



PACIFIC ISLANDS FORUM

PACIFIC ISLANDS FORUM ELECTION OBSERVER REPORT 2017 PAPUA NEW GUINEA NATIONAL ELECTIONS

EXECUTIVE SUMMARY

- i. The Forum Team acknowledges the enormous and at times difficult task faced by the Electoral Commission in coordinating preparations for the 2017 National Elections. This included developing comprehensive plans and strategies for: the procurement and deployment of election materials and equipment; communications and awareness; and the recruitment and training of polling officials, including a workforce of more than twenty thousand temporary electoral workers. The Forum Team commends the inter agency cooperation and coordination exercised, including the combined efforts of the Electoral Commission, Local Level Governments and the disciplined forces, in facilitating the process for Papua New Guinea citizens to exercise their right to vote.
- ii. The Forum Team highly commends the Papua New Guinea public for the high level of interest to engage in, and understand the electoral process, and the growing culture amongst civil society, faith based organisations, university students and the public at large, of discussing governance and civic issues, thereby contributing to increasing awareness and understanding of the democratic principles that underpin representative government. These discussions should be encouraged and nurtured as knowledgeable electorates are better able to hold their elected representatives to account.
- iii. It is regrettable that there were significant and widespread challenges observed in all aspects of the 2017 Elections. The Forum Team believes there is a likelihood that the challenges observed in the conduct of the election affected the result of the election in many electorates. The common view shared by the majority of people the Team spoke to was that the 2017 National Election was chaotic and challenging and that the reported incidences of election related violence, deaths and destruction of property are higher than recorded in previous elections.
- iv. On the basis of its observations and consultations, the Forum Team is of the view that the shortcomings observed in the conduct of the 2017 elections can be attributed to two overarching causes – **the late and inadequate disbursement of funds by the Government, for the work of the Electoral Commission, and the significant delays in implementing electoral plans and preparatory work.** The latter is largely influenced by the former. The Forum Team acknowledges the fiscal challenges faced by the Government, however as noted in this report, elections are the cornerstone of representative democracy and every democratic government must take responsibility to prioritise funding for election preparations.
- v. The Forum Team notes that the trend is for governments to drastically reduce electoral funding between election years then dump a large sum of money on election management bodies in the year prior to an election. This approach ignores the fact that election

preparations commence soon after the conduct of an election and involves ongoing work up to the next election. There is a whole raft of extensive and comprehensive activities that need to be implemented in the interim which are labour and resource intensive. If these preparatory activities are conducted in a timely manner then the election is more likely to run according to plan, and budget. To do otherwise would be chaotic and expensive.

- vi. The Forum Team notes that uncertainty of results and disputes over results in several electorates have given rise to petitions which would create an added cost to the Commission. In addition, prolonged electoral processes in several electorates, and increased security challenges in the highlands region which required the deployment of additional security personnel all incurred additional unplanned (and therefore unbudgeted) costs. **It is the strong recommendation of the Forum Team therefore that the government fully meets its responsibility to ensure adequate and timely funding is allocated from the annual budget to the Electoral Commission to do its work.**

RECOMMENDATIONS

- vii. The following are the recommendations of the Forum Team for the consideration of the Electoral Commission and Government of Papua New Guinea as appropriate.

Recommendation 1:

- a. That sufficient funding, staffing, and equipment be allocated for the periodic and regular enrolment, updating and cleansing of the electoral roll, at least once every 18 months;
- b. that permanent enrolment teams be employed at provincial levels to be managed by provincial election offices and which:
 - i. will travel across the electorate recording voter information;
 - ii. are equipped to capture information electronically; and
 - iii. are adequately remunerated.
- c. that a Memorandum of Understanding be signed with the Office of Civil Registry and Identity for the sharing of information, including at provincial levels, on births, deaths and marriages, for the purpose of updating the electoral roll;
- d. the enrolment, updating and cleansing of the electoral rolls be undertaken at least once every eighteen months; and
- e. that regular awareness raising be undertaken before the commencement of the enrolment period in each province or electorate, to encourage maximum turnout by voters.

Recommendation 2:

- a. That serious consideration be given to the possibility of amending the Constitution to remove the discretion of Parliament to reject the recommendations of the Boundaries Commission; and
- b. that the Boundaries Commission is given access to all relevant information sources and departments (including the National Statistics Office) to inform the determination of new electoral boundaries.

Recommendation 3

That the Government of Papua New Guinea ensures that adequate funding is allocated from the annual budget every year for the work of the Electoral Commission, including but not limited to:

- a. the engagement of permanent staff at provincial or district levels to undertake ongoing maintenance of electoral rolls including deploying mobile teams across electorates to enrol voters and update voter details at least once every 18 months;
- b. ensuring the proposed provincial polling teams are adequately equipped and resourced, including to capture information electronically;
- c. the engagement of temporary polling and counting officials and the disbursement of deployment allowances for all electoral workers (including security personnel) in a timely manner;
- d. ensuring funds for the planning and preparation for elections, including the purchase of electoral materials and electoral awareness programmes, are disbursed in a timely manner; and
- e. ensuring that the Electoral Commission has adequate funding every year to undertake its important constitutional role of preparing for and facilitating a standardised process for eligible citizens to select local level representatives to national level leadership roles.

