



## **Report of the Pacific Islands Forum Secretariat's Election Observer Team to the 2010 General Elections for the Solomon Islands**

### **1. Introduction**

1.1 At the invitation of the Solomon Islands Government, the Pacific Islands Forum Secretariat deployed a team of election observers (the 'Forum Team') to attend the Solomon Islands' national general election on 4 August 2010. The Forum Team joined international observers from other countries and international organisations to observe the polling and counting of votes throughout the Solomon Islands.

1.2 As noted in the statement that the Forum Team issued on 9 August 2010, in conjunction with the observer teams from Australia and New Zealand, the Forum Team observed the elections to be orderly, peaceful and friendly, while also indicating areas for improvement and reform. This report serves to provide commentary on the context in which the elections occurred, and expand on the observations and recommendations contained in the public statement.

1.3 The Forum Team hopes that its observations, and its recommendations, will be of assistance for future efforts in strengthening the electoral system and process in Solomon Islands.

### **2. The Forum Team's activities**

2.1 The Forum Team of election observers consisted of five members, and was led by Mr Sakiusa Rabuka, the Pacific Islands Forum Representative to the Solomon Islands. The Forum Team's electoral expert was Mr Reitama Taravaru, the Acting Electoral Commissioner of the Autonomous Region of Bougainville, Papua New Guinea. The Forum Team also comprised officials from the Forum Secretariat, including its Gender Issues Officer, Law Enforcement Development Officer and International Legal Adviser. The members of the Forum Team are listed at [Attachment A](#).

2.2 The Forum Team joined other international observers from Australia, Japan, Korea, New Zealand, the Commonwealth Secretariat and the East West Centre in an overall international

observer mission of approximately 62 persons, which was coordinated by the United Nations Election Observers Coordination Team (UNEOCT). Members of the Forum Team were deployed in pairs (with observers from other groups) to Honiara, Central Guadalcanal, Western Province and Malaita. Forum Team members observed the count for several constituencies in Honiara and Auki. Most of the Forum Team arrived in Solomon Islands on 30 July 2010 and remained until 10 August 2010.

2.3 Prior to deployment to the various constituencies, the international observers attended two days of briefing in Honiara arranged by the UNEOCT. The briefing included presentations from the Solomon Islands Electoral Commission (SIEC), the Royal Solomon Islands Police (RSIP) and the UNEOCT. Observers were provided with background material, including the manuals for election officials and candidates, as well as observation checklists for the opening of polling stations, the general conduct of polling stations, the close of polling stations and vote counting. Observers were also provided with the Declaration of Principles for International Election Observation and the Code of Conduct for International Election Observers. All Forum Team members signed an undertaking to abide by the Code of Conduct for International Election Observers.

2.4 The deployment locations were selected by UNEOCT and were chosen with a view to providing a representative sample of electorates of varying sizes, covering a broad geographic and ethnic spread. International observers covered 29 of the 50 constituencies, and visited a total of 330 polling stations (out of a total of 876).

2.5 Once deployed, observers decided which polling stations to visit within the constituency. Teams were requested to observe the opening of voting at one polling station, polling of between four and nine polling stations, and the closing of one polling station. Polling hours were from 7am to 5pm.

2.6 Counting of votes commenced on the following morning in most constituencies. Forum Team members based in Honiara and Central Guadalcanal observed the counting for those constituencies from 5 August until the completion of counting (7 August for West Honiara, 8 August for Central Guadalcanal). One Forum Team member observed counting in Auki from 5 August to 6 August. Other Forum Team members were unable to observe the count for their allocated constituencies, due to the time required to return to Honiara.

2.7 The Forum Team reconvened in Honiara on 6 August and on 7 August participated in a comprehensive debriefing session with other delegations facilitated by UNEOCT, as well as holding its own debriefing session.

2.8 As mentioned above, on 9 August 2010, the Forum Team, in conjunction with the delegations from Australia and New Zealand, delivered a public statement recording their general observations about the conduct of the polling and counting. A full copy of this statement is at [Attachment B](#).

2.9 Members of the Forum Team also had the opportunity to meet with the Chief Electoral Officer, Mr Polycarp Haununu, for a debriefing on the progress of the elections and discussion about lessons learned from the election and options for improvement. A member of the Forum Team also met with the Permanent Secretary for Women, Youth and Childrens Affairs, Ms Ethel Sigimanu.

2.10 Being permanently based in Honiara in his capacity as the Forum Representative to the Solomon Islands, Mr Rabuka attended Parliament House on 25 August 2010 to observe the election of the Prime Minister.

### **3. The Context**

3.1 Solomon Islands has a population of around 537 000 people. The population is predominantly Melanesian (about 95%) although there are also Polynesian, Micronesian, Chinese and European communities. The total land area is 28 370 square kilometres spread across 1.34 million square kilometres of sea area. The majority of the population lives in rural areas and is engaged in subsistence cultivation. While English is the official language of the Solomon Islands, there are 63 distinct languages, with numerous local dialects. Solomons Pijin is the lingua franca for the majority of people.

