

Commonwealth Election Expert Group
Crowne Plaza Hotel
Port Moresby
Papua New Guinea

5 November 2002

Dear Secretary-General

Please find attached the Report of the Commonwealth Expert Group tasked with examining the electoral process in Papua New Guinea. It has been the pleasure of the Group to undertake this task.

We hope that these findings and conclusions prove useful in assisting democracy and democratic development in Papua New Guinea and guiding the future work of the Commonwealth Secretariat in this regard.

Yours sincerely,


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REPORT OF THE COMMONWEALTH EXPERT GROUP ON PAPUA NEW GUINEA'S ELECTORAL ARRANGEMENTS

5 NOVEMBER 2002

INTRODUCTION

This Report covers the work of the Commonwealth Expert Group on Papua New Guinea's Electoral Arrangements. The Group visited Papua New Guinea from 27 October to 6 November 2002 at the invitation of the Prime Minister of Papua New Guinea, Sir Michael Somare. The Group met a wide cross section of Government and political figures, the Papua New Guinea Electoral Commission (PNGEC), public servants, Commonwealth High Commissions and civil society representatives and voters on the ground. The Group also travelled to Mount Hagan and Madang and met with senior political figures and election officials in both these areas.

BACKGROUND

Unlike the 1997 elections, the Commonwealth was not invited to send a Commonwealth Observer Group to the 2002 Papua New Guinea General Elections. During the polling period, the Commonwealth Secretary-General, in a phone conversation with then Prime Minister Sir Mekere Morauta, offered Commonwealth technical assistance to review Papua New Guinea's electoral process once a new Government was in place. Following this conversation, it was announced that the Commonwealth had offered to conduct an audit of the elections. This was subsequently clarified to confirm that the Commonwealth would undertake a review of the electoral arrangements in Papua New Guinea more generally and would make recommendations to improve the conduct of future elections.

Following the election of Sir Michael Somare as Prime Minister, the Commonwealth received a formal invitation to undertake this proposed review of the conduct of elections in Papua New Guinea.

The Commonwealth Secretary-General announced on 23 October 2002 that he had constituted the Expert Group comprising five electoral experts and an officer from the Political Affairs Division of the Commonwealth Secretariat. The terms of reference for the Group were as follows:

"The Commonwealth Expert Group will examine Papua New Guinea's electoral arrangements and the issues arising from the way in which elections are conducted and make recommendations relating to the future conduct of elections in Papua New Guinea. The Expert Group will produce a report which will be sent to the Commonwealth Secretary-General and the Prime Minister and Electoral Commissioner of Papua New Guinea."

This report should be viewed in the context of the challenges facing Papua New Guinea at the present time, most notably the current economic climate, law and order problems and unemployment. It is hoped that this report can assist in meeting some of the challenges related to election management, however it is recognised that without improvements in the economy and law and order, there will be difficulties in implementing the recommendations contained herein.

THE 2002 NATIONAL AND LOCAL GOVERNMENT ELECTIONS

Major inadequacies of the common roll, a high level of violence in some provinces, notably the Highlands, alleged corruption of candidates and officials, serious logistics and transport problems resulted in the 2002 election being labelled the 'worst' ever in the history of Papua New Guinea. The scheduled two weeks of polling, which commenced in mid June 2002, continued into an unplanned and unprecedented sixth week because of security and financial problems. Six elections were failed and these supplementary elections remain to be conducted.

The elections were marred from the start by violence, inadequate planning and coordination between the PNGEC and other relevant government departments, ongoing demands for supplementary funding and un-seasonal poor weather. The breakdown in transport and organisation deferred the polls in many regions and election officials and police refused to continue polling until they were paid outstanding allowances. The weather also made roads in remote areas impassable, adding to the delays and increasing costs as other transport arrangements were implemented. The confusion created through the holding of local and national elections simultaneously also added to the difficulties. The major transport company contracted by the PNGEC, Pacific Helicopters, grounded its fleet in late June after failing to receive US\$280,000 in outstanding payments.

The delays heightened tensions and widespread violence, particularly in the Highlands. The worst affected area, Chimbu province, where five people were killed, was declared a 'fighting zone'.

The Group has taken these factors into account when considering its report. It is the opinion of the Group that there were serious deficiencies in a number of areas in the planning, coordination and implementation of the 2002 elections. These deficiencies and issues will be addressed in the following sections. The Group believes that the planning for the 2007 elections should commence now, and we make recommendations that are designed to offer practical solutions to the challenges that affected the 2002 elections.

SECURITY PROBLEMS / LAW AND ORDER

Security is one of the main requirements during the electoral period. This can be taken to mean both the security of the polling station and staff but also the

right of voters to cast their ballots free from fear of intimidation or reprisals. Unless security is effective and the secrecy of the ballot ensured, then the conduct of the elections will remain flawed.

