth. Provisional voting allowed for comprehensive verification to happen at a later phase.

58. The Forum Team was initially concerned with the reliance of Presiding Officers to impart issues they were facing at polling booths to the Scrutiny phase. As is addressed in the *Scrutiny*

section of the report, the Count Centre was well organised to receive the number of provisional ballots. Further, the Forum Team noted that many voters were attending polling booths outside of their constituencies or wards. At one polling booth visited, provisional ballots ran out.

### *Postal Voting*

59. For the first time in Papua New Guinea and Bougainville, Postal Voting was offered to voters. To be eligible for a postal ballot, an eligible voter would need to:

- Be more than 16km away from the nearest polling booth during the polling period;
- Be seriously ill/infirm /disabled, about to give birth or caring for a young child; or
- Hold religious beliefs that prevent a voter from attending a polling booth to vote.

60. The Forum Team commends the BRC for offering Postal Voting, again attesting to the efforts made to ensure that eligible voters were provided with as much opportunity to vote.

61. With the closure of Postal Voting, all forms of polling concluded at 6pm 7 December 2019. Ballot materials were appropriately accounted for and transported to the Scrutiny Centre by Assistant Returning Officers (AROs) accompanied by police escort. Staggered according to a schedule, materials arrived at the Scrutiny Centre and were registered and stored in large secure shipping containers under constant police surveillance.

### *The Scrutiny*

62. Upon the completion of the polling, the Scrutiny commenced and included the checking, transportation, registration, verification, mixing, counting and tallying of results, of polling material and ballots in the Referendum. The Scrutiny took place at a designated Scrutiny Centre at Hutjene High School, Buka. The venue was very secure and required passing through a police post to enter the area. Entry to the Scrutiny Centre was only granted to authorized personnel, and designated areas for observers, scrutineers, media and BRC/centre staff were clearly marked.

63. At the Scrutiny Centre, the verification process included AROs verifying that relevant polling materials were in order and according to the Referendum Journal. Ballot boxes were overturned onto a table to empty out the ballot papers, and were shown to observers and scrutineers to confirm they were empty. Regular ballots and ballot envelopes (Provisional, Declaration and Postal votes) were then separated. Regular ballots were unfolded and placed face down on the sorting table, and then bundled into heaps of 100 and secured by rubber bands. The number of regular ballots, and provisional, declaration and postal voting envelopes were accounted for in Referendum Journals.

64. Regular ballot bundles were then taken to the front of the Scrutiny Centre where they were deposited into a cage for mixing once all accepted ballots had been admitted. Provisional, declaration and postal voting envelopes then went through a scrutiny process across different stations, where assigned Scrutiny staff would determine their admission or rejection accordingly. Voters that cast provisional and declaration ballots were checked against the Certified Referendum List, and the Preliminary Roll if necessary. If a voter's name was not on either of the two, their

ballots were rejected. The checks and balances at each of the stations ensured that ineligible ballots were rejected and that the secrecy of the ballots in envelopes were maintained. Throughout the process, there was comprehensive record keeping detailing actions at each station.

65. The Forum Team is however concerned that provisional voters would not find out whether their votes were counted or rejected. The Forum Team believes that members of the public that cast rejected ballots ought to be advised that, on whatever grounds they were rejected, their ballots were not admitted to the counting process. The Forum Team acknowledges that in order to vote in the Referendum, a voter's name must be on the Certified Voter List or the Preliminary Roll.

66. Once all admitted ballots had been deposited into the mixing cage, they were mixed to ensure that the anonymity of ballots was maintained, and so that the result was presented in a way that could not be accredited to different areas or members of the electorate.

67. Bundles of ballots were then taken from the mixing cage and distributed to counting tables, where counting teams of two people faced each other on opposite sides of a table, presided over by a supervisor. Counting teams first checked every ballot paper to ensure they were initialed by polling booth Presiding Officers. Those that were not initialed were placed into an 'informal' cardboard box in the middle of the table. As they were identified, they were shown to scrutineers and observers to confirm that they were informal. Counting teams then faced the ballots up, and distributed ballots into cardboard boxes according to how they were marked, i.e Greater Autonomy; Independence; and Informal. Team members then, separately and at different times, counted the number of ballots in each cardboard box, giving the total number they counted to their supervisor. The numbers provided by each team member needed to match for it to be admitted to the tally. All ballots counted by Count Teams were tallied to produce the result.

