Solomon Islands General Election

5 April 2006

REPORT OF THE COMMONWEALTH OBSERVER GROUP

Commonwealth Secretariat

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ACKNOWLEDGEMENTS

We acknowledge and record our appreciation to the many organisations and persons who assisted us in carrying out our mission during our stay in Solomon Islands.

We especially thank the Electoral Commission for its cooperation and assistance. We also express our appreciation for the cooperation of Commonwealth High Commissioners, the United Nations Electoral Assistance Division, political parties, the media, the Solomon Islands Christian Association, the National Council of Women and others whose briefings greatly assisted us in our work. We also thank our Advance Observer team for their work and the brief given us which assisted us greatly.

We appreciate the cooperation and close working relationship with our colleagues from the Pacific Islands Forum Observer team and other international observers.

We acknowledge also the contribution made to the observation process by a group of committed domestic observers, who were specially trained by the Commonwealth Secretariat.

We thank our drivers and others we met, for their warm welcome and support during our stay. We wish the people of Solomon Islands well for the future.

We must also extend our thanks to the staff of the Commonwealth Youth Programme Regional Centre who provided administrative and logistical support to our mission.

We are most grateful for the help and support from the cheerfully dedicated and professional staff of the Commonwealth Secretariat who also participated in and contributed to the fulfilment of our mandate.

Finally, we thank the Commonwealth Secretary–General, Don McKinnon, for giving us the opportunity to serve the Commonwealth in this way.

CHAPTER ONE

INTRODUCTION

INVITATION

In November 2005 Commonwealth Secretary-General, Rt Hon Don McKinnon, received a request from the Prime Minister of the Solomon Islands, Hon Sir Allan Kemakeza, for the Commonwealth to observe the 2006 National Parliamentary Elections. Before taking the final decision and in line with established procedure, an Assessment Mission was undertaken by two Commonwealth Secretariat staff members. The Assessment team visited the Solomon Islands from 14 to 21 February 2006. Its main purpose was to ascertain whether there would be broad support for the presence of a Commonwealth Observer Group (COG) and whether such a group would be free to pursue its mandate. The team also briefed all concerned on the way in which the COG would carry out its work.

The Assessment Mission met with the Electoral Commission, which provided the necessary assurances on access to polling places and counting stations. The team also met with representatives of political parties and civil society. Based on these consultations the Mission concluded that there would be broad support for the presence of the COG.

On 10 March 2006 the Secretary-General wrote to Sir Allan Kemakeza Kt MP to inform him of his decision to constitute an Observer Group for the 2006 National Parliamentary Elections. The composition of the Group, led by Sir Arnold Amet, former Chief Justice of Papua New Guinea, is set out in Annex I. A press release was issued in London on 27 March 2006 (see Annex II).

TERMS OF REFERENCE

The Terms of Reference of the Group, as set out by the Secretary-General in his formal letter of invitation to the members of the Group, were as follows:

"The Group is established by the Commonwealth Secretary-General at the request of the Government of the Solomon Islands. It is to observe relevant aspects of the organisation and conduct of the elections scheduled to take place on 5 April 2006, in accordance with the laws of the Solomon Islands. It is to consider the various factors impinging on the credibility of the electoral process as a whole and to determine in its own judgement whether the conditions exist for a free expression of will by the electors and if the results of the elections reflect the wishes of the people.

The Group is to act impartially and independently. It has no executive role; its function is not to supervise but to observe the process as a whole and to form a

judgement accordingly. It would also be free to propose to the authorities concerned such action on institutional, procedural and other matters as would assist the holding of such elections.

The Group is to submit its report to the Commonwealth Secretary-General, who will forward it to the Government of the Solomon Islands, the Electoral Commission, the leadership of the political parties taking part in the elections and thereafter to all Commonwealth Governments."

OTHER INTERNATIONAL OBSERVERS AND THE ROLE OF THE UNITED NATIONS

A total of 46 international observers were present in the Solomon Islands for the 2006 election. In addition to the Commonwealth Secretariat, the following countries and organisations provided observer teams: Australia, Japan, New Zealand, the United States of America and the Pacific Islands Forum.

The United Nations was responsible for the overall logistical coordination and deployment of all the observer teams but did not themselves observe the elections.

DOMESTIC OBSERVERS

At the request of the Solomon Islands Government, the Commonwealth Secretariat organised a Domestic Observation Programme which sought to enhance the capacity of Solomon Islands non-governmental organisations and domestic volunteers to observe the 2006 election as poll watchers. The programme was funded by the Governments of Australia and New Zealand.

Ms Immaculate Njenge-Kassait from the Institute for Education in Democracy in Kenya coordinated and implemented the training and deployment of 83 domestic observers. The individuals who participated in the programme were all volunteers nominated and vetted by various local organisations. The domestic observers received training prior to polling day in order to ensure impartiality and adherence to the Solomon Islands Electoral Commission Code of Conduct for Domestic Observers and signed an oath of adherence promising to be impartial. Domestic Observers were deployed to the Western Province, Malaita, Guadalcanal and Honiara City.

METHOD OF WORK AND ACTIVITIES OF THE GROUP

An Advance Observer Team arrived in the Solomon Islands on 14 March with a mandate to assess the political/electoral environment in the period leading up to the 5 April elections. They provided a comprehensive briefing to the COG on 29 March. The advance team consisted of Commonwealth Secretariat staff member Mr Kosi Latu, Adviser in the Special Advisory Services Division and Mose Saitala, a governance expert.

The Chairperson issued an Arrival Statement (Annex III) at a press conference in Honiara on 28 March. Over the next three days, in addition to the briefing from the

advance team, the Group was briefed by the Electoral Commission, political parties, media organisations, civil society organisations, Commonwealth High Commissioners and representatives of other observer missions. The Group also attended briefings organised by the United Nations Electoral Assistance Division (UNEAD) Election Observer Coordination Team. The Group's Schedule of Engagements is at Annex IV.

On 3 April the Observers and Secretariat team members deployed across the Solomon Islands in seven two-person teams. Under the UNEAD logistic coordination, some COG members were paired with individuals from other observer teams. COG deployment is shown at Annex V.

The Chairperson, accompanied by the leader of the Commonwealth Secretariat Staff Support Team, Ms Juliet Solomon, was based in Honiara but covered the three constituencies of Central, North and North-East Guadalcanal.

At the beginning of the deployment period the teams familiarised themselves with the area of their deployment, particularly the location of polling stations, and met as far as possible with police, local election officials, candidates, domestic observers and electors. Teams also observed the final stages of campaign meetings and rallies and in some cases the transport and storage of polling day materials.

On polling day, Wednesday 5 April, members of the COG observed voting at polling stations and counting at counting centres in various provinces. During deployment the Observers were assisted by Observation Notes and Checklists (see examples at Annex VI).

On Thursday 6 April, following consultation with members of the Group, the Chairperson issued an Interim Statement (Annex VII). Over the period 6 – 8 April, COG members returned to Honiara for debriefing and began to prepare the Group's Report for transmission to the Commonwealth Secretary-General. The Group also met with members of other observer teams and with the Domestic Observer team to compare impressions of the process.

Having finished the Report, the Group issued a Departure Statement (see Annex VIII) and left the Solomon Islands on Friday 14 April.