In many parts of Papua New Guinea the elections went reasonably smoothly and security was effective. However the lack of security in the Highland provinces resulted in the 2002 election being branded overall as the worst ever. There was a pattern of widespread threats and intimidation of voters and officials. A number of people were killed during violent clashes between rival supporters and clans. In Enga Province three containers used to store ballot boxes after the polls were destroyed.

Voters we spoke to felt that they had been intimidated and it was suggested to us that a gun culture and climate of fear prevailed, encouraged to a certain degree by a number of candidates in the Highland provinces. It was also suggested to us that some police and members of the Papua New Guinea Defence Force (PNGDF) (the two state organs charged with ensuring the security of the poll) did not always act impartially and were openly supporting different candidates. This situation must be urgently addressed if democracy is to be respected in future elections.

Security in the Highlands is especially problematic and in many cases the police were simply unable to ensure the security of the electoral process and were often unwilling to leave stations to patrol difficult areas.. What has become apparent is that in order to ensure that elections can be undertaken in the Highlands, a massive security operation involving both the Police and the Defence Force will be needed in future.

The Police were responsible for security and for maintaining an environment that allowed for voting to be undertaken. In a paper submitted to the Group it was claimed that the necessary planning for this security was undertaken well in advance of the election. The failure of these plans was subsequently blamed on bad weather, making it difficult for vehicles and helicopters to operate.

While these explanations are reasonable, they do not account for the massive failure to provide adequate security in some provinces. It is the Groups' belief that planning did not cover anticipated contingencies.

There was, in the opinion of the Expert Group a clear lack of adequate planning, coordination and interaction between the PNGEC and the various Government agencies tasked with conducting and supporting the 2002 elections. There was no clear set of guidelines and planning procedures implemented, contact between departments was ad-hoc in nature and often frustrated by a clear lack of lines of communication between stakeholders. Security assessments did not appear to be accurate enough.

It is the view of the Group, that in the interest of the conduct of future elections in Papua New Guinea, the experiences of the 2002 elections, in relation to security and planning must not be repeated.

The Group recommends the creation of a standing committee, chaired by the Electoral Commission and comprising the various stakeholders in the electoral process, including the Chief Secretary to Government, and officers from the Police and Defence Forces, the Ministry of Works, the Ministry of Finance and the provincial coordination agencies. This body should come into effect at least one year prior to the election year and be charged with assisting the planning, security and coordination of the electoral process. Planning should no longer be undertaken in isolation.

To conduct a successful election, voters must feel confidence in the process. The ideal situation therefore is the implementation of a schedule of one day polling. It is however the recommendation of the Group that within certain areas of the country, the unique problems encountered with security and logistics may necessitate a staggered period of voting in some provinces. Within these provinces the aim should still be to conduct elections within a single day. We believe that the security resources and election officials should move in a systematic manner from electorate to electorate in these areas to ensure that adequate security is in place to conduct polling. It is also suggested that the polling in the most volatile areas should take place first, and should be preceded by a large scale deployment of police and security forces to reduce inter-clan tensions prior to polling.

THE PAPUA NEW GUINEA ELECTORAL COMMISSION

The PNGEC is established under the Constitution (Section 126), which states that it is not subject to the direction or control of any person or authority. The Commission, in terms of the electoral law, consists of the Electoral Commissioner who is a constitutional office holder, appointed by the Head of State on the advice of the Electoral Appointments Commission. The Prime Minister, the Leader of the Opposition and the Appointments Commission are involved in this process.

The Constitution stipulates that the Organic Law shall provide for the independence of the Commission. It is to be solely responsible for the electoral system, the integrity of the elections and dealing with petitions and appeals to the courts in electoral matters. Under the Organic Law the prime function of the Commission is to organise and conduct all elections for Parliament and the legislative arms of local government.

It is the view of the Group that many PNGEC officials did try to ensure that the 2002 election was conducted as scheduled and these efforts are to be commended. However major issues have been brought to the attention of the Group, and these impacted adversely on the conduct of the elections.

The Group was made aware of the public disputes between the Electoral Commissioner and the Prime Minister of the time, Sir Mekere Morauta, over the state of the common roll and whether it was sufficiently current to conduct the 2002 elections. Allegations were made that the Electoral Commissioner

was not available at times during the election and that the Electoral Commissioner and or PNGEC representatives refused or neglected to attend inter-agency meetings on election planning, funding and logistics. It also appears that the PNGEC lacks the institutional capacity to deal with the ever-increasing challenges posed by conducting elections. This lack of capacity must be addressed and the management of the PNGEC strengthened through increased training and development.