3.2 The 2010 election represents the eighth election since the Solomon Islands became independent from Britain in 1980. Between 1998 and 2003, the Solomon Islands experienced a period of internal conflict, commonly referred to as ‘the tensions’ or ‘the ethnic tensions’. During those years, around 20 000 settlers on Guadalcanal were evicted from their homes, hundreds were killed and much of the country’s infrastructure was destroyed. On 5 June 2000, the elected government was overthrown, leading to a severe breakdown in standards of political governance. Elections were held in December 2001, but conflict continued in North Malaita, rural Guadalcanal and, to a lesser degree, in the Western Province. In July 2003, the Regional Assistance Mission to Solomon Islands (RAMSI) arrived, endorsed by Pacific Island Forum Leaders under the terms of the *Biketawa Declaration*. RAMSI succeeded in disarming and arresting militants and restoring stability and has remained in the Solomon Islands since, continuing its work in law and order but also expanding to provide broader assistance with the restoration of key institutions of governance.

3.3 The last general elections held in the Solomon Islands took place on 5 April 2006 and were attended by international observers who observed that the election was conducted in a peaceful, orderly and lawful way and in a spirit of goodwill. Notwithstanding the smooth conduct of the general election, the election of Mr Snyder Rini PM as Prime Minister, which was held on 18 April 2006, was followed by extensive rioting in Honiara. Chinese-owned property was particularly targeted by looters and arsonists. Eight days after his election, Mr Rini resigned and a new Prime Minister, Mr Manesseh Sogavare, was voted in. A Commission of Inquiry was

established by the Sogavare Government to investigate the circumstances and events leading to the unrest between 18 and 20 April 2006. The Commission of Inquiry ultimately concluded that the riots were ‘organised and fermented by criminals’ and attributed the causes to ‘a failure of government to deliver development to Honiara settlements; bad governance; an inappropriate constitutional setting; and poor policing.’

3.4 Following the defection of a large number of government MPs to the Opposition, Sogavare lost a vote of no confidence in Parliament on 13 December 2007. On 20 December 2007, Dr Derek Sikua was elected Prime Minister and occupied this position for the remaining term of Parliament.

## **4. The Electoral Framework**

4.1 The legal and administrative framework for national elections in the Solomon Islands is provided by the 1978 Constitution, and the *National Parliament Electoral Provisions Act of 1980*, as amended (the ‘Electoral Act’). The Constitution establishes the Electoral Commission, the Constituency Boundaries Commission and contains provisions regarding qualifications and disqualifications for membership of Parliament, and qualifications and disqualifications for registration as an elector.

4.2 The Solomon Islands is divided into 50 constituencies, each of which elects a single member of Parliament.<sup>1</sup> The electoral system used is “first past the post” – that is, the candidate with the most votes in each constituency is declared the winner. The Constitution stipulates that the Parliament has a life of four years, unless dissolved earlier.<sup>2</sup>

4.3 The Constitution provides in section 48 that citizens of the Solomon Islands aged at least 21 years may be elected to Parliament. Candidates must be nominated by three electors who ordinarily reside in the constituency for which the citizen wishes to contest.<sup>3</sup>

4.4 Citizens aged at least 18 years may register as electors under section 55 of the Constitution, but no person is entitled to be registered in more than one constituency, or ‘in any constituency in which he is not ordinarily resident.’ Voting in the Solomon Islands is not compulsory.

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<sup>1</sup> Constitution, section 47(2).

<sup>2</sup> Constitution, section 73(3).

<sup>3</sup> *National Parliament Electoral Provisions Act*, section 26(1).

*The election management body*

4.5 The Solomon Islands Electoral Commission (SIEC) is established pursuant to section 57 of the Constitution, which provides that the SIEC has ‘general responsibility for, and shall supervise, the registration of electors for the election of members of Parliament and the conduct of elections of such members’. The Commission consists of the Speaker of Parliament as Chair, and two other members appointed by the Governor-General on the advice of the Judicial and Legal Service Commission. The Commission has a small office (with six permanent staff at the time of the Forum Team’s briefing), headed by the Chief Electoral Officer. For this election, SIEC was assisted by three international advisers from the RAMSI-led Electoral Strengthening Project.

4.6 To implement the 2010 election, 10 Election Managers were appointed (one for each province and Honiara), 50 Returning Officers were appointed for the 50 constituencies, and a Presiding Officer and two Polling Assistants were chosen for each of the 800-plus polling stations. Electoral Managers and Returning Officers were usually public officials; presiding officers and Polling Assistants were usually either public or provincial officials.

