I have the honour to present the report of the International Election Observer Team, which visited Bougainville to observe the first general election for the Autonomous Bougainville Government at the invitation of the National Government of Papua New Guinea, in consultation with Bougainville leaders through the Interim Joint Supervisory Body.

Epeli Nailatikau
Speaker
House of Representatives
Fiji

TEAM LEADER
INTRODUCTION

The National Government of Papua New Guinea, in consultation with Bougainville leaders through the Interim Joint Supervisory Body, invited a team of international observers (the Team) to observe the first general election for the Autonomous Bougainville Government.

The Team\(^1\) comprised representatives from Australia, Fiji, Japan, New Zealand, Samoa, Trinidad and Tobago, and Vanuatu. The Commonwealth and the Pacific Islands Forum were represented by some members of the Team. We arrived in Port Moresby for a series of briefings prior to travelling to Bougainville on 17 May 2005. Further briefings were provided in Buka before sub-teams deployed to Buka (Northern Region), Arawa (Central Region) and Buin (Southern Region) in time for the commencement of polling on 20 May 2005. We observed the count at each of the three Regional counting centres.

The Team was given access to all parts of the election process. We witnessed the opening and closing of polls, some campaign activities and election related media reports, voting, counting of votes and the announcement of results. We met widely and had good discussions with government and electoral administrators, voters, scrutineers, candidates, party representatives, Presiding Officers, other polling officials and some village chiefs who were present at polling stations during our visits. We were also provided with copies of *The Constitution of the Autonomous Region of Bougainville* (the Constitution), the Presiding Officers Manual, and Candidates and Scrutineers Handbooks.

Sub-teams observed polling at 121 of approximately 421 polling stations (including the Port Moresby voting centre catering for Bougainvilleans outside Bougainville), covering 29 of the 33 constituencies throughout the three Regions. Team members travelled on foot, by car, boat and, in the more inaccessible localities, by helicopter.

This was indeed an historic election for the people of Bougainville. We felt privileged to have been a part of this landmark process in Bougainville’s political history and greatly appreciated the invitation to observe the election.

Given the complexities of the ongoing Bougainville peace process, and in keeping with the spirit of the election, the Team deliberately avoided naming any groups on the island in its comments on election related issues.

This report documents the Team’s conclusions arising from our direct observations, meetings, and examination of the relevant documents described above.

\[^1\] See Annex 2 for details.
TERMS OF REFERENCE/SUMMARY OF FINDINGS

In the letter of invitation the Team was given three terms of reference. Our findings in relation to the terms of reference are summarised below.

1. **To help maintain and build mutual confidence and trust during the election by the team’s presence.**

   We were aware that the election was an important part of an ongoing process that has depended on the commitment of all Bougainvilleans to seek peace by peaceful means. Confidence and trust by all parties has been central to that process.

   Team members were highly visible all over Bougainville during voting and the count. The Team sought always to act impartially and to convey the international diversity of its membership. Everyone we talked to was uniformly courteous, open and willing to engage with us. Senior participants in the election process personally conveyed their appreciation of our presence and role. There was no hint of antagonism or threat to us at any time.

   For these reasons we believe that our presence here has indeed helped to maintain and build mutual confidence and trust, and we convey our thanks to all who welcomed and interacted with us.

2. **To act as an independent source of assurance and validation that the general election meets the principle of good governance of being free, fair and democratic.**

   As noted previously, our opinions are based on our direct observation of the polling and counting processes across all three regions of Bougainville, interviews with a range of participants in the election process, and examination of various relevant documents.

   The Team is of the opinion that:

   - the formal Constitutional and institutional structures were in place to support a democratic, transparent, inclusive and credible election process;
   - the first general election for the Autonomous Bougainville Government was generally supported by candidates, scrutineers, the media and the people of Bougainville as being democratic, transparent, inclusive and credible;
   - the result can be accepted as reflecting the will of the people of Bougainville, as expressed by them in a democratic process; and
   - the first general election for the Autonomous Bougainville Government has been substantially conducted in line with generally accepted democratic principles and practice.

   While a number of issues are identified throughout this report, the Team is of the opinion that those issues did not materially affect the overall integrity of the election process. Further discussion can be found under ‘Observations’, starting at page 5.