There are ongoing disputes with the Ministry of Finance over the release of funds to pay outstanding allowances and suppliers of goods and services. The Group was informed by the Ministry of Finance that the PNGEC refused to submit a detailed costing budget for the election and instead submitted a one line budget request for K40 million (K38 million was approved). The Ministry of Finance has paid out a supplementary K31.5 million for extra election expenditures and currently has additional bills of some K13 million outstanding. The Finance Ministry has advised the Group that the PNGEC has not provided supporting documentation for these outstanding bills and is refusing a request for an independent financial audit to review the additional expenditure.

Administrative inefficiencies have been highlighted during previous elections but have not been acted upon. Many of the government agencies, which the PNGEC relies on for the conduct of the elections, were contacted only at the last minute, despite assurances that all the planning was in place and arrangements made. This overall lack of planning exacerbated the administrative inefficiencies and lack of organisational coordination.

Additionally, the decision by the PNGEC that it could efficiently conduct the local and national government elections at the same time, in hindsight, was proved to have been a mistake. The Group recommends a discontinuation of this practice, and would encourage separate local and national to be held in future.

The voters and the political participants must have confidence in the electoral authority and the way that it is constituted. Confidence is developed if there is a good consensus that the will of the electors can be expressed through elections administered by an independent electoral body operating effectively, impartially and transparently.

The Group is of the opinion that a new electoral body, such as a three-member Electoral Commission, established under the constitution, will be best placed to meet these expectations. It is recommended by the Group that this three-member Commission be established as and when practical. It is hoped that with broader and stronger management there would be an overall strengthening of the PNGEC functions and institutional capacity.

An independent Electoral Commission would be comprised of respected individuals with no connections to any political party. The Governor-General on the recommendation of Parliament would appoint the members. The term of appointment should be sufficiently long to ensure that it covers an electoral

period and the appointments are extendable to allow for continuity in administration.

In addition to not having political connections, there must be a statutory bar to any political involvement while in office. This bar will assist in re-enforcing the public's expectations that the Electoral Commission must be free of political interference and independent.

The Government of Papua New Guinea may consider looking at its Ombudsman's Commission as a model structure for a new Electoral Commission.

Although an Electoral Commission must be and be seen to be independent, there still is a requirement for accountability. It would be expected that the Commission would develop a multi-year work plan, updated yearly and supported by a sound budgetary process. These work plans and budgets would be presented to Parliament, as would annual reports of the previous years' activities and expenditures.

FUNDING OF THE ELECTORAL COMMISSION

The Group noted that the issue of funding of the PNGEC received much public debate. The PNGEC quite properly receives funding by Special Appropriation to preserve the independence of the office at all times and in particular during and after the election period. This necessary step is designed to prevent any Ministerial attempt to frustrate or direct the activities of the Electoral Commission.

The PNGEC is subject to the Ombudsman, Auditor-General and the Parliamentary Accounts Committee and while these controls are after the period of expenditure it requires the Commission to justify such expenditure. The Commission is also subject to appropriate tender requirements but because of unexpected demands or necessities during the election period received exemptions to this requirement.

It is however accepted that the PNGEC must be involved in the budget planning process to ensure that adequate provisions are made in the annual budget to meet expected contingencies. The requirement for a rigorous planning process is especially necessary when preparing to meet the challenges of election year funding.

The Group sees nothing improper in the Election Commission being required to provide reasonable statements of expected expenditure in an agreed format or on an annual basis and not excluding the election year. Proper planning and forecasting of election finances should not be viewed as an imposition on the work or independence of the PNGEC.

It was reported to the Group that extensive pre-election work, particularly with correcting the common roll could not be completed in a timely manner

because of lack of funds, due in part to delays in disbursing the funds allocated to the PNGEC by the Ministry of Finance.

The PNGEC also receives funding from external agencies such as AusAid and other international bodies to provide expertise in particular election activities. It is felt that this funding should be a matter of public record and included in the PNGEC statement of accounts or annual report to increase transparency.

Further, it is seen that because of the particular importance of funding, planning and management of future elections that the following should be introduced.

- The PNGEC and Ministry of Finance agree on a format of reasonable disclosure of estimated expenditure;
- The Ministry of Finance second an appropriate officer to the PNGEC sufficiently early enough to assist in the preparation of the budget and assessment of required expenditure, and remain with the PNGEC until such time as necessary.

A serious issue raised with the Group by electoral officials arising both during and after polling day is the outstanding payments by the PNGEC, either in fees or allowances. This situation, apart from creating serious divisions between electoral officials and the PNGEC, has serious consequences for future election activities.

