

Report of the Commonwealth Observer Group

**SOLOMON ISLANDS NATIONAL
PARLIAMENTARY ELECTIONS**

4 August 2010



COMMONWEALTH SECRETARIAT

Solomon Islands National Parliamentary Elections 2010

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Finally, we thank the Commonwealth Secretary-General, Kamallesh Sharma, for giving us the opportunity to serve the Commonwealth in this way.

Chapter 1

Introduction

Invitation

The Commonwealth Secretary-General, Mr Kamalesh Sharma, constituted an Observer Group for the Solomon Islands National Parliamentary Elections of 4 August 2010 at the invitation of the Solomon Islands Ministry of Foreign Affairs and External Trade. The Group was led by Dr. Arthur Donahoe, Q.C., former Secretary-General of the Commonwealth Parliamentary Association, and comprised nine persons in total. The Group was supported by a staff team of four persons from the Commonwealth Secretariat. **Annex 1** contains a full list of members.

Terms of Reference

“The Group is to consider the various factors impinging on the credibility of the electoral process as a whole.

It will determine in its own judgement whether the elections have been conducted according to the standards for democratic elections to which the country has committed itself, with reference to national election-related legislation and relevant regional, Commonwealth and other international commitments.

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 Solomon Islands, the National Electoral Commission, political parties taking part in the elections and thereafter to all Commonwealth Governments.”

Activities

The Commonwealth Observer Group (hereafter referred to as ‘the Group’) was present in Solomon Islands from 28 July to 12 August 2010. During four days of briefing, the Group met with the Electoral Commission, Speaker of Parliament, political candidates and representatives of political parties, civil society groups, media, Commonwealth High Commissioners and other diplomats, international organisations, and domestic and international observer missions.

The Group's activities were coordinated with other observer missions under the auspices of the United Nations International Elections Observation Coordination Team (UN-IEOCT), and with a group of domestic observers. The Group was deployed in two-person teams from 2 to 6 August 2010 (see **Annex 2**). Members of the Group were partnered with international observers and visited six of the country's nine provinces: Central; Choiseul; Guadalcanal; Santa Isabel; Malaita; Western and the capital territory of Honiara (Honiara).

The teams met with domestic observers (where present), electoral authorities, security forces, local community leaders and voters in the Provinces in order to establish a comprehensive picture of the conduct of the process.

On the basis of the Group's preliminary findings and observations, the Chairperson issued an Interim Statement on 6 August 2010 (**Annex 4**). The Group's report was completed in Honiara and transmitted thereafter to the Commonwealth Secretary-General.

Chapter 2

Political Background

Solomon Islands approached the 2010 election in a state of relative calm and stability but in a political environment which remained somewhat fragile in the aftermath of the crises (known as ‘the tensions’) which beset the country between 1998 and 2003. The deployment of the Regional Assistance Mission to Solomon Islands (RAMSI) in 2003, at the request of the Solomon Islands Government, was highly successful in stemming the violent inter-ethnic conflict which threatened the country. It also restored law and order and the core functioning of governance institutions. Many of the underlying economic, political and social issues which prompted conflict in Solomon Islands, however, remain unresolved.

Party structure and traditions are relatively weak in Solomon Islands, with politics often characterised by fluid coalitions of parties and independents. Following the last national elections in April 2006, which were observed by the Commonwealth and other international groups, former Finance Minister Snyder Rini was elected Prime Minister by Parliament. Upon announcement of this outcome, rioting broke out and a large part of Chinatown in Honiara was destroyed before order was restored.

Eight days later Rini stood down as Prime Minister, having lost the support of the majority of Members of Parliament. A second Prime Ministerial election held in early May 2006 returned Manasseh Sogavare (leader at that time of the Social Credit Party and a former Prime Minister).

Prime Minister Sogavare was removed from office in December 2007 in a parliamentary vote of no confidence, precipitated by the defection in November of nine government ministers. The leader of the then recently established Coalition for National Unity and Rural Advancement (CNURA) and Education Minister in the Sogavare administration, Dr Derek Sikua, was subsequently elected Prime Minister.

The Sikua Government ushered in a period of relative political stability and retained office until the dissolution of Parliament on 24 April 2010. Under this government efforts were made towards national reconciliation and addressing underlying causes of conflict. A national Truth and Reconciliation Commission was established, but it appears to have struggled to capture public imagination and secure the active engagement and support of key groups across the country. A constitutional reform process, also initiated during this period, is ongoing, with controversy surrounding specific issues such as a proposal for a federal system of governance.

The lead-up to the 2010 National Parliamentary Elections was also characterised by rifts and shifting allegiances within the governing coalition.

Of particular note is the failure of the Government's attempts to enact new legislation seeking the registration of political parties and the strengthening of party discipline. The legislation would have limited parliamentarians from crossing the floor between parties and coalitions, as well as regulating the selection of the Prime Minister. The divisions created in the consideration of the Bill led to the dismissal of a number of cabinet ministers which resulted in the dissolution of the CNURA coalition.

In the immediate lead-up to the 2010 elections, political alliances continued to shift and a large number of new parties were registered by key political figures such as former Prime Minister Sogavare and the then Deputy Prime Minister Fred Fono, and others. This left the political landscape for 2010 wide open to a range of possible coalitions and outcomes, including instability.

While the pre-campaign period was largely peaceful, some concerns were expressed and allegations made about large amounts of money changing hands in the form of election-related bribery and vote-buying. Some harassment of candidates was also reported, though most commentators at the time expressed optimism for a peaceful poll.

It was noted, however, that there was concern that violence might erupt if a large number of sitting MPs was returned. This was attributed to widespread perceptions of large-scale political corruption, broad disillusionment among Solomon Islanders about the integrity and performance of their elected leaders and frustration over the continuing absence of economic development and opportunities for ordinary people. The Group comments later in this report on the apparent effect of many of these issues on the 2010 poll. The Group encountered enthusiasm for the election and for the rooting out of corruption.

Women's Participation

The 1999 census recorded that 48.33% of the population was female with a ratio of 107 males to 100 females. In rural areas, where 84% of the population live, women are the backbone of the semi-subsistence economy¹.

The majority of cultural groups in the Solomon Islands is traditionally patriarchal, though some groups are also 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. Some efforts have been made by government and civil society to address gender inequality. Assessments undertaken by Solomon Islands authorities and civil society groups indicate that women's role and position in society are subject to many constraints. Thus women are disadvantaged compared to their male counterparts.

¹ 2009 census data was not available at the time of writing.

Women are subject to violence and intimidation within the family and the wider community. A 2009 Solomon Islands Family Health and Safety Study revealed that 64% of women aged 15-49 had experienced physical or sexual violence, or both, from an intimate partner.

About 30% of public servants are women with six percent in managerial positions; only five of 25 Permanent Secretaries are women. Only one woman has entered Parliament in the post-colonial period. Six members of provincial assemblies are women. Twenty-five women contested the 2010 parliamentary elections, as compared to 26 in 2006. Under the umbrella 'WISDOM' programme, a number of women's groups, including the National Council of Women, launched a comprehensive capacity building initiative to support prospective women candidates in the lead-up to the 2010 poll.

The weaker position of women in relation to men in Solomon Islands was likely to have directly affected the behaviour of women as both prospective candidates and voters in the 2010 national parliamentary elections.

Young People

The Solomon Islands has a very young population, with a median age of 19.3. The 1999 census recorded that approximately 49% of the population were in the 0-19 age group.

Young people are defined in Solomon Islands as those individuals between the ages of 15 to 29. There are few employment opportunities and large numbers of young people migrate from rural to urban areas, only to join the already high number of unemployed (formal sector). The high rate of unemployment not only plagues the uneducated, but is a 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.

Young people have indicated that cultural norms and custom inhibit their freedom and ability to express views and opinions which might differ from their elders and those in authority.

Chapter 3

Electoral Framework and Election Administration

The Constitution, State Structure and Legal Framework

Electoral Legislation

The electoral framework of the Solomon Islands is based on provisions of the 1978 Constitution and the National Parliamentary Electoral Provisions Act (cap.87) as amended by the National Parliament Electoral Provisions (Amendment) Act 2010 (hereinafter the Elections Act). The Constitution provides for a National Parliament of Solomon Islands consisting of a single chamber with a four year term of office. The Constitution also establishes and defines the functions of the Electoral Commission and recognises not less than 30 and not more than 50 parliamentary constituencies, each of which elects one member on a first-past-the-post voting system.

Section 74 of the Constitution provides that there shall be a general election at such time within four months of every dissolution of Parliament as the Governor-General shall appoint by proclamation. The Elections Act provides, subject to the Constitution, that whenever a by-election or a general election becomes necessary the Governor-General shall, by notice or proclamation, appoint a date for the holding of the election not being earlier than 42 days after the publication of the notice or proclamation.