3. **To prepare a report with any recommendations for improving the electoral system.**

   A number of recommendations were made for possible improvements to the election process. The recommendations are contained throughout this report, and a summary appears at page 12.
THE CONTEXT

The Bougainville conflict was one of the most serious and damaging conflicts to have taken place in the Pacific Islands region since the Second World War. Its origins and cause and the ensuing peace process have been well documented elsewhere. The election was the culmination of the peace process that began in 1997. Key events leading up to the first general election for the Autonomous Bougainville Government are touched on below.

The arrangements for the Autonomous Bougainville Government were based on many years of discussion and carefully crafted agreements. Those agreements were negotiated in a peace process in which all of the parties committed to work for lasting peace.

In the first half of 2001 agreements were reached on the issues of a referendum to determine the eventual political future of Bougainville (initially at Kokopo on 26 January); a weapons disposal plan (the Rotokas Agreement in early May); and arrangements for autonomy (the Agreed Basis for Comprehensive Political Settlement, initialed on 22 June). These three agreements were brought together in the comprehensive Bougainville Peace Agreement which was signed in Arawa on 30 August 2001.

Under the Bougainville Peace Agreement the parties established an Interim Joint Supervisory Body as the main forum through which the National Government consulted with Bougainville’s leaders. The Agreement also established the Bougainville Constitutional Commission (BCC) in September 2002 as a broadly representative body. It carried out extensive consultations across Bougainville and developed a draft Constitution.

The Constitution was approved and adopted by Papua New Guinea’s National Executive Council (NEC) in December 2004 and subsequently gazetted, paving the way for preparations for the first general election for the Autonomous Bougainville Government.

All elements of this election, including the constituencies, the method of voting, and the presence of international observers, reflect careful negotiation and agreement between all involved in the peace process.

THE ELECTORAL FRAMEWORK AND PREPARATIONS FOR THE ELECTION

The legal framework

The Constitution, approved by the National Executive Council and subsequently gazetted on 10 December 2004, provided the legal and administrative framework for holding the election. Schedule 10 of the Constitution set out the electoral provisions for conducting the first general election for the President and members of the House of Representatives.

The election management body

The election management body was stipulated under Schedule 10 of the Constitution. It comprised the Election Manager, assisted by an Election Operations Officer, Common Roll Officer and Constituency Boundary Director. The Election Manager was authorised to appoint a Returning Officer for each District. Thirteen Returning Officers were appointed for
the election, 12 of whom were also District Managers. The Team was advised that the majority of polling staff were employees of the Interim Provincial Administration.

The Election Manager and Returning Officers were the key personnel in ensuring the election was properly managed and conducted in accordance with the electoral laws.

**The electoral timetable**

The dates set for the election were:

- **Issue of the writs and opening of nominations**: Thursday, 14 April 2005
- **Close of nominations**: Thursday, 21 April 2005
- **Commencement of polling**: Friday, 20 May 2005
- **Last day for polling**: Thursday, 2 June 2005
- **Return of the writs**: on or before Thursday, 9 June 2005

**The electoral system**

The first general election for the autonomous region of Bougainville used a ‘First-Past-the-Post’ voting system as stipulated in Section 109(a) of the Constitution. All subsequent elections of the President and members of the House of Representatives will be held under a preferential voting system as set out in section 109(b).

**Registration of voters**

Work to update the register of voters began in January 2005. It involved updating the Common Roll for Bougainville that was provided by the Papua New Guinea Electoral Commission (PNGEC) (this roll was used during the 2002 national election). The Election Manager advised that the 2002 Common Roll became known as the ‘working roll’ and updates were processed between January and April 2005 to form the Common Roll for the Bougainville election.

The first update of the Common Roll involved house-to-house visits throughout the twelve districts by trained officials under the supervision of Returning Officers. This roll, known as the preliminary Common Roll, was then printed and taken out to each district for review.

The Team was advised by the Election Manager that due to time and funding constraints, a second updated roll was not printed for review in the twelve districts prior to the election. The Team noted that the Election Manager and his staff made every effort in the circumstances to produce a credible roll for the election. Nevertheless, it was evident throughout the polling period that there were problems with the completeness of the Common Roll.

Our observations and recommendations on this issue are provided later in this report.
OBSERVATIONS

Reflecting on our terms of reference, a number of issues were identified, and these are detailed in the following pages.