As regards the outstanding fees and allowances, the PNGEC claims it does not have the resources to pay. The Group therefore suggests that the Finance Ministry and PNGEC consult detailed electoral records and budgets to determine eligible outstanding payments and fulfil obligations to contracted electoral officials as soon as practicable.

The Group has not examined the nature of the contracts and conditions for officials performing such duties, but suggests that they be reviewed in future election planning and management arrangements.

THE COMMON ROLL/NEW ENROLLMENT AND VOTER IDENTIFICATION

Of the many representations brought to the attention of the Group, the most repeated were expressions of disappointment and concern with the quality of the common roll prepared and distributed in the electorates. The fact that similar concerns were noted by the 1997 Commonwealth Observer Group (COG) Report was of great concern to the Expert Group.

The 1997 COG commented that the Papua New Guinea Electoral Commission should revise the system of registration so that an accurate common roll would be in place prior to the 2002 election.

The essential core of a democracy is the holding of regular elections, which express the will of the people. By all accounts Papua New Guinea has had a fair track record in this regard up to the national elections in 2002. Elections have been previously held in 1975, 1982, 1987, 1992 and 1997 in an atmosphere which allowed for ready acceptance, trust and goodwill. In 2002 the most critical aspects seemed to have gone indifferently at best. The worst aspect was to do with the inaccuracy of the common roll.

The Expert Group heard allegations of widespread multiple entries of the same elector, apparent fraudulent duplications, imaginary villages or ghost names and incidents of electors on the roll in 1997 who had not changed address but had been removed from the updated 2002 rolls.

Section 50 of the Constitution of the Independent State of Papua New Guinea gives every citizen the right to vote. Section 134 of the Organic Law on National and Local Government Elections outlines that a voter should be at least 18 years of age and Section 45 outlines that the name, address, occupation and sex of each elector must be stated on the common roll.

There were numerous references to names of under-aged registrants, ghost and phantom entries and multiple replications of names on the roll. The result was that in several electorates the numbers of votes recorded was significantly greater than that which should have been cast. We were given reports that many people registered and voted multiple times in many locations.

Names were added to the common roll without the requirement for verification of age. Voters who have several different names were registered several times on the same roll as well as on different rolls. Other voters who filled in voter registration cards were not included. Provisions attracting penalties for fraudulently adding to the common roll are presently not enforced.

The increase in roll numbers in many electorates both against the 1997 roll and when compared with census figures drew concerns that the common roll had many discrepancies. Unfortunately roll problems had a flow on effect into other aspects of the electoral process particularly the production of ballot papers. Far greater numbers of ballot papers were printed after using the inflated roll and adding 15% to determining production quantities, which subsequently posed security problems.

The occurrence of roll discrepancies in electoral administration is not unusual, and often includes simple human error. In Papua New Guinea it does appear however that many electors have not been removed from the roll for several elections. This includes electors who have moved residence or become deceased. A reluctance to take names off the roll appears related to legal interpretations or concerns of complaints by electors in previous elections. This has led to the acceleration of increasing the inaccuracy of the common roll.

Funding problems are said to have contributed to delays in fieldwork or even abandoning the activity entirely. Some fieldwork enumerators, while with good intentions, possibly lacked experience in performing their duties leading to incomplete or delayed examination of elector enrolment information.

The Group is of the view that the selection and training of fieldwork staff be reviewed and more experienced people (possibly public servants) be chosen for this important work. The selection criteria should take into account appropriate knowledge of the local area.

The Group has been advised that while thousands of roll alterations and deletions were made, funding and time constraints resulted in many more thousands (particularly deletions) remaining outstanding to this day.

These delays resulted in the rolls not being prepared for public examination in a reasonable time. Claims were also made that when completed, the inspection locations were not apparent to interested parties. The Organic Law on National and Local Level Government Elections clearly lays down the procedures that are to be followed in regard to the display of the roll. These procedures were simply not followed for the 2002 elections. It is the expectation of the Group, that with a continuous process of registration coupled with accurate planning, the rolls could be prepared and displayed three months prior to the election, so that voters are able to confirm their details.

As a consequence of the 1997 COG recommendations the PNGEC entered into arrangements with the Australian Electoral Commission (AEC) with the support of AusAID, to introduce the development of a common roll Information Technology (IT) system and other electoral management functions including preparation and election planning, corporate planning, human resource policies and procedures.

It is apparent that much expenditure has occurred and works undertaken in developing what appears to be a workable common roll IT system adaptable to any system of voter registration. A team of various AEC officials have been working with the PNGEC to provide valuable assistance in this area. For reasons mentioned later much more work still needs to be undertaken and it is the hope of the Group that the AEC continue with current aspects of the common roll assistance programme.