The Electoral System

The existing 50 parliamentary constituencies, demarcated by a Constituency Boundaries Commission, were approved by Parliament in 1978 and remain unchanged. Section 54(2) of the Constitution authorises the Boundaries Commission to review constituency boundaries not later than ten years after the last revision. Any revision is to be based on the principle that the number of inhabitants of each constituency be as nearly equal as is reasonably practical, provided that the Commission may depart from the foregoing principle to such extent as it considers expedient in order to take into account the distribution of the population, the means of communication and ethnic affiliations.

Constituency Boundaries

A boundaries review was mandated by Parliament in July 2009, and subsequently undertaken. The report of the Constituency Boundaries Commission recommended the creation of 17 new constituencies, but was rejected by Parliament when tabled just prior to dissolution in April 2010. Along with concerns about the rationale for, and implications of, such a

significant increase in the size of Parliament, MPs also expressed concern that the revised boundaries had not been based on the most recent (2009) census figures, which were not finalised in time.

Voter Eligibility and Registration

One of democracy's basic principles is that of "one person, one vote". Section 55 of the Constitution qualifies a person who is a citizen of the Solomon Islands and has attained the age of 18 years to be registered as a voter unless he or she is under a sentence of death; a sentence of imprisonment for a term of, or exceeding, six months; is certified insane or of unsound mind; or is disqualified because of having been convicted of any offence connected with elections.

The voter register used for the 2010 election was that produced under the provisions of the Local Government Act and originated in 1996.

Candidate Eligibility and Nomination

Section 48 of the Constitution provides that any person who is a citizen of the Solomon Islands and has attained the age of 21 years shall be qualified for election as a Member of Parliament.

Section 49 disqualifies any person who is under allegiance to a foreign power or state; holds any public office; is an undischarged bankrupt; is certified insane or of unsound mind; is under sentence of death or imprisonment for a term of, or exceeding, six months; or is disqualified from registration as an elector by virtue of offences connected with elections.

Three registered voters in a constituency are required to nominate a candidate in writing. The nomination of candidates closed on 9 July 2010. 509 candidates filed nominations. Seventeen political parties contested the elections.

Campaign Period and Restrictions

No specific provision is made for an official campaign period, though the Group was aware that candidates engaged in informal campaigning prior to the official proclamation of the election date.

The Elections Act sets out a number of campaign rules including, though not limited to, restriction of campaign expenditure to SI\$50,000; prohibition of bribery and exertion of undue influence; prohibition of wearing or displaying campaign materials within 50 yards of a polling station or making any supportive public address within 200 yards of polling stations; and prohibition of any 'person with customary authority or religious influence' to influence electors.

Complaints and Appeals Process

Section 52 of the Constitution gives non-appealable jurisdiction to the High Court to hear and determine whether any person has been validly elected as a Member of Parliament or has vacated his seat therein.

Section 83 of the Elections Act provides for the presentation of a petition complaining of an undue return or undue election of a member (an election petition) by a voter or candidate within one month of the date of publication of the election result. Election petitions are heard in open court and full inspection of ballots and election documents is provided for. The court determines whether the election of the member was valid, whether a different candidate should be declared elected or whether the election should be declared void.

Election Administration

Section 57 of the Constitution stipulates that the Electoral Commission comprises the Speaker of the National Parliament as Chairperson and two other members appointed by the Governor General, acting in accordance with the advice of the Judicial and Legal Service Commission. The members are appointed for a period specified in the instrument of appointment. Section 57 (3)(a) states that the two appointed members shall vacate office at the expiration of the period specified in the instrument of appointment.

The Chairperson of the Commission is the Speaker of Parliament, who is elected by each incoming House; thus the Chairperson serves a four year term in office (the life of Parliament). Consequently, the Commission is instituted at the beginning of a particular Parliament to oversee the election of the subsequent Parliament. The Commission therefore is not a permanent entity and members of the Commission lack security of tenure.

Under the oversight of the Commission, a Secretariat headed by a Chief Electoral Officer (CEO) manages the operational aspects of elections. The Secretariat has general responsibility for, and supervises the registration of electors, as well as the conduct of elections for members of parliament. As the human and financial resources of the Secretariat between general elections are limited (with only the CEO and four permanent staff), the Group understood that its activities are curtailed considerably until an election is, or is about to be, called. We noted further that the Commission's activities and budget were focused primarily on managing the nine by-elections held since the 2006 general election.

The Commission's budget is drawn from the Consolidated Fund and the release of funds for the Commission's programmes is controlled by the Ministry of Home Affairs. This financial arrangement impinges on the independence and operations of the Electoral Commission.

Election Calendar

The Governor-General was required to announce the date of the National Parliamentary Elections, which had to be held within four months of the date of dissolution of parliament on 24 April. Upon the advice of the Prime Minister, a poll date of 4 August 2010 was set. One hundred and nine days were provided for the entirety of the registration process, concluding on 23 June 2010. Under the electoral laws in force at the time, the removal of any names from the voter register could only be undertaken if a formal claim or objection was lodged by a citizen with the Electoral Commission.

The timeline for the electoral process for the 2010 poll was as follows:

- 62 days for initial voter registration
- 14 days for production by the Electoral Commission of the provisional updated voter register
- 10 days for public review of the provisional updated voter register and for claims and objections to be submitted to the Electoral Commission
- 10 days for production of the revised provisional voter register
- 10 days for public scrutiny and hearings for the public to lodge in person further claims and objections to the relevant Registration Officer.

Women's Participation

Seventeen political parties were registered at the time of the 2010 poll²; a total of 509 party and independent candidates contested, 25 of whom were women. Only one woman has ever been elected to Parliament since independence and there were no female MPs in the outgoing Parliament. The outgoing Minister of Women, Youth and Children's Affairs had proposed the creation of ten temporary new parliamentary seats reserved for women candidates in an attempt to remedy the dismal record of women's representation in Solomon Islands parliament. It was reported that these measures were rejected by the government's own caucus before consideration by either Cabinet or parliament.

KEY ISSUES

Electoral Preparations – Constraints on the SIEC

The SIEC is small, with only four permanent staff, and the CEO has been in post for only one year. Like some small island states, the government departments and institutions in Solomon Islands face a number of human and

² People's Alliance Party (PAP); Association of Independent Members (AIM); Solomons National Alliance Party (SNAP); The Christian Alliance Solomon Islands (CASI); Lafari Party; Solomon Islands Social Credit Party (Socred); National Party; Solomon First Party; Democratic Party; Labour Party; Liberal Party; United Party; Ownership, Unity and Responsibility Party (OUR Party); Malaita Maasina Forum; People's Federation Party; Alliance: People's Power Action Party; and the Autonomous Solomon Islanders Party

financial resource constraints. The Electoral Commission is no exception. The Group understood that the Commission was supported with some external RAMSI advisors for a multi-year institutional capacity building programme.

Most persons or groups with whom the Group met indicated their confidence in the neutrality and commitment of the SIEC, although several expressed concern about the capacity and preparedness of the Commission to conduct the elections. Such concerns generally appeared to be based on problems experienced in past elections.

It was suggested to the Group by some interlocutors that the ability of the Electoral Commission to undertake preparations for the 2010 poll was constrained by the high number of by-elections it has had to conduct since 2006 and a high turnover of senior staff. It was also suggested that this situation was exacerbated by the piecemeal and slow disbursement of funds. As a result, the voter registration was reported to have started late and thus could not be implemented in a manner which could adequately address the flaws contained in the existing register in time for the 2010 poll. Furthermore, the continued piecemeal disbursement of funds was reported to have limited the Commission's ability to initiate other electoral preparations in a timely manner.

An Electoral Commission with full control of its budget would ensure that funds were available when required to initiate electoral preparations. Such independence would help to enhance the real and perceived integrity of the Commission and the electoral management process; it could also ensure greater uniformity in election administration for all elections. The Commission would benefit greatly from having adequate staffing to be able to function effectively and manage election preparations and related matters in a timely manner.

Voter Registration

A credible voter register is essential in providing for a transparent, accountable and credible election in which citizens can have confidence. We were made aware of numerous concerns related to the accuracy and validity of the voter register. Unfortunately, this is similar to the experience of Commonwealth Observer Groups in both 2001 and 2006. We were disappointed at the failure to make progress on this issue since the 2006 poll, despite the fact that Commonwealth and other observer groups highlighted the need for significant changes required in the voter registration process. This should now be done as a matter of urgency.

The constraints placed on the Commission to purge multiple and deceased entries from the register means that each new Commission inherits voter registration data over which it has no control. The basic list being used originated in 1996. As with previous registration exercises undertaken prior to the 2001 and 2006 elections, the 2009/2010 registration process appears largely to have added names rather than updated accurately the number and location of registered voters.