*Regulation of campaigning*

4.7 Candidates were limited to spend SBD 50 000 on their election campaigns and were required to submit statements of account to the Returning Officer a month after the election results were announced.<sup>4</sup> Exceeding this spending limit is punishable by a fine of SBD 3 000 and/or three months in jail. There is no provision under current law concerning candidate non-compliance with reporting requirements. Currently, there is no provision in the law defining what constitutes a campaign expense, or any definition of campaigning.

*Electoral offences*

4.8 The *Electoral Act* establishes a range of offences, including voting when not entitled or voting more than once; breaching the candidate expenditure limit; infringement of secrecy; bribery, treating (providing food, drinks or entertainment to voters) or undue influence; personation (voting under another person’s name); and display of emblems in the vicinity of a polling place. New penalties had recently been introduced, increasing the amounts of the penalties, which had not been increased since their original enactment in 1980.

*The electoral timetable*

4.9 The election date was announced by the Governor-General Sir Frank Kabui on 22 June 2010. Nominations for candidates opened on 23 June and closed on 7 July 2010. A list of

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<sup>4</sup> *National Parliament Electoral Provisions Act*, section 45(2).

candidates was published on 19 July, with 509 candidates nominated. Election day was 4 August 2010. The counting of votes was completed on 13 August with the gazettal of results on 16 August. The new Parliament convened for the election of the Prime Minister on 25 August 2010.

#### *Election of the Prime Minister*

4.10 The election of the Prime Minister of Solomon Islands occurs by a parliamentary process of secret ballot by the 50 members of Parliament, following a nomination process.<sup>5</sup> The election of the Prime Minister usually takes place 12 to 13 days after polling day. The Governor-General is responsible for issuing members with a notice indicating the date, place and time of the election meeting, and the date, place and time for the submission of nomination papers (which must be no later than four days before the appointed election date).<sup>6</sup> The election is by secret ballot and presided over by the Governor-General. Voting is conducted in rounds until a candidate secures an absolute majority.<sup>7</sup> The Governor-General announces the result to Parliament and the public on the same day as the vote.<sup>8</sup>

## **5. Observations**

### *Pre-election activities*

5.1 Observers in Honiara witnessed lively but peaceful campaigning events in the lead up to the election. There was widespread use of posters and banners to publicise candidates. The day before election day was particularly busy with frequent parades of trucks and taxis bearing supporters down the main street of Honiara.

5.2 Observers deployed outside of Honiara visited a number of villages prior to election day where campaigning activities were observed to be quiet and peaceful. In discussions with members of the public, it was clear that most people were well aware of the date of the election and generally aware of the locations of polling stations. Some observers attended training and awareness sessions which were being conducted by electoral officials in the rurally-based polling stations.

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<sup>5</sup> Constitution, Schedule 2, para 1.

<sup>6</sup> Constitution, Schedule 2, para 1.

<sup>7</sup> Constitution, Schedule 2, para 7.

<sup>8</sup> Constitution, Schedule 2, para 8.

*Election day*

5.3 Polling officially commenced on Wednesday 4 August 2010 at 7am. In the experience of the members of the Forum Team, polling stations opened punctually and the polling officials demonstrated a high level of compliance with the opening procedures.

5.4 Polling stations were typically located in venues such as schools, clinics, churches and community centres. The polling stations were generally well organised, and, while it did not appear that there was a standard form of voting booth, it was observed that voting areas were established in a way so as to ensure the privacy of the voter. The roll of voters registered to vote in the particular polling station was displayed outside each polling station. Polling stations were observed to be free of any campaigning material. Polling stations generally displayed sheets produced by the SIEC which explained the process for voting (both in words and diagrammatically) and listed the various electoral offences and their penalties.

5.5 The Forum Team observed polling staff to be generally professional and competent. Each polling station was staffed by a team of three polling staff, with a presiding officer, and two polling assistants. The Forum Team observed a reasonable level of representation by women amongst polling staff. The polling teams appeared to be well organised in the division of responsibilities between them, and well trained in the procedures.

5.6 The Forum Team observed some deviations from the procedures set out in the SIEC's Presiding and Polling Assistant Manual, however these were not assessed as significant enough to compromise the overall integrity of the process. For example, it was observed that there were inconsistent practices as regards the requirement that once a voter's name was found on the register of electors, that the name and address or village of the voter be called out. In some polling stations, polling staff clearly called out the voter's name and address; in other polling stations, this practice was not observed.

5.7 The Forum Team observed occasional instances where people were turned away because their names did not appear on the list. In a number of these cases, the voter was advised to go to another polling station and check if their name was on the list for that polling station. Given that voters usually checked to see if their names were on the electoral roll by checking the lists displayed outside the polling stations, it was difficult to gauge the incidence of peoples' names not being on the list. On occasion, voters presented themselves to vote, but the roll indicated that their name had already been marked off as having voted. In those cases, the Forum Team observed the polling staff comply with the appropriate procedures for such situations.