The Group has noted that the role of the AEC in the Papua New Guinea elections has been misunderstood, particularly in relation to the updating of the common roll. We do not however believe that this misunderstanding has impacted on the conduct of the elections. The issue of the misunderstanding should be addressed so as to increase the knowledge of the public in the roles of the AEC and the PNGEC.

It seems to the Group that there was a widespread general expectation that census data would be made available to the PNGEC for assisting the updating of the roll. It is not entirely clear if legislation completely prevents the

use of census data for this purpose, but in view of the importance of preparing an accurate common roll, the Group is of the opinion that appropriate action needs to be taken to provide necessary elector related information. Similar action should also be taken where other databases held by Government institutions exist.

Thorough corrective action in relation to the common roll is recommended by the Group in the form of a comprehensive re-registration of voters and the production of a new common roll. This re-registration should be conducted without using the current common roll and be, in effect, a clean slate for which to build greater integrity into the common roll for the 2007 election. This exercise should commence immediately. This new common roll should be continuously updated to ensure that all subsequent eligible voters are included in the roll, address changes are processed and names of deceased electors are removed.

The Group also felt that in the context of continuous updating of the common roll, the work should be decentralised to the provinces for re-registration and ongoing maintenance of the roll under the supervision of the Electoral Commission.

The Group recommends that the role of the provincial election managers should be reviewed, particularly in relation to the issues surrounding the continuous updating of the common roll. This may include the need to strengthen the office of the provincial managers, under guidelines addressed in the strategic work plan of the PNGEC

In respect of identification, the Group recommends that at registration a voter identification card with photograph and assigned number should be produced for issuing to each registered voter. The voter identification card would help to prevent impersonation of voters and facilitate identification at the poll while strengthening the integrity and public perception of the electoral process.

The re-introduction of village record book was expressed as an important step by several bodies. While this information has lapsed in some cases, its revival would be a highly useful source for enrolment activities, such as recording dates of birth or deaths and is strongly recommended by the Group. The person responsible for the maintenance of the village record book should be present at the polling station to assist in detecting ineligible voters.

The Group is of the view that the common roll could be developed in a manner so as to place all members of a household serially one below the other. An additional column titled "Relationship" could be introduced. This would set out the relationship of the voter to the head of the family and would be especially valuable in rural areas.

The Group understands that consideration is being given to a civil registration concept creating an identification number at birth. It is understood that the PNGEC has been involved in discussions on this with relevant bodies. This

concept has sound future electoral possibilities and the PNGEC could perhaps discuss further involvement and benefits with the AEC and AusAid.

The Group understands that the six supplementary elections are required to be held under the common roll used for the 2002 national election. Consequently, it is urged that immediate funding be provided to finance the completion of the deferred additions and deletions so that these rolls will have some degree of accuracy for the conduct of the polls.

Similar considerations will also need to be given to any new elections directed by the Court of Disputed Returns taking into account that the common roll can be updated.

ELECTORAL BOUNDARIES

In discussions with several bodies it has been noted by the Group that while Boundaries Commissions exist for both national and local Government, neither Commission has been put into effect for many years. It is not clear to the Group if this has any constitutional effects.

A proper review of the boundaries at prescribed times is a fundamental feature of sound democracies, however the Group is conscious of current economic conditions and other priorities in Papua New Guinea.

It is mentioned that the Common Roll IT facility being based on ward denominators is now adaptable to be being used for the information of Boundaries Commissions.

The Group considers that it is not in a position to comment on further boundary decisions but has included reference for notation and any desired action at an appropriate time.

PLANNING AND COORDINATION

The two important conditions, which underpin an electoral system, are an electoral roll of high integrity and creating an ambience on the ground where voters can cast their franchise without a sense of fear or intimidation. The planning and management of elections, therefore, has to be carried out in such a manner as to achieve these two conditions.

In the section on the common roll a set of recommendations have been made by the Group to ensure that the rolls have a high degree of integrity. One of the means to achieve this is to have a wide and timely display of rolls to ensure the public can make relevant claims for inclusion or objections for deletion as required. This must occur in a period sufficiently distant from the election so as to allow for changes to be included. After finalisation of the rolls, they should again be displayed, and with support of the media, voters encouraged to once again confirm that they are on the roll.

Training of polling staff (including those on reserve duty) is a very important element of a successful election. This will be especially true when the voting system changes from the First Past the Post (FPP) to Limited Preferential Vote (LPV). Ideally there should be two rounds of training and intensive 'train the trainers' undertaken well prior to election.

The Group received a number of complaints about the use of the indelible ink. There should be clear guidelines and procedures laid down for its use, storage, application and drying. After the elections are completed the PNGEC should ensure that old stock is destroyed.