CHAPTER TWO

POLITICAL BACKGROUND

HISTORICAL BACKGROUND AND SOCIO-CULTURAL CONTEXT

The first European to voyage to the Solomon Islands was Don Alvaro de Mendana in 1567. On 6 October 1893 Britain proclaimed a protectorate over the archipelago's southern islands, which was extended in 1897 and again in 1899. During the Second World War the islands were occupied by the Japanese, and subsequently over 37,000 US and Japanese lost their lives in some of the most bitter fighting of the war, especially during the Guadalcanal campaign. The islands were recovered by the Allies when the Japanese surrendered in 1945. The former capital, Tulangi was used as a Japanese base during the war and was completely destroyed. The township of Honiara on Guadalcanal replaced Tulangi as capital of the Solomon Islands.

The Solomon Islands consists of 992 islands, some volcanic, of which 347 are populated. They form a double chain extending 1667 kilometres southeast from Bougainville in Papua New Guinea (PNG). The third largest archipelago in the South Pacific, the Solomon Islands cover 1.35 million square kilometres of sea, with a total land area of 27,540 square kilometres. The largest are Guadalcanal, Malaita, Santa Isabel, Choiseul, Marika and New Georgia. Earthquakes are common.

While the majority of the 470,681 population are ethnic Melanesians, this diverse society includes Polynesians, Micronesians and other groups. Melanesians originate from the bigger islands of Guadacanal, Malaita, Choiseul, New Georgia, Isabel, Makira, Ulawa and the Temotu and Russel islands. Polynesians are from the smaller outlaying islands of Rennell and Bellona, Ontong Java, Tikopia, Sikiana, Anuta, Reef Islands and Duff Islands. In addition i-Kiribati settled in the country during the colonial period and Chinese and Caucasians have also made Solomon Islands their home. The 1999 Census recorded 2.8% of the population as foreign nationals. The Solomon Islands has a very small urban population, mostly located in the capital. Some 5,000 villages are spread over 10 provinces. Christianity is the main religion.

According to the 2002 United Nations Development Programme (UNDP) Human Development Report for the Solomon Islands, the country has an illiteracy rate of 31% for men and 44% for women. These figures were based on the 1999 census. Gross National Income per capita is US$550 per annum (World Bank, 2005). Life expectancy is a moderate 62 years for men and 63 years for women.

The cultural and linguistic diversity within the Solomon Islands is compounded by local perceptions of differences between coastal dwellers and those that dwell in the highlands. This has led to the *wantok* ("one talk") system where individuals only trust members of their own cultural group. The *wantok* system has become a form

of social security and identity and translates into political loyalty limited to members of the same group.

The cultural diversity of the Solomon Islands is also reflected in the existence of around 80 indigenous languages[1] in addition to Pijin and English, which are the official working languages of government.

POST-INDEPENDENCE POLITICS

The Solomon Islands gained constitutional independence from the United Kingdom on 7 July 1978, adopting the Westminster system of Government. It recognises HM Queen Elizabeth II as its Head of State represented by a Governor-General, currently Sir Nathanial Waena. Following independence, the Solomon Islands joined the Commonwealth.

The unicameral National Parliament comprises 50 Members, elected under a 'first-past-the-post' voting system. The Prime Minister is elected for a four year term by a simple majority of Members of Parliament. In addition to the National Parliament, there are 10 Provincial Assemblies, including Honiara City Council.

Simmering tensions between the people of Guadalcanal and settlers from other provinces, mainly Malaita, led to an outbreak of fighting in 1998. Grievances included the occupation of land in Guadalcanal and the perceived dominance of the government and the commercial and public service sectors by Malaitans. Tensions continued throughout 1999, seriously challenging the government and Royal Solomon Islands Police (RSIP). Guadalcanal militants, calling themselves the Guadalcanal Revolutionary Army (GRA) took control of Honiara. They later adopted the name Isatabu Freedom Movement (IFM). Up to 20,000 Malaitan settlers fled into the capital city, Honiara, but violence continued to escalate. Many people subsequently left Guadalcanal for their personal safety. A state of emergency was declared on Guadalcanal in June 1999. Efforts to broker a ceasefire continued throughout the year, involving amongst others, Commonwealth Special Envoy Sitiveni Rabuka. As the conflict continued to rage, a Multinational Police Monitoring Group arrived in Honiara in October 1999.

A rival militia force, the Malaitan Eagle Force (MEF), together with disaffected police officers ("the joint Operations Force"), staged an armed coup in June 2000 and forced then Prime Minister Bartholomew Ulufa'ala out of office. The Prime Minister was initially held hostage. After the armed take-over of the capital by elements supporting the opposition, opposition leader Manasseh Sogavare was elected Prime Minister at a sitting of Parliament on 30 June 2000. Six Members of Parliament had been prevented from attending the parliamentary session at which the Prime Minister was elected. This was allegedly due to intimidation by the MEF. The Australian-brokered Townsville Peace Agreement (TPA) brought militant groups together to agree a ceasefire on 3 August 2000.

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[1] Bennet, J.A. 1987.Wealth of the Solomons: a history of the Pacific Archipelago 1800-1978. Pacific Islands Monograph Series No.3.University of Hawaii Press. Honolulu.

The Parliamentary elections of 5 December 2001 saw Sir Allan Kemakeza elected Prime Minister by his fellow MPs on 17 December 2001. The Commonwealth Observer Group which monitored those elections, led by Mr Bowen Wells from the UK, found a number of short-comings in the process. These included the inadequate state of the voters registration list (electoral register); some intimidation of voters by the presence of special armed constables; misuse of the Constituency Development Fund; inadequate participation of women at all levels of the electoral process; problems with voter identification; and the use of multiple ballot boxes.

The International Peace Monitoring Team (IPMT) formed under the Townsville Peace Agreement departed the Solomons on 25 June 2002.

REGIONAL ASSISTANCE MISSION TO THE SOLOMON ISLANDS (RAMSI)

In April 2003, facing a deteriorating domestic situation, Prime Minister Kemakeza requested Australian intervention to provide assistance and restore law and order in the country. In July 2003, military and civilian personnel from Pacific Island Forum member states arrived in the Solomons as part of a Regional Assistance Mission to the Solomon Islands (RAMSI).

RAMSI has seized more than 3,000 guns, made more than 6,000 arrests and over 9,000 charges have been laid. The Mission is also building new courts, repairing prisons and providing capacity to the office of the Public Solicitor and Director of Public Prosecutions.
RAMSI's intervention provided for the appointment of foreign nationals to government posts and included financial assistance. Its ultimate aim is to make the country self-sustaining.

The Solomons economy had all but collapsed during the troubles. Civil war left the country almost bankrupt, and there is heavy reliance on the export of timber, which is both unsustainable and vulnerable to price fluctuations. Fish remains an important commodity. Economic hopes have been focused on the resumption of gold mining, palm oil production and tourism. All were catastrophically affected by the conflict.

RECENT POLITICAL DEVELOPMENTS

Sir Allan Kemakeza has been Prime Minister since the 2001 parliamentary election. Sir Allan asked Parliament to support the deployment of the Australian-led RAMSI "to break the cycle of crime, greed and corruption". Sir Allan Kemakeza represents Savo and Russell Islands, and was knighted for his role in brokering the abortive peace treaty. Several cabinet members and numerous RSIP police officers have been jailed for corruption, and the police force has undertaken various reforms with the assistance of RAMSI.