The Group received reports from a range of persons and groups that an unknown but substantial number of voters was registered multiple times across various locations. We were told that the names of a high number of deceased persons were retained on the register. The resulting register appeared to be vastly inflated - some 448,189 voters in 2010 of a total estimated population of 595, 613³ as compared to 342,119 of a total population of 470,681 in 2006. The Group noted thus that in 2010, 75.2% of the population was registered as eligible voters even though government figures show that approximately 49% of the population is under the eligible voting age of 18 years. The register did not enjoy the confidence of anyone with whom the Group spoke.

It is acknowledged that internal migration is a national feature that can compromise the accuracy of old electoral rolls. In discussion with the Group, however, a wide range of stakeholders made serious and persistent allegations that in addition to such migration, there had been a deliberate inflation of the list by candidates in several constituencies through the organisation of multiple registration by voters. This often occurred in constituencies in which these voters were not 'ordinarily resident'. It was also suggested by some that enumerators in specific areas registered only those voters who would be likely to support a particular candidate in a specific location.

The Group also noted that a number of persons and groups had further indicated that enumerators sent by the SIEC to undertake the update to the register had failed to visit many locations, resulting in a number of voters being left off the list. It was also highlighted that some voters had been registered on the provisional voter register but that after failing to confirm their registration during the time allotted for public scrutiny of the register, they discovered they were not on the final register used during polling day and were therefore not allowed to vote.

Women's groups also reported that women were disproportionately affected by errors in and names missing from the register as they had insufficient time and resources, compared to their male counterparts, to seek out in which polling station they had been registered – if at all.

While the Group was not able to verify such allegations, if true, they raise serious questions about the conduct of some candidates and voters and further undermine the credibility of both the register and the electoral process in affected areas.

The Group noted that an area of contention in the registration process is the interpretation of what constitutes the 'ordinary residence' of the voter. A decision of the High Court on 2 August 2010 defined this status as denoting

³ Source: IFES Data for Solomon Islands. <http://www.electionguide.org/election.php?ID=1485>

“a considerable degree of permanence, stay and continuity in a particular place; a sense of belonging or connection, linkage to land, community, tribe or location where one resides...including a person’s place of residence...business, work or place of origin....where he would call home without giving it a second thought, his settled abode and always returns to after work, for rest, refreshment and recreation.”

The decision went on to say that

“it is a place where there is a sense of belonging, where the family institution is centred or congregates...the place where he is known in the community as a member or a neighbour”.

The judgement specified that a person is not eligible to register as a voter in a constituency in which he is not ordinarily resident. The court’s decision may assist the Electoral Commission in preparing a new voter register for future elections. The claimant had originally requested that a new register be published for his constituency purged of names of those alleged not to be ordinarily resident there. As the claimant withdrew this request the decision did not affect the register used for the 2010 poll. The court noted in passing that pursuing this claim would have been impractical, given the hardship and prejudice this would have caused in the light of the imminence of the 4 August poll.

The vexed issue of voter registration and the accuracy of the voter register, as noted earlier, had been identified by the SIEC as requiring substantial remedial attention. The SIEC had presented a number of amendments to electoral legislation that would have empowered the Commission to initiate a completely new registration process, and enabled it to purge the names of multiple and deceased entrants from the register in a timely fashion for the 2009/10 voter registration process.

Parliament failed to consider and pass these amendments in a timely fashion, resulting in the 2009/2010 voter registration process being conducted under existing laws. Had the amendment relating to the voter registration process been enacted prior to its commencement, the SIEC might have been in a position to produce a new register that enjoyed greater acceptance. It is essential that absolute priority be given to producing a completely new register of voters before the next election.

We noted that the amended Election Act does currently empower the SIEC to conduct a fresh registration process to build a new register, and provides authority for the Commission to more effectively remove errors on the register. Furthermore, the Group noted that the voter register contains only minimal information and voters are not required to produce evidence of their identity when voting.

Voter Education

The Group welcomed the extensive programme of voter education organised by the SIEC and civil society groups. Political candidates, representatives of other civil society groups, voters and officials with whom the Group spoke commented positively on the range and outreach of voter education materials and initiatives. The Group noted the high number of notices and information presented in newspapers, on the radio and in public display materials in the run up to polling day.

The use of innovative measures such as theatre performances as part of this programme was also noted. The effectiveness of these efforts was manifested by the relatively small number of invalid ballots cast on polling day, and the conduct of the majority of voters at polling stations across the country – including some remote areas which have a low literacy rate.

Given the particular challenges faced by women in Solomon Islands as commented upon above, the Group welcomed the extensive work undertaken collectively by women's groups to raise gender concerns and promote greater participation by women as candidates and voters.

Chapter 4

The Campaign

Media Coverage of the Campaign

In general, the media is independent and enjoys the freedom to cover the campaign and the election. Solomon Islands' most influential media format is radio, with the government-owned Solomon Islands Broadcasting Corporation (SIBC) transmitting to most parts of the country via FM and short-wave, and a number of other stations with more limited local coverage. In 2007, Solomon Islands launched its first local television station, which is privately owned and broadcasts at selected times in Honiara. There are four national newspapers although, given literacy and transport limitations, these also have less reach than radio.

The Group also noted that media representatives had come together under the auspices of the Media Association of Solomon Islands and commenced planning for election coverage and related capacity issues two years prior to the 2010 poll. Activities included an examination of the skills and resources needed to ensure good coverage of the election and provision of training young journalists. The Group commended various innovations made by the media, including working for the first time in a coordinated manner so as to maximise coverage. Journalists overcame enormous logistical challenges by providing live broadcasts of polling day events.

The media played a key and positive role in voter awareness and education. Programmes broadcast on national radio were particularly effective and many voters in remote and rural areas confirmed to several observers on polling day that it was the major source of such information. Advice on how to vote and notices urging voters to ensure they find out where to vote were also carried across the major newspapers. In addition, the introduction of media forums presented important new opportunities to question political candidates in front of a large audience through TV, radio and print.

The media provided comprehensive and responsible coverage during the campaign and on polling day. Newspapers ran balanced editorials daily on sensitive issues, such as allegations of corruption and vote-buying, and carried detailed interviews with prominent candidates. In discussion with the Group, representatives of the media indicated that they were free to cover all aspects of the election. The Group noted that the media continue to work on the development of a general code of conduct as a voluntary charter to balance their rights and responsibilities in a free and democratic society.

The Group noted that the Code has yet to be finalised, and reiterates the recommendation of the 2006 Observer Group that organisations such as the

Commonwealth Broadcasting Association and Commonwealth Press Union could be of assistance. The Commonwealth Journalists Association and the Pacific Island News Association might also be helpful in this regard.

The Group noted that there are no laws requiring allocation of free airtime to candidates or political parties and candidates' access to media – including the SIBC – is therefore only possible through paid advertising. The election was widely considered to be a collection of 50 elections focused on, and contested at, the constituency - not national - level. As the issues of interest to voters tended to be very local, it was suggested that broad media campaigns were of limited use and candidates' resources were better spent on direct meetings and activities within their constituencies.

The Campaign

Members of the Group noted that the nature of campaigning in Solomon Islands was different from that in many other Commonwealth countries. Interlocutors and candidates with whom the Group spoke indicated that campaigning in the Solomon Islands revolved mainly around small gatherings and discussions involving the candidate within the constituency and community. The provision of refreshments and gifts in such situations was noted and this is an issue on which the Group comments below. The Group did however witness a few large-scale convoys and gatherings of supporters of particular candidates in Honiara, elsewhere in Guadalcanal and Malaita in the days immediately prior to polling day.

Campaign Financing

The Group understands that the issue of campaign funding of candidates in Solomon Islands has always been fraught. Contrary to usual practice in the Pacific, Solomon Islands has legislated campaign spending limits (of SBD50,000 per candidate) and election offences for breaching them, though the Group understands that these are poorly enforced.

We noted that some groups within Solomon Islands questioned the adequacy of the current campaign expenditure limit. While the threshold of campaign funding may require further assessment, and even revision, the need to ensure greater accountability and enforcement of financial reporting requirements and declaration of funds remains a key issue. The Group reiterates the recommendations of previous observer groups which highlighted the need to address this issue.

The Group was also made aware that sitting parliamentarians benefit from donor-provided Rural Constituency Development Funds which are intended for development projects at the constituency level. The media and other reports alleged that donor funding of several million Solomon Islands dollars was distributed to sitting MPs on the day prior to Parliament's dissolution. Many with whom we spoke openly questioned how these funds were actually being used; the widely held perception was that these funds were used to influence voters through direct cash payments or gifts.

The Group notes that no accountability is currently sought for the actual expenditure of these funds; the lack of transparency and accountability in the use of such funds inevitably leads to suspicion about their disbursement and use so close to an election. All groups and persons with whom the Group met spoke explicitly about handouts of money and gifts by political parties and candidates to influence voters.