There have been numerous complaints to the Group relating to duplicate or extra ballot papers. The Group is of the opinion that to prevent any possible accusations of false or duplicate papers being produced, all future production of the ballot papers should be the responsibility of the Government printer.

There must be a higher degree of coordination between the police and PNGEC over the conduct and arrangements for polling. Police and election officials should move together from the distribution centres, along with all the necessary materials to the polling stations. If necessary polling teams may have to arrive the night before to ensure that polling materials are in place to allow opening on time. At the close of polling the police and polling team should return, together with the ballot boxes and materials to the storage centre. The Group is also of the view that the Police must take more action on polling day to regulate entry to the polling area and to ensure the secrecy of the ballot. In many cases this is not currently undertaken.

The Group is of the view that public servants should be used in the conduct of polling, as provided for in the Organic Law, rather than continue with the hugely expensive practice of engaging casual staff during elections. This may reduce the concerns expressed to the Group that many polling staff were simply friends of leading candidates and were unwilling to follow all procedures properly. It should also help to reduce the cost of conducting the poll and should increase accountability as all public servants are expected to follow the civil service code, which sets clear guidelines for conduct.

The counting process could also be fine-tuned to ensure that the Presiding Officer and the officer counting the ballot papers are separate individuals. This could lead to a reduction of accusations of collusion and fraud among officials during counting.

With the coming of Limited Preferential Voting (LPV), the counting process could become more time consuming and could add to the volatility of the post-poll period. The PNGEC could consider models employed in other countries, of electronic voting machines, (not reliant on electricity) to speed up the process of voting and counting.

After completion of counting all candidates must be given a 'tally sheet', authenticated by the Returning Officer which clearly indicates the total

numbers of voters in a polling station as per the common roll, the numbers of votes cast and the votes obtained by each candidate.

It was brought to the attention of the Group that there is a degree of disappointment among staff and police on polling duty that they do not get the opportunity to cast their ballot if they are deployed outside their electorate on polling days. It is suggested that the system of postal ballots, as described in the Organic Law be followed to allow these voters the chance to exercise their franchise.

It emerged from our discussions that the concurrent holding of the local and national elections pegged a voter to a particular polling station. The Group sees value in the continuation of this practice as a useful measure to add certainty and integrity to the polling day.

CANDIDATES (NOMINATIONS)

The number of candidates nominated for the 2002 elections represented a significant escalation (21.4%) from 1997. A total of 2878 candidates (60 woman) stood for election in the 109 seats. Conditions for contesting elections are set out in the electoral law and include a non-refundable fee of k 1,000.

While it does not appear that the fee is a hardship, a significant rise was considered unacceptable by many interlocutors.

The Parliament might wish to consider the addition of nominees, with the candidate being required to support their nomination by a document signed by a number of electors on the electoral roll for the electorate being contested.

This step would test the common roll in an early stage of the election by the candidate as well as their supporters being required to confirm eligibility to vote. The Group suggests that perhaps ten to twenty nominees be considered initially.

VOTER EDUCATION, THE MEDIA AND DOMESTIC OBSERVERS

The issues addressed in this section focus on elements that could be of a strategic long term nature in supporting democracy and the democratic process in Papua New Guinea.

Voter Education

One of the most common issues brought to the attention of the Group was the lack of adequate voter education in Papua New Guinea. Awareness of the nature of the democratic process, the right to vote for a candidate of choice and on the need for privacy are not well understood. This is especially true among women voters who are often forced to vote as their husbands or families dictate. Work has been undertaken with women's groups to explain

the right to vote for their choice of candidate but the lack of privacy and security at the polling station ensures that this cannot be put into practice.

The Group is concerned that as by-elections commence in Papua New Guinea as a result of the Court of Disputed Returns judgements, the LPV system will be used for the first time. An urgent large-scale education programme needs to be conducted to ensure that voters are aware of the implications of this change. There also needs to be more emphasis given to voter education in schools and at the grass-roots level to ensure that the voters are aware of their rights, obligations and the need to act with honesty during elections. This education should particularly focus on working to reduce corruption of the electoral process and practices by voters and candidates alike. Education of candidates would also be useful, especially related to the need for candidates and their supporters to reject violence in the election process.

The Media

From our discussions and observations we can report that the local media was able to operate reasonably freely during the election and provided good coverage of the elections and the ongoing problems encountered. The international media fared less well and suffered delays and administrative difficulties in gaining accreditation to cover the elections.

One issue of concern to the Group is the high percentage of expenditure on advertising and information by the PNGEC that took place on television and in the print media, at the expense of radio. Many rural areas have no access to television or newspapers and the only source of information is often the radio. In future elections, greater emphasis should be given to this medium to ensure a wider coverage of election related information.