Election management

The Team formed the opinion throughout the polling and counting period that the Election Manager and staff carried out their roles and functions professionally, impartially and with a strong commitment to ensuring that all eligible Bougainvilleans were afforded the opportunity to participate in the election.

For example, we observed instances where polling stations were moved to more accessible locations and where polling schedules were changed to provide better access for voters. Polling officials were supported with training and written instructions, and written information materials were provided for candidates and scrutineers.

At polling stations visited the conduct of polling officials was generally exemplary. In a few isolated cases polling stations opened late because ballot boxes had not arrived. There were other cases where late starts were attributed to misunderstanding the legal requirements for the opening of the polls (for example, there were some cases where Presiding Officers reported that they were waiting for scrutineers or police to arrive before opening the poll). Where possible, these and any other minor problems were quickly rectified by local electoral officials. In many cases examples of good practice were observed across all regions, suggesting that the training provided to polling officials was comprehensive and, for the large part, effective.

Security was provided by the Bougainville Police and the Community Auxiliary Police, who performed their duties in a professional and non-threatening manner. The Team noted that within polling stations and counting centres there was no evidence of threats or intimidation, and the presence of unarmed police was welcomed by all participants in the election process.

It is the Team’s opinion that the election management body and polling staff conducted their duties with a consistently high degree of impartiality and professionalism.

Candidates and political parties

Section 237 of the Constitution provides for the registration of political parties for the first election but does not require political party membership to participate in the election process.

In briefing the Team, the Election Manager noted that when the Bougainville Constitutional Commission consulted with the people of Bougainville with regard to political party registration being provided for in the Constitution, there was an overwhelming view of opposition to the establishment of political parties. We were further advised that one of the main reasons behind this view was that the Bougainville conflict had already caused much disunity and that people did not want political parties causing further disharmony during the first general election.

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2 International Observers Brief provided by the Bougainville Interim Provincial Government, 18 May 2005.
However, in recognition of international practice, a political party registration system was built into the Constitution. For this election four political parties were registered:

- Bougainville Independence Movement Party;
- Bougainville Labour Party;
- Bougainville People’s Congress Party; and
- New Bougainville Party.

The campaigns of individual candidates appeared to be more prominent than those of political parties. Comments made to the Team by candidates, scrutineers and voters indicated that there was a desire to ensure a peaceful and non-confrontational poll and to avoid any perception of conflict. For example, we understand that a number of candidates contesting the same constituency campaigned together, travelling from village to village. The Team also noted that the names of political parties were not included on ballot papers.

The Team did not observe any electronic media advertising by candidates or political parties. This was possibly due to our arrival on Bougainville two days before polling commenced. However, we did observe campaign posters on public display, promoting individual candidates. Those posters generally explained the credentials of the candidate and how to cast a vote for that candidate.

The Team formed the opinion that the constitutional arrangements supported the participation, and protected the rights, of political parties in the electoral process where they wished to exercise them.

**Scrutiny of the electoral process**

Schedule 10 of the Constitution, Sections 86 (polling) and 106 (scrutiny), provided for candidates to appoint scrutineers to observe all voting and counting processes.

The Team noted that scrutineers were present at most polling stations visited and at all three regional counting centres. We also observed that scrutineers were afforded full cooperation by polling officials. For example, at one polling station a Presiding Officer acted promptly to rearrange the layout of the polling station in response to scrutineer concerns that they could not properly observe the voting process.

While a small number of complaints were reported to the Team, scrutineers overwhelmingly endorsed the polling process overall.

It is the Team’s opinion that scrutineers were allowed appropriate access to observe the polling and counting processes, reflecting such rights protected by the Constitution.

**Voter registration and the Common Roll**

It became evident early in the polling period that a number of potential voters’ names could not be found on the Common Roll. Many of those people claimed to have registered in the early 2005 Common Roll update.

The Team’s assessment is that the problem with the Common Roll appeared to affect a random sample of voters across Bougainville. There was no suggestion by any polling
official, voter or scrutineer of any pattern in the names missing from the Common Roll, nor of any attempt to deliberately disenfranchise voters.