5.8 The Forum Team observed voters to be knowledgeable about the process for voting, and in instances where voters required assistance – for example, where they were first-time voters, or had a disability - polling staff provided appropriate assistance.

5.9 Polling stations differed significantly in the number of voters attending them. For example, while some polling stations in West Honiara had a very small turn out, some polling stations in Central Guadalcanal had very large turnouts, with the consequence of long queues and long waits for people to vote. In some instances, these delays caused agitation amongst voters and the Forum Team observed one polling station where a number of people had to be turned away without voting at the time of the close of polling at 5pm.

5.10 The Forum Team observed the closing of polling stations, and assessed that there was good compliance with the relevant procedures. The Forum Team also observed the process by which police escorted ballot boxes to counting centres and considered that appropriate arrangements were made for ensuring the security of the boxes between the intervals between the closing of polling and the commencement of counting, and subsequent breaks between counting.

5.11 Polling agents were usually present at the polling stations, and presiding officers ensured that they were stationed at a discrete part of the polling station. It was noted that polling agents did not often wear identity cards. In some conversations with polling agents and from our observations of polling agents, there were varying degrees of awareness amongst polling agents as to their role.

5.12 Domestic election observers were also present at a number of the polling stations, and in general, they appeared to have a good appreciation of their role.

5.13 Security was provided by the Royal Solomon Islands Police Force (RSIP), with support from the Participating Police Force of RAMSI. The Forum Team observed the presence of police officers at most polling stations which the Forum Team visited. The police presence was uniformly professional and discreet, and helped maintain a peaceful and orderly atmosphere on election day.

5.14 The Forum Team assessed that overall the polling day ran very smoothly, and that voters were able to cast their votes freely and in secret.

#### *The count*

5.15 Counting of votes commenced in most constituencies on 5 August 2010. The Forum Team observed counting of the following constituencies: West Honiara, Central Guadalcanal and Central Kwara'ae.

5.16 The counting process was generally undertaken in a systematic and transparent manner. The seals of ballot boxes were verified, ballot boxes were emptied and then shown to observers and polling agents for confirmation that they had been fully emptied. The counting staff worked diligently and methodically in counting and double-checking their count. Counting staff ensured that irregularly marked ballot papers were brought to the attention of polling agents, and provided their reasons for accepting or discounting the ballot papers in a clear way. In this

regard, the Forum Team noted a high level of awareness and application of recent amendments to the *Electoral Act* which allows ballot papers to be counted if the voter's intention is clear.

5.17 The counting centres were afforded a high level of security with the presence of police. However, it is noted that some counting centres, for example the counting centre at the National Archives building, were quite cramped, which caused inefficiencies in the counting process and could have presented safety issues in the event of a need to quickly evacuate the centre.

5.18 Counting staff consistently ensured that candidates, polling agents and observers were able to observe all parts of the counting process.

5.19 The Forum Team assessed that the counting that it observed was undertaken with a high level of integrity. While there were complaints that the counting process was very slow, the Forum Team considers that any attempts to improve the pace of counting should not in any way undermine the transparency and reliability of the process. Rather, the allocation of additional counting staff could assist in improving the efficiency of the process.

5.20 The Forum Team became aware through media reports that there were some disturbances in some areas by people discontented with election results. The Forum Team was particularly disturbed to hear of the assault, following counting, of a counting official in Honiara. While the incidents were isolated and few, these incidents highlight the importance of continuing civic education about the rights and responsibilities of the community in relation to elections.

#### *The election of the Prime Minister*

5.21 The election of the Prime Minister was held at Parliament House on 25 August 2010. The Forum Team's Leader, Mr Sakiusa Rabuka, attended Parliament House with other international observers from New Zealand, the United Kingdom and Japan, as well as some domestic observers. While it had initially been arranged between the Speaker of Parliament and the UNEOCT that this small group of observers would be permitted within the corridors of Parliament, this arrangement was changed on the morning of the election itself. While allowed on the precinct of Parliament House, which was heavily secured and not open to the general public, the observers were not permitted inside Parliament House. It was understood that the change in arrangements may have been due to concern from the Governor-General, who presides over the process for the election of Prime Minister, about the number of additional people in Parliament House at the time of the election.

5.22 In their positions outside of Parliament House, the international observers noted the excellent security that was provided by RSIP and PPF, with RSIP taking the lead. The international observers also noted that, notwithstanding the arrangements for maintaining a closed Parliament for the vote, a number of members of the public outside Parliament were receiving text messages from people inside about the progress of proceedings. Nevertheless, the atmosphere remained calm and the Governor-General's subsequent public announcement of the

new Prime Minister was made without any resulting incident.

## 6. Discussion and recommendations

6.1 The following section identifies issues that the Forum Team considers as warranting further attention and action by the Solomon Islands in their efforts to strengthen the democratic process and improve future elections.