Party organisation and discipline remains weak and highly flexible, exacerbated by the *wantok* and "Big Man" traditions, which place emphasis on clan and family loyalties. Independent candidates are ubiquitous.

GROWTH OF CIVIL SOCIETY AND NON-GOVERNMENT ORGANISATIONS (NGOS)

Solomon Islands is a country in transition from tradition to modernity and is experiencing changing values and institutions. The last 20 years saw increasing formation of civil society groups addressing a diverse range of development issues including calls for good governance. In 1984, a number of major civil society organisations set up a national umbrella NGO, Development Social Exchange (DSE), with the core function of strengthening the NGO sector in the country. By 2006, DSE had 32 affiliated NGO members and five associate members and has plans to include community based groups in its membership drive. Affiliates of DSE have branches in the provinces and deliver their services nationwide. In 2005, a number of NGOs set up an NGO network called Winds of Change which campaigned vigorously through community education and the media, for a cleaner election in 2006.

WOMEN

The 1999 census recorded that 48.33% of the population was female with a ratio of 107 males to 100 females. Women are the backbone of the rural semi-subsistence economy where 84% of the population live[2].

The majority of cultural groups in the Solomon Islands are traditionally patriarchal. Some are matrilineal. Women in both social systems have not had equal opportunity to participate in or benefit from the country's development efforts or within its decision-making infrastructure. About 15-20% of public servants are women and only four women hold the position of Permanent Secretary. Only two women have entered parliament in the history of the Solomon Islands, one during the colonial period of the Legislative Council and the other in a post-independence parliament. Past elections have seen 2-4 women candidates. The National Council of Women (NCW) has embarked on a programme to improve women's participation in leadership and decision making. A total of 26 women stood for the 2006 general elections.

YOUTH

The Solomon Islands has a very young population, with a median age of 19.3. The 1999 census recorded that 41.5% of the population were in the 0-14 age group. Youth are nationally recognised as those individuals between the ages of 15 to 29. There are few employment opportunities and large numbers of youth migrate from rural to urban areas only to join the already high numbers of unemployed youths there. The high rate of unemployment not only plagues the uneducated, but is a

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[2] Solomon Islands Human Development Report. 2002. UNDP. Suva.

problem for young people with tertiary qualifications as well. Educational opportunities in rural areas are costly, and parents often send sons rather than daughters to secondary school and sometimes even to primary school.

A Youth Development Officer is based in the Department of Home Affairs. A representative from this department noted the significant lack of resources attributed to the youth division in comparison to other government departments. The Solomon Islands Youth Congress is an NGO serving as a national youth council for the diverse islands.

CHAPTER THREE

ELECTORAL FRAMEWORK AND PREPARATIONS FOR THE ELECTIONS

ELECTORAL FRAMEWORK

Introduction

The electoral framework of the Solomon Islands is based on the legal provisions under the 1978 Constitution and the National Parliamentary Electoral Provisions Act (Cap 87). The Constitution defines the functions of the Electoral Commission and specifies a single chamber of parliament with a four-year term of office. The Constitution recognises fifty (50) parliamentary constituencies to elect one member each on a first-past-the-post voting system.

The existing parliamentary constituencies were demarcated by a Constituency Boundaries Commission and were approved by Parliament in 1978. Section 54(2) of the Constitution authorises the Boundaries Commission to review the constituency boundaries not later than ten years after the last revision. The revision is based on the principle that the number of inhabitants of each constituency shall be as nearly equal as is reasonably practicable; provided that the Commission may depart from the foregoing principle to the extent they consider expedient in order to take account of the distribution of the population, means of communication and ethnic affiliations.

The Governor General proclaims the date for elections which shall take place within four (4) months of the dissolution of Parliament. Eligibility to vote is based on universal adult suffrage for citizens of the minimum age of 18 years.

The Electoral Commission

Section 57 of the Constitution stipulates that the Electoral Commission is composed of the Speaker of the National Parliament as Chair; and two other members appointed by the Governor General, acting in accordance with the advice of the Judicial and Legal Service Commission. The current Chair is both the Speaker of Parliament and president of a political party. A conflict of interest is apparent. The members are appointed for a period specified in the instrument of appointment. The Electoral Commission has general responsibility for and supervises the registration of electors and the conduct of elections for members of parliament.

Section 57 (3)(a) of the Constitution states that the two members appointed in addition to the Speaker shall vacate office at the expiration of the period specified in the instrument of appointment. The Speaker, as Chair, serves a four year term in office (the life of parliament). This means the Electoral Commission is put together towards the end of a particular parliament to oversee the election of the

subsequent parliament. The Electoral Commission is therefore not a permanent entity and members of the Commission lack security of tenure.

The Commission's budget is drawn from the Consolidated Fund and the release of funds for the Commission's programmes are controlled by the Ministry of Home Affairs. This financial arrangement hinders the perception of an independent electoral commission.

A permanent and independent Electoral Commission with full control of its budget would enhance the integrity of the process and create uniformity in election administration for national and local government elections.

Functions of the Electoral Commission

Voter registration
Section 58 of the Constitution sets out the functions of the Commission, including registration of voters. A credible voter's register is the necessary foundation for a transparent, equal, secret, universal, free, fair and accountable election.

In the absence of a permanent Electoral Commission, each new Commission inherits voter registration data over which it has had no control. More data is added to the voters register through revision exercises. There does not seem to be clear provision for a revision exercise that facilitates deletion or de-duplication. This inevitably results in an inflated voters register.

The registered voter population of 342,119 (2006 figure) out of the national population of 470,681 (2005 figure) is unrealistically high. The median age in Solomon Islands is 19.3 and the voting age is 18, thus we estimate that the maximum number of eligible voters should be approximately 250,000.

Section 55 (2) of the Constitution says that a person is only entitled to be registered as an elector in one constituency, where he or she is "ordinarily resident". Ordinarily resident means where one has a home or a dwelling and lives and works or normally lives though he or she may not work there. The Constitution does not permit dual registration, such as in one's traditional village or provincial constituency and also in an urban constituency where the person is ordinarily resident.

All such double registration is unlawful. Votes cast in a constituency where one is not ordinarily resident are technically invalid. It is also not permissible for a person to register in one's provincial/village constituency and vote there instead of where that person is ordinarily resident. This is unlawful and such votes will be invalid.

We have been informed by the Electoral Commission that each of these two practices were quite common. Unfortunately, this is irregular and probably contributed to the higher voter registration compared with the population figure.

There is no provision for transfer of vote or registration from one location to the other during the revision of registers. People who register at one location and subsequently take up residence in other locations tend to re-register at the new location to ensure that they do not lose their vote. We were also told by some domestic observers that when registration officials visit rural villages to register votes, heads of families often register their entire families (on their behalves) whether or not all the members of the family are of voting age or are resident in the village. Such persons probably also register themselves in their new place of residence. The presence of double registration on the voters register may not materially affect the outcome of elections given the time it takes to travel from one constituency to another in the Solomon Islands and the checks and balances in place to avoid multiple voting (including the inking of fingers on election day), but it will definitely affect the calculation of voter turnout.