In discussion with members of the Group, some candidates and representatives of political parties openly stated that the giving of gifts and money took place at election time. Interlocutors spoke of the phenomenon of 'Devil's Night', the eve of polling day, during which gifts and money are given by candidates to voters in a bid to secure their votes. Furthermore, it was suggested by many that some religious and traditional leaders often openly gave direction to, or sought to influence, voters. They further suggested that gift-giving was expected by voters and was considered normal in Solomon Islands cultural norms and customs.

The Group is conscious that hospitality and provision of gifts and refreshments to friends and associates is a part of Solomon Islands culture. Solomon Islanders with whom the Group spoke, however, stated that the level and nature of gift giving (in goods and cash) by candidates to voters went far beyond usual cultural norms and should be viewed as deliberate attempts to influence voter behaviour. The use of gifts to buy votes is contrary to the letter and spirit of Solomon Islands electoral laws and international democratic standards.

It was suggested by some interlocutors that the giving of gifts and money had more relevance to voters as a direct contribution by a candidate, than consideration of national policy issues. It was further suggested that the ability to provide gifts and money prior to an election was given greater weight in the selection of parliamentarians, than their qualifications or ability to engage in national policy formation.

Participation of Women

As noted in chapter two, the relatively disempowered position of women in Solomon Islands society is a matter of concern. Only one woman has been elected to Parliament since independence. The prevalence of domestic violence across the country is disturbingly high. The lack of progress in women's participation in political and decision making processes is stark. The Group noted with disappointment that fewer women contested in 2010 than in the 2006 poll, and that none was successful.

Women's groups in Solomon Islands have reported extensively on the challenges faced by women who consider standing for public office, including lack of access to family and community support, to resources and campaign funding, and social norms and customs which discourage women's participation in leadership positions. A number of interlocutors stated that many women were given explicit instructions by their husbands or other family

members on how they cast their ballot. It was suggested that even though the secrecy of the ballot was provided for under electoral legislation, many women believed that others would know how they voted. This is an issue touched upon further in chapter 5.

In light of such constraints, the Group welcomed the support provided by women's groups to female candidates through the 'WISDOM' coalition. The Group commended the programme's focus on building the capacity of these candidates as well as awareness raising programmes conducted at the community level with men and women to promote women's greater participation in leadership positions.

The Group noted with disappointment the failure by political leaders to seriously consider potential remedial measures which may have helped to assist women achieve greater participation in political processes, including the temporary reservation of seats for women in Parliament. The Group reiterates the recommendation of the 2006 Commonwealth Observer Group that parties, government and NGOs must explore and implement policies and mechanisms to ensure the full participation of women at all levels of the machinery of government. The Group also recommends a re-examination within Parliament and wider public discussion on the feasibility and efficacy of temporary special measures such as reserved parliamentary seats for women.

Participation of Young People

In Solomon Islands 'youth' is defined as persons between the ages of 15 and 29. According to electoral legislation, a person who has attained the age of 18 is eligible to be registered as a voter. The Group observed significant numbers of young people both engaging in the campaign and casting their ballots with enthusiasm. Large numbers of young people were seen, for example, in vehicle convoys and gatherings during campaigning in Honiara, Guadalcanal and Malaita.

The Group was also advised that many of the journalists covering the elections were young and, though inexperienced, had benefited from training and showed enthusiasm in covering the elections. The Group also welcomes the dedication shown by young people who acted as domestic observers under the Development Services Exchange (DSE)-led coalition of civil society groups. Their presence and participation in the electoral process helped to enhance the accountability and transparency of the 2010 poll.

We hope that this will translate into even greater participation by young people in future elections.

Chapter 5

The Vote and Count

The Process

In accordance with the Constitution of Solomon Islands and the National Parliament Electoral Provisions Act [cap 87], as amended by the National Parliament Electoral Provisions Amendment Act 2010 (the Elections Act), on 4 August 2010 National Parliamentary Elections were held in 49 constituencies, located in nine provinces and Honiara. The election in a 50th constituency, Malaita Outer Islands⁴, was postponed until 9 August 2010, as bad weather prevented ballot materials from being delivered to polling stations.

Eight hundred and seventy seven polling stations were established, each under the authority of a Presiding Officer, plus two polling assistants. The Elections Act also stipulated the nomination procedure for Members of Parliament. In February 2010, a report of the Constituency Boundaries Commission recommended the creation of 17 additional constituencies, though following its subsequent tabling in Parliament in March 2010, it was not enacted.

In the period leading up to polling day, ballot materials were distributed throughout Solomon Islands, in some instances with substantial logistical challenges. Bad weather had a significant impact on the ability of the Electoral Commission to transport materials to polling stations located in remote coastal areas.

Polling staff were required to perform their duties in accordance with relevant election laws, and as prescribed in a Code of Conduct as well as a Presiding Officer and Polling Assistant Manual.

A police presence was established in most polling stations, with remaining stations covered on a roving basis. Candidates were allowed to have two polling agents in each polling station of the constituency which they were contesting, though the regulations specified only one agent during the count. It was noted that they were present in all polling stations visited by the Group.

Voting hours were from 0700 to 1700 hours. Prior to the commencement of voting, the empty ballot box had to be shown to polling agents and assembled

⁴ The Returning Officer, polling officials, police and ballot materials bound for Ontong Java were stranded in Honiara when the boat due to transport them broke down. A replacement vessel large enough to withstand the rough seas and bad weather could not be secured by the SIEC in time for polling day.

observers and thereafter sealed with plastic security seals. Boxes were then to be placed in such a position that they could be easily seen by polling staff, polling agents and observers present.

According to the law⁵ and guidelines in the Presiding Officer and Polling Assistant Manual, the method of voting was prescribed as follows:

- a. A voter would arrive at a polling station and present him or herself to a polling assistant
- b. The polling assistant would check the identity of the voter against the register
- c. If satisfied that a voter's name was on the register, the polling assistant would then:
 - i. call out the voter register number, name and village of the voter;
 - ii. place a mark next to the number of the voter in the register;
 - iii. check the left little finger for ink and mark it with indelible ink
 - iv. The voter would then be issued with a ballot paper, which would be endorsed with an official mark⁶;
 - v. A record of the voter's number on the ballot counterfoil would be made, after which the ballot paper would be torn from the counterfoil before giving it to the voter. The voter would then proceed to a voting screen to cast his/her ballot, before placing it in the ballot box.

Blind, illiterate or incapacitated voters were allowed to call upon the Presiding Officer for assistance.

Polls closed at 1700 hours. Votes were deemed valid prior to the close if a voter had already cast his/her ballot by 1700 hours. Any voter in a queue who had not cast his/her ballot by 1700 hours would not be allowed to vote.

A significant, and commendable, amendment made by the National Parliament Electoral Provisions Amendment Act 2010⁷, allowed for a ballot paper to be counted where the voter's intention was clear.

At the close of polls, Presiding Officers were to seal the ballot box with masking tape, with a piece of paper sealed over the slot. Ballot Paper Account forms were then to be completed before all materials were to be transported to the provincial capital for the count.

⁵ National Parliament Electoral Provisions Act [cap 87], Section 38

⁶ In practice, the Presiding Officer would issue the ballot paper to a voter after marking it with an official mark and recording the voter's number on the ballot counterfoil

⁷ the National Parliament Electoral Provisions Amendment Act 2010, section 19, amending s50(1) of the Principal Act

The count was to be conducted by Returning Officers for constituencies in the provincial capitals and a small number of sub-locations.

Assessment of the Vote and Count

Prior to polling day, the delivery of materials had, in the most part, been timely. On polling day, the Group was present in six of the ten provinces in the country and Honiara, in partnership with other regional and international observers, under the auspices of the UN IEOCT. A total of 113 polling stations in 13 constituencies of six provinces and Honiara and 11 counting centres⁸ were visited by the Group.

Overall, the election was conducted in a peaceful atmosphere, with voters waiting patiently to cast their ballot. Voters were free to exercise their democratic right, with voting in the polling stations generally well-administered and the processing of voters carried out in accordance with prescribed procedures. In the vast majority of stations the process was carefully and properly managed, though we noted that there were inconsistencies in electoral procedures across many polling stations.

Though most officials showed the benefits of the training they had received, some made mistakes, such as failing to remove the counterfoil from the ballot before handing it to the voter. In some instances the Presiding Officer failed to endorse the ballot paper with the official mark. Daily media reports highlighted incidents of irregularities or abuse. These errors did not appear to have a significant impact on the overall process or outcomes. The inconsistencies in electoral procedures observed could be addressed through additional training. The Group noted that many election officials were unable to vote as they were on duty on polling day in locations away from their area of registration.

As required by the guidelines, on polling day all election materials were on display, including posters showing how to vote, a list of contesting candidates, a list of voters on the register for that particular polling station and a list of voting offences and penalties. We noted, however, that there was a need to improve signage indicating the location of polling stations.

The timely delivery of all materials to the majority of polling stations enabled a punctual opening in the vast majority of cases. However, there were problems in some constituencies where bad weather caused a delay in the opening of the polls. We observed that there was a low voter turnout in several constituencies, with good participation in others.