### *The electoral roll*

6.2 Voter registration took place between 25 January and 23 June 2010. The number of registered voters in 2010 was 448 000, representing a 29 per cent increase from 2006. This number was widely recognised as significantly inflated, as according to census figures, 40 per cent of the Solomon Islands' population of 520 00 is under the voting age of 18.

6.3 Several factors contribute to the inflated electoral roll numbers. Honiara has a large population originating in other islands. As the Solomon Islands *Electoral Act* does not have provision for absentee voting, many Honiara-based voters register in two constituencies, in Honiara and their place of origin. While this is not permitted under the Constitution - which only permits voters to register once in the constituency in which they are ordinarily resident<sup>9</sup> - it is difficult for the Chief Electoral Officer to prevent. Under the current legislation, the removal of names relies either on the individual requesting the Chief Electoral Officer to remove their name from the list or a member of the public challenging a name on the list.

6.4 In addition to the incidence of people registering in both their Honiara constituency and their place of origin, there was a commonly expressed concern in Honiara that a large number of people had registered in a different Honiara constituency to that in which they resided, so as to vote for a particular candidate. This alleged practice was at the heart of litigation<sup>10</sup> initiated by a candidate (seeking re-election) several days before election day, who sought a declaratory judgment under section 55(2)(b) of the Constitution that voters who were not ordinary residents of the West Honiara constituency should be stricken from the voter rolls. Two days before the election, the High Court of Solomon Islands granted a declaration that non-ordinary residents were 'not eligible to be registered', but refused to issue orders striking out the names of the persons not ordinarily resident in West Honiara Constituency from the Register of Electors for the constituency, citing among other issues the proximity to the election.

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<sup>9</sup> Constitution, section 55(2).

<sup>10</sup> *Isaac Tosika Inoke -v- Attorney-General representing the Electoral Commission*, High Court of Solomon Islands, Civil Case No. 218 of 2010.

6.5 A further cause of the inflated voter roll is that, since 2001, the electoral roll has been continually updated by adding more voters, rather than developed anew. The Forum Team notes that the inflated register of voters creates an arbitrary and inaccurate picture of voting in Honiara, where constituencies are very large on paper but voter turnout is significantly lower than elsewhere.

6.6 Given the deficiencies with the roll, the Forum Team welcomes the introduction of amendments to the *Electoral Act* – which were enacted in April 2010, but not operative until October 2010 – which will enable the Electoral Commissioner to check for duplicate registrations across constituencies and submit objections to duplicate registrations.

6.7 The Forum Team also notes that the amendments include a revised version of the form for registration as an elector. This new form requires the registering person to provide specific details about their identity, their place of residence as well as the previous constituencies in which they have been registered to vote. This new form would appear to address some of the deficiencies identified by the Chief Justice (in the case mentioned above) with the previous form. As such, it is hoped that the revised form can assist in minimising instances of false registration, both in terms of identity of the voter and their constituency.

6.8 Notwithstanding the above reforms, the Forum Team considers that given the extent of the inflation of the existing roll, there would be merit in preparing a completely new role. Such an exercise would obviously require the commitment of appropriate financial and human resources and the Forum Team recommends that the Solomon Islands Government give such an exercise appropriate priority and sufficient funding.

**Recommendation 1:** *That the Solomon Islands Election Commission conduct a review of the voter registration process, and take action to improve the integrity of the register of electors, as a matter of priority in advance of the next election.*

#### *Out of constituency voting*

6.9 The Forum Team noted with concern the absence of any system for pre-poll or out of area voting. This had the effect of disenfranchising a number of potential voters, including most election officials, police and some domestic observers, who were unable to attend their ‘home’ polling station on election day. Other people who would be affected by this include migratory workers and citizens overseas. The absence of a system for out of constituency voting no doubt contributes to the problems with the register of voters by giving rise to double registration.

6.10 The Forum Team considers that the electoral system of the Solomon Islands would be more equitable if it provided mechanisms for all eligible voters to vote, irrespective of their presence in their constituency on the day of polling. Accordingly, the Forum Team recommends

that consideration be given to introducing systems that accommodate out-of-constituency voters, such as pre-polling voting – either in person or by post – or absent voting on polling day.

**Recommendation 2:** *That consideration be given to implementing a system of out of area, postal or pre-poll voting for Solomon Islands elections, to ensure that the maximum number of eligible citizens is given the opportunity to vote.*

#### *Distribution of constituencies*

6.11 The Forum Team notes with concern the lack of balance in numerical terms between constituencies. For example, the Malaita Outer Islands Constituency has around 2 345 voters, whereas East Honiara constituency has over 30 000. This significant disparity is at odds with the fundamental democratic principle of one vote, one value.

6.12 The Forum Team is aware that earlier in 2010, the Constituency Boundaries Commission (CBC) recommended the creation of 17 new constituencies. However, this proposal was rejected by Parliament for a range of reasons, including concerns about the extra costs of the proposal and the sufficiency of the data supporting the recommendations.