If the voters register were computerised and voter cards issued, voters could have evidence of registration to enable them to apply for transfer of their vote. This would eliminate or reduce the incidence of multiple registrations.

The Right to Vote

Section 56(1)(a) of the Constitution confers the right to vote at elections on any person who is registered as an elector in any constituency unless he is under sentence of death or imprisonment for not less than six months.

The effect of Section 56(1) (b) is to prohibit election officials from voting. There is no "special" voting day for election officials such as security personnel, media practitioners, essential service providers; domestic observers and others who might be involved in the conduct of the elections. There is also no system in place for absentee voting, which, in the Solomon Islands context of costly and time-consuming transportation between provinces and constituencies, can disenfranchise many voters.

Electoral System

Following recommendations from 2001 General Elections Commonwealth Observer Group Report, a new system of voting was introduced. In prior elections a separate ballot box was provided for each candidate and voters were not required to mark ballot papers but simply dropped his or her ballot into the ballot box of the candidate of choice. It was widely felt that this system was extremely vulnerable to abuse and corruption. It was claimed that voters could collect a ballot paper, enter the polling booth but not insert the paper in any box. On leaving the booth the voter could hand over the paper to a candidate's representative in return for a payment and the representative could then enter the booth to vote and stuff several papers into one box. The system introduced for the 2006 elections was a

single ballot box and the necessity for voters to make a mark beside the candidate of choice before inserting it in the box. The single ballot box also reduces the material to be handled by Returning Officers and their staff.

Campaign Finance

Section 45(1) of the Electoral Provisions Act limits election campaigning expenses by each candidate to fifty thousand Solomon Island dollars ($SBD50,000). It is an offence punishable by a fine of one hundred Solomon Island dollars ($SBD100) or imprisonment for three months or both.

Each candidate is required to submit to the Returning Officer within one month of the declaration of the results of the election a statement of account and expenses incurred by him in his election campaign.

We were advised that in reality this process was more of a voluntary exercise, with losing candidates (and even some of the winning candidates) not bothering to submit their returns. We observed in some constituencies that several campaign activities by some of the candidates would definitely exceed the $SBD50,000 limit. We recognise that the $50,000 limit is probably outdated and unrealistically low. Indeed, the prescribed penalty of $SBD100 for any candidate that exceeds the $SBD50,000 limit during his or her election campaign poses no real deterrent to any candidate. Although the allegations relating to overspending were widespread, no official complaints were made to the Electoral Commission or the RSIP.

Given widespread allegations and controversy over money from local businesses and foreign interests financing some candidates' campaigns, the obligation on candidates to account for their campaign expenditures should be strengthened by amending the provision to provide for the submission of the statement of account of all expenses to be made to the Electoral Commission. We would recommend also that this obligation be further strengthened by making it a punishable offence for failure to submit such a statement. This would add credibility to and protect the integrity of the entire electoral framework.

Rejected Votes

Section 50 of Cap 87 stipulates that ballot papers without the official mark or on which anything is written or marked by which the elector can be identified shall be rejected. The staff of the Electoral Commission informed the COG that a mark placed outside a box, on the symbol or the name of a candidate shall not count and must be rejected. We believe that where the intent of the voter is clear, the vote should count. See Annex VIII for a sample ballot paper.

Political parties

There is no clear legal framework for the constitution and operation of political parties in the Solomon Islands. We were informed that groups register with the Registrar General in order to be recognised as a political party.

Returning Officers may assign any one of the thirty (30) official symbols to any candidate on presentation of nomination forms. The Returning Officer may assign a chosen party symbol to a party candidate on application but it is not obligatory. We understand from the Electoral Commission that they assign symbols on a first come first served basis. This may and does lead to candidates from the same party in differing constituencies having different symbols.

There is the need to provide a legal framework for the formation of political parties and to foster a culture of party politics. In these elections, some candidates were claimed by more than one political party. Political parties should be free to participate in shaping the political will of the people, to disseminate information on political ideas, social and economic programmes of a national character, and to sponsor candidates for election to public office. The COG believes that the Electoral Commission could play a role in designing codes of conduct for parties and candidates. A legally registered political party will be expected to have its own rules and regulations and a manifesto setting out policy positions.

Electoral constituencies

Section 54(2) of the Constitution authorises the Constituency Boundaries Commission to review such boundaries not later than ten (10) years from the last revision. The current boundary delimitation shows huge discrepancies in the size of constituencies. For example, the constituency of East Honiara has 30,060 registered voters, while the constituency of North New Georgia has 2,448 registered voters. Constituency boundaries should be reviewed regularly to ensure, as far as possible, equal representation to all communities in the National Legislature.

The Electoral Commission has no legal role in the revision of Constituency boundaries. The COG is of the view that the Electoral Commission can contribute positively to the necessary changes because it is responsible for all registered voter lists and other relevant logistical information. Large variations in the numbers of voters per constituency are against one of the main principles of good elections. The Electoral Commission should therefore have some influence in the demarcation of boundaries. It would be desirable for the composition of the Constituency Boundaries Commission to include a full time representative member from the Electoral Commission.

PREPARATION FOR THE ELECTIONS

Voter Education

We recognise the tremendous efforts made by the Electoral Commission with expert advice from a group of International Advisors to educate the electorate on the use of the single ballot box and how to mark the composite ballot paper. We commend the efforts of NGOs such as Winds of Change and others who, in addition to explaining how to vote, also urged the electorate not to accept bribes or sell their votes so as to make the election clean and to ensure the election of honest and credible leaders. In their office Winds of Change has a pledge box whereby voters and candidates may "cast their pledge" of refraining from any engagement with corrupt behaviour during the election period. This group plans to approach newly elected representatives and request that they also pledge to remain free from corruption. The National Council of Women also actively campaigned against corrupt practices during the election.

We note however, that in some cases civic education efforts did not seem to have extended to some rural communities.

Nomination of candidates

The nomination of candidates closed on 8th March, 2006. Four hundred and fifty-three (453) candidates filed their nominations. The candidate for North New Georgia was returned unopposed. Thirteen political parties contested the elections, some political parties claiming the same candidates. Three registered voters in a constituency are required to sponsor the nomination of a candidate.

Recruitment and training of election officials

The Electoral Commission appointed ten (10) Election Managers for each of the nine provinces plus the city of Honiara. The Election Managers in turn appointed one Returning Officer per constituency in each province, who in turn appointed Assistant Returning Officers.

Returning Officers appointed one Presiding Officer and two Polling Assistants per polling station. There were 810 polling stations throughout the country. The Electoral Commission adopted the cascading method of training to train all the poll workers. Some training sessions lasted only a day. The training covered the processing of voters, issue of single ballots to voters, application of indelible ink to the cuticle of the left finger of voters, the closing of the poll and packaging of voting materials. The team observed some inadequacies in the knowledge of officials on polling day (see Chapter Six), indicating that the training of officials be reviewed to identify possible improvements.

Allocation of polling stations

The responsibility for the allocation of polling stations in constituencies rests with the Returning Officer. In the Guide for Electoral Managers and Returning Officers, it is specifically written that polling stations have to be chosen on the following basis:
- easily accessible

- spacious
- safe for electors and staff
- be at ground level
- centrally located and within reasonable distance of the electors allocated to that polling station
- secure

The COG's observations on polling stations on election day are described in detail in Chapter Six.