Recommendation 4

That the Electoral Commission:

- a. undertakes extensive and in-depth training of polling officials, particularly those in positions of authority (Returning Officers, Presiding Officers and Assistant Presiding Officers) including on their roles and responsibilities during an election, the limitations on their authority, and to respect the authority of the Commissioner;
- b. undertakes extensive and in-depth training of security officials on the full range of their roles and responsibilities under law during an election, including to enforce the decisions of the Electoral Commissioner; and
- c. establish the proposed Electoral Compliance Unit to address illegal behaviour, including by polling officials, during campaign and polling periods.

Recommendation 5

That the Electoral Commission ensures that training for polling officials and security officers is undertaken well in advance of polling and covers:

- a. laws and regulations for the conduct of polling;
- b. explanation for the procedures and processes for the conduct of polling and the importance of upholding the law; and
- c. the importance of ensuring credibility, impartiality, and transparency of electoral processes, including perceptions of such, to cultivate voter confidence and minimise suspicion and tension.

Recommendation 6

That the Electoral Commission undertakes awareness raising and outreach to candidates, in partnership with the Ombudsman Commission and Transparency International Papua New Guinea, covering:

- a. the laws and regulations for the conduct of polling;
- b. explanation for the procedures and processes for the conduct of polling and the importance of upholding the law; and
- c. the importance of ensuring credibility, impartiality, and transparency of electoral processes, including perceptions of such, to cultivate voter confidence and minimise suspicion and tension.

Recommendation 7

That the Electoral Commission allocate at least one additional person per polling team to provide backup relief for polling officials to take breaks to use the facilities or have a meal.

Recommendation 8

That the Electoral Commission commences training for counting officials well in advance of counting and that such training cover the laws and regulations for the conduct of counting, and explanation for the procedures and processes for the count.

Recommendation 9

That the Electoral Commission ensures critical issues such as allowances, safety, and the welfare of officials are adequately addressed prior to the commencement of counting to avoid unnecessary delays.

INTRODUCTION

1. The Pacific Islands Forum was invited by the Government of Papua New Guinea, on behalf of the Papua New Guinea Electoral Commissioner, to send an electoral monitoring team to observe the 2017 Papua New Guinea National Elections. The elections were held from 24 June to 8 July.
2. The Pacific Islands Forum Election Observer Team to the 2017 Papua New Guinea Elections (the Forum Team) deployed to Papua New Guinea from 19 June to 24 July, and was comprised of **Mrs Taeasi Sanga, Electoral Commissioner of Solomon Islands; Mr Joseph Cain, Electoral Commissioner of Nauru; and Mr Pita Vuki, Electoral Commissioner and Supervisor of Elections of Tonga.** The Forum Team was supported by Pacific Islands Forum Secretariat (Secretariat) staff. A list of Team members is appended at Annex 1.
3. The Forum Team was divided into three groups, each led by an Electoral Commissioner, and deployed in three consecutive stages averaging two weeks each. The Forum Team observed pre-polling in the National Capital District; polling in Alotau, Jiwaka, Southern Highlands, Western Highlands, and East Sepik and counting in the Autonomous Region of Bougainville, East New Britain, the National Capital District, and Central Province. Secretariat staff also undertook a pre-electoral mission visit to Port Moresby in May 2017.
4. Over the course of the mission the Forum Team held consultations with a wide range of stakeholders including the Papua New Guinea Electoral Commissioner and representatives of the Electoral Commission (at national, provincial and district levels); representatives of Government departments and agencies including Police and Correctional Services; the Ombudsman Commission; and representatives of civil society, faith based organisations and the United Nations. The Forum Team also spoke with a large number of voters and scrutineers (including campaign managers), during the polling and counting periods.
5. The ensuing report details the Forum Teams observations as well as the outcomes of its extensive and comprehensive conversations with the wide range of stakeholders met with.

PART I: LEGISLATIVE AND POLICY FRAMEWORK FOR THE CONDUCT OF ELECTIONS IN PAPUA NEW GUINEA

7. The legislative framework governing elections in Papua New Guinea consists of the *Constitution of the Independent State of Papua New Guinea*; the *Organic Law on National and Local Level Government Elections* (as amended in 2006) and associated regulations; and the *Organic Law on the Integrity of Political Parties and Candidates* (2003) and associated regulations.

8. The legal framework provides for a unicameral Parliament comprising 111 Members who are directly elected in 22 provincial level and 89 local electorates. The 22 Provincial Members are also the respective Governors of the 20 Provinces, the National Capital District and the Autonomous Region of Bougainville. A normal Parliamentary term runs for 5 years. The voting age is 18 years and the minimum eligible age to contest elections is 25 years. The full eligibility criteria for voters and candidates are articulated in law. Voting is not compulsory although it is compulsory to register.

Election administration

9. The legal framework also provides for the establishment of an Electoral Commission, to be led by an Electoral Commissioner; a Boundaries Commission, chaired by the Electoral Commissioner; and the Integrity of Political Parties and Candidates Commission, which includes the Electoral Commissioner. The Electoral Commission and the Boundaries Commission are empowered by the Constitution to carry out their respective functions independently of ‘the direction or control of any person or authority.’ The Integrity of Political Parties and Candidates Commission is similarly empowered under the Organic Law on the Integrity of Political Parties and Candidates 2003.