6.13 Recognising that the issue of constituency boundaries has been recently considered by the previous Parliament, the Forum Team nevertheless considers that the issue of constituency distribution warrants further examination. The Forum Team notes that proposed revision of the voters register would assist to clarify the full extent of disparities between constituencies. The results of this proposed exercise should therefore be taken into account by the Solomon Islands Government in any proposals to review the 2010 CBC report or seek a new report. The Forum Team also recognises the need to balance greater equality of constituencies carefully against other factors such as ethnic community interests and the political stability of the country as a whole.

**Recommendation 3:** *That the Solomon Islands Government consider reviewing constituency boundaries and seek an appropriate arrangement which provides a more equal franchise.*

#### *Polling arrangements*

6.14 While the Forum Team assessed that the management of polling stations was generally of a high standard, there are of course areas for improvement.

6.15 As mentioned above, in a limited number of polling stations, a number of voters waiting in line to vote were not able to vote due to the close of polling stations at 5pm. The Forum Team would encourage the Solomon Islands authorities to assess the reasons why those polling stations

were unable to process those voters, with a view to improving arrangements for future elections. It may be that these problems could be alleviated through the allocation of additional staff and polling facilities in those areas. The Forum Team also notes the advice contained in the Presiding and Polling Assistant Manual that ‘a Solomon Islands High Court ruling states that electors must have completed voting by 5pm.’<sup>11</sup> While recognizing the fundamental importance of having certainty on the issue of closure of polling, the Forum Team notes that this ruling can exclude people from voting even if they have been in line to do so, but unable to be processed due to the demand for a particular polling station. The Forum Team suggests that consideration be given to amending the Electoral Act so as to allow a voter who is in line to vote at 5pm the opportunity to vote.

**Recommendation 4:** *That the SIEC review processes and laws to ensure that in future elections voters are able to be efficiently processed by the time polls are closed.*

#### *Counting procedures*

6.16 The Forum Team noted as an issue of concern the practice – required by section 48 of the *Electoral Act* - whereby each ballot box is counted separately. The Forum Team considers that this practice can compromise the secrecy of the vote, as where there are small numbers of votes, it can be easily discerned who a group of voters has supported. Irrespective of the size of the polling station, revealing the vote at that level can result in intimidation after the election. Accordingly, the Forum Team recommends that the SIEC and the Solomon Islands Government consider amending the *Electoral Act* so as to enable the aggregation of ballot papers prior to counting.

**Recommendation 5:** *That the Solomon Islands authorities examine the possibility of aggregating ballot papers prior to counting.*

6.17 The Forum Team also considers that frequently expressed frustrations about the slowness of the counting process could be mitigated if there is a process for providing regular updates to the public about the status of counting.

**Recommendation 6:** *That the SIEC consider options for providing regular public updates on the progress of counting votes.*

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<sup>11</sup> At page 17.

*Polling and counting facilities*

6.18 The Forum Team observed polling stations where there was insufficient space, liable to be easily congested if there were large queues of voters, or if it rained. Many of the polling stations were also poorly accessible for elderly people and people with disabilities. The lack of space was also a major concern in some counting centres, as it impacted on the ability of counting officials to perform their jobs efficiently, as well as presented potential safety and security risks.

6.19 The Forum Team recognises that choices are often limited, but nevertheless recommends that the accessibility of premises for people with disabilities be identified as an important criterion for polling stations and counting centres. These facilities should also be assessed from the point of view of safety in the event of emergencies, such as fire.

**Recommendation 7:** *That the SIEC review existing polling station facilities and consider how the accessibility and safety of polling stations and counting centres can be improved for future elections.*

*Participation of women*

6.20 In the 2010 elections, 25 women ran as candidates compared to 484 male candidates. The number of women who ran as independents or as members of political parties was evenly distributed. No women were elected, notwithstanding a number of initiatives run by the Ministry of Women, Youth and Children's Affairs and various civil society organisations and development partners aimed at promoting parliamentary representation by women. In the history of the Solomon Islands, only one woman has ever been elected to national Parliament, Hilda Kari, who successfully contested the 1989 (East Guadalcanal), 1993 (East Guadalcanal) and 1997 (North East Guadalcanal) national elections. This underlines the need for further work to be conducted on an ongoing and long-term basis, to ensure that an increasing number of women are ready to contest future elections, and that the essential role of women in nation building and political life is continuously promoted.

**Recommendation 8:** *That the Solomon Islands Government consider ways to encourage the participation of women in Parliament.*

6.21 Whilst the Forum Team observed some female polling officers and presiding officers, the numbers of men compared to women were still greatly skewed. Women made up 35% of polling staff compared to 65% for men and 13.68% women presiding officers compared to 86.32% for

men. The Forum Team recommends that the SIEC continue to consider ways to encourage the participation of women as polling and counting officials.

