



PACIFIC ISLANDS FORUM SECRETARIAT

Report of the Pacific Islands Forum Secretariat's Election Observer Team to the 2010 Elections for the Offices of President and Members of the House of Representatives of the Autonomous Region of Bougainville

INTRODUCTION

In January 2010, the Government of Papua New Guinea invited the Pacific Islands Forum Secretariat to send observers to the 2nd General Election for the Autonomous Bougainville Government (ABG). The Secretary General accepted this invitation from the Government of Papua New Guinea on 15 February 2010.

2. The Election Observer Team of the Pacific Islands Forum Secretariat (the Forum Team) was led by Mr Martin Tete, the Principal Electoral Officer of the Republic of Vanuatu. Mr Tete was assisted by two staff from the Forum Secretariat's Political, Governance and Security Programme. The Team was present in Bougainville from 6 May 2010 to 27 May 2010, and observed polling in most constituencies and counting in the three counting centres established in Bougainville.

3. The Forum Team joined other international observers from the Commonwealth Secretariat, the Australian Government and the East West Centre, as well as expert election monitors from the United Nations.

4. This report documents the Forum Team's observations and recommendations arising from our direct observation of the polling and counting processes, discussions with various participants in the electoral process, and review of relevant documents.

5. Noting that the Forum Team was present in Bougainville for a relatively short time, the Forum Team's report focuses on the process of polling and counting and does not seek to comment on those issues which we were unable to directly observe or consult upon.

6. The Forum Team was impressed with the professionalism and diligence of the election staff in conducting the 2nd ABG elections. While there were technical problems and shortcomings, the Forum Team did not consider these significant enough to impact on the overall integrity and legitimacy of the election process. The Forum Team was also impressed by the cooperation, goodwill and patience of the people of Bougainville in the electoral process,

demonstrating a fundamental commitment to ensuring a free and fair election.

THE CONTEXT

7. The 2010 elections represented the second presidential and parliamentary elections for the Autonomous Region of Bougainville, the first being held in May and June 2005.
8. The Bougainville conflict, which lasted from 1989 to 1998, was one of the most serious and damaging conflicts to have taken place in the Pacific Islands region since the Second World War. The arrangements for the ABG 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. Under the Bougainville Peace Agreement the parties established an Interim Joint Supervisory Body as the main forum through which the national Government of PNG consulted with Bougainville's leaders.
9. The Constitution was approved and adopted by PNG's National Executive Council (NEC) in December 2004, paving the way for preparations for the first general election for the ABG in 2005. The ABG has jurisdiction only over the Autonomous Region of Bougainville in accordance with its Constitution and the Bougainville Peace Agreement as implemented in Part XIV (Bougainville Government and Bougainville Referendum) of the PNG National Constitution.
10. According to the last national census in Papua New Guinea in 2000, the population of Bougainville was 175 160. There were 133 000 registered voters for the 2010 election.

TERMS OF REFERENCE FOR INTERNATIONAL ELECTION OBSERVERS

11. The terms of reference for international observers were as follows:

“The terms of reference for the observers are to co-operate with one another and relevant authorities to provide optimal coverage of the elections in ways which ensure that the observer team –

- (1) By its presence, helps to ensure that the elections for the offices of President and Members of the House of Representatives of the Autonomous Region of Bougainville are peaceful, orderly, free and fair;
- (2) Acts as a neutral and independent source of assurance and validation that the elections are held in accordance with the principle of democratic good governance and relevant laws, and are free and fair; and
- (3) Provides a report at the earliest opportunity after the elections are completed, which may include recommendations for improvement consistent with the Bougainville

Peace Agreement, the Constitution and laws of Papua New Guinea, and the Constitution and laws of Bougainville made under the Papua New Guinea Constitution.”

THE ELECTORAL FRAMEWORK AND PREPARATIONS FOR THE ELECTION

Electoral timetable

12. The dates set for the election were:

Issue of writs and opening of nominations:	26 March 2010
Close of nominations:	2 April 2010
Start of polling:	7 May 2010
End of polling:	21 May 2010
Return of Writs:	9 June 2010.

Legal framework

13. Elections for the ABG are governed by the *Constitution of the Autonomous Region of Bougainville 2004* (in particular Part 8, Constituencies and Elections) and the *Bougainville Elections Act 2007* (BEA). The first ABG elections in 2005 were governed by Schedule 10 of the Constitution, which was of specific application to the first ABG elections.

Seats and constituencies

14. The General Election comprised the election of the following:

- (i) the President of the ABG;
- (ii) 33 members of the House of Representatives;
- (iii) 3 reserved seats for women; and
- (iv) 3 reserved seats for former combatants.