10. There are two committees established under law to support the Electoral Commission conduct elections. The first, the Election Advisory Committee (EAC) is meant to provide recommendations and advice to the Commission on matters provided in law and on any other matters relating to elections as referred to it by the Commission. The EAC is chaired by the Chief Ombudsman and includes a nominee of Transparency International Papua New Guinea and a retired judge or lawyer who meets the qualifications for Electoral Commissioner. The EAC was set up for the first time on 8 June 2017. However one month later, on 9 July, its members resigned citing an inability to perform their duties and roles due to the lack of baseline data and information, and the lack of regular reporting from the Electoral Commission.

11. The second committee established to support elections administration, the Inter Departmental Election Committee (IDEC), has the role of facilitating inter agency cooperation in the preparation for and conduct of elections. The IDEC is chaired by the Chief Secretary and includes the Electoral Commissioner and high level government officials from the Department of Finance, the Police, and the Department of Provincial and Local Government Affairs, among others. Civil society and academia may also be represented. The IDEC is supported at local government level by the Provincial Election Steering Committees which are chaired by Provincial Administrators and include provincial Election Managers.

The decentralisation of election management and the role of provincial election offices

12. While the Electoral Commissioner has the overall charge of elections, the management of elections has been decentralised to provincial level since the 2007 national elections. As a result Provincial Election Offices were established, staffed by provincial Election Managers and Assistant Election Managers. These are permanent positions which assume a large degree of responsibility for the preparation and implementation of elections. It is therefore crucial that the provincial election offices have adequate capacity and are sufficiently equipped to effectively service the districts. There are four Regional Coordinators based at the Commission in Port Moresby who oversee the work of Election Managers in their respective regions – Southern Region, Highlands Region, Momase Region and the Islands Region.

13. The Electoral Commissioner may appoint an Election Manager as the Returning Officer for one or more electorates in a province. The responsibilities of a Returning Officer are very extensive and **include maintaining the electoral Roll for the electorate and the conduct of elections in the electorate**. The latter includes: preparing and publicising a polling schedule (including dates and times); appointing polling officials; appointing counting officials; and supervising the scrutiny and count. The Electoral Commissioner may appoint enrolment agents to assist in the compilation or revision of a Roll on the basis of recommendations from the Returning Officer.

The electoral roll

14. A large part of the process for updating the roll entails enrolment agents physically visiting wards or villages and completing claims for enrolment and/or claims to transfer enrolment. That information is then transferred to an electronic database at the provincial election office, which is eventually uploaded to a national database. The Forum Team notes that this process is time consuming and detailed. Also, a lot of responsibility is on enrolment agents for which there are no specific qualifications other than they not be a Member of Parliament (MP) for the electorate, a member of the provincial government or local level government, ever been a candidate in a national or local level government election in the electorate, or related to any of the aforementioned.

15. The Forum Team notes the legal framework empowers a Returning Officer to revise or compile a ward roll at such times as considered necessary (under the direction of the Commission), thus allowing for the periodic and regular updating of the electoral rolls. The legislation also requires that copies of the latest print of the electoral roll and of all supplemental rolls should be open for public inspection at the office of the Returning Officer at all convenient times during ordinary work hours. There is no legal impediment therefore to the periodic and regular updating of the electoral rolls and for eligible voters to check their details with provincial electoral offices.

16. The electoral roll is an official record of all the people eligible to vote. As elections are won by the candidates who poll the most votes, the integrity of the electoral roll is crucial to the conduct of fair elections. It is the responsibility of the election management body to ensure, as much as possible, that the electoral roll used in an election is an accurate record of the people eligible to vote in that electorate. The Forum Team is of the view that the process for enrolling and transferring voters can be strengthened by ensuring that the staff responsible have full capacity and are adequately remunerated and equipped to do so.

17. To that end the Forum Team believes there is merit in recruiting more permanent staff in provincial election offices whose sole responsibility would be the maintenance and upkeep of the electoral roll. This arrangement could be further strengthened through the formalisation of relations with the civic registries responsible for collecting population data, including on deaths and births.

18. A defining feature of the 2017 national elections was the alarmingly large number of names missing from the rolls across the country. The Forum Team witnessed countless incidences of people being turned away from polling stations because their names were missing from the roll. These included a well-known candidate, people whose names had been on the previous roll, people who had lived in electorates all their lives, and people who claimed to have updated their voter details with the provincial election offices and/or enrolment agents.

19. The actual number of missing names can only be ascertained after analysis of the data, noting that polling officials kept record of voters who had been turned away. However, on the basis of the Team's observations alone, the number of missing names could possibly have changed the outcomes of the elections in some electorates. For instance, in one polling station observed, at the time of visit by the Forum Team at around midday, half the number of people who had come to vote had been turned away. Similar situations were observed by the Forum Team in polling areas in other provinces.

21. The Forum Team also observed polling stations in the Highlands Region where the electoral roll was discarded by polling officials when it became apparent that the rolls were seriously flawed. Polling officials had taken that step to avoid conflict and allowed everyone who showed up, to vote, relying on inked fingers to counter multiple voting. In one station, the Returning Officer let people who were not on the roll vote if he knew them to be from that electorate. The Forum Team noted reports from other international and domestic observers of having witnessed similar incidences of voters being turned away, as well as newspaper reports over the polling period of the same.