We were also told that a large amount of funding was devoted to the development of an elections website. While in theory this appeared as a useful transparency exercise, it should be noted that computer usage and internet access in Papua New Guinea is very limited and therefore such a medium did not have the desired impact and should be considered against cost implications.

Domestic Observers

General disappointment was expressed that there was no international observer presence, such as the Commonwealth or the European Union, for the elections. One potential solution that could be investigated for future elections is the creation of a domestic observer network, such as exists in other Commonwealth countries. We believe that after our consultations with NGO's and civil society representatives there is a strong level of support for this concept. It is also felt that over time and with adequate training, domestic observers could help to add credibility to the electoral process and also reduce incidence of intimidation, multiple voting and other irregularities. The Group felt also that such a network could assist in increasing the involvement of woman in the political process in Papua New Guinea.

The Group was struck by the genuine desire of civil society groups to work towards enhancing electoral credibility and believes that the idea of Commonwealth support to the creation of a domestic observer network should be considered and investigated with interested bodies.

CONCLUSIONS

The Commonwealth Expert Group spent ten days in Papua New Guinea examining the conduct and process of elections in that country. We were able to gain a good understanding of the difficulties faced and the challenges that lie ahead.

Papua New Guinea is entering a new phase in its election and voting arrangements with the forthcoming introduction of the LPV system. We have not commented on the merits of this system, as it is yet to be tried and tested. Rather we have tried to analyse the difficulties that Papua New Guinea has experienced in regard to election management, most notably at the recent 2002 elections. The points we have outlined are related to general election conduct, and not a specific voting system.

We have been deeply encouraged by the response of all we have met to move on from these elections and seek improvements for election conduct and management. Everybody we talked to recognized that the 2002 elections were deficient, yet all were also of the view that things must improve quickly for the credibility and integrity of the electoral process in Papua New Guinea to be maintained.

The Group has made a number of recommendations throughout the report for measures of corrective action which may assist in the process of enhancing election conduct. In the recommendations outlined below, the key elements are highlighted. The Group would hope that these could be considered and taken up by the highest levels of authority in Papua New Guinea, in a timely manner to prepare for the 2007 elections. Our list is not exhaustive but seeks to offer some practical solutions to the challenges ahead.

It is the hope of the Group that the Commonwealth Secretary-General may be able to offer the Government of Papua New Guinea technical assistance in the areas outlined in this report. The Group would also see value in a Commonwealth presence during the conduct of the six supplementary elections, if invited by the Government of Papua New Guinea, and with the proviso of an improved security climate.

Finally, we have been privileged to carry out this assignment. However the true test of the success of the Group remains with the people of Papua New Guinea. The changes we propose can only be taken forward with a commitment by them, with the support of the international community.

RECOMMENDATIONS

The shortcomings which we have identified can be addressed and improvements made - and it is the Group's belief that they will be - in time for the 2007 national election. The Commonwealth Expert Group therefore makes the following major recommendations regarding the future conduct and management of elections in Papua New Guinea.

- The creation of a three-member Electoral Commission, established under the Constitution. The Commission will be tasked with organising and conducting all elections within Papua New Guinea.
- The creation of a new Common Roll for Papua New Guinea through a complete exercise of re-registration of all electors, supported by a process of continuous updating of this new roll.
- Management and maintenance of the common roll be decentralised under the control of PNGEC election officials at the provincial level.
- A staggered election period, supported by an appropriate security deployment be instituted. Where possible a one-day schedule of polling should be followed on a province to province basis.
- The introduction of a voter ID card, with photo and registration number.
- Matters to do with general security for the proper conduct of national elections should be addressed thoroughly through the creation of a high level committee to come into effect at least one year prior to the election, charged with assisting the planning and coordination of the electoral process and security. This Committee is to be chaired by the Electoral Commission.
- The national and local government elections should not be held simultaneously.
- A large-scale voter education programme be launched to increase the knowledge of voters about the electoral process in general and the LPV voting system in particular. It would be hoped that this education programme would have a large focus on supporting women voters.

Biographies of the Commonwealth Expert Team

Mr Ieremia Tabai chaired the Commonwealth Expert Team. He was until October 2002 a Member of Parliament in Kiribati and will again contest the 29 November 2002 elections. He also has business interests related to the print media and radio in Kiribati. For twelve years, (1978-1991) he was the Head of Government and was the first President of Kiribati on independence on 12 July 1979. Mr Tabai has also served as the Secretary-General of the Forum Secretariat, a Pacific regional organisation based in Fiji, from 1992 - 1997. In 2001, Mr Tabai served on the Commonwealth Observer Group for the Guyana elections.