15. For the purposes of election of the President, the whole of the Autonomous Region of Bougainville is a single constituency under the BEA. There were 7 candidates for this position.

16. For the purposes of the election of the 33 members of the House of Representatives, the three regions of Bougainville – North, Central and South – were divided into single-member constituencies, each of which elects one member to the House of Representatives. There are 14 constituencies in North Bougainville, 8 in Central Bougainville and 11 in South Bougainville. Overall, there were 247 candidates for these 33 seats.

17. For the purposes of the election of the reserved women's and former combatants' representatives, the ABG is divided into three different constituencies: North, Central and South. In relation to these seats, there were:

- North constituency: 7 candidates for the women's seat; and 10 candidates for the former combatants' seat;
- Central constituency: 5 candidates for the women's seat; and 6 candidates for the former combatants' seat; and
- South constituency: 6 candidates for the women's seat; and 7 candidates for the former combatants' seat.

Election management body

18. The election management body is the Bougainville Electoral Commission, headed by the Bougainville Electoral Commissioner. (At the time of the election, this position was filled on an Acting basis.) The position of Electoral Commissioner is established under the Constitution (section 106). The Constitution expressly states that the Bougainville Electoral Commissioner is not subject to direction or control by any person or authority in relation to the performance of his constitutional functions, duties and responsibilities.

19. The Commissioner was assisted by: a Provincial Returning Officer, who acts as the Returning Officer for the Presidential election and who is the Commissioner's deputy; and one Returning Officer for each Region of Bougainville, who is responsible for all elections in their Region, with direct responsibility for the election of women's representatives and former combatants' representatives. Regional Returning Officers were assisted by Assistant Returning Officers with direct responsibility for elections in one or more single-member constituencies. Finally, the election was also managed at a local level by temporary staff – usually sourced from the Bougainville Administration – who worked as members of polling and counting teams.

Voting system

20. The voting system used for the 2nd General Election was the Limited Preferential Vote (LPV) system, similar to the system used for PNG National Elections. The 1st General Election for the ABG had used the First-Past-The-Post system.

Registration of voters

21. The Acting Electoral Commissioner advised observers that a completely new electoral roll had been prepared for the 2010 election, rather than amending the roll which had been used in previous ABG and national PNG elections. This was undertaken due to a number of inaccuracies which had become evident on the previous electoral roll. As will be discussed below, there were omissions from the new electoral roll, which led the Electoral Commissioner

to approve the use of a supplementary roll, being the roll used in the 2008 Presidential by-election.

22. The Acting Electoral Commissioner advised that the roll was prepared by employing field workers to travel throughout Bougainville, visiting every community in order to collect up-to-date enrolment information. This process took about four months.

OBSERVATIONS

23. The following observations provide the views of the Forum Team on a number of issues that struck us as key matters arising from the election.

Election management

24. The Forum Team formed the opinion throughout the polling and counting period that the Acting Electoral Commissioner and his 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.

25. The conduct of polling officials observed during both the voting and the count was generally exemplary. The Forum Team observed, in some polling stations, various technical errors and variations on procedure but these were not generally seen as significant. Further, the Team did not regard these actions or omissions by polling staff as an attempt to manipulate the election process. The polling teams consistently demonstrated a strong understanding of their roles, and the clear division of roles within the team ensured the organised running of the stations. The Team noted with approval the good gender balance amongst polling officials.

26. Two issues in relation to election management which the Forum Team considers as warranting attention by the ABG in future elections are the adequate allocation of ballot papers, and timely payment of allowances to polling officials.

27. While based in the Central Region during the first week of polling, the Forum Team observed that a number of polling stations experienced a shortage of ballot papers. The Acting Electoral Commissioner subsequently advised the international observers that this shortage arose due to an under-estimation of voters in Arawa and surrounding areas, as well as insufficient allocation of ballot papers to the polling centres for Bougainvilleans living out of Bougainville, with the shortfall being drawn from South and Central Bougainville. While the Team understands that the shortfall in ballot papers was addressed relatively quickly, the Team recommends that the process for allocating ballot papers be reviewed for future elections to ensure that there is a sufficient supply in each region from the outset of polling.

28. The Forum Team also heard on a number of occasions from polling officials that they had not been paid the full amount of allowances to which they were entitled, and that allowances were still outstanding from the voter registration process. The Team appreciates the various reasons for this delay, including for example, the limited means for distributing allowances directly to officials, given a lack of banks outside of Buka. However, such delays could potentially give rise to various adverse consequences, such as creating a disincentive for people to work as polling officials in future elections, and creating an awkward reliance by officials on the communities in which they are stationed to provide them with accommodation and food. In turn, this could impact on the willingness of villages to host polling stations in future elections.