22. Several reasons were given for the significant flaws in the roll. Some people said voters should take responsibility for ensuring their names were on the rolls during the verification period, which was publicised in advance through radio and newspaper. Others claimed that the provincial election offices had failed to record and/or update their details correctly, even after they'd verified. There were suggestions that the process for migrating names and voter updates from the provincial levels to the national was seriously flawed, particularly given the constrained timeframe to work within. Some Provincial Election Offices also advised that insufficient forms were provided by the Commission for the enrolment and/or update of voter details, even though it was anticipated there would be a 3% increase in the number of voters.

23. A number of people blamed enrolment agents, more commonly known as village or ward recorders. An enrolment agent was usually someone from that village or ward who knew everyone and so could update details of people who had died or moved away, as well as enrol new comers and newly eligible voters. There were allegations that many enrolment agents were hired on the basis of their relations to Returning Officers, and not qualified to undertake the task. There were other views that enrolment agents were paid a nominal sum so many were not incentivised to do a good job. There were also allegations of enrolment agents deliberately omitting names or recording incorrect voter details.

24. While the Forum Team’s observations above are drawn from secondary sources and thus may be deemed speculative at best, it is of the view that the roll defects were too significant and widespread not to record every possible contributing factor to the flaws. The Forum Team notes that problems with the rolls are chronic, having been identified by international and domestic observers in the 2002, 2007, and 2012 elections. Past observer missions noted slight improvements in the roll between the 2002 and 2007 elections although there were still many challenges identified. The Electoral Commission seems to have made efforts to improve the rolls in the past but it is evident that more time and resources need to be focused on this critical task and foundation for elections.

25. The Forum Team noted that the enrolment period for the 2017 election was from 1 June 2016 to 20 April 2017. The update of the 2012 rolls commenced in the last quarter of 2016. The Commission therefore gave itself one year within which to enrol an estimated 700,000 new voters and cleanse and update the 2012 roll. This was likely insufficient time considering the geography of Papua New Guinea; the remoteness of many communities from urban centres (exacerbated by generally poor infrastructure outside major urban areas); the time required to transfer the physical data to electronic form; the time and processes involved for verification; and the considerable resources required for each of the aforementioned steps.

Recommendation 1:

- a. That sufficient funding, staffing, and equipment be allocated for the periodic and regular enrolment, updating and cleansing of the electoral roll, at least once every 18 months;
- b. that permanent enrolment teams be employed at provincial levels to be managed by provincial election offices and which:
 - i. will travel across the electorate recording voter information;
 - ii. are equipped to capture information electronically; and
 - iii. are adequately remunerated.
- c. that a Memorandum of Understanding be signed with the Office of Civil Registry and Identity for the sharing of information, including at provincial levels, on births, deaths and marriages, for the purpose of updating the electoral roll;
- d. the enrolment, updating and cleansing of the electoral rolls be undertaken at least once every eighteen months; and
- e. that regular awareness raising be undertaken before the commencement of the enrolment period in each province or electorate, to encourage maximum turnout by voters.

Electoral boundaries

26. The Constitution allows for the Electoral Boundaries Commission to review the electoral boundaries every ten years and recommend amendments as necessary to Parliament. However, Parliament may accept or reject recommendations of the Boundaries Commission. As a consequence the electoral boundaries have not been changed since 1977 despite reviews

and recommendations by the Boundaries Commission to change the boundaries to reflect population growth and mobility.

27. Just as an electoral roll is significant as the official record of eligible voters in an electorate, the electoral boundaries are important because they demarcate the size of each electorate. Under law each electorate can only have one representative in Parliament, so all electorates should be of the same or similar size. This is consistent with the underlying principle of each person having one vote and every vote having the same value. However, this is not the case in Papua New Guinea, which has seen significant rural-urban migration since the electoral boundaries were last changed resulting in large discrepancies in population numbers across existing electorates. It is important that electoral boundaries are updated to reflect demographic changes.

Recommendation 2:

- a. That serious consideration be given to the possibility of amending the Constitution to remove the discretion of Parliament to reject the recommendations of the Boundaries Commission; and
- b. that the Boundaries Commission is given access to all relevant information sources and departments (including the National Statistics Office) to inform the determination of new electoral boundaries.

Funding of the Electoral Commission and the 2017 Elections

28. The other distinctive feature of the 2017 election (after the problems with the electoral rolls), was the inadequate and/or late disbursement of funds for the preparation and conduct of the elections. While the late payment of deployment allowances for polling officials, counting officials, and security personnel were the most highly publicised incidences of funding problems, the Forum Team understands that funding was a challenge for almost all aspects of the election, including planned electoral reforms to improve on the 2012 elections.

29. The Electoral Commissioner informed media in April 2016 that the Commission had planned electoral reforms on the basis of reviews and reports of the 2012 elections. These included improving the electoral roll; institutional strengthening to improve staff capacity and capabilities; establishment of an electoral compliance unit to address illegal behaviour during campaign and polling periods; and supporting the conduct of boundaries reviews.¹ Following the 2012 elections the Commission had called on the Government to recognise the importance of the proposed electoral reforms and include these as a priority in the revision of the Medium-Term Development Strategy. A USD19.5 million five-year corporate plan (2013-2017) to that effect was reportedly submitted to the Department of National Planning and Monitoring but could not be implemented due to inadequate funding from the Government.

