

Application Procedures for Recognition of an Interest Group in order to appoint scrutineers at the Bougainville Referendum

The Organic Law defines an **Interested Party** as the Government of Papua New Guinea, the Autonomous Bougainville Government and Recognised Interest Groups. Interested parties can nominate scrutineers. This application procedure applies only to interest groups wishing to become a Recognised Interest Group.

What is a Recognised Interest Group?

A Recognised Interest Group - or RIG - provides an official way for non-governmental organizations, political parties and civil society groups to take part in the referendum by appointing scrutineers during polling and scrutiny. Scrutineers help ensure the referendum is conducted in a transparent, neutral way, 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.

Scrutineers are different to observers in that they can ask specific questions to voters through the presiding officer during the polling and counting process - which observers cannot. These questions, and the process of asking them, are set out in the *Organic Law on Peace-Building in Bougainville-Autonomous Bougainville Government and Bougainville Referendum 2002*.

Recognised Interest Groups are provided for in the Organic Law (Sch 1.10). For the Bougainville referendum, an Interest Group needs to apply to be **recognised** by the Bougainville Referendum Commission (BRC). Please note that the BRC will only recognise organisations, not individuals, as Interest Groups. Once groups have been recognised, they can **appoint** scrutineers.

In addition to the Government of Papua New Guinea and the Autonomous Bougainville Government, Recognised Interest Groups are the only organisations permitted to appoint scrutineers to be present at polling centres, during the transport of votes to the counting centre(s), and during the scrutiny of votes during the counting process. Together, the two governments and Recognised Interest Groups are classified as **Interested Parties**.

Criteria

Criteria for the recognition of Recognised Interest Groups are specified in Schedule 1.10. of the *Organic Law on Peace-Building in Bougainville – Autonomous Bougainville Government and Bougainville Referendum 2002*.

In considering applications, by law the BRC must take into account:

- (a) the appropriate number of groups that ought to be recognised in respect of a particular area (which may be none), to:
 - (i) avoid unreasonably large crowds of people in the vicinity of polling places whose presence might intimidate voters;
 - (ii) ensure that the proceedings of the poll and the scrutiny are not disrupted by the presence of too many scrutineers in the limited space available for those purposes;
 - (iii) avoid communal friction; or
- (b) the character of a particular group seeking recognition, in regard to
 - (i) the extent to which the group represents a significant part of the population in a voting district;
 - (ii) ensuring, as far as reasonably practicable, that a reasonable balance is achieved in the areas in relation to which groups are recognised of views representing all sides of the referendum question.

Where the BRC is satisfied that the group has a sufficient interest, it shall declare it recognised. The BRC may declare a group to be a RIG in relation to a particular place or a particular aspect of the Referendum. In making this determination, the BRC will consider factors set out in Sch 1.19 (listed above) to protect the integrity of Referendum operations.

Regardless of preferences expressed by a prospective RIG during the application process, the BRC reserves the right to declare a group to be recognised in relation to any one or more of the following:

- (a) a particular area or areas;
- (b) a specified polling booth or booths;
- (c) the poll only (whether or not at a particular place);
- (d) the scrutiny only (whether or not at a particular place);

Additional criteria for the recognition of Interest Groups were specified in the BRC's Policy for Promoting Public Involvement:

- a) Groups do not need to be formally registered as non-governmental organisations (NGOs), political parties or civil society groups, but should explain how they are structured and the source of their funds;

- b) Groups must be based in Papua New Guinea, but can be based anywhere in Papua New Guinea;
- c) Group officers and those individuals proposed to be appointed as scrutineers must be eligible to vote in PNG national elections;
- d) Groups must specify which of the two options in the referendum their group is in support of;
- e) Groups must specify the particular geographic space they wish to be recognised for;
- f) Groups must specify if they wish to be recognised for the poll, the scrutiny or both processes;
- g) Groups must indicate their proposed total number of scrutineers - the BRC reserves the right to limit the number of scrutineers and scrutineers in each polling station and counting centre for the purposes of ensuring smooth and secure polling and scrutiny processes - and their general proposed geographic locations; and
- h) Groups can be 'umbrella' groups of several sub-groups, but a sub-group can only form part of one Group; and
- i) Groups must use the BRC's forms and complete relevant undertakings in applying for Recognition.
- j) The BRC may withdraw recognition of a Recognised Interest Group if the RIG commits a referendum offence¹ or fails to adhere to the provisions of this policy and the code of conduct for scrutineers.

Recognition Process

The recognition process comprises of 5 basic steps including application, processing, recognition of RIG and appointment of scrutineers, training of scrutineers, and issuing of badges. Requests for applications open on 1 September 2019 and close on 6 October 2019.

1. **Application** - To apply for recognition, Interest Groups must complete the BRC's Form **BRC321** (Application for Recognition of a RIG) and Form **BRC323** (Nomination of Liaison Officer of a RIG). The relevant forms can be accessed from the BRC Website and at the

¹**Referendum offences:** see Part XVI – Offences of the Organic Law on Peace-Building in Bougainville – Autonomous Bougainville Government and Bougainville Referendum 2002

three regional offices in Bougainville for interested parties. In lodging their applications, the interested group may lodge applications online, at the BRC headquarters or through the BRC's regional offices in Bougainville.