CHAPTER FOUR

THE MEDIA

OVERVIEW

The Solomon Islands enjoys a free and robust media which played a critical role throughout the election period including in raising awareness among about the election preparations, process and procedures. The media also highlighted the many challenging issues facing citizens in their first post-crisis national parliamentary elections.

During the period in which Commonwealth Observers were present in the Solomon Islands we received the impression that the media took its role and responsibility to the nation seriously and carried out its task of reporting the elections with fairness, objectivity and impartiality. We received no complaints and saw no evidence of media bias or perceived bias towards any individual political party or candidate during the election campaign.

We met with representatives of print and electronic media during our consultations.

All media organisations in the Solomon Islands are members of the Media Association of Solomon Islands (MASI). The association is working on a Code of Practice for Media in the Solomon Islands. The Code is a voluntary charter to balance the rights and responsibilities of the Solomon Islands media in a free and democratic society. It upholds both the rights of the individual and the public's right to know. It takes into account the traditional values of the Solomon Islands way of life and the duty to hold public institutions to account, consistent with freedom of expression and the public interest in exposing corruption and malpractice.

PRINT MEDIA

The print media comprises two main newspapers – the daily Solomon Star and the bi-weekly National Express. Both are published in English. There are no newspapers in Pijin.

The Solomon Star is privately-owned by a pioneer Solomon Islands journalist. It is published in Honiara from Monday to Friday. More than 60% of the average daily circulation of 5,000 copies are sold in the capital, while the rest are distributed only in those provincial urban centres to which a daily flight is available.

Unreliable air transportation has prevented newspapers from being flown to most of the provinces. Prior to the recent crisis, the newspaper was widely circulated in all provinces. However, the tension has caused planes to stop flying to many places resulting in the drop in circulation to most parts of the country. Solomon Star management say the situation is slowly returning to normalcy. During the period of

the elections, the Solomon Star circulation jumped to an average daily circulation of 7,000 copies.

The Solomon Star covered the elections extensively in the weeks leading up to and throughout polling and counting of votes. Its news stories and commentaries made strong references to the need for clean elections.

The National Express published little political advertising except for news and commentary on the elections. The newspaper is printed Fiji and air freighted back to the Solomon Islands for distribution.

The Electoral Commission used the print media, especially the Solomon Star, to educate the voters about the elections. In the lead-up to polling day, the Commission published full-page advertisements in the newspapers explaining to voters the various steps for voting and giving voters an update on the preparations for the elections. Election advertising in the media continued even up to the day of polling as there is no law preventing this from happening.

ELECTRONIC MEDIA

There are no local television stations. Satellite TV is available at hotels and to those who can afford it. There is no local content on such stations.

There are two radio stations in the Solomon Islands: the government-owned Solomon Islands Broadcasting Corporation (SIBC) and the commercial FM radio station, Paoa FM which is owned by the Solomon Star.

SIBC is established under the Broadcasting Corporation Ordinance of 1976. The law stipulates that the government provides an annual grant to the corporation on an annual basis. It also empowers SIBC to accept and broadcast advertisements to supplement its budget.

SIBC is heard in nearly all parts of the Solomon Islands and is a twenty-four hour service. The Electoral Commission used SIBC on a daily basis to inform voters about the election process and preparations.

The Commission had to pay for its use of radio just like any other organisation throughout the election period. No political party, individual or group received free air time to advertise election material on SIBC.

SIBC reported extensively on the campaign and preparations for the elections on its news and current affairs programs on a daily basis. In the lead-up to polling day and counting of votes, SIBC reporters were sent to various provinces to report on the conduct of polling and the results of counting. They sent regular daily reports which kept listeners throughout the nation up to date on the progress of the polls and the counting of votes and the eventual declaration of results.

Paoa FM, a radio station which targets youth, also provided "user pays" air time for election advertising, though few candidates or parties made use of this facility.

CHAPTER FIVE

THE CAMPAIGN

CAMPAIGN PERIOD AND RESTRICTIONS

There is no official campaign period determined by the Electoral Commission. Campaign restrictions generally relate to campaigning in close proximity to polling stations on the day of the election and to stipulations about campaign expenditures.

Campaign materials, with the exception of materials worn by candidates themselves, are not allowed within 50 yards of a polling station. Campaigning in the form of speeches are not allowed within 200 yards. This includes radio broadcasts. While it is legally allowable for campaigning to be done on air on election day, the Solomon Islands Broadcasting Corporation (SIBC) informed the COG that they had taken a policy decision not to allow such broadcasts.

CAMPAIGN METHODS

Campaigns were peaceful throughout, with only a few skirmishes between supporters in a handful of constituencies. Campaigns tended to be constituency and single-candidate focused. There were few nation-wide party-based activities.

Various methods of campaigning were used by parties and individual candidates. The most widely-used method of campaigning seemed to be the traditional village-to-village visits conducted by candidates, supplemented by truckloads of singing and chanting supporters driving around the constituency. Many candidates had their own campaign songs and often decorated the streets with physical replicas of their official candidate symbols. For example, a candidate with a coconut for a symbol would line the sides of the street with coconut shells while a truckload of supports simultaneously chanted songs about coconuts. Public rallies and debates occurred in a few constituencies including East Honiara on Guadalcanal and Auki on Malaita.

The Liberal Party most visibly used print media while the Social Credit Party used radio spots significantly more than others. A representative of the Association of Independent Members indicated to the COG that word-of-mouth campaigning was more effective for them than media campaigning. Despite the fact that radio is the only truly nationwide media in the Solomon Islands, the amount of airtime used for campaigning varied significantly. Candidates must purchase time for radio spots since the Government-owned SIBC operates on a "user-pays" basis. This obviously disadvantaged candidates with limited financial support. Although SIBC treats press releases by parties and candidates as current affairs and will incorporate them into its news broadcasts, there are no provisions for equitable access to the state media for all candidates.

Parties informed us that they had manifestos but did not circulate them widely. This was possibly due to the cost of printing. In some cases members of the public would have to buy the manifesto if they wished to have a copy.

A common campaigning practice was the funding of transportation for voters by candidates themselves. This is significant in a country where distances are long and transportation expensive.

Many of the individuals and groups with whom we met claimed that many candidates engaged in vote-buying both through cash payments and the dispensing of material largesse such as dishes, cooking pots and water tanks. The National Council of Women indicated that they had been encouraging women candidates to steer away from such activities and urged women voters to vote for the candidate of their choice regardless of gifts they may have received.

The point was also repeatedly made to us that women candidates had far less access to campaign resources than men and that some had had to withdraw for the race due to lack of funds. It was also claimed that in many rural constituencies, women had to have the endorsement of their male relatives before they could stand as candidates. Some women candidates reported receiving threats while campaigning.

CHAPTER SIX

THE POLL, COUNT AND RESULTS PROCESS

The poll, count and results process started with polling day on Wednesday 5 April 2006 and concluded with the final declaration of the results on 12 April 2006.