30. The Commission also requested almost USD64 million in the 2016 National Budget for preparations to conduct the 2017 elections but was only allocated USD3.3 million. In February

¹See Pacific Islands News Association, 2 April 2016, “PNGs poll reform rejected: Gamato,” <http://pina.com.fj/?p=pacnews&m=read&o=58745965356b3f61475798eb6438fc>

2016 the Commissioner expressed hope that the remaining USD60 million would be released in time for preparations for the 2017 National Elections.² In August 2016 the Commissioner advised media that the allocation for the election had been cut to less than USD20 million. By 18 May 2017 the Commission's bank account details showed that seven deposits totalling PGK 122,541,691 (USD37.8 million) had been made. The bank account had a remaining balance as at 18 May 2017 of PGK 67,879,011. The Forum Team understands that the Government progressively released funds on the basis of its cash flow.

31. The uncertainty, late, and inadequate disbursement of funds not only impacted electoral preparations, as evidenced by the poor state of the electoral rolls, but also in the actual conduct of elections. The Forum Team observed several polling stations on the first day of polling that did not have security personnel because they had not been paid their deployment allowances. The Team also observed the late deployment of security personnel to remote maritime areas due to the late arrival of transport (reportedly due to the lack of funds for fuel). Another major problem observed was that polling in many areas, including the National Capital District (NCD), did not commence as scheduled because polling and/or security officials had not been paid their allowances and refused to work.

32. In the case of the NCD this led to even more problems as the NCD election manager was arrested with 184,300 PGK in cash on the morning before polling. Although the Electoral Commissioner clarified that the money was for the payment of allowances for polling officials, tension was high amid rumours of corruption and bribery of electoral officers. The Commissioner advised that the delay in disbursement of funds to NCD officials was because the full list of polling officials was only finalised on the evening of Sunday 25 June, less than two days prior to the scheduled polling date of 27 June. The Forum Team is of the view that finalising the list of temporary polling officials at such a late stage is ill advised as there is no time to train officials, and in this case, ensure the timely payment of allowances.

33. Although the Electoral Commissioner assured the media in a press conference on 27 June that there were sufficient funds in the Commission's bank account to pay deployment allowances, he attributed the delay in payment of allowances to the late confirmation of the list of polling officials. The Forum Team understands that the decision was taken following the last election to pay deployment allowances directly into the nominated bank accounts of the temporary polling officials and security officers, an estimated twenty two thousand personnel in total. The paperwork and processes involved in facilitating this magnitude of payments would be immense and time consuming, made worse if polling officials are engaged a few days prior to polling.

34. The Forum Team also noted advice by the Electoral Commission that comprehensive and detailed strategies and plans to undertake civic awareness and education programmes in conjunction with civil society partners and security personnel could not be fully implemented due to the lack of funds.

35. It has been said that an election is the biggest and most expensive logistical exercise a country can undertake in peacetime. In the context of the size, geography, cultural diversity and population of Papua New Guinea, the degree of expense and difficulty is multiplied manyfold. However elections are the cornerstone of representative democracy and it is

² Radio New Zealand, 16 February 2016, "PNG election chief confident of US\$60 million funding," [http://www.radionz.co.nz/international/pacific-news/296557/png-elections-chief-confident-of-us\\$60m-funding](http://www.radionz.co.nz/international/pacific-news/296557/png-elections-chief-confident-of-us$60m-funding)

incumbent on the **Government to prioritise and make certain that adequate *and* timely funding is made available for elections.**

36. The Forum Team acknowledges that the issue of funding for elections is a chronic challenge in Papua New Guinea. However, as elections are held once every five years and a large part of running an election involves preparatory activities such as maintaining the roll, the costs can be spread over the intervening years. This will help reduce the overall financial burden, as well as ensure adequate time for planning, preparation and implementation. A well planned election, including with certainty of resourcing, will minimise overspend due to contingencies and unforeseen circumstances.

37. It is imperative therefore that the Government recognises and prioritises the work of the Electoral Commission at all times, including in between election years, through the allocation of adequate resources. Unfortunately this has not been the case in Papua New Guinea, even more so for the 2017 Elections which some claim to have been the worst in the history of the country. The Electoral Commissioner is on record saying that the electoral reforms planned following the 2012 elections were not considered and recognised by the Government as a priority. The Commissioner also said that the Commission needed the support and appropriate long-term commitment of the Government for change to occur, a statement that the Forum Team fully supports and which is true of any election in any country.

Recommendation 3

That the Government of Papua New Guinea ensures that adequate funding is allocated from the annual budget every year for the work of the Electoral Commission, including but not limited to:

- a. the engagement of permanent staff at provincial or district levels to undertake ongoing maintenance of electoral rolls including deploying mobile teams across electorates to enrol voters and update voter details at least once every 18 months;
- b. ensuring the proposed provincial polling teams are adequately equipped and resourced, including to capture information electronically;
- c. the engagement of temporary polling and counting officials and the disbursement of deployment allowances for all electoral workers (including security personnel) in a timely manner;
- d. ensuring funds for the planning and preparation for elections, including the purchase of electoral materials and electoral awareness programmes, are disbursed in a timely manner; and
- e. ensuring that the Electoral Commission has adequate funding every year to undertake its important constitutional role of preparing for and facilitating a standardised process for eligible citizens to select local level representatives to national level leadership roles.

Civic awareness

38. Good civic education and understanding is a necessary component of a successful representative democracy, as a knowledgeable electorate is aware that elected representatives

are accountable to their voters. A politically aware electorate therefore understands the value of each vote, and the importance of the electoral process.