We were advised by the Election Manager that, in response to the concerns, he had issued a directive permitting polling officials to consult a previous version of the Common Roll (known as the supplementary roll) when a potential voter’s name was not found on the 2005 Common Roll. If the person’s name appeared on the supplementary roll, the name was to be marked off and the person permitted to vote. The Team observed that in the vast majority of cases where the supplementary roll was consulted, the voters’ names appeared and they were able to vote.

The Team noted, however, that use of the supplementary roll occurred in some constituencies and not in others. Even in those using the supplementary roll, it was not available in all polling stations due to logistical constraints on copying and distribution.

The Team recognised the significant challenge faced by the Election Manager in finalising the Common Roll in time for the election. The Team believed the problems were the result of human and/or technical error rather than any deliberate attempt to disenfranchise voters. The Team commends the Election Manager and staff for their prompt and active attempts to remedy the problem to enable as many people as possible to vote.

Given some of the difficulties experienced during the voter registration exercise and in the compilation of the Common Roll, the relevant electoral authorities may wish to consider options for improving the accuracy and completeness of the Common Roll. Options may include a longer timeframe for the pre-election update of the roll, introduction of a system of continuous registration, the issuing of a registration document, or some combination of these.

**Recommendation 1**

The Team recommends that the relevant electoral authorities take measures to ensure that the system of registration improves the accuracy and completeness of the Common Roll before the next election, and that sufficient resources are provided by the Autonomous Bougainville Government to support this recommendation.

**The polling**

While polling proceeded in a peaceful, orderly and efficient manner overall, the team made some specific observations which are detailed below.

**Queues**

Voting was observed to be orderly and the process of receiving ballot papers generally speedy, however, in some polling stations queues did tend to form at two points. Queues formed initially when officials encountered difficulty in locating a person’s name on the roll, and again as electors waited to access a voting screen to mark their ballot papers.

We noted that some polling stations improvised by creating additional voting screens from cardboard boxes, which improved the timeliness of voter processing.
The voting timetable/schedule

The Team noted that polling was conducted on a staggered schedule, with many polling teams moving from one place to another over the several days of polling in order to facilitate access to the maximum number of voters. The Team believed that this arrangement contributed positively to the inclusiveness of the process and commended the efforts of election staff to extend the franchise in the challenging terrain of Bougainville.

The Team recognised that variations to the polling schedule were explicitly permitted under Schedule 10 of the Constitution, and noted that there were some variations from the original polling schedule. Many of these were done in response to local circumstances. For example, some of the original polling locations were changed in order to improve access to voting facilities for as many people as possible (for example moving polling stations closer to main roads or away from restrictions imposed by roadblocks). Some polling stations ceased operating before their scheduled finishing dates once the Presiding Officer was satisfied that there were no further voters. Others moved to locations where many people still needed to vote and time was running short.

There may have been one case where local circumstances were not catered for in developing the original schedule. The Team understood that some polling scheduled in one District for Saturday, 21 May 2005 did not proceed because a large number of voters were of a religious faith that did not allow them to vote on that day. As a result, there was potential for voters to be disenfranchised.

The Team noted that the prescribed hours of polling were not always followed. A number of polling stations did not open at 8:00 am, reportedly because they were waiting for ballot boxes to be delivered. Others, particularly in the more remote localities, finished voting well before the 6:00 pm closing time, in order to have ballot boxes secured before nightfall.

Voter awareness

We noted that there was confusion in some areas at the start of the polling period about when and where people could vote. Comments from voters and scrutineers indicated that the most common methods of information distribution were by radio (we were advised that radio announcements had been made in the week before polling commenced), newspapers and word of mouth, and that by the second day of polling, most of the confusion had gone. However, in locations where polling was only held on one day, any confusion had the potential to disenfranchise voters.

Recommendation 2

The Team recommends that current mechanisms for distributing information about polling timetables and schedules are reviewed, and any identified improvements are implemented for future elections.

Other matters that affected polling

Rumours persisted throughout the polling period (quite often contradicting each other), especially in relation to whether various people or groups would or would not disrupt the election, and whether they were encouraging or discouraging people from voting. A few
instances were reported in which village chiefs directed all members of a village to vote for a preferred candidate, or not to vote at all. In one case in the Northern Region the Team was advised that a village chief, who had instructed his village not to participate in the election, later requested the Returning Officer to send the polling team back to enable his village to vote.