Recommendation 1:

That consideration be given to reviewing Electoral Commission processes to ensure sufficient allocation of ballot papers to the various constituencies.

Recommendation 2:

That consideration be given to reviewing Electoral Commission processes to ensure the timely payment of allowances to polling officials.

Security

29. Security was provided by the Bougainville Police and the Community Auxiliary Police. As briefed by the Assistant Commissioner of Police for Bougainville, two police officers were appointed to each polling station, although on rare occasions the Forum Team observed only one officer. The Team did not observe any evidence of threats or intimidation within polling stations or counting centres. The Acting Electoral Commissioner advised that there were one or two isolated incidents, however these were dealt with quickly and caused minimal disruption to voting. For example, in one village in South Bougainville, a village leader who had initially agreed to have a polling station located in his village revoked this agreement on polling day. However, the polling station was able to set up close to the village and there were no reports of people from that village being prevented from attending the station.

30. The Forum Team commends the Assistant Commissioner of Police for his comprehensive and frank security briefings to the international observers, and commends his officers for the professional and cooperative provision of security during the elections.

The electoral roll

31. The Forum Team observed very early on in the polling process that a number of people who said they were registered could not find their name on the Common Roll. The Acting

Electoral Commissioner advised us that, in response to this problem, he issued a directive permitting polling officials to consult a previous version of the Common Roll, referred to as the Supplementary Roll. If a person's name appeared on the supplementary roll, the name was to be marked off and the person permitted to vote. By the second day of polling, the Team observed that many polling teams had access to the Supplementary Roll. The expeditious implementation of the Commissioner's directive is to be commended. However, the Team also observed that some polling stations had access to the Supplementary Roll, and others did not.

32. While names not found on the Common Roll were frequently found on the Supplementary Roll, the Team also observed regular instances in which people's names were not found on either list, with the result being that those people were unable to vote. The Team regularly heard from people their concern that their names were not on the Roll as they had voted in previous elections. Nevertheless, the Team noted with approval the diligent questioning which polling officials undertook to ascertain whether a person was registered on the Roll – for example, asking about different spellings of names, whether names were changed due to marriage etc.

33. The Forum Team observed that there was no formal process for following up on the names of people who said they were registered but whose names could not be found on the roll. Some polling stations kept a record of the names of people who had attended to vote but whose names had not been found on the roll, while other stations did not.

34. The Team formed the view that the problem with the Common Roll appeared to affect a random sample of voters across Bougainville. The Team did not observe anything to suggest that the omission of names was due to a deliberate attempt to disenfranchise specific groups of people or specific persons.

35. The Team recommends that the relevant electoral authorities consider options for improving the Common Roll. Options may include:

- a longer timeframe for the pre-election update of the roll; and/or
- introduction of a system of continuous registration; and/or
- issuing of a registration document.

Recommendation 3:

That consideration be given to improving the system of voter registration so as to improve the accuracy and completeness of the Roll.

The polling

36. As mentioned above, the Forum Team observed consistently professional conduct and good practices by polling officials. In particular, the Team was impressed by the clear and impartial guidance that officials gave to voters. For example, the Team witnessed briefings given by presiding officers at the opening of polling stations, and at different points during the day, which explained the process for voting and the requirements of voting under the LPV system and emphasized the importance of voters making their own decisions about candidates. The Team was also impressed by the assistance provided by polling officials to illiterate, disabled and sick voters.

37. Some irregularities observed by the Team included: the presence of campaign material within the boundary of the polling station; the presence of scrutineers within the polling station; and occasional late starts at polling stations. However, the Team did not observe anything to indicate that these irregularities adversely affected the integrity of the polling process.

38. While polling stations were generally well-resourced with the requisite equipment, the Team observed several stations, particularly in the Northern region, that experienced very long queues of voters and slow progress. In the Team's view, the slow progress could likely have been alleviated through the provision of additional polling booth boxes. Furthermore, inadequate lighting in some stations appeared to contribute to delays. Noting that the official close of time for polling is 6pm, and that it is typically dark by around 5.30pm, the Team recommends that consideration be given to bringing forward the official hours of polling so as to maximise the available daylight.

39. The Team observed varying practices in relation to the privacy which was afforded to voters. At some stations, the voting booth was in a discrete area where the voter was afforded maximum privacy. However, at many stations, voters were quite visible from the voting booths to polling officials and onlookers. While the Team did not observe people actively seeking to view the votes made by voters (except where a third party was present with a voter who was illiterate, sick or disabled), the Team considers that voters' privacy is an issue of fundamental importance. Accordingly the Team recommends that training for polling officials emphasise this point and provide guidance as to the physical set-up of the station so as to maximise voter privacy. Having said that, the Team also recognises that the presence of a third party is warranted, where agreed to by a voter, where that voter is illiterate, sick or disabled.