39. The Forum Team was pleased to note advice that compared to previous elections, there was a growing level of political awareness and maturity in the country. Many interlocutors attributed this to an emerging culture amongst civil society, faith based organisations, university students and the public at large, of discussing governance and civic issues. The widespread use of mobile phones and social media was also identified as an important medium for sharing information, including on the performance of MPs and the Government and the services (or lack thereof) they provided.

40. The Electoral Commission also undertook awareness raising and advocacy. Although funding constraints prevented the Commission from fully implementing its detailed communications and awareness strategy, it did manage to conduct outreach in the first quarter of 2017 in cooperation with the Ombudsman Commission and Transparency International Papua New Guinea. The Commission also developed awareness raising products (in English and pidgin) such as posters and pamphlets, television advertisements, as well as a song that was played regularly on local radio stations. The awareness materials covered issues ranging from technical information on how to vote to the underlying principles of good governance and the value of each vote.

41. The Forum Team was pleased to note that the Electoral Commission had also included vulnerable and minority groups in awareness outreach, including the disabled, the elderly and women. There were also awareness programmes and trainings on citizen's rights by other agencies, including the United Nations, which was leading to improved levels of understanding amongst the general population. However, the Forum Team was informed that more was needed to improve awareness and understanding of the general populace, as well as government departments, on the rights of minority and marginalised groups. The Team was also told that the Electoral Commission, the Ombudsman Commission and Transparency International should undertake leadership training in communities as early as two years before elections. This could help improve the quality of candidates running.

42. These factors all contribute to increasing awareness and understanding of the democratic values that underpin representative government and help empower voters hold representatives to account. The Forum Team was pleased therefore to note the enthusiasm of the general public to engage in and be active participants in the exercise of their constitutional right to vote. The Team applauds the high turnout of voters and the large numbers of people who followed the different stages of the electoral process, whether it was verifying ballot papers, polling or counting.

43. It was very disappointing therefore to witness the large numbers of voters being turned away due to the defective rolls, and the disruptions and delays to polling in many areas due to administrative shortcomings. The Forum Team spoke with many voters who expressed their disappointment, and in many cases anger, at not being able to vote. Others were frustrated with the delays, including delays in opening times, and truncated voting hours.

The importance of ensuring credibility of electoral processes

44. A knowledgeable electorate not only has expectations of elected representatives but also of the constitutional agencies responsible for the conduct of elections. If there are

irregularities or even inefficiencies in the conduct of an election these reflect negatively on the credibility of the electoral management body and the Government. The credibility of the election management body is crucial to the acceptance by candidates and the public of its decisions and declarations of winners. In the same way, a government that is perceived to have unfairly won an election would not enjoy widespread credibility and mandate. It is vital therefore that the Electoral Commissioner ensures the transparent administration and management of elections, maintains effective control over all electoral processes, and commands the respect of all polling officials.

45. From a security perspective, angry and disenfranchised voters can also cause disruptions to electoral processes as well as wider law enforcement challenges. Unfortunately this was the case in Papua New Guinea with media reported incidences of post-election violence in the Enga Province in the Highlands Region resulting in the death of an estimated twenty one people, injuries to many others, and destruction of more than a hundred properties. The violence stemmed from the refusal of the Returning Officer to count seven disputed ballot boxes for the Kandep Open seat despite a directive from the Electoral Commissioner. The subsequent declaration of a winner was widely opposed by the supporters of a rival candidate which led to the conflict.

46. In the Kundiawa-Genbogl Open electorate in Chimbu Province, the Returning Officer also did not count two disputed boxes despite the directive of the Electoral Commissioner. Although a winner was declared for the seat, on 21 August the National Court placed an injunction on the return of writ after a successful application by another candidate, and ordered the counting of the two disputed ballot boxes. In the Gumine Open, also in Chimbu, a double declaration was made by polling officials resulting in both men showing up to the first seating of Parliament. Although the Electoral Commission clarified the winner, that declaration is set to be challenged in court by the other candidate. There was another double declaration for the Moresby North West Seat in the NCD with the Returning Officer naming one candidate while the Assistant NCD Election Manager declared another. The declaration by the Returning Officer was invalidated.

47. The reasons the Returning Officers in Enga and Chimbu ignored the Commissioners instructions, or for the double declarations have not been made public. While it is possible they were intimidated or under duress these incidences bring to light shortcomings in the administration of the election and the mechanisms in place to protect the authority of the Office of the Electoral Commissioner. The disregard by senior electoral officers of the directive of the Electoral Commissioner undermined the constitutionally mandated authority of the Office, and led to disputed returns and uncertainty over the electoral outcomes. This in turn bred suspicion and violence.

48. Ideally under the law, the Electoral Commission should be able to rely on the police personnel present to protect polling officials from intimidation and undue influence, prevent any electoral or other offence from taking place in a polling or counting centre, and in the case of Kandep and Kundiawa, enforce the directive of the Electoral Commissioner that the disputed ballot boxes be counted. It is not clear if the police personnel were called on by the Electoral Commissioner in that regard. It is also not clear if police personnel were aware of their role and function in elections. The Forum Team noted in some polling stations that police personnel seemed to think their role was simply to show up and be seen.