**Recommendation 9:** *That the SIEC actively consider ways to increase the participation of women as polling and counting officials.*

### *Regulation of campaigning*

6.22 While observing campaign activities, the Forum Team noted the likelihood that the expenses incurred by candidates would exceed the statutory limit of SBD 50 000. This view was shared by many people we spoke with, as well as an expectation that reporting requirements would not be complied with by candidates after the election.<sup>12</sup>

6.23 The Forum Team considers that the issue of campaign finance is critical to the transparency and integrity of the electoral process. The Forum Team recommends that campaign finance laws be strengthened. A new law would ideally include the following: a higher, more realistic spending limit; a legislatively proscribed disclosure form; a large monetary penalty for non-compliance with disclosure rules; and a sliding scale penalty for exceeding electoral expenses. Consideration should also be given to including a definition of campaigning and campaign expenses.

**Recommendation 10:** *That the Solomon Islands Government strengthen the regulation of campaign finance. Any legislative reforms should of course be accompanied by public awareness activities to promote a clear and widespread understanding of the laws.*

### *Civic and voter education*

6.24 The Forum Team notes that a large programme of civic and voter education was conducted across the country in the months leading up to the election. Educational materials included an excellent DVD which showed a dramatization of the electoral process in a village setting, and included clear messages about prohibitions on bribery of voters by candidates. The Forum Team observed that information and education materials were effectively delivered to people in rural areas, and that radio played an important role in delivering this information.

6.25 The Forum Team believes that the civic and voter education is an important feature of a robust electoral process, and encourages the SIEC to continue its programme of voter education between elections.

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<sup>12</sup> Indeed this expectation appears to have been borne out. As reported in the Solomon Star on 12 October 2010, no members of Parliament had submitted their statements of campaign expenses.

*Domestic election observers*

6.26 The Forum Team noted that domestic observers were present in many of the polling stations and counting centres that the Forum Team attended. The Forum Team commends the development of a programme of domestic election observers and considers that this plays an important role in strengthening civil society and its engagement and scrutiny of the electoral process. In particular, noting that the domestic observers were generally in their 20s and early 30s, such a programme can contribute to raising awareness amongst younger generations, and particularly first-time voters. The Forum Team would encourage the continuation and further development of domestic observers' activities in future elections. The Forum Team would also encourage increasing interaction between international and domestic observers, such as organised information sharing after the poll and count, or the pairing of international and domestic observers to observe polling and counting.

*Election of Prime Minister*

6.27 As mentioned above, observers were not able to observe the proceedings for the election of the Prime Minister. It is recognised that the Constitution provides that the only people who can be present at an election meeting are the Governor-General, members of Parliament and public officers whose assistance has been enlisted by the Governor-General. However, it was evident that people outside of Parliament House were in communication with people inside Parliament House through the use of mobile phones and that they were being updated on the progress of matters inside. If the secrecy of the proceedings is to be enforced, steps should be taken to ensure that people inside Parliament leave their mobile phones outside while the deliberations and voting occurs. That said, an important question for consideration by the people of Solomon Islands is whether the current constitutional requirement for secrecy of the proceedings reflects the community's expectations about transparency and accountability in political governance. It is recommended that the Solomon Islands Government identifies ways to enhance the transparency and accountability of the process of electing the Prime Minister. This is an issue that could be considered in the context of the constitutional review process which is in progress in Solomon Islands.

## **Summary of recommendations**

**Recommendation 1:** *That the Solomon Islands Election Commission conduct a review of the voter registration process, and take action to improve the integrity of the register of electors, as a matter of priority in advance of the next election.*

**Recommendation 2:** *That consideration be given to implementing a system of out of area, postal or pre-poll voting for Solomon Islands elections, to ensure that the maximum number of eligible citizens is given the opportunity to vote.*

**Recommendation 3:** *That the Solomon Islands Government consider reviewing constituency boundaries and seek an appropriate arrangement which provides a more equal franchise.*

**Recommendation 4:** *That the SIEC review processes and laws to ensure that in future elections voters are able to be efficiently processed by the time polls are closed.*

**Recommendation 5:** *That the Solomon Islands authorities examine the possibility of aggregating ballot papers prior to counting.*

**Recommendation 6:** *That the SIEC consider options for providing regular public updates of the progress of counting votes.*

**Recommendation 7:** *That the SIEC review existing polling station facilities and consider how the accessibility and safety of polling stations and counting centres can be improved for future elections.*

**Recommendation 8:** *That the Solomon Islands Government consider ways to encourage the participation of women in Parliament.*

**Recommendation 9:** *That the SIEC actively consider ways to increase the participation of women as polling and counting officials.*

**Recommendation 10:** *That the Solomon Islands Government strengthen the regulation of campaign finance. Any legislative reforms should of course be accompanied by public awareness activities to promote a clear and widespread understanding of the laws.*

## **7. Conclusion**

7.1 The Forum Team was of the opinion that:

- the election process was conducted in line with generally accepted democratic principles and practice;
- the process allowed voters to exercise their choice freely and in secret;
- there were technical problems and shortcoming which may be able to be improved in future Solomon Islands elections, but they 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 Solomon Islands as expressed in a democratic process.