The application for Recognition Form **BRC321** requires following:

- The name, address and contact details of the group/organisation wishing to field scrutineers.
- The name and contact details of the head of the organisation.
- The type of organisation.
- The name and contact details of the liaison officer of the organisation, to whom all correspondence from the BRC will be addressed.
- Type of organisation (NGO, CSO, Not formally recognised as CSO or NGO).
- How the group is structured.
- The source of the group's funds.
- Where the group is based in Papua New Guinea (group must be based in PNG).
- Group officers and those individuals proposed to be appointed as scrutineers must be eligible to vote in PNG national elections.
- Groups must specify which of the two options in the referendum their group is in support of.
- Groups must specify the particular geographic space they wish to be recognised for.
- Groups must specify if they wish to be recognised for the poll, the scrutiny or both processes.
- Groups must indicate their proposed total number of scrutineers and specify scrutineers for the two different processes (poll or scrutiny) to avoid overcrowding at the scrutiny.
- Groups must indicate their general geographic locations.

A group is required to designate a liaison officer through whom they would like badges and kits to be made available. Groups will be required to fill out **Form BRC323** (Nomination of Liaison Officer of a RIG) listing the name, contact details of liaison officer.

The RIG may change a liaison officer, but the group must notify the BRC in writing. No changes will be accepted after 6 October 2019.

2. **Processing** – At this stage, applications are received and processed. After the BRC has considered the application, it will inform the organisation in writing either:

- that the interest group has been recognised; or

- that the BRC is unable to recognise the organisation as a Recognised Interest Group, giving the reasons for its decision. The decision of the BRC is final.

3. *Appointment of Scrutineers* – Once the interested group is recognised as a RIG, the BRC will then request that they complete Form **BRC322** (Nomination of Scrutineers of a RIG). The BRC will then appoint scrutineers for the poll and/or scrutiny process, taking into account the number of scrutineers already appointed for geographic locations or specific referendum processes (such as the scrutiny).

4&5. Training of Scrutineers and Issuing of Badges – Once the scrutineers are appointed, the BRC will provide training for them. Issuing of badges and information kits to the scrutineers should also be done at this stage as it is the final step before the scrutineers can go forth to watch the referendum process.

General provisions on scrutineers

Once appointed, the BRC will provide documentation of this appointment through a badge to be worn at all times in referendum premises. RIGs should note that all other arrangements for their scrutineers are the responsibility of the Recognised Interest Group.

Form **BRC322** is the nomination by the organisation of its Scrutineers. Once the group is recognised as an interest group they will be requested to nominate a list of scrutineers for appointment by the BRC. This form will request the name, date of birth, and residence of the individual scrutineers, and the form must be signed by or on behalf of the RIG. *Only scrutineers who will be 18 years of age by the first day of polling will be registered by the BRC.*

A group is required to designate a liaison officer through whom they would like badges and kits to be made available.

Following the Appointment of Scrutineers

Once recognition and the process of appointing scrutineers is complete, the designated liaison officer for each RIG will be informed of the times and locations of BRC scrutineer training. All scrutineers must attend training and sign the Code of Conduct at this training session. Scrutineer badges will only be released at these training sessions.

Each scrutineer will also receive one individual briefing pack from BRC. This pack will include a **code of conduct** for scrutineers and **BRC information about the referendum process**.

Conditions of operation for Recognised Interest Groups

The Bougainville Referendum Commission shall not be responsible for any security, communications, health, transport, lodging, safety, or other support to the Recognised Interest Groups.

Each Recognised Interest Group shall be responsible for all support arrangements and costs incurred for their scrutineering duties (transport, communications, lodging). Furthermore, in order to preclude any conflict of interest, no Recognised Interest Group or scrutineer of such group may utilise any BRC resources, such as facilities or motor vehicles.

Recognised Interest Groups shall seek to ensure that media and the public understand that they are here as independent scrutineers and are not representing the Government of Papua New Guinea, the Autonomous Bougainville Government, or the Bougainville Referendum Commission in any way.

Recognised Interest Groups agree to abide by the security recommendations and directions of the Bougainville Police Service.

Recognised Interest Groups and their scrutineers shall agree, collectively and individually, to abide by the Code of Conduct for Scrutineers.

Each individual scrutineer must sign her/his badge on receipt and wear the badge at all times when engaged in their activities. Scrutineers must identify themselves to the officer in charge when entering a Polling Place or Scrutiny or other BRC space, structure, or building. **Only scrutineers in possession of badges issued by the BRC and signed by the individual representative will be allowed to be present during the referendum process.**

- a) During their activities, scrutineers must carry an alternative means of identification, complete with signature and photograph, to enable referendum staff to confirm their identities.
- b) If a scrutineer does not possess any form of identification apart from their BRC badge, and if the scrutineer is known to the polling or counting official, the polling or counting official may identify the scrutineer without the need for additional identification documents.

The BRC may cancel the appointment of any person as a scrutineer on the grounds that the individual has interfered with the referendum process. Likewise, the BRC may cancel the

recognition of any interest group that violates the terms of its recognition. The BRC shall inform the organisation of such cancellation.

The BRC also reserves the right to cancel the appointment of a scrutineer of a Recognised Interest Group if it determines it is necessary to protect the integrity and credibility of Referendum operations. The decision of the BRC in this regard will be final.

Forms to be used by intending Recognised Interest Groups

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| BRC321 | Application for Recognition of a RIG |
| BRC322 | Nomination of Scrutineers of a RIG |
| BRC323 | Nomination of Liaison Officer of a RIG |

Forms to apply for Recognition are available at <http://bougainville-referendum.org/>

Bougainville Referendum Commission
Malabolo Estate, Hutjena Station
Buka, Autonomous Region of Bougainville, Papua New Guinea.
e-mail: scrutineers@bougainville-referendum.org

Related Document

Code of Conduct for Scrutineers

Mauricio Claudio
Chief Referendum Officer

Date: 29 August 2019

Recognised Interest Groups focal point:

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