49. The selection of polling officials and sites for polling stations are important features that can affect the credibility of electoral processes. The Forum Team was advised of a polling station in a Highlands Province which was located in a military barracks. The Team noted that the incumbent MP for that electorate was the caretaker Minister of Defence. Even if there was no intention to favour the incumbent, the optics were very unfavourable of the impartiality of the Electoral Commission. In previous elections, a separate polling station was established outside the military barracks for civilian voters while a polling station inside the barracks catered for military personnel. The Forum Team understands that the selection of polling station sites is done by Provincial Election Committees.

50. The Forum Team is of the view that extensive and in depth awareness and training for polling officials and security personnel should be undertaken on their respective roles and functions in an election. There is also merit in ensuring polling officials are thoroughly vetted before appointment and made aware of the lines of authority before deployment to the provinces. The Forum Team notes that in at least one other jurisdiction in the Pacific, care is taken to minimise incidences of polling officials being deployed to their own electorates to lower risks of them being unduly influenced by personal connections. Perhaps the Electoral Commission could look to implementing a similar deployment plan for polling officials, at least within each province.

Recommendation 4

That the Electoral Commission:

- a. undertakes extensive and in-depth training of polling officials, particularly those in positions of authority (Returning Officers, Presiding Officers and Assistant Presiding Officers) including on their roles and responsibilities during an election, the limitations on their authority, and to respect the authority of the Commissioner;
- b. undertakes extensive and in-depth training of security officials on the full range of their roles and responsibilities under law during an election, including to enforce the decisions of the Electoral Commissioner; and
- c. establish the proposed Electoral Compliance Unit to address illegal behaviour, including by polling officials, during campaign and polling periods.

PART II: THE CONDUCT OF THE 2017 PAPUA NEW GUINEA ELECTIONS

Pre-Polling

51. The Forum Team observed the pre-polling period in Port Moresby in May and again in the week before polling. The Team noted the pre-polling environment was generally quiet and was advised that was uncharacteristic. In the past it was not unusual for candidates' supporters to drive around in convoys with loud hailers. The Team did not observe any of that happening in Port Moresby. The Team did notice a few campaign rallies during the day and the ubiquitous posters, billboards, and even candidates' initials or numbers displayed on the hillsides behind Port Moresby. In Alotau, where the Team travelled to witness the opening of polls, the Team noticed several campaign rallies, which were orderly and peaceful. The Team was told that one possible reason for the quieter campaign period was that many candidates were using mobile phones and social media to campaign.

52. The Forum Team formed the view, on the basis of consultations and discussions, that the general atmosphere in Port Moresby and Alotau before the commencement of polling was one of optimistic expectation. While there were isolated incidences of crime and violence reported, these did not seem to be connected to the elections. In general, most people were looking forward to the election and to exercise their right to vote.

Polling

53. The Forum Team observed polling in Alotau, Jiwaka, Southern Highlands, Western Highlands, and East Sepik. The single biggest issue with the polling was the defective roll. The Team's observations in that regard are covered in the first part of this report.

54. Polling was delayed in many locations for a number of reasons. There were also situations when the opening of polls was delayed up to several hours and in some cases closed before the scheduled close at 6pm each day. The Forum Team noted several locations when voters turned up on time or earlier and had to wait for long periods in the hot sun (or rain) for polling officials to arrive, set up and open polling.

55. The Forum Team observed different procedures applied by polling officials in conducting polling across the stations visited. The Team noted that procedures for the setting up of polling booths or areas; voter assistance; clarification, reconciliation and public accountability of ballot papers (before and after polling each day), and the storage or safe keeping of ballot boxes were not standardised. The Team also noted and were advised of several instances when training of polling officials was not conducted in a timely manner in advance of polling. In one situation the district officer was seen to be training polling officials just prior to deploying teams.

56. Some polling stations visited were not clearly demarcated, including areas for voters to queue. In one such place the Forum Team observed security personnel swinging their batons to force voters into a semblance of a line. Most polling stations visited however were well managed and set up and had separate queues for men and women as directed by the Commission. The Commission had also directed that elderly and disabled voters be given priority consideration to vote. The Forum Team was pleased to observe people with special needs were given priority or consideration to vote in several polling stations visited.

57. All polling stations observed had allocated areas for scrutineers, most of which were well situated. Some areas though were too close to voting booths in the opinion of the Forum Team. In some polling stations scrutineers were also physically searched by polling officials, including women being searched by men. Scrutineers were generally observed to be conscientious in their work, orderly and complied with rules and procedures.

58. Several discrepancies in polling processes was observed. In one station the Presiding Officer insisted that she would facilitate assisted voting, although the law allows for voters to choose their own assistant. The Forum Team was told by scrutineers that the Presiding Officer had ties to a candidate in the election, although the Team could not verify the allegations.

59. In two polling stations where the closing process was observed, the Presiding Officers did not acquiesce to the request by scrutineers for more information on the number of ballot books issued per polling location, the number of books used in the day, and the number of ballots issued in the day. Presiding Officers had said they were not authorised to release the information, however, in another Province Presiding Officers publicly announced their daily reconciliation of ballots at the end of polling each day.

60. The Forum Team observed one situation just prior to the opening of polls when the customary landowners, in full traditional dress, escorted their chosen candidate (who was the incumbent Member) *into* the polling station where he gave a speech encouraging voters to consider giving him their first preference as he felt he represented the area. This violated several laws and was a serious breach of conduct by the candidate, who as the incumbent MP should have known better and led by example. The Team understands that from a security perspective, it would not be advisable to disrupt the procession. However, for future reference, polling officials should learn from such experiences and plan for such contingencies, including selecting different polling station locations.