7.2 The Forum Team commends the dedication of the electoral officials and polling and counting staff, and everyone else engaged in the electoral process in various ways.

## **Acknowledgements**

The Forum Team commends all those involved in bringing about the 2010 general election for Solomon Islands.

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

- the (former) Solomon Islands Government for inviting us to observe the election;
- the Chief Electoral Officer and his staff for their comprehensive assistance in accrediting the observers, providing background materials, briefings and ensuring that all polling and counting centres were open to us to conduct our observation;
- the Returning Officers, Presiding Officers, Polling Assistants and police in the polling stations and counting centres we visited, for their warm welcome and their open and cooperative dealings with us;
- the United Nations Election Observer Coordination Team for their invaluable work in briefing, deploying, organising and generally looking after all the international observers;
- the other international observer teams, for their collegiality and camaraderie; and
- the people of the Solomon Islands for their warm welcome and for their willingness to discuss their perspectives, understandings and opinions on the election.

**Attachment A**

**Membership of the Forum Team**

Leader	Mr Sakiusa Rabuka Pacific Islands Forum Representative to the Solomon Islands
Electoral Expert	Mr Reitama Taravaru Acting Electoral Commissioner, Autonomous Government of Bougainville, Papua New Guinea
Officials	Ms Lorraine Kershaw International Legal Adviser
	Ms Joanne Lee Kunatuba Gender Issues Officer
	Mr Steven Francis Law Enforcement Development Officer

**Attachment B**



**SOLOMON ISLANDS ELECTION 2010  
INTERNATIONAL ELECTION OBSERVERS**

**STATEMENT**

Pacific Islands Forum, Australia and New Zealand  
8 August 2010

International election observers from the Pacific Islands Forum Secretariat, Australia and New Zealand congratulate the people of Solomon Islands, the Solomon Islands Government and the Office of the Solomon Islands Electoral Commission on the orderly, peaceful and friendly conduct of the national elections on 4 August 2010.

Members of the delegations from the Pacific Islands Forum Secretariat, Australia and New Zealand were part of an international observer effort coordinated by the United Nations Electoral Assistance Division (UNEAD). The international delegates observed polling in 330 polling stations in 29 of 50 constituencies.

These observers' assessment is that the polling process was well conducted and transparent, and that voters were able to exercise a free and secret vote. While we observed some minor technical issues in particular polling stations, our assessment is that these were not significant enough to compromise the integrity of the overall process.

Our observation of the counting to date indicates that it is being conducted and tabulated in a careful and transparent manner.

We noted concerns about the accuracy and currency of the electoral roll. We support calls by Chief Electoral Officer, Mr Polycarp Haununu, for a comprehensive review of the electoral roll as a priority.

Observers were concerned that a number of registered voters, including polling staff and police, were not able to vote due to the absence of any system for "out of area" voting. We would strongly encourage Solomon Islands authorities to consider introducing such a system in the future.

We also noted that, in a limited number of polling stations, a number of registered voters waiting in line to vote were not able to do so due to the close of polling stations at 5pm. We would

encourage Solomon Islands authorities to assess the reasons why those polling stations were unable to process those voters, with a view to improving arrangements for future elections.

We were impressed by the commitment and technical proficiency of electoral officials in conducting the polling and counting smoothly and in accordance with Solomon Islands law. We encourage the Solomon Islands Electoral Commission to continue early and comprehensive training for electoral officials.

Observers were encouraged by the level of voter awareness and congratulate the Solomon Islands Electoral Commission on its voter awareness program. We recommend that such programs continue to further improve community awareness of democratic principles.

International observers recognise the important role played by domestic observers, whose presence contributed to the transparency of polling and counting processes.

A peaceful environment prevailed across the constituencies observed on polling day. We recognise the effective role played by the Royal Solomon Islands Police Force (RSIPF) in providing effective but unobtrusive security for the election.

We note the second phase of the election process, the election of the Prime Minister by Members of Parliament, is still to come, and trust that the commitment to democratic principles which we observed on polling day will prevail.

We thank the UNEAD's Electoral Coordination Team for the excellent coordination and logistical arrangements for international observers.

Finally, we wish to record our appreciation to the people of Solomon Islands for the hospitality which international observers encountered everywhere we went.

Mr Sakiusa Rabuka  
for the Pacific Islands Forum Secretariat

Mr Bob Davis  
for Australia

Rt Hon Wyatt Creech  
for New Zealand