We observed some instances where double-voting and personation occurred, as well as some reports of tender ballots being used. The Group observed that these persons were not allowed to vote. Other consequences are

⁸ The provinces in which elections were observed were: Central, Choiseul, Guadalcanal, Isabel, Malaita, Western and Honiara.

prescribed by electoral law but the Group is unaware if such penalties were applied. We do note, however, media reports of one person being arrested for an attempt at multiple voting.

There were also cases where the process of voting was slowed down due to the time it took to find the correct names of voters, especially where multiple occurrences of the same name were on the register. The lack of voter identification exacerbated the problem, as proper voter identification would have served not only to speed up the process, but crucially to help bolster the credibility of the process. An additional complicating factor was that voter registers in several constituencies appeared to contain names of persons who did not ordinarily reside there. A fresh voters' register would have greatly assisted polling staff in undertaking the task of identifying voters.

We noted and commended, however, the diligence displayed by many polling staff when calling out the names of voters to enable polling agents and observers to hear.

The presence of candidates' agents at the polling stations and counting centres was welcomed; their presence, often in considerable numbers, helped provide transparency and accountability. The Group met a number of domestic observers at polling stations across the country, particularly during the count.

Though we were informed that police were not present in every polling station, due to the limited numbers of officers in the Royal Solomon Islands Police Force (RSIPF) and challenges posed by transport logistics, the Group did observe many polling stations with a police presence. The Group was cognisant that arrangements were made to ensure a permanent police presence in large polling stations and those where there was the potential for security challenges. Police officers covered remaining polling stations with mobile patrols.

Voters were able to express their will freely, though physical arrangements in some polling stations created opportunities for breaches in the secrecy of the ballot. The positioning of voting screens in many instances allowed polling officials, polling agents and observers to see a voter casting his/her ballot. The Group observed in three polling stations that there were no voting screens.

We laud the careful and respectful assistance given to elderly, disabled and frail voters, though noted in many instances that they experienced difficulties in accessing polling stations.

We received reports that many women were given explicit instructions by their husbands or other family members on how they cast their ballot. It was also suggested that many women believed that others would know how they voted. We also observed the practice of recording the voter's number on the counterfoil of the ballot paper, and this procedure would not have served to inspire confidence of voters that their vote would remain secret. We were

concerned that, potentially, a voter's choice of candidate on the ballot could be traced. This issue could be addressed by the use of a standardised voting screen and appropriate layout of polling stations.

A high turnout of young people was observed by the Group in polling stations, though some concern was raised regarding the number of voters whose appearance suggested they may have been under age. We learned, for example, that ten young people were asked to produce their birth certificates in one polling station in Honiara in order to prove their eligibility. Only three returned with certificates which allowed them to cast their vote.

Solomon Islands has a young population, and the Group noted the election of Mr Silas Tausinga in West New Georgia, who at the age of 26 is the youngest person to be elected to Parliament in Solomon Islands, as a positive example of the participation of young people in political life.

Most polling stations closed on time, though discontent was expressed by those voters not able to cast their ballot by then. For a number of reasons, some polling stations closed late, including the lines of voters who were unable to cast their ballots by the close of polls at 1700 hours. We noted that in some cases Presiding Officers did not follow stipulated guidelines, to announce five minutes prior to 1700 hours that the polls would be closing.

Following the 2006 elections, the SIEC had sought an amendment to the rule that polling stations close at 1700 hours, to allow voters in the queue at that time to cast their ballot, but this was not passed. In the interest of ensuring the maximum franchise, the Group recommends that the SIEC continues to pursue the enactment of this amendment.

In some cases, there were delays in the commencement of counting, often due to poor or inadequate lighting, or the late arrival of ballot boxes due to transportation difficulties. The location of many polling stations in remote coastal areas in some instances meant that ballot boxes could only be transported by boat in daylight the following morning to provincial capitals for the count. We noted that, once begun, the count proceeded thoroughly but at a glacial pace, especially on the first day of the count.

We observed that Returning Officers and counting assistants were meticulous in their conduct of the count so as to ensure transparency. We also noted, however, that in some cases inconsistencies in the count procedure meant that some Returning Officers were more transparent than others, showing polling agents and observers the vote cast on each ballot paper during the sorting process. In other cases, ballot papers were sorted by Returning Officers and counting assistants without this degree of transparency. The Group noted that Returning Officers provided candidate agents with a matrix on which to record the progressive tally of results. The process could be given further clarity and transparency by providing a running tally of the results on a public board inside the counting centre.

We commend an excellent initiative in some provinces, where an extra counting centre was opened to speed up the process. In any election, the speedy finalisation of the results process can serve to inspire greater confidence in the overall management of the electoral process.

We noted some other problems that emerged on polling day. In one province (Western), we observed with concern that a domestic observer was denied access by polling staff to observe the count. Also, we noted reports of property damage in a number of areas, in particular during the count. Some of these incidents are noted below.

The Group had some additional observations on the conduct of polling day in the provinces and Honiara:

Honiara

- Low turnout observed in East Honiara constituency, reportedly due to voters having registered concurrently in their provinces of origin and returning there to vote.
- No polling agents seen at some polling stations for the opening.
- There were 17 counting agents representing 12 candidates at the count in East Honiara constituency.
- West Honiara was the focus of much attention due to allegations of voters being falsely registered and expectations that many would be bussed in from elsewhere to vote for a particular candidate. These concerns were part of the motivation behind a case brought to the High Court that sought clarification of the term 'ordinarily resident' which defines eligibility to vote.
- On polling day we observed substantial numbers of electors being transported to polling stations to vote.
- The procedure for counting the first eight boxes in West Honiara was challenged by a candidate's agent. At the completion of the count the Returning Officer, acting on advice from the Attorney General through the Electoral Commission, refused the demand for a recount of these boxes as the margin of the winning candidate was so large that any change would not affect the final result. Unfortunately, this Officer was attacked subsequent to the declaration of the result, allegedly by supporters of a losing candidate.

Central

- Voter education appeared to be widespread and effective even in remote villages.
- Individuals were observed in two polling stations apparently assisting voters to find their names on the register posted outside the polling station and indicating for whom they should vote.
- A few persons who were not able to vote as their names were not on the register were seen to return to the polling station using a different name, and were allowed to cast a ballot.

Choiseul

- At the count, two count centres were established initially, with a third added later to speed up the process, as ballot boxes from one constituency (South Choiseul) arrived very late due to their transportation over a long distance by boat.

Guadalcanal

- One polling official proposed that all presiding officers should in future elections be provided with the voters' register for that constituency so that they could direct voters to the correct station, should their names not be found on the register.
- One Presiding Officer made a specific request to candidates' agents present that they remain in the station overnight with him to help secure the ballot boxes prior to the count.
- At the close of poll in one polling station, polling assistants did not sign the record of ballot box security seals.

Isabel

- During the count observers were discouraged from noting results as the count process unfolded.

Malaita

- In one polling station voters arrived with slips of paper containing their voter register number, which speeded up the rate at which they were processed through the voting procedure.
- In one busy polling station in North Malaita, a polling assistant failed to mark some voters with the indelible ink and, in some cases, marked the incorrect finger.

Western

- One polling station observed was so small that polling officials were surrounded by voters; many voters at midday were waiting in the hot sun with no opportunities for shelter.
- At one polling station the Presiding Officer provided extensive explanation of the voting procedure to each voter, thereby extending the processing time and resulting in long queues.
- Domestic observers were not allowed to observe the counting process.

Chapter 6

Conclusions and Recommendations

Conclusions

We congratulate the Electoral Commission and the people of the Solomon Islands on what was, overall, a peaceful and transparent election. The election met key democratic benchmarks, providing for freedom of association, expression, assembly and movement, as well as equal and universal suffrage and the right to vote. Voters exercised their democratic right freely with voting in the polling stations generally well administered, though some inconsistency in electoral procedures was noticed across stations and provinces.

Throughout the electoral process, numerous concerns and controversy surrounded the accuracy of the voter register. One of democracy's basic principles is that of "one person, one vote". Allegations were made that a substantial number of voters was registered multiple times across various locations. It was further suggested that in some cases this was organised by candidates. Much of this concern was centred on the West Honiara constituency.

Such allegations raise serious questions about the conduct of some candidates and voters and undermine the credibility of both the register and the electoral process in affected areas. The constraints placed upon the Electoral Commission to remove such multiple entries (and names of deceased persons) resulted in a register that did not enjoy the confidence of anyone to whom we spoke.

The Group reiterates in the strongest possible terms the recommendation made by previous observer groups that a totally new register be developed. It is hoped that the definition provided by the High Court in a decision of 2 August 2010 of what constitutes the 'ordinary residence' of the voter will assist the Electoral Commission in preparing the next register.