Recommendation 4:

That consideration be given to reviewing existing practices and procedures with a view to improving the efficiency of polling stations and enhancing voter privacy.

The count

40. Three counting centres were set up by the Electoral Commission, one in Buin for the Southern Region, one in Arawa for the Central Region and one in Buka for the Northern Region. The Forum Team observed counting at each of these centres.

41. Prior to the commencement of counting, the Electoral Commission conducted training in Buka for counting officials, and media and international observers were also invited to attend. The Forum Team attended this training and considered that it provided comprehensive and clear guidance to counting officials on the electronic counting process, which had only previously been used by the ABG in the special Presidential by-election in November 2008.

42. While the three counting centres were scheduled to commence counting at 7pm on Saturday 22 May 2010, all three experienced inadvertent delays of varying lengths in the commencement of counting. In the case of Buin, where the Forum Team was stationed, the centre commenced late on Saturday night due to the delay in the arrival of police who had to attend to a minor, non-election related security matter. Delays in Arawa and Buka were due to problems with electricity supply, and counting was delayed in Arawa until Sunday 23 May, and in Buka, Monday 24 May.

43. Notwithstanding the delayed starts, the Forum Team was impressed with the conduct and professionalism of the Returning Officers, counting officials and police in all three counting centres. It was observed that every effort was made to ensure the transparency and integrity of the process. For instance, before the commencement of the count in Buin the Returning Officer explained the electronic counting process to the scrutineers, emphasising the importance of their role, and answering any questions raised.

44. The Team observed the opening of several ballot boxes in Buin. In each case, officials took care to ensure that the boxes were opened in full view of everyone, and that the contents of each box were completely emptied. Before breaking the outer and inner seals, the Returning Officer read out the serial number on each seal and sought verification from scrutineers that the details corresponded with the official report for the ballot box. In all cases observed by the Team, the integrity of the seals had been preserved.

45. Four counting stations were set up in each counting centre to allow simultaneous counting for each election (Presidential, Constituency, Former Combatants and Women). The stations were equipped with a laptop, scanner and two projectors, the first to project the image of each ballot on a screen and the second to project on an adjacent screen, images of the data being entered into the electronic register. Behind the electronic counting stations, counting officials physically counted the ballots at designated tables. When the contents of each ballot box was counted, the results of the physical count were tallied against the electronic count. The Team observed consistent records between the physical and electronic registers.

46. In the early stages of the count, several technical difficulties arose which were dealt with effectively and efficiently by the Returning Officers and/or Assistant Returning Officers. For example, at the Buin centre, the scanner could not read the barcodes on the ballot papers so the data entry personnel were instructed to physically type in the serial number of each ballot. As the ballots and electronic register were projected on adjacent screens, the scrutineers could verify that the correct serial numbers were entered. On another occasion, the Returning Officer addressed the problem of a malfunctioning projector by asking scrutineers to stand behind the data entry personnel and verify each vote before the data was saved. The Team noted that equipment malfunctions were generally dealt with in a way that ensured transparency of the counting process.

47. Noting that this was the first general election in which the electronic counting processes had been employed, the Forum Team was impressed by the competent and efficient way in which electronic counting was undertaken. The Team observed some irregularities due to technical faults, however, these were remedied promptly and effectively.

48. The Team observed consistent and transparent practices in relation to the determination of the validity of votes. Where a vote appeared to be invalid, the Returning Officer or Assistant Returning Officer would call for the attention of the scrutineers and explain his or her reasons for declaring a vote valid or invalid.

49. In order to ensure uninterrupted counting, counting officials were rotated on shifts of eight hours. While the Team did not notice any decline in the standard of professionalism of the officials towards the end of each shift, the physical toll on the counting staff was evident by the third day of counting. The Team suggests that consideration be given to reconfiguring the shifts – for example, reducing them from 8 hours to 6 hours – so as to minimise the potential for fatigue amongst counting officials and the potential this has for mistakes being made. In particular, the Team noticed that only one IT expert was on duty at any one time in a counting centre, and given their important role in ensuring the smooth running of the equipment for the electronic counting, the Team suggests that consideration be given to having more IT staff on call.

50. The Forum Team did not observe the full period of counting, which was expected to take at least two weeks. However, the counting staff are to be commended for their hard-work and commitment over this long period of counting. Similarly, police and scrutineers are to be commended for their continuing presence at the counting centres and contribution to the prevailing atmosphere of professionalism at each of the centres.