On polling day each of our teams was present in selected polling stations in a number of constituencies to witness the opening of the polls. They then visited as many others as possible during the day, observed voting, the closing procedure, the count and the rest of the process, through to the declaration of the results. We visited 74 polling stations across 11 constituencies. The polling stations visited were a representative range – large and small, urban and rural.

THE POLL

Each polling station had three authorised officials to conduct the poll: a Presiding Officer and two polling assistants. Other persons authorised to be present in the polling stations included two polling agents per candidate and accredited domestic and international observers.

The majority of the polling stations visited were totally staffed by male officials. Only three polling stations visited had a woman as a presiding officer. There were some women polling assistants and polling agents but they were in a severe minority.

Required documentation to be posted at the polling station included:
- Poster indicating it was a polling station
- Poster of sample ballot paper (Annex IX)
- Poster of How to Vote (in Pijin) (Annex X)
- Register of electors (Sample Annex XI)
- List of election offences and penalties (Annex XII)

OPENING

The Law stipulates that polling begins at 7am on the day of voting. All polling stations we observed opened on time. Some polling stations had polling agents present at opening and others did not.

At the opening, the duty of the Presiding Officers was to demonstrate to agents and observers that the ballot box is empty before sealing the key hole.

All official staff were present. The polling agents were very vigilant and many were present throughout the day watching all aspects of the process closely.

The empty ballot box was shown to the polling agents. Our observations showed that not all ballot boxes were sealed as specified in the procedure before the start

of voting. However all ballot boxes had keys and as far as we could ascertain were locked. We were however concerned that unsealed ballot boxes could be vulnerable to tampering.

All the materials were available to the Presiding Officers in a timely and organised manner. The Presiding Officer for each polling station had received the ballot papers the night before the election and kept the papers under various modes for 'safe keeping'. On the day of polling, all relevant material were posted outside the polling stations.

POLLING STATIONS

All polling stations visited were either government facilities, schools, churches or community halls.

The layout of the polling stations we observed were mostly adequate and conducive to the flow of voters and ensured secrecy of the voting whilst allowing agents and observers an appropriate view of the proceedings.   There was one outstanding exception that must be noted.   At one rural polling station, voters were made to vote in a separate building from the desk of the Presiding Officer. This separate building was dark so voters had to cast their ballots by using a flashlight to see the ballot paper. If voters could not see the ballot paper properly, a polling assistant, who was in charge of watching the ballot box, assisted the voters. To ensure that the polling assistant did not interfere with votes, a police officer observed the polling officer assisting the voters. At times, voters were not sure if they were to enter the dark room to vote and tried to find a separate area with light to vote. This caused the police officer or polling agents to chase the voter and guide them to the dark polling booth. The result of this poor layout was that two unauthorised persons were made privy to voters' choices and security was needed to ensure that voters did not leave the area with blank ballot papers. It should also be noted that there was enough light and enough room for voting to take place in the building which housed the desk of the Presiding Officer. The COG recognises that a few other polling stations did not have adequate lighting available either.

We noted in certain areas that polling stations were far apart requiring voters to travel or walk very long distances to access the stations. Also quite a number of polling stations were not easily accessible, especially to older persons with any sort of disability because they had to climb very high steps. Some stations were located in confined spaces making secrecy of the votes uncertain. In many polling stations, either there was no space for polling agents or accredited observers. In those cases polling agents were left outside observing from the ground and so easily mixing with the people in the queue waiting to cast their votes. Queues were orderly.

VOTING

The law stipulates[3] that on arrival each voter has his/her left small finger checked for ink. The voter's name is located and crossed off on the register of electors and the cuticle of the voter's left little finger is painted with indelible ink. The Presiding Officer then issues a ballot paper after validating it with his signature and writing the voter's registration number on the counterfoil. The voter is asked to mark in secret the ballot paper in a secluded voting booth and vote for a candidate of his/her choice before placing the folded ballot paper into the ballot box.

The practice of writing the voter's registration number on the counterfoil of the ballot was puzzling. It does not appear to provide additional useful information to the Electoral Commission since all ballot papers already have serial numbers and voters' names are checked off a list at the time of voting. It does not inspire the confidence of voters that their vote is secret when they see their registration number being noted down on the counterfoil. Given that the same serial number appears both on the counterfoil and on the ballot paper itself, there is potentially a means of tracing which candidate a voter has selected.

The information on the voters register consisted of a voting number and a name. Voters did not have to demonstrate their identity in any way. The lack of information provided on the voters register meant that was no measure to ensure that personation could be prevented.

On and before polling day, many voters complained that they did not know where their polling station was to be located. It is good electoral practice for wards and polling station locations to be determined before voter registration commences. Voters must be informed where they would vote during any election.

A number of voters did not find their name on the list of electors when they arrived at the polling station. There were consistent widespread reports and complaints of persons who claimed to have registered but could not find their names in the register of their village at their designated polling stations. There were other reports that voter registration officials did not visit their villages. These omissions led to some eligible voters not being able to exercise this constitutional right to participate in this democratic process.

Discussions with some of these voters revealed that when their names had not been included on the Provisional list, they had applied on the official form (form C) at the appropriate period for their name to be included in the final list. Other voters claimed to have voted in previous elections but that their names had disappeared from the updated list. This claim was curious given the COG's understanding that the voters list had merely been updated during the last registration exercise to include new registrants and that none of the existing names had been removed.

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[3] Election Manual: A Guide for Electoral Managers and Returning Officers, Electoral Commission and Civil Registration Officer, Department of Home Affairs, Solomon Islands Government, Honiara

Other than voter education posters in Pijin on how to vote, all documents relating to voting were in English. The teams therefore had doubts regarding some voters' understanding of the documents posted at the polling station as well as of the ballot paper given levels of illiteracy and the dominance of Pijin and local dialects, particularly in rural areas.

The indelibility of the ink used to mark voters' fingers was questioned by many. Some teams observed that the ink quickly rubbed of the fingernail, leaving only a small mark on the cuticle. There were also a incidents witnessed where the application of the ink by the polling assistants was clumsy and did not necessarily follow proper procedure and did not stain the cuticle.

Women and youth turned out in large numbers to cast their vote and interviews with members of both groups indicated they were looking forward to voting and those who had voted were satisfied with the process even though it was the first time of marking the ballot paper.

It was clear that the majority had been exposed to voter education and many had been taught how to vote by either "Winds of Change" or through the civic education programme of SIEC.

The number of voters who needed assistance to cast their vote were low and consisted mainly of the illiterate, the elderly and those less able. Some presiding officers explained that other reasons for seeking assistance in voting included poor layout and design of the ballot paper, and visual impairment. The physically impaired or the very elderly were often not able to make it to polling stations located in areas difficult to access and were thus prevented from voting.

The new single ballot box system seemed to have been well explained by Presiding Officers and understood by voters. One observer however, related an incident which took place in one of the urban constituencies. Inside of most polling booths a poster of a sample ballot paper was on display in order to remind voters how to vote. The observer witnessed that some voters had put their mark on the display poster and presumably then deposited their unmarked ballot paper in the box. This could have been caused by a misunderstanding in the change from the old system where ballot papers did not have to be marked.