68. The Scrutiny phase did not stop until it was complete. Scrutiny staff were assigned to three, eight-hour shifts over its course. Observers could not interfere with the Scrutiny. The Forum Team observed that scrutineers were active in raising issues that they felt needed to be raised. These often concerned ballots that were deemed informal by Scrutiny staff.

69. At each step of the process, the Forum Team observed comprehensive recording of data and information on hard and soft copy platforms.

### **Recommendation 3**

That voters who cast rejected provisional votes be advised that their ballots were not counted, and the basis for the rejection.

### ***Announcement of the result***

70. The Forum Team was present for the announcement of the result, which was made by the BRC Chair Bertie Ahern on 11 December 2019.

## CONCLUSION

71. Overall, the Forum Team is of the view that:

- the Referendum was inclusive, accessible, free and fair. The Referendum broke new ground, utilizing provisions within the law that had not been used in Bougainville and Papua New Guinea elections in the past. Further, such provisions were often strengthened due to the diligence and aspirations of the BRC to deliver a referendum that was of international standard and in line with the intent of the BPA;
- the BRC administered a Referendum of international standard, maintaining the credibility and integrity of the Referendum process during all phases;
- as much as possible, qualified voters had ample opportunity to enroll, were aware of the Referendum, and provided the opportunity to vote in the Referendum;
- checks and balances were accordingly extensive and secure given the long polling and scrutiny processes;
- the success of the Referendum was strongly supported and strengthened by domestic and international stakeholders. Civil Society Organisations, domestic, regional and international organisations and partners each contributed in significant ways to ensure the success of the Referendum; and
- the will of the people is accurately reflected in the result and Bougainvilleans' ownership of the process.

### **Recommendation 4**

That the Office of the Bougainville Electoral Commissioner and Papua New Guinea Electoral Commission explore successful aspects and opportunities from the Referendum to, as necessary, implement that would help in the delivery and integrity of the Bougainville and National elections.

## ACKNOWLEDGMENTS

72. The Pacific Islands Forum Observer Team acknowledges with gratitude:

- the Bougainville Referendum Commission, the Autonomous Bougainville Government and the Government of Papua New Guinea for the facilitation of the Forum Team's mission to observe the Referendum;
- the Bougainville Referendum Commission and its staff for their support of the mission including the provision of information and facilitating access to polling stations and the Scrutiny Centre;

- the polling and security officials at all booths visited by the Forum Team and for taking time where requested to clarify and answer questions about the process;
- all the interlocutors the Forum Team met with including Parliament representatives, the Bougainville Referendum Commission, civil society, and the international community;
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- the people of Bougainville and Papua New Guinea for their warm welcome and hospitality.

**Pacific Islands Forum Observer Team**

23 April 2020

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1. Mr Mauricio Claudio – Chief Referendum Officer, Bougainville Referendum Commission;
2. Mr George Manu – Commissioner, Bougainville Referendum Commission;
3. Mr Thomas Webster – Commissioner, Bougainville Referendum Commission;
4. Ms Margarette Kiroha – Program Manager & Liaison Officer for BRC Bougainville Women’s Federation;
5. Ms Thecla Hakalitz – Treasurer, Bougainville Women’s Federation;
6. Ms Judith Oliver – Executive Officer, Bougainville Women’s Federation;
7. Hon. Simon Pentanu – Speaker of the Bougainville House of Representatives;
8. Mr Lloyd Paul – South Bougainville Veterans Association Representative;
9. Mr Lawrence Matau – Central Bougainville Veterans Association Representative;
10. Mr Greg Tora – Me’ekamui Representative;
11. Mr Gerald Turumanu – Media and Youth Coordinator, Bougainville Unification Core Group;
12. Mr Gianluca Rampolla – United Nations Resident Coordinator in Papua New Guinea;
13. Mr Rui Flores – Political Affairs Officer and Head of UN Office Bougainville;
14. Members of the Haku Women’s Collective;
15. Pastor Albert Magoi – President, Bougainville Christian Churches Association;
16. Pastor Andrew Miriki – Treasurer, Bougainville Christian Churches Association; and
17. Mr Sione Atua – President, Bougainville Disabled Persons Organisation.