Out of constituency voting

51. While noting the arrangements in place for Bougainvilleans living outside of Bougainville to enroll and vote in the elections (at stations in Port Moresby, Rabaul and Lae), the

Team was concerned about the absence of any system for out of constituency voting within Bougainville. The absence of such a system was particularly observed at live-in educational centres, hospitals and even amongst polling officials who were working on polling stations outside of their constituency.

52. The Acting Electoral Commissioner advised that consideration was given to setting up polling stations during the final week in Buka and Arawa to enable voters to vote outside of their constituencies. However, this proposal was ultimately not implemented due to legal advice that there was no provision for such arrangements under the BEA.

53. The Team considers that the absence of a system for out of constituency voting has the effect of disenfranchising a number of potential voters. That said, the Team also recognizes the financial and logistical constraints on the election authorities and that a comprehensive system of out of constituency voting could be complex and possibly costly. However, there may be scope, subject to amendment to the BEA, 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 5:

That consideration be given to setting up a system for out of constituency voting within Bougainville so as to enable eligible voters who are unable to access a polling station within their constituency to cast their vote.

Scrutiny of electoral process

54. The Team noted that scrutineers were present at most polling stations visited and at all three counting centres. We also observed that scrutineers were afforded full cooperation by polling officials. Our discussions with scrutineers indicated a high level of satisfaction amongst scrutineers with the integrity of the electoral process and conduct of polling and counting officials.

Civic and voter education

55. Although the Team had not been in situ to observe the range and depth of civic and voter education training run by the Electoral Commission, we observed from discussions with members of the general public a good level of awareness and understanding about the electoral process. This was also reflected by the relatively low percentage of ballots declared invalid.

Observers

56. The Team was well received at every polling station we attended, and polling officials were uniformly frank and open in their discussions with us about the progress of the polling. Voters and other community members who were present at the polling stations also appeared

very receptive to our presence and interested to discuss with us their views and experiences of the elections.

57. Noting the keen community interest in the elections, the Team suggests that consideration could be given to developing a role for domestic election observers. Domestic election observers can bring particular skills such as language and local knowledge to their observation. Domestic election observers would also demonstrate greater local engagement in their democratic processes. Their reporting and recommendations could also contribute to the process of continuous review and improvement of the electoral process.

Recommendation 6:

That consideration be given to encouraging the development of domestic election observers in future elections.

SUMMARY OF RECOMMENDATIONS

58. The Forum Team's recommendations are as follows:

Recommendation 1:

That consideration be given to reviewing Electoral Commission processes to ensure sufficient allocation of ballot papers to the various constituencies.

Recommendation 2:

That consideration be given to reviewing Electoral Commission processes to ensure the timely payment of allowances to polling officials.

Recommendation 3:

That consideration be given to improving the system of voter registration so as to improve the accuracy and completeness of the Roll.

Recommendation 4:

That consideration be given to reviewing existing practices and procedures with a view to improving the efficiency of polling stations and enhancing voter privacy.

Recommendation 5:

That consideration be given to setting up a system for out of constituency voting within Bougainville so as to enable eligible voters who are unable to access a polling station within their constituency to cast their vote.

Recommendation 6:

That consideration be given to encouraging the development of domestic election observers in future elections.

CONCLUSION

59. The Forum Team's observations of the polling and counting for the 2nd ABG General Election have led the Team to form the view that:

- the election process was conducted in line with generally accepted democratic principles and practice;
- the process allowed voters to exercise their choice freely;
- there were technical problems and shortcomings which may be able to be improved in future ABG elections, but these were not significant enough to undermine the fairness and integrity of the overall process; and
- the result can be accepted as reflecting the will of the people of the Autonomous Region of Bougainville, as expressed by them in a democratic process.

60. We praise the dedication of the electoral officials and polling and counting staff, and all others engaged in the electoral process in various ways.

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All those involved in bringing about the second general election for the ABG are to be commended.

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

- the National Government of Papua New Guinea and ABG for inviting us to observe the election;
- the Electoral Commissioner and staff for their comprehensive assistance in accrediting the observers, providing background materials, briefings and ensuring that all 'doors were open' for us to observe the poll;
- the people of Bougainville for their warm welcome and for their willingness to discuss their perspectives, understandings and opinions on the election;
- the staff of the United Nations Development Programme project offices in Buka, Arawa and Siwai for their invaluable assistance and particularly the team in Buka for allowing us to use their office facilities; and
- the other international observer teams, for their sharing of information, resources and camaraderie.