The election was also marked by controversy due to the alleged misuse of money to influence voting. All groups and persons with whom the Group met spoke explicitly about the distribution of money and gifts by political parties and candidates to influence voter behaviour. The use of gifts to buy votes is contrary to the letter and spirit of Solomon Islands electoral laws and international democratic standards.

The Group commends the diligence and hard work of the Electoral Commission, which sought to carry out its duties in the face of many and serious challenges. The technical capacity and regulatory authority of the

SIEC should be strengthened through further amendment of the electoral laws and regulations to ensure it has predictable, timely and adequate human and financial resources to carry out its duties.

The Group commends the role played by the media in voter awareness and its reporting of the elections. The many innovations the media introduced such as coordination in its coverage of the polls and presentation of media forums was noted in particular.

The Group noted that the delivery of materials to most polling stations observed had been timely, enabling a punctual opening of a vast majority of them. On polling day, observers noted that the secrecy of the ballot was maintained for the most part, though the layout of many polling stations did provide opportunities for this to be compromised. The Group noted also that the electoral framework currently requires the registration number of the voter to be recorded on the counter-foil of the ballot. This practice gives rise to widespread suspicion and fear, especially among women.

Though voters were offered a choice between candidates, few women candidates contested the 2010 poll and none were successful. The low level of participation by women in political and electoral processes is of concern and the Group urges the Solomon Islands authorities to examine how best to encourage and support women to enter public life.

Observers noted that the vast majority of polling stations closed on time at 1700 hours. A number of voters were disenfranchised when turned away from stations even when they had been in the queue before the close of the poll. It was noted that this was often a result of polling stations not being able to process waiting voters quickly and efficiently.

The Group noted that there was a wide variance in the number of voters registered at different polling stations; it noted further that a proposed amendment to the electoral law to allow voters in the queue at the close of polls to vote was rejected. The allocation of voters to polling stations should be revisited and the issue of allowing those in the queue at the close of polling to vote be re-examined in order to maximise voters' opportunities to exercise their democratic right to vote.

The presence of candidates' agents at most polling stations and counting centres, as well as domestic observers at 147 polling stations and in all counting centres, helped bolster transparency in the process. Many observers noted, however, that not all Returning Officers and their assistants showed the ballot to those present prior to counting; doing so would have helped to enhance the transparency of the process further.

The commencement of counting was often delayed as ballot boxes were not delivered to centres in a timely fashion, often due to poor weather conditions. The Group noted that, once begun, it proceeded meticulously but at a glacial pace on the first day.

We noted the incidence of violence and damage in the vicinity of counting centres during the counting period. The Group commends the speedy and effective handling of these situations by the Royal Solomon Islands Police Force. Though isolated, any disturbances are matters of concern. It is hoped that all candidates and their supporters remain calm during the election of the Prime Minister, mindful of the unrest that occurred around this process in 2006. International election observers will be present for this second election.

Every election should build on the last. The Group welcomed those areas in which progress was made since the 2006 poll, including the additional support given to women candidates as well as the change which allowed the counting of ballots where the intention of the voter was clear. We also note, however, that many proposed amendments to the electoral law and recommendations of previous observer groups were not implemented.

Recommendations

The Group urges the relevant authorities to consider positively the recommendations presented below, many of which reiterate those made by previous observer groups. Implementation of these recommendations would strengthen democratic and electoral practice in Solomon Islands and help ensure greater confidence of citizens in the process.

Electoral Framework

The Electoral Commission should enjoy full independence and adequate resources.

The Group considers it absolutely essential that through a fresh registration process a new voter register be produced, which should include greater information regarding voters. Voter cards should also be introduced as evidence of eligibility to vote. Such measures would help considerably to bolster the credibility of the process. We acknowledge that some efforts had been made to address this issue and urge those involved to pursue this as a matter of urgency.

Reconsideration of boundary delimitations as required by the Constitution, as appropriate, and with the full participation of the Electoral Commission. This would ensure a more equal representation to all communities in the National Legislature.

A review of all electoral regulations with particular focus on:

- establishing the optimum number of adequately staffed polling stations within each constituency to ensure that ample opportunity is provided for all voters registered at stations to cast their ballot within the prescribed hours of voting
- establishing an appropriate mechanism to allow citizens who are performing essential duties on polling day away from their area of registration to vote

- allowing illiterate and disabled voters to bring a person of their choice to assist them to cast their vote rather than relying solely on the assistance of the Presiding Officer
- ending the practice of marking the registration number of the voter on the counter-foil of the ballot would help allay widespread suspicions and fear that secrecy of the ballot could be compromised
- providing a standardised voting screen would help to enhance the secrecy of the ballot
- providing that voters already in a queue to vote at 1700 hours be allowed to cast their vote
- strengthening the transparency of the progress of the count by providing a running tally of the results on a public board inside the counting centre

Electoral Administration

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

Provision of additional training for election officials to ensure greater consistency and adherence in the application of all electoral procedures in polling stations and counting centres.

Strengthening of Democracy and Good Governance

The need remains for a legal framework for the formation and regulation of political parties to foster a culture of party politics, as appropriate to the Solomon Islands. It is suggested that the new government and Parliament reconsider the Political Parties Integrity Bill, amended as necessary to address the specific requirements of the country.

In relation to campaign finance, we recommend that financial accountability, supervision and enforcement requirements be further strengthened. Vigilance should be exercised at every stage of the campaign. We urge candidates to comply with campaign finance reporting and expenditure rules.

Regarding women's participation, the Solomon Islands authorities should explore with women's groups a range of mechanisms for supporting women in public and political life. Such mechanisms could include a re-examination within Parliament and wider public discussion on the feasibility and efficacy of temporary special measures such as reserved parliamentary seats for women.

The Media Association of the Solomon Islands should continue to work on a Code of Practice and capacity building programmes for journalists. Organisations such as the Commonwealth Broadcasting Association, Commonwealth Journalists Association, Commonwealth Press Union and

Pacific Island News Association might be in a position to provide further support and assistance in this regard.

Consideration be given by the Government and the Electoral Commission to the establishment of mechanisms to ensure that candidates receive equitable access to the media during election campaigns, as appropriate and feasible.

We commend the work of the Electoral Commission and NGOs in relation to voter education. We would encourage further capacity building of NGOs so that voter and civic education can be extended to even the most remote areas.

We recommend that the Commonwealth Parliamentary Association be approached to provide further training and support for new and returning Parliamentarians, including through a post-election seminar and longer-term capacity building programmes.

The increased presence of domestic observers at the 2010 poll compared to those present at the 2006 poll is particularly welcomed; it is important that local voices are heard in observing and commenting on local electoral processes. It is recommended that further support be given to civil society to strengthen its capacity to conduct such observation at future polls.

We encourage the Commonwealth Secretariat to provide assistance to the Solomon Islands to implement these recommendations, as appropriate.

We are aware that the election of the Prime Minister will take place after the departure of the main Commonwealth Observer Group. We welcome the presence of a smaller group of international election observers which remains for this process, in the interests of continued transparency.

We note that many of the recommendations presented in our report require the consideration of, and implementation by, Parliament. We encourage the Speaker of Parliament to consider a wider discussion and consideration of its contents among parliamentarians within the House.

Annex 1

Composition of the Group

Dr Arthur Donahoe, QC, LL.D (Canada) - Chair

Arthur Donahoe holds a Bachelor of Commerce degree from Saint Mary's University and a Bachelor of Law degree from Dalhousie University Law School. He is a Barrister of the Supreme Court of Nova Scotia, Canada and was elected four times to the Nova Scotia House of Assembly representing a constituency in his home city of Halifax from 1978 to 1992. He served as Speaker of the Nova Scotia House from 1981 to 1991.

In 1992 following a Commonwealth-wide selection process, he became Secretary-General of the Commonwealth Parliamentary Association based in London, and served as CEO of the organization until the end of 2001. He has visited 48 of the 54 Commonwealth countries, many of them on numerous occasions.

Dr Donahoe is retired and resides in Halifax where he remains active in several educational, business and charitable organisations. In 2003 he chaired the Commonwealth Expert Group to the parliamentary elections in Antigua and Barbuda. In September 2007 he was a member of an Expert Team which assessed Parliamentary Processes in Uganda and presented an extensive report making recommendations for changes in the way the Parliament operates.

In May 2008, St Mary's University awarded him an Honorary Doctorate of Laws in recognition of the contribution he has made promoting democracy and democratic processes throughout the world.

Ambassador James E.K. Aggrey-Orleans (Ghana)

Ambassador James Aggrey-Orleans was a former High Commissioner for Ghana to the United Kingdom and Northern Ireland with concurrent accreditation as Ambassador to the Republic of Ireland. He has had extensive experience in the diplomatic service of his country and has also served as Clerk to Parliament and Senior Political Adviser to the United Nations Peacekeeping Operations in Côte d'Ivoire (UNOCI). Although he is now retired, Ambassador Aggrey-Orleans keeps active as a consultant doing induction training courses for the Ghana Ministry of Foreign Affairs, the Parliament of Ghana and the Kofi Annan International Peacekeeping Training Centre. At present, he is a senior consultant to the newly established 'think tank' and development research organisation: African Centre for Economic Transformation (ACET) based in Accra.

