

**REPORT OF THE COMMONWEALTH SECRETARY-GENERAL'S AND THE
PACIFIC ISLANDS FORUM SECRETARY-GENERAL'S REPRESENTATIVES
TO THE VANUATU NATIONAL ASSEMBLY ELECTION**

6 JULY 2004

Background

This is Vanuatu's second National Assembly election in the last two years. The election was called two years early when the Speaker of Parliament dissolved Parliament on 10 May 2004. Article 28 (4) of the Vanuatu Constitution requires that General Elections be held not earlier than 30 days and not later than 60 days after any dissolution. The date of Tuesday 6 July 2004 was then chosen as election day and declared a public holiday to assist in the facilitation of the process. The Prime Minister of Vanuatu, Hon. Edward Natapei issued an invitation on 28 June 2004 to the Commonwealth and Pacific Forum Secretary-General's to send observers to be present for the elections. The Commonwealth Secretary-General and the Pacific Island Forum Secretary-General responded positively to this invitation. It was agreed that the team would be a joint mission between the Commonwealth Secretariat and the Pacific Islands Forum – the first time such a mission had taken place.

Composition of the Team

In line with the agreement between the Secretary-General's of the Commonwealth Secretariat and the Pacific Islands Forum, it was agreed that the team would comprise two senior officers representing each organisation as the Representatives of the respective Secretary-General's. The members were:

Mr Jeremy Clarke-Watson
Chief Programme Officer
Political Affairs Division
Commonwealth Secretariat

Mr Walter Rigamoto
Ombudsman
Fiji
Representing the Pacific Islands Forum

Mr Albert Mariner
Senior Programme Officer
Political Affairs Division
Commonwealth Secretariat

Mr Ulafala Aiavao
Media Adviser
Pacific Islands Forum Secretariat

Terms of Reference

The Terms of Reference as agreed with the Vanuatu Electoral Commission on 28 June 2004 were as follows:

To be present in Vanuatu before, during and after the National Assembly Elections in order to gain a broad overview of the environment in which the elections take place, the electoral process and the elections themselves and to report to the Secretary-General thereafter. This report will be made available to

6 July 2004 Polling day and count

The Voting System

The electoral voting system employed in Vanuatu is the semi-proportional *Single Non-Transferable Vote (SNTV)*. There are several seats in each constituency, but each voter is only entitled to one vote. Candidates with the highest number of votes win the seats. This means that in practice members of the same party are competing against each other as well as the opposition to secure the necessary votes to win a seat. This has led to an increasing number of political parties emerging. To assist in enhancing long-term stability and governance in Vanuatu it is desirable that attention is paid to strengthen the political party system and the political parties themselves.

The Campaign

During its time in Port Vila the team was able to witness a number of political rallies for both the larger parties and independent candidates. The atmosphere on these occasions was calm with little or no evidence of security personnel being present. Candidates talked to matters of substance and spoke of the need to ensure that coalition partners were also well supported. We witnessed simultaneous rallies taking place on the waterfront in Port Vila on the final day of campaigning, with all being conducted in a positive spirit. Campaigning was scheduled to end at midnight on Saturday 3 July, 72 hours before the commencement of polling, and we believe that this deadline was generally respected. We did hear of cases of ongoing campaigning but these appeared to be isolated and were investigated by the police. We were not made aware of any serious intimidation of candidates or supporters and all we spoke to felt that the campaign period had been conducted in a good spirit.

Throughout Port Vila campaign posters were evident for all candidates. It did not appear that any major defacement of rival candidates posters had taken place. Most of the posters set out the candidate's policies and views on the future government's programme. Most posters also appealed to voters' sense of 'Kastom' (custom) by calling for a return to traditional values and practices.

The Media

The print media in Vanuatu is based around the Daily Post (English/Bislama - daily) and the Independent (English/French - weekly). We found that there was extensive and wide ranging coverage of the elections in the print media. This coverage appeared well balanced and covered interviews and comment by all sides of the political spectrum. There was focus on both the personalities involved, the proposed policies of the candidates and their coalition partners. We also saw comment on the state of democracy in Vanuatu and how things should be improved. There did not appear to be bias in favour of any one group or party. Independent candidates also received good coverage and were able to put across their policies.

As television in Vanuatu is limited to foreign (mostly Australian) channels there was limited coverage of the election in this medium. Radio coverage is tri-lingual and we were informed that coverage of the election was focused on news items and some comment on the policies and personalities involved.

The Electoral Machinery

As foreshadowed in previous reports, the Vanuatu electoral administration, comprising the Electoral Commission and the Principal Election Officer does not have sufficient capacity to carry out its statutory functions as required by the Constitution of Vanuatu and the Representation of the Peoples Act. There is a lack of independence, funding is inadequate, the facilities need upgrading and planning, processes and training needs to be urgently addressed. The Principal Election Officer has made every effort to deliver the requirements for the 2004 Election but has been hampered by a lack of commitment to adequately resource and equip the Elections Office and Commission. This under-resourcing has led to a number of problems in respect of election management in Vanuatu.

The team notes that it is a core requirement of a democratic government to provide adequate resources and independence to the Elections office to be able to fully manage the requirements of the election process. For this election, the Principal Election Officer did not have a provision in this year's budget to manage a national election. He therefore presented a supplementary budget of some \$45 million Vatu (£250,000). One day before the election approximately \$20 million Vatu was still to be provided. It should also be noted that registration fees from candidates represented some \$12.5 million Vatu or just over a quarter of the election budget. The largest item was the printing of the ballot papers, which will be commented on later in this report. In the 2002 elections, the donor community provided the majority of the required funding. For these current elections the donor community did not contribute to meeting the required expenditure.

A number of issues have become apparent during the course of the teams mission in Vanuatu regarding the need to strengthen the independence and integrity of the electoral machinery. There should be moves undertaken to enact the necessary legislation to create an independent Election Commission, complete with funding to conduct electoral operations.

It is apparent that there also needs to be a greater recognition that elections are expensive to the country in terms of time and money. They are not just one-off events that take place every few years. The Elections Office needs to be provided with adequate baseline funding each year to be able to conduct its necessary operations, which include Presidential Elections, Council of Chiefs and Provincial Elections. Registration of new voters and the maintenance of the voters register is an annual process. Voter education is another requirement to be undertaken by the Elections Office. We received comment that the current electoral system in Vanuatu with multi-member constituencies may not be the most appropriate system for the country. Some consideration could be given to a