CLOSURE

Procedures stipulate[4] that the Presiding Officer closes the polling station at 5.00pm irrespective of whether there remain voters in the queue waiting to vote. The Presiding Officer announces the impending closure of the station five minutes before 5.00pm. His duties are to seal the ballot box in the presence of polling agents and any accredited observers present, complete the Ballot Paper Account Forms and pack them into relevant envelopes and then await arrangements for

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[4] ibid

transportation to the assigned counting centre. The counting of the votes does not take place at the polling station.

The teams observed that no eligible voters were in the queue at close of poll. However, the COG is of the view that the rigidity of the cut-off time has the potential to disenfranchise voters and is not common practice within the Commonwealth. If voters remain in the queue at 5pm they should be allowed to cast their vote. It is the joining of the queue after that time which should be prohibited.

In stations we visited, the Presiding Officers, witnessed by polling agents and observers, followed all procedures in relation to closing down the polling station. We observed that some Presiding Officers were unsure as to the timing of the collection of the ballot box and relevant material by the Returning Officer.

The voter turnout across the country ranged from 52% to 75%

THE COUNT

Counting centres were set up in central locations and each dealt with a number of constituencies. All ballot boxes were collected by the Returning Officers and Assistant Returning Officers for each constituency and stored overnight at a Police Station in proximity to the respective counting centre.

The count procedure stipulates[5] that all ballot boxes for each constituency must be available at the counting centre prior to the commencement of the count. Boxes should be opened in corresponding sequence to the number order of the polling station.

Returning Officers are responsible for organising the logistics and administrative procedures of the count; ensuring that the counting centre is large enough; that authorised persons are present including counting agents; ensuring that communication facilities (telephone/radio) are within reach of the counting centre. Returning Officers should ensure that the procedures stipulated in the elections manual are adhered to. They are responsible for the determination of valid votes and ensuring an accurate ballot paper count and verification and reconciliation of ballot account figures. The Returning Officers are responsible for the announcement of the result for the constituency. The Returning Officers and the Election Managers are responsible for the safe custody of election materials in the Provincial Headquarters for six months after the election.

Due to the transport challenges in the Solomon Islands, the retrieval of all the ballot boxes continued until the following day and in some cases over several days. In most counting centres the count commenced on the morning of Thursday 6 April 2006.

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[5] Ibid p 26-27

We were generally satisfied with the organisation of the counting centres as there was adequate space for the count. Authorised officials, counting agents, media representatives, domestic and international observers were present. All individuals permitted to remain in counting centres were required to wear identity badges. We observed that in some counting centres, counting agents did not wear identity badges, nor did Presiding Officers who assisted with the count. It should be noted that unauthorised persons were allowed to enter counting centres in some constituencies. Of the counting centres observed, the Returning Officers and the majority of the count officials were male. We observed two centres that had a woman as a count official.

An assigned media centre was physically located next to the counting centre and journalists were free to observe and report on the progress of the count.

Not all candidates were represented by counting agents during the counting process. In one counting centre observed, five of the thirteen candidates did not have representation. None of the candidates appeared at the count, however, the counting agents were extremely vigilant in their role.

Apart from the Returning Officer, the number of count officials appeared to depend on the number of candidates in the constituency. For example, one constituency with two candidates had six officials as opposed to another with nine officials for thirteen candidates.

At some counting centres teams observed inadequate facilities such as inadequate table top space for the ballot papers to be counted and lack of proper lighting and ventilation.

We observed that the Returning Officers did not uniformly follow the stipulated procedures[6] in the opening of the ballot boxes and the verification and count of ballot papers. For example, the ballot boxes were not always opened in the correct sequence and some Returning Officers did not announce the number and name of the respective polling station. We also observed two counting centres in one building that were using different count procedures, neither of which followed the count procedures set out in the manual.

Some Returning Officers appeared unfamiliar with the count procedure and had to be advised by other count officials. Other Returning Officers appeared confident and competent. Irrespective of the methodology followed in the count, we observed a transparent process.

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[6] ibid

We observed that there were low numbers of tendered votes,[7] spoilt ballot papers,[8] and informal votes. Informal votes are those rejected at the count on the basis of the voter not having marked the ballot paper appropriately. In this election, the informal votes witnessed were mostly based on the mark not being in the allocated box although the voter's intention was clear. In fact, it seemed that most informal votes had a mark on the symbol of the candidate. As mentioned in Chapter III, the law is very precise on the definition of a valid vote, however, it is our view that once the intention of the voter is clear, the vote should be counted.

The Observers also witnessed some incidents where a ballot paper was rejected as it did not have the official mark from the Presiding Officer validating the ballot paper.

POLICE PRESENCE

In the lead up to the elections, there were regular meetings between the Royal Solomon Islands Police (RSIP), RAMSI and the Electoral Commission concerning security arrangements for the elections. The UN Coordinating Team for International Observers also attended these meetings.

At the briefing for all international observers organised by the UN Coordinating Team, we were advised that due to the limited numbers of officers in the RSIP and the difficulty with transport logistics, not all of the 810 Polling Stations would have a permanent police presence. We observed, however, that during the poll, the police, assisted by some RAMSI officers, made regular visits to most of the polling stations in each of the constituencies visited.

The voters welcomed their presence and we commend their work and patience to ensure that the poll was conducted in a peaceful and orderly manner. We also observed their presence at the close of poll to secure the ballot boxes and ensure their safe transfer to Police Stations for storage before the commencement of the count. During the count, the RSIP maintained a permanent presence at the various counting centres and their assistance in maintaining a peaceful environment lent credibility to the entire process and helped ensure its success. We also welcomed their advice and friendliness during our deployment in different parts of the country.

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[7] A tendered vote is done by a person already marked as having voted, ibid p40
[8] A spoilt ballot paper is one that has been incorrectly marked or otherwise altered so that it cannot be used as a ballot paper. ibid

CHAPTER SEVEN

CONCLUSIONS AND RECOMMENDATIONS

CONCLUSIONS

Overall Impressions

We congratulate the Electoral Commission and the people of the Solomon Islands on a peaceful and transparent election. This, the first election held since the extended period of tension experienced by the Solomon Islands, have been critical for the future stability and development of this country.

The Commonwealth Observer Group is of the opinion that the conduct of polling on election day and the subsequent counting process allowed the vast majority of electors to exercise their right to vote and that the results of the election reflect the free expression of the will of the people.

We were pleased with the functioning of the newly introduced single ballot box system and believe that it contributed significantly to the credibility of the process.

Electoral Framework

While we found no evidence of bias on the part of the Electoral Commission, we have made various recommendations which we believe would enhance the credibility, transparency and efficiency of the Commission's work. The establishment of a permanent and independent Electoral Commission is important. Building the capacity of the Commission and its staff and allowing the Commission to exercise control over its own budget can only build public confidence in a crucial institution of democracy and good governance.

A comprehensive review of electoral legislation, particularly with regard to provisions, or lack thereof, for absentee voting and registration provisions more suited to the geographic, logistic and socio-economic realities of the Solomon Islands, is badly needed.

Electoral Environment

Many issues emerged during our observation of the 2006 parliamentary elections. The political party system in the Solomon Islands is characterised by fluidity of alliances and a lack of formalised structures and regulatory frameworks. Many of our interlocutors believed that this situation is not conducive to the development of democracy and good governance. While the strength and formality of the political party system varies across the Commonwealth, a political culture which recognises clear legal frameworks and uniform regulatory procedures, promotes clear policy statements and holds elected representatives accountable is essential for democratic development in any country.