Ms Andie Fong Toy (New Zealand)

Ms Fong Toy is the former Director of the Political and Security Programme at the Pacific Islands Forum Secretariat. Prior to that, she was the International Legal Adviser at the Secretariat. As Director, she provided support to the Secretary-General in his Good Offices role under the Pacific Islands Forum Biketawa Declaration and advice on political and security developments in Forum member countries. Ms Fong Toy has also worked as the Legal Adviser for the Association of the University Staff of New Zealand. She is a graduate of Victoria University, Wellington, New Zealand (LLB) and is admitted to the High Court of New Zealand and the Fiji Bar. Ms Fong Toy is about to complete post-graduate studies.

Mr Ahmed Fayaz Hassan (Maldives)

Mr Ahmed Fayaz Hassan currently holds the position of Vice Chairman of the Elections Commission of Maldives. Before his appointment he was the Minister of State for Health and Family. A teacher by profession, Mr Hassan was a Headmaster for seven years. He also held key positions in both the public and private sectors prior to his current appointment.

Hon. Taomati Iuta (Kiribati)

Hon. Taomati Iuta is currently the Speaker of the Kiribati Parliament. A teacher by training, he left the profession to join the Government Service, holding various administrative positions. In 1978 he contested a seat in the parliamentary elections and was elected a Member of Parliament until he left in 2002 due to an injury. During his 25 years as a Member of Parliament, Mr Iuta has held several ministerial portfolios, including Vice-President and Minister of Finance and Economic Development.

Eng. Dr Badru Kiggundu (Uganda)

Dr Badru Kiggundu is currently in his second term as Chairperson of the Uganda Electoral Commission; each term runs for seven years. He has participated in election observation missions for the Commonwealth, the African Union and those sponsored directly by his Commission in numerous African countries. Dr Kiggundu was educated in the United States and obtained his MSc. at the Carnegie-Mellon University in Pittsburgh and his BSc. and PhD at the University of New Mexico in Civil Engineering. For ten years he conducted research and taught in the United States before returning to Uganda. At Makerere University he reached the rank of Associate Professor and Dean of the Faculty of Technology.

Mr Chronox Manek (Papua New Guinea)

Mr Chronox Manek is the Chief Ombudsman for Papua New Guinea. After surviving an assassination attempt last year, Mr Manek has become a popular public figure in Papua New Guinea and is seen as a courageous and determined campaigner against corruption. He was formerly the Public

Prosecutor as well as the Public Solicitor. He holds a Law Degree from the University of Papua New Guinea, as well as a Masters in Law from Melbourne University. He was awarded the Order of Logolu which is awarded to citizens of Papua New Guinea in recognition of service, achievement and merit in the highest degree. Mr Manek is a Director of the International Ombudsman Institute, Vice Chair of the Pacific Ombudsman Alliance and Director of the International Anti-Corruption Agencies Association.

Ms Rita Payne (India)

Ms Rita Payne is a freelance journalist, media adviser and Chair of the Commonwealth Journalists' Association, United Kingdom Branch. She moderated key dialogues at the United Nations World Urban Forum in Rio de Janeiro in 2010 and in Nanjing in 2009. She retired from the BBC in 2008 after 30 years of service, her last position being Asia Editor for the BBC Television World News. Before moving to television she was a news editor, producer and presenter at BBC World Service Radio. Ms Payne was nominated for the BBC Global Reith Awards 2009 and Asian Women of Achievement Awards in 2006.

Ms Shahreen S. Tilottoma (Bangladesh)

Ms Shahreen Tilottoma is a Regional Youth Caucus Representative in Bangladesh for the Commonwealth Youth Programme, Asia Centre. She has been working as a Commonwealth Ambassador since 2008 and has been actively involved with national level youth development activities. She is the President of the Commonwealth Youth Network Bangladesh and is a member of the Convener Committee of the Implementation Body of the National Youth Policy. With an interest in human rights, she is a member of the National Level Human Rights Organisation. Ms Tilottoma is currently completing her Masters degree in Law at the Southeast University in Dhaka.

Annex 2

Deployment Plan

Constituencies Observed in Deployment

CENTRAL PROVINCE

Tulaghi, Ngella

Ms Sabhita Raju

Mr Tutii Chilton⁹

CHOISEUL PROVINCE

North West Choiseul

Mr Linford Andrews

Mr Hidehiro Hosaka¹⁰

GUADALCANAL

North East Guadalcanal & North Guadalcanal

Hon. Taomati Iuta

Mr Scots Kroger¹¹

East Central Guadalcanal

Mr Chronox Manek

Mr Hoon Moon¹²

West Guadalcanal

Ms Andie Fong Toy

Mr Chris Campanovo¹³

⁹ Palauan Member of the Asia Pacific Democracy Partnership delegation

¹⁰ Member of the Japanese delegation

¹¹ Member of the Asia Pacific Democracy Partnership

¹² South Korean Member of the Asia Pacific Democracy Partnership delegation

¹³ Member of the United States of America delegation

HONIARA

Floating Observers (West / Central / East Honiara)

Dr Arthur Donahoe
Dr Purna Sen

Central Honiara

Ms Charlene Lee Ling
Hon Nicky Wagner, MP¹⁴

East Honiara

Dr Badru Kiggundu
Mr Michael Clancy¹⁵

SANTA ISABEL PROVINCE

Maringe / Kokota

Ms Shahreen Tilottoma
Mr Jon Fraenkel¹⁶

MALAITA PROVINCE

North Malaita

Ms Rita Payne
Mr Andrew Johnson¹⁷

West Kwaio

Ambassador James Aggrey-Orleans
Mr Gerrard Uitterhagen¹⁸

WESTERN PROVINCE

Marovo

Mr Ahmed Fayaz Hassan
Mr Bob Longland¹⁹

¹⁴ Member of the New Zealand delegation

¹⁵ Member of the Australian delegation and Asia Pacific Democracy Partnership delegation

¹⁶ Member of the Australian delegation

¹⁷ Member of the Australian delegation

¹⁸ Member of the Belgium Embassy delegation (based in Canberra)

¹⁹ Member of the Australian delegation

Annex 3



COMMONWEALTH OBSERVER GROUP

Solomon Islands National Parliamentary Elections, 4 August 2010

ARRIVAL STATEMENT BY DR ARTHUR DONAHOE QC CHAIRPERSON, COMMONWEALTH OBSERVER GROUP

The Commonwealth Secretary-General, Mr Kamallesh Sharma, has constituted an Observer Group for the 2010 Solomon Islands National Parliamentary Elections, following an invitation from the Ministry of Foreign Affairs and External Trade.

It is our honour and privilege to have been asked to participate in this Commonwealth Observer Group; it is an important event in the consolidation of peace and democracy in Solomon Islands.

Democracy and good governance are core Commonwealth principles and ones which our Observer Group has been constituted to promote, and to which Solomon Islands has committed itself. In order to fulfil this commitment, it is imperative that the electoral process is transparent, fair and ultimately reflects the wishes of the people.

The Commonwealth Observer Group's task is to observe and report on relevant aspects of the organisation and conduct of the elections, and in so doing will consider all the factors impinging on the credibility of the electoral process as a whole. The Group will assess whether the elections have been conducted according to the standards for democratic elections to which Solomon Islands has committed itself, with reference to its own election-related legislation as well as relevant regional, Commonwealth and other international commitments.

Among other things, we will consider whether the conditions exist for free and competitive elections; the transparency of the process; participation rights; the impartiality of state apparatus and public media; whether voters enjoyed universal suffrage and the right to vote; whether candidates were free to campaign on a level playing field; if voters were able to express their will free of intimidation and undue influence; and if their will was respected.

In conducting our duties and undertaking our assessment, we will be neutral, impartial, objective and independent. Commonwealth Observers are present here in their individual capacities as eminent Commonwealth citizens. The assessment by the Group will be its own and not that of member governments. In concluding our assessment, we hope to identify positive aspects of the process, and where challenges may be faced, offer

constructive recommendations which could help strengthen further the democratic process in the country.

Our Observers come from across the Commonwealth, and includes former politicians, members of election commissions, a scholar and representatives of youth and the media.

In the pre-election period we will meet with officials from the Solomon Islands Electoral Commission (SIEC), representatives of political parties and candidates, civil society and media, as well as High Commissions and representatives of other international and domestic observer groups. We will also attend briefings organised by the UN International Election Observer Coordination Team this weekend. We acknowledge, with thanks, the role and assistance of the Coordination Team in arranging logistics and deployment to ensure maximum coverage by our Group.