Mr Victor Ashby is the Supervisor of Elections of Grenada in the West Indies. He is also the Headmaster of the Grenada Boys Secondary School. He assumed the office of Supervisor of Elections in 1996. He has attended several workshops, organised by the Commonwealth Secretariat and IFES in deepening democracy.

Mr Sayan Chatterjee is the Deputy Election Commissioner of India. He is in charge of planning, executing and monitoring of elections to the Parliament and State legislatures in India. Mr Chatterjee also looks after the issues relating to electoral law, including electoral reforms in India. He has participated in the conduct of general elections to the Parliament involving more than 600 million voters, as well as a number of elections to state assemblies including the September/October 2002 elections in the state of Jammu and Kashmir. Mr Chatterjee has been an international observer during elections in Algeria and Cambodia and was a member of the IDEA team to Indonesia in 1998.

Mr Ian Dickson is a career public servant with forty-five years experience in various government administrations. He was appointed Electoral Commissioner for New South Wales, Australia in November 1984 and retired in 1999. During his period of office, he conducted state and local government and referendums as well as elections for statutory boards and industrial organisations. Mr Dickson served as a statutory member of the Boundaries Commission and was involved in three re-distributions. On retirement he was appointed to the part-time position of parliamentary Ethics Adviser to the New South Wales Parliament. He has also advised on electoral matters to the Queensland Government and other institutions.

Mr Robert Patterson is the former Chief Electoral Officer of British Columbia, Canada. He served in that role for twelve years directing four general elections and two referendums. He has served on a number of electoral assessment and observation missions on behalf of Canada, the Commonwealth, the United Nations and the Carter Center.

The Group was assisted by Mr Jeremy Clarke-Watson, Senior Programme Officer of the Political Affairs Division, Commonwealth Secretariat, London.

Acknowledgements

We wish to thank the Commonwealth Secretary-General, H.E Don McKinnon, for inviting us to undertake this important mission. We have appreciated the opportunity to offer our assistance to the process of enhancing the democratic process in Papua New Guinea.

The work of the Expert Team would not have been possible without the support of many people. We are especially grateful to Sir Peter Barter for his coordination of our programme. Mr Andrew Trawen and the staff of the PNGEC were most helpful in allowing us time to conduct our investigations. We were also provided invaluable assistance from State Protocol, especially in assisting us with last minute details and changes. Sir Barry Holloway provided a valuable linkage between the group and civil society representatives. We were also indebted to our drivers for their tireless work in ensuring we met all our commitments.

We received a broad range of briefings from Government, political figures, the media, civil society representatives and the Commonwealth High Commissioners. For this we are grateful.

Finally, we thank the people of Papua New Guinea, who warmly welcomed us and demonstrated a strong desire and willingness to see the democratic process in Papua New Guinea enhanced.



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Commonwealth Expert Group to Review Papua New Guinea's Electoral Process

Commonwealth Secretary-General Don McKinnon announced today that he has constituted a Commonwealth Expert Group to examine the electoral process in Papua New Guinea.

"I have established this Commonwealth Expert Group in consultation with the Prime Minister, Sir Michael Somare," said the Secretary-General. "The Group will examine Papua New Guinea's electoral arrangements and the issues arising from them. It will make recommendations for the future conduct of elections in the country."

"The Expert Group is led by a former head of state and consists of very experienced and senior election officials. I am confident that it will be able to assist Papua New Guinea in its efforts to improve the conduct of its elections," Mr McKinnon said.

The Group will arrive in Papua New Guinea on 27 October and depart on 6 November 2002. It will produce a report to the Commonwealth Secretary-General, who will bring it to the attention of the Prime Minister and the Electoral Commissioner of Papua New Guinea.

The five members of the Expert Group are as follows:

Mr Jeremiah Tabai (Chairman), Former President, Kiribati

Mr Ian Dickson, Former Electoral Commissioner, New South Wales, Australia

Mr Robert Patterson, Former Chief Election Officer, British Columbia, Canada

Mr Victor Ashby, Supervisor of Elections, Grenada

Mr Sayan Chatterjee, Deputy Election Commissioner, India

The Expert Group will be assisted by Mr Jeremy Clarke-Watson, Senior Programme Officer, Political Affairs Division of the Commonwealth Secretariat.

Note to Editors:

All enquiries regarding the Group during this time should be addressed to Mr Jeremy Clarke-Watson at the Crowne Plaza Hotel, Port Moresby, Papua New Guinea on telephone +675 3093000.

Elections expertise of this kind is provided by the Commonwealth Secretariat to member countries as requested. Countries which have recently invited Commonwealth election experts include Malawi, St Lucia and the United Republic of Tanzania.

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* These countries are currently suspended from the councils of the Commonwealth