Domestic Observers

The COG was very impressed with the Domestic Observer Programme executed by the Commonwealth Secretariat with funding from the Australian and New Zealand Governments. International observers deployed in the field were impressed with their performance.

Civil Society and NGOs

There is a growing sector of civil society and NGOs working on various development issues. The COG recognises their collective role in civic and voter education, their campaign for cleaner elections and their support for women candidates.

RAMSI

The COG recognised the critical role which RAMSI played and continues to play in the restoration of peace and stability in the Solomon Islands.

Gender Balance

While the number of women candidates registered to contest the elections was significantly larger than in the past, it was extremely disappointing to see that not a single woman candidate was successful at the polls. We were also concerned at the low percentage of women selected as polling officials. A nation cannot truly develop if half its population does not actively participate in all levels of the machinery of government.

Level Playing Field and Equitable Access to the Media

While we understand that the Solomon Islands Broadcasting Corporation needs to raise revenue to sustain its operations, we recommend that consideration be given to offering political parties and candidates some free air time in order for them to tell voters about their policies during the elections.

Youth

Youth were active participants in the election in a variety of ways. Winds of Change was primarily run by young people and many of the domestic observers were university students and youth activists. In the media during the time period preceding the election, many vocal young people, primarily high school students, made individual pleas for the eradication of corruption in the political process. One young domestic observer told us that he had gladly forfeited his right to vote (having been deployed on election day to a constituency far from where he was registered) because he was proud of the role he was playing in the development of his country. Their efforts are to be applauded and youth in the Solomon Islands

should be supported in their efforts to increase civic awareness and participate meaningfully the affairs of their nation.

Clean Campaigns and the 'Second Election'

The election issues most frequently raised with the COG by those with whom we met was the need for a 'clean' election, free from vote buying and undue pressure or manipulation of voters and the need to elect credible and honest leaders. The people of the Solomon Islands must be free to choose their own leaders, but it must be an informed choice. Therefore, all initiatives which increase the transparency and accountability of elected officials should be encouraged and supported. Sections of civil society, including the media, have been raising awareness of these issues and should continue to do so.

In particular, there has been much discussion surrounding the process of the 'second election' and its vulnerability to abuse. The current electoral system stipulates that the Prime Minister is elected by secret ballot on the floor of Parliament by elected Members in a session presided over by the Governor-General and not open to either the media or the public. The result of the election is announced by the Governor-General after the Prime Minister has been elected.

The COG was frequently asked whether we would be observing this phase of the formation of government. The 'second election' is a constitutionally mandated process which takes place after the conclusions of the parliamentary elections which we were mandated to observe. However, given the high level of suspicion and distrust of the 'second election' process displayed by many Solomon Islanders, the COG is of the view that the system might usefully be reviewed. The election of the Prime Minister is an important part of the democratic process of free elections and it should be done transparently, witnessed by citizens and the media. Parliament is the highest law making institution of the nation and the manner in which it conducts its business should be open to citizens to observe.

RECOMMENDATIONS

The COG wishes to strongly recommend the following:

The Electoral Framework

- The establishment of a permanent, independent and adequately resourced Electoral Commission. Under such an arrangement, Commissioners must have security of tenure.

- A full boundary delimitation exercise before the next election in order to ensure a more equal representation to all communities in the National Legislature. We recommend that the Electoral Commission be involved in this exercise, possibly through the presence on the Boundaries Commission of a permanent and fully participative representative of the Electoral Commission.

- A fully comprehensive fresh registration exercise after boundary delimitation. The new voters' registration exercise may consider recording the age and sex of applicants and the issuance of voter identification cards to facilitate voter identification. It is imperative that in the execution of such an exercise, individuals register only themselves and in person.

- A review of all electoral regulations with a view to making them more appropriate to the Solomon Islands. In the view of the COG such revisions should include:

  o The amendment of the law to ensure that any ballot paper where the voter's intention is clear be counted as a valid vote.

  o Provisions for absentee voting should be considered to facilitate the enfranchisement of citizens who are performing election duties. This could also go a long way towards eliminating the current unlawful practice of double registration.

  o Given difficulties experienced by illiterate voters, the option of allowing the voter to make his/her intention clear through the use of thumbprint marking on the ballot paper should be considered. Consideration must also be given to allowing illiterate voters to bring a family member to assist them to cast there vote rather than relying on the assistance of the Presiding Officer.

  o The transparency of the progress of count results could be strengthened by providing a running tally of the results on a public board inside the counting centre.

  o That all election documents be printed in both English and Pijin.

  o Amendment of the law to make provisions for voters already in a queue to vote at 5pm be allowed to cast their vote.

  o Making the stipulated distances from the polling station for the prohibition of campaign materials, campaigning and candidates consistent.

  o Review of the training of electoral officials to identify possible improvements to ensure familiarity with election procedures and regulations.

  o In view of the low number of women we observed participating as election officials, the selection process for officials should be reviewed in order to ensure gender balance.

- The Electoral Commission should ensure that polling stations are easily accessible to the voters and that the exact location of polling stations be communicated to voters in a timely manner before election day.

- The first-past-the-post voting system often results in successful candidates winning their seats with a very small percentage of the vote. The Government of Solomon Islands may wish to consider alternative voting systems which will provide greater accountability of candidates to the electors and equitable representation of all communities.

Strengthening of Democracy and Good Governance

- There is the need to provide a legal framework for the formation and regulation of political parties and to foster a culture of party politics.

- The Electoral Commission should consider building stronger relations with political entities through regular consultations on all issues relating to the operation of elections including such aspects as design of ballot papers, nomination criteria, methodology of registration, etc. This would build confidence in the Electoral Commission and its work.

- In relation to campaign finance, we recommend that the obligation on candidates should be strengthened by amending the provision to provide for the submission of the statement of account of all expenses to be made to the Electoral Commission, and that the existing stipulations as to maximum expenditure and related penalties be reviewed. We further recommend that this obligation be strengthened by making it a punishable offence for failure to submit such a statement.

- The Media Association of the Solomon Islands is currently working on a Code of Practice and we recommend that the establishment and execution of such a code be supported. Organisations such as the Commonwealth Secretariat, the Commonwealth Broadcasting Association and the Commonwealth Press Union could be approached to provide support and assistance in this regard.

- Consideration should be given by the Government and the Electoral Commission to the establishment of mechanisms to ensure candidates equitable access to the media during election campaigns. Such mechanisms could include the provision of time slots on SIBC to candidates and parties free of charge.

- Parties, government and NGOs must explore and implement policies and mechanisms to ensure the full participation of women all levels of the machinery of government.

- We commend the work of the Electoral Commission and NGOs in relation to voter education. We would encourage the capacity of NGOs to be

strengthened so that voter and civic education can be extended to even the most remote areas.

- We strongly recommend that the Commonwealth Parliamentary Association be approached to provide training and support for parliamentarians. A post-elections training workshop would be particularly useful for both newly elected and returned MPs.

- We recommend that the Commonwealth Secretariat be responsive to requests for continued support to the development of a robust domestic observer capacity in the Solomon Islands.