

## Issuance

# Canvassing, Broadcasting, Publications, Advertising, Media and Communications for the Bougainville Referendum

20 August 2019

Under Sch.1.9 of the *Organic Law on Peace-Building in Bougainville-Autonomous Bougainville Government and Bougainville Referendum 2002* (hereafter “the Organic Law”) the Bougainville Referendum Commission (BRC) is mandated to promote informed debate on each side of the question to be put at the Referendum, and to encourage wider public interest and involvement in ensuring that the Referendum is conducted in a free and fair manner.

The BRC’s policy for promoting public involvement, ensuring a free and fair referendum and recognition of interest groups was published on 4 July 2019, Bougainville Gazettal Notice No.38/2019.

This Issuance sets out the Commission’s expectations for canvassing, broadcasting, publications, advertising, media and communications activities related to the Referendum. Canvassing is activities, primarily face to face with communities and voters, to find out what their opinion is on the referendum question, and to seek support/votes for a particular referendum outcome.

The BRC calls for all citizens to act in a manner that does not intimidate persons from airing their views and to respect the right to free speech and opinion held by others. This includes the choices to be put to voters on the Referendum ballot. The BRC further calls on those engaging in the Referendum to act responsibly by avoiding hate speech and by encouraging social cohesion.

1. The BRC calls for a silence period starting from 00:00 on 20 November 2019 to 08:00 on 23 November when polling commences. This period will allow for voter reflection and consideration before the commencement of polling. During the period, there should be no canvassing.
2. Every individual voter has the right to a secret vote, and no group or individual should encourage the practice of block voting or in any way undermining of secrecy of the vote.
3. No group or individual should seek to influence voters unfairly through monies, gifts, gratuities, threats or promises.

4. Harassment of any kind during canvassing, broadcasting, publication, media and communication activities is unacceptable and using language that incites hatred or violence in any form is prohibited.
5. Canvassing, broadcasting, publication, media and communication activities must be conducted or developed in a way that is grounded in fact and avoids community friction and unrest.

The Commission also reminds groups and individuals of the following requirements of the *Organic Law on Peace-Building in Bougainville-Autonomous Bougainville Government and Bougainville Referendum 2002* (Part XVI Offences).<sup>1</sup>

1. Media outlets must label, announce or describe any referendum content as an 'advertisement' that is paid or compensated for by any group.<sup>2</sup>
2. Any media article, broadcast announcement or advertisement published from the date of issue of the writ until the return of the writ, that comments on the referendum question (greater autonomy or independence) must also include the author's true name and address.<sup>3</sup>
3. All advertisements, posters, pamphlets etc. must include the name and address of the person authorising the publication or issue, and the name and place of business of the printer being printed at the foot of it.<sup>4</sup>
4. It is an offence to publish any statements, voting instructions, or sample ballots that may mislead or improperly interfere with a voter in the casting of his or her vote. However, it is permissible to print and publish material that contains advice on how to vote on a particular question, so long as those instructions are not intended or likely to mislead a voter in or in relation to the casting of his vote.<sup>5</sup>
5. It is an illegal practice at any time to write or display any material in a public place, intended or calculated to affect the result of the Referendum.<sup>6</sup>
6. Disorderly behaviour is prohibited at any meetings or gatherings related to the Referendum.<sup>7</sup>

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<sup>1</sup> The BRC recommends that groups and individuals who are engaged in canvassing, broadcasting, publications, advertising, media and communications activities related to the Referendum familiarize themselves with the full provisions of Part XVI of the Organic Law.

<sup>2</sup> 1.127

<sup>3</sup> 1.128

<sup>4</sup> 1.126

<sup>5</sup> 1.126

<sup>6</sup> 1.130

<sup>7</sup> 1.146

7. During the polling period, canvassing is prohibited within seven (7) metres of a polling booth, and political emblems are not allowed in polling booths.<sup>8</sup>
8. Using a loudhailer during the polling period is prohibited (unless used by the police or voting official).<sup>9</sup>

A BRC Code of Conduct prohibits canvassing or otherwise promoting a particular outcome of the Referendum by any BRC official.

This Issuance; the National Constitution; the Organic Law on Peace-Building in Bougainville-Autonomous Bougainville Government and Bougainville Referendum 2002; the Bougainville Referendum Regulations 2019; the BRC Policy on Promoting Public Involvement; and all other relevant laws and regulations should be respected and followed by groups and individuals before, during and after the Referendum. Violations of the constitution, electoral laws, regulations, and issuances should be reported to the appropriate authorities.

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<sup>8</sup> 1.140

<sup>9</sup> 1.133