In some constituencies in the Buin and Siwai Districts, it was reported to the Team by election officials, voters and scrutineers that some local leaders were engaging in coercion of voters. The reports indicated that some voters were told their funds deposited in a local scheme would be forfeited if they voted, and that others were directed not to vote under threat of arms. In one polling station in the Buin District, shots were fired over the polling site. The Presiding Officer evacuated the polling station, taking the ballot box with him, however, polling was resumed when it became clear that there was no further threat.

It was reported to the Team that polling arrangements were affected in some areas. A notable example was in the Konnou Constituency in the Buin District, where a small group of armed individuals, blocking the major trunk road, prevented the scheduled delivery of election materials to around eleven polling teams. Armed individuals also sent a message to the Returning Officer that polling would not be welcome in certain villages in the same area.

The Returning Officer, in consultation with local chiefs, attempted to negotiate. This did not resolve the issue, so the Returning Officer then arranged for the delivery of election materials by helicopter to some locations to avoid the roadblock. Other polling teams were instructed to move to alternative locations, and messages were sent to affected villages about the changes. The Team observed many people voting in the constituency.

The Team commends the Returning Officer for the Buin District and his staff for their extraordinary efforts to facilitate the right to vote in the face of these challenges.

We were also aware that the ballot papers in two ballot boxes were lost. On the first occasion 14 ballot papers were burnt and on the second occasion ballot papers were destroyed when a boat accidentally capsized. We understand that on both occasions the Election Manager authorised arrangements to allow the affected electors to vote again.

While these incidents may have created logistical problems, the Team was of the view that they did not materially affect the overall integrity of the election.

It is the Team’s overall conclusion that the polling was conducted with integrity and with an acceptable degree of efficiency given the particular circumstances and challenges involved in this election.

**Out of constituency voting**

We noted the positive reaction of voters to the Bougainvilleans outside Bougainville program and some requests for extension of the program, for example, to Goroka. We also noted that for logistical reasons provision was not made for out of constituency voting within Bougainville, where transport can be difficult, especially if people need to travel large distances. We did observe two circumstances where out of constituency voting occurred so that some people who could not travel back to their own constituencies were able to cast their
votes\(^3\). However, in many cases Bougainvilleans who were away from their home constituencies were unavoidably disenfranchised. These included polling officials and police working in constituencies other than their own. Neither was special provision made for those in hospital, detained in custody, or otherwise unable to attend a polling station, to vote.

The Team recognises the financial and logistical constraints on the election authorities in Bougainville, and that a comprehensive system of out of constituency voting would be complex and possibly costly. However, there may be scope to set up limited facilities for out of constituency voting, such as creating one centre for province-wide voting in Buka, Arawa and Buin.

**Recommendation 3**

In the interests of maximising the franchise, the Team recommends that consideration is given to whether it is possible to extend the Bougainvilleans outside Bougainville voting programme, and also whether it is possible to set up a system for out of constituency voting within Bougainville, and to make provision for otherwise eligible voters who are unable to access a polling station to cast their vote.

**Engagement of women and ex-combatants in the electoral process**

The Team recognised the key role played by women in the Bougainville peace process, and the allocation of three seats specifically for representation by women. However, while 25 women contested the three allocated seats, we understood that no women contested constituency seats, for which they were also entitled to stand. Some people we spoke to suggested that allocating three seats specifically for women may have had an unintended effect of marginalising them within the process. We were of the view that women should be encouraged in future to contest general constituency seats. We noted that women were represented among polling officials and scrutineers.

The Team noted that three seats were allocated for ex-combatants, and that many ex-combatants were also contesting constituency seats. We acknowledged that the criteria for determining eligibility to stand for an ex-combatant seat (in particular, that the candidate must be endorsed by all factions) would have the effect of enhancing the peace process and moving it forward.

**Recommendation 4**

The Team recommends that the reasons for the low numbers of women candidates contesting constituency seats are examined, with a view to encouraging a larger number of women to contest future elections.

**The count**

Voting was completed in all constituencies by Friday, 27 May 2005, however counting did not commence until Wednesday, 1 June 2005. While there may be very good reasons for it, this is an unusual delay.

\[^3\] On 25 May, the Koromira Polling Station (Kokoda Constituency, Kieta District) moved to Arawa (North Nasioi Constituency, Kieta District) to take the votes of Kokoda voters now residing in the Arawa township. On 26 May, a team from the Ioro constituency set up a polling station in Arawa for the same reason.
Counting commenced in all three Regional centres on 1 June 2005. The Team noted that the count was conducted smoothly and without major incident.