61. Another issue observed by the Forum Team was with regard to the administrative arrangements for polling. The Team noted that there were no backups for polling officials who therefore could not take breaks for meals or use toilet facilities once polling commenced. The official polling period from 8am to 6pm is 10 hours long. Considering that polling teams need to pick up ballot boxes from police stations where they are kept overnight and transport these to designated polling stations where they need to set up before polling commences, polling teams could easily work up to 12 hours a day, if not more. At only one polling station visited did the Returning Officer bring food and drinks for staff during the day.

62. The Forum Team followed the convoy escorting ballot boxes to police stations for safe keeping at the end of polling on several days, in three Provinces. The Team is of the view that security arrangements for the overnight storage of ballot boxes was good, with several accountability steps incorporated into the handover processes from polling teams to police each evening and from police to polling teams in the mornings. For example, in Wewak East Sepik the Forum Team observed well-coordinated processes during the removal of ballot boxes from storage, opening and closing at polling stations, and return of boxes to police stations for storage after polling.

Recommendation 5

That the Electoral Commission ensures that training for polling officials and security officers is undertaken well in advance of polling and covers:

- a. laws and regulations for the conduct of polling;
- b. explanation for the procedures and processes for the conduct of polling and the importance of upholding the law; and
- c. the importance of ensuring credibility, impartiality, and transparency of electoral processes, including perceptions of such, to cultivate voter confidence and minimise suspicion and tension.

Recommendation 6

That the Electoral Commission undertakes awareness raising and outreach to candidates, in partnership with the Ombudsman Commission and Transparency International Papua New Guinea, covering:

- a. the laws and regulations for the conduct of polling;
- b. explanation for the procedures and processes for the conduct of polling and the importance of upholding the law; and
- c. the importance of ensuring credibility, impartiality, and transparency of electoral processes, including perceptions of such, to cultivate voter confidence and minimise suspicion and tension.

Recommendation 7

That the Electoral Commission allocate at least one additional person per polling team to provide backup relief for polling officials to take breaks to use the facilities or have a meal.

Counting

63. The Forum Team observed counting in the Autonomous Region of Bougainville, East New Britain, the National Capital District, and Central Province. While the Team observed some differences in the counting process across different centres, generally, counting officials endeavoured to carry out the process with as much diligence, efficiency and transparency as possible in the circumstances.

64. However, the process of counting during the course of the 2017 General Election took far longer than expected, contributing to extensions to the deadline for the return of writs, and generating concern among the voting population and candidates.

65. Delays to the counting process were due to factors that were unnecessary and that have occurred in previous elections. For instance, in the counting centres observed by the Forum

Team, scrutineer interjections, discrepancies in reconciliation documentation, the non-payment of counting officials' allowances, and the inexplicable absence of key electoral or security personnel often contributed to delays in the count. Moreover, the most significant delays to counting lay in flaws, whether real or perceived, in the polling process. Candidates or their representatives often held up counting by presenting petitions to the Returning Officer in a bid to halt the process. Typically, they cited issues with the polling process as justification for issuing the petition.

66. The Forum Team also observed that the Limited Preferential Voting system also has an impact on the length of the count – particularly given the large number of contesting candidates (30 per electorate on average – but most observed electorates had upwards of 40 candidates). While the LPV system generates an often timely and elaborate counting process, including the counting of first preferences, quality checking, then elimination, the system allows an outcome that is more representative of the vote than 'First Past the Post', which is important for legitimacy and parliamentary stability. Thus, while the LPV system may contribute to a lengthier counting process, the fact that it enables a more representative outcome means that it should be persevered with.

67. The Forum Team noted that scrutineers had a very strong oversight role and frequently challenged various aspects of the counting process. In some situations, Returning Officers suspended counting while clarity was sought from Government lawyers on the points of contention. The Team is of the view that counting officials, particularly Returning Officers and their Assistants, need to understand the electoral law thoroughly and be able to interact authoritatively to address scrutineers' questions, instead of suspending counting to await legal advice. The Forum Team noted that training for counting officials was often conducted a few days before counting, if not later, and only for a few hours. It is the view of the Team that this was not sufficient time to equip counting officials with a thorough enough understanding of the electoral laws to discharge their functions with authority and effectiveness.

68. The Forum Team also noted efforts by counting officials to ensure transparency and community visibility of the counting process, particularly in non-urban electorates. While such measures are not mandatory, they would appear to have the effect of generating community confidence and even a sense of involvement in the process, which may help to legitimate the process and outcome. As such, where such accessibility is possible, it should be welcomed.

69. It was noted that similarly to polling officials, there were many cases of counting officials not being paid allowances on time while expected to work long hours, and not given adequate breaks and/or refreshments over the course of their shifts. There were issues also with the management of the counting centres, where in several centres Returning Officers were late and did not provide any indication of when they would arrive.

Recommendation 8

That the Electoral Commission commences training for counting officials well in advance of counting and that such training cover the laws and regulations for the conduct of counting, and explanation for the procedures and processes for the count.

Recommendation 9

That the Electoral Commission should ensure critical issues such as allowances; safety and welfare of officials are adequately sorted prior to commencement of counting process to avoid unnecessary delays.

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- all the interlocutors the Team met with including Government representatives, civil society, and members of the public; and
- the people of Papua New Guinea for their warm welcome and hospitality.

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