Security arrangements appeared sufficient to ensure that ballot papers were not tampered with between the close of polling and commencement of the count. For example, the original seals appeared to be still intact (scrutineers were given the opportunity to verify this). Police resources were deployed to each counting centre.

Counting officials worked methodically and used Presiding Officer returns to verify that the number of ballot papers inside each ballot box matched the number of ballot papers recorded as issued from that polling station. District Managers and some Presiding Officers were present at the count in case of discrepancies. Invalid votes were checked carefully and scrutineers were also able to view them.

Overall, the counting staff appeared committed to a transparent counting process. Scrutineers and the Team were free to observe all aspects of the count.

There was a low percentage of informal votes overall.

For the announcements that we witnessed, successful and unsuccessful candidates and their supporters accepted the results calmly and without incident.

Counting staff undertook their duties professionally and impartially, and appeared at all times committed to ensuring a transparent and accurate process. The Team is confident that the result of the count was an accurate reflection of the expressed will of the people of Bougainville.

OTHER ISSUES

Post-election capacity building

The Team understands that donors and international organisations have assisted, and may continue to assist, Bougainville in establishing its electoral systems and democratic institutions.

Recommendation 5

In the interests of building on the good work already done, and the good relationships established, the Team recommends that the Bougainville administration, in consultation with the National Government as required, considers inviting appropriate donors and international organisations to assist where needs are identified. Such organisations could include, but are not limited to bi-lateral donors, the Commonwealth Secretariat, the Commonwealth Parliamentary Association, and the Pacific Islands Forum.
SUMMARY OF RECOMMENDATIONS

Recommendation 1

The Team recommends that the relevant electoral authorities take measures to ensure that the system of registration improves the accuracy and completeness of the Common Roll before the next election, and that sufficient resources are provided by the Autonomous Bougainville Government to support this recommendation.

Recommendation 2

The Team recommends that current mechanisms for distributing information about polling timetables and schedules are reviewed, and any identified improvements are implemented for future elections.

Recommendation 3

In the interests of maximising the franchise, the Team recommends that consideration is given to whether it is possible to extend the Bougainvilleans outside Bougainville voting programme, and also whether it is possible to set up a system for out of constituency voting within Bougainville, and to make provision for otherwise eligible voters who are unable to access a polling station to cast their vote.

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CONCLUSION

Our view is that the election was competently and transparently conducted in all key respects. We were immensely impressed with the commitment and patience of the people of Bougainville throughout the entire process. The dedication of the electoral officials and polling and counting staff, and the scrutineers’ active engagement, is to be commended.

The Team concludes that while there are some matters that might be improved for future elections, the results of this first autonomous election credibly reflect the wishes of the people of Bougainville.
ACKNOWLEDGEMENTS

All those involved in bringing about the first general election for the Autonomous Bougainville Government are to be commended. The cooperation, goodwill and persistence involved in preparing for and conducting this election, in a limited time frame and with logistical challenges, cannot be overstated.

Without wishing to overlook the contributions of any individuals, we are very grateful to:

- the National Government of Papua New Guinea, in consultation with Bougainville leaders through the Interim Joint Supervisory Body, for inviting us to observe the election and for providing important briefing and advice;

- the Administrator and staff of the Bougainville Interim Provincial Government for their helpful assistance and advice to the Team during our time on Bougainville;

- the First Bougainville General Election Manager and staff for assisting us on a daily basis with information about polling processes and evolving polling schedules, and for facilitating unrestricted access to observe at polling stations and counting centres;

- the people of Bougainville for their warm welcome and for their willingness to discuss their perspectives, understandings and opinions on the election;

- the United Nations for the invaluable contribution of helicopter transport and on-the-ground logistical coordination, support and assistance;

- the Secretaries-General of the Commonwealth and the Pacific Islands Forum for their facilitation of the COMSEC/FORSEC\(^\text{4}\) representatives; and

- the Governments of Australia and Japan for funding observers and New Zealand for funding the COMSEC/FORSEC representatives of the Team.

\(^{4}\) Commonwealth/Pacific Islands Forum representatives.
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