Prior to election day, Commonwealth observers will deploy to six of the nine provinces around the country and in Honiara to observe the voting, counting and results processes. Our Group will co-ordinate closely with other international and domestic observer groups before, during and after the poll.

We will issue an Interim Statement after the election but we are aware that the results process is likely to take some time; our Interim Statement will therefore be a preliminary one which comments on the process up to that point.

The conduct of peaceful, transparent and credible elections is vital for Solomon Islands and we urge all concerned to meet their responsibilities in this regard. The Group wishes the people of Solomon Islands well and hope that these elections serve to strengthen further the democratic process in the country.

Honiara, 30 July 2010

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Annex 4



COMMONWEALTH OBSERVER GROUP

Solomon Islands National Parliamentary Elections, 4 August 2010

INTERIM STATEMENT BY DR. ARTHUR DONAHOE QC CHAIRPERSON, COMMONWEALTH OBSERVER GROUP Honiara, Friday 6 August 2010

Despite serious flaws in voter register, peaceful and orderly voting on election day

The Commonwealth was pleased to be invited by the Ministry of Foreign Affairs and External Trade to observe the elections. I am honoured to have been asked by the Secretary-General of the Commonwealth to lead its Observer Group.

The Commonwealth team has been present in the country since 28 July and has been warmly received. We have met with a range of stakeholders, including the Electoral Commission (EC), political parties and candidates, civil society, media, other observer groups and Commonwealth High Commissions as well as representatives of the international community. We have also met with and coordinated our observation closely with domestic observers to build up a comprehensive picture of the conduct of the process.

During the election period, Commonwealth observers reported from six of the ten provinces in the country and Honiara, and cooperated with other regional and international observers under the auspices of the United Nations International Election Observation Coordination Team. This is our Interim Statement, offering an overview of key findings to this point, as the counting process is continuing and the final results are yet to be declared.

Key Interim Findings

We commend the people of the Solomon Islands for conducting the 4 August National Parliamentary election in a peaceful atmosphere. Voters freely exercised their democratic right. Voting in the polling stations was generally well administered, though some inconsistency in electoral procedures was noticed across stations and provinces. The election, up to this point, has met key democratic benchmarks, providing for freedom of association, expression, assembly and movement, as well as equal and universal suffrage and the right to vote.

As we were about to release this statement, we heard a report of property damage to one counting station. Hopefully this will be an isolated incident.

Voter Register

Numerous concerns and controversy surround the quality of the voter register. One of democracy's basic principles is that of one person—one vote. We have received

reports from a range of persons and groups that an unknown but substantial number of voters is registered multiple times across various locations.

Ten days were allotted to a revision of the register through public scrutiny and the Electoral Commission was unable to purge multiple and deceased entries from the list. The basic list being used originated in 1996. These considerations resulted in a register that did not enjoy the confidence of anyone to whom we spoke. As with previous registration exercises undertaken prior to the 2001 and 2006 elections, the 2009/2010 registration process appears largely to have added names rather than accurately updating the number and location of registered voters.

It is acknowledged that internal migration is a national feature that can compromise the accuracy of old electoral rolls. In discussion with the Group, a wide range of stakeholders made serious and persistent allegations that there has been a deliberate inflation of the list by candidates. Thus the number of registered voters in several constituencies contains names of persons who do not ordinarily reside there. Such allegations raise serious questions about the conduct of some candidates and voters and undermine the credibility of both the register and the electoral process in affected areas.

We note that an area of contention in the registration process is the interpretation of what constitutes the 'ordinary residence' of the voter. A decision of the High Court on 2 August 2010 defined this status and declared that a person not ordinarily resident in the constituency in question is not eligible to be registered there. While the court's decision will assist the Electoral Commission in preparing a new voter register for future elections, its effect on the 2010 poll remains unclear.

It is essential that absolute priority be given to producing a completely new register of voters before the next election. Using voter cards to evidence eligibility to vote would help bolster the credibility of the process.

Media

Solomon Islands has a vibrant independent media which provided comprehensive and responsible coverage of the campaign and election day. Discussions with representatives of the media indicated that they were free to cover all aspects of the parliamentary election. The Group commends various innovations made by the media, including working in a coordinated manner so as to maximize coverage. The new media forums presented important opportunities to question political candidates in front of a large audience through TV, radio and in print.

The Legal Framework

Solomon Islands has not signed or ratified key international instruments, including the International Covenant on Civil and Political Rights. The constitution and election laws do, however, provide for basic freedoms and rights required for an election. These include the provision of freedoms of association, expression, assembly and movement. The right to participate as both voters and candidates is also provided for, though the fluidity of the political party system and the phenomenon of parliamentarians frequently jumping from one party and/or coalition to another (known as 'grasshopping'), does have a direct impact on the nature of politics.

The Group acknowledges the efforts made by the Electoral Commission to amend the electoral framework so as to address inadequacies in the legislation as well as to strengthen the relevant electoral laws and regulations. It was noted that there was late consideration by parliament of these proposals, with the final amendments being enacted only once the voter registration process was well under way under existing

electoral provisions. The Group also noted that a number of proposed amendments were not passed, including Temporary Special Measures reserving seats for women.

Electoral Administration

Comments on the voter register are presented above. The general preparations made by the Electoral Commission and its management of polling appeared satisfactory given the challenges faced. The slow disbursement of funds to the commission and its impact on commencing electoral preparations is noted. Most stations observed on election day had received the materials required although the Group also noted delays in the arrival of ballot boxes and other materials to some polling stations.

The Group was also impressed by the number and quality of voter awareness and education campaigns run by both the Electoral Commission and civil society groups. Despite these campaigns a few voters appeared not to be well informed of the process, with uncertainty shown about checking the register and what to do once in the polling station.

Election Campaign

The support provided by women's groups through 'WISDOM' to women candidates was particularly welcome.

Though generally calm and orderly, the pre-election period was marked by controversy due to the alleged use of money to influence voting. All groups and persons with whom the Group met spoke explicitly about the distribution of money and gifts by political parties and candidates to influence voter behaviour.

We are conscious that hospitality and provision of gifts and refreshments to friends and associates forms a part of Solomon Islands culture. Solomon Islanders with whom the Group spoke, however, stated that the level and nature of gift giving (in goods and cash) by candidates to voters went far beyond usual cultural norms and should be viewed as deliberate attempts to influence voter behaviour. The use of gifts to buy votes is contrary to the letter and spirit of Solomon Islands electoral laws and international democratic standards.

Voting and Counting

On election day, our Group reported that the delivery of materials had, in the most part, been timely, enabling a punctual opening in the vast majority of cases. We heard reports of apparently low voter turnout in several constituencies with good participation in others.

For the most part, polling stations were well organised and the processing of voters followed prescribed procedures. Overall, observers reported positively on the conduct of voting, commenting that in the vast majority of stations the process was carefully and properly managed.

Commonwealth observers reported that voters were able to express their will freely, though physical arrangements in some polling stations created opportunities for breaches in the secrecy of the ballot. Polling stations generally opened on time and were in large part well organized by the staff. Most officials showed the benefits of the training they had received though some made mistakes, such as failing to remove the counterfoil from the ballot before handing it to the voter.

Observers reported that most polling stations closed on time, though discontent was expressed by those voters not able to cast their ballot by then. Our observers praised the careful and respectful assistance given to elderly, disabled and frail voters.

The presence of candidate's agents at the polling stations and counting centres was welcomed; their presence helped provide transparency and accountability.

Delay surrounded the commencement of counting but we noted that, once begun, it proceeded thoroughly but at a glacial pace. We heard of an excellent initiative where an extra counting centre was opened to speed up the process.

The counting and tabulation process is on-going and a vital element of the process.

We will issue a final detailed report of conclusions and recommendations to the Commonwealth Secretary-General prior to our departure from the country on 12 August. The report will subsequently be shared with the government of the Solomon Islands, the public and other interested parties.

Honiara, 6 August 2010

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Annex 5



COMMONWEALTH OBSERVER GROUP

Solomon Islands National Parliamentary Elections, 4 August 2010

DEPARTURE STATEMENT BY DR ARTHUR DONAHOE QC CHAIRPERSON, COMMONWEALTH OBSERVER GROUP Honiara, 12 August 2010

In our Interim Statement issued on 6 August 2010, we conveyed our preliminary impressions of the election. On our return from deployment, we exchanged views with domestic and other international observers, met the Electoral Commission and other groups, and continued to follow the count process. In addition to our observations in the field, these exchanges of views have contributed to our final assessment and report, which has now been concluded.

Our report will now be presented to the Commonwealth Secretary-General, who will then convey it to the Government of Solomon Islands, the Speaker of the National Parliament, the Electoral Commission, political parties, and other interested parties in Solomon Islands. Thereafter it will be sent to all Commonwealth Governments prior to being made public.

We depart today mindful that the election of the Prime Minister is yet to take place and a Commonwealth presence to observe this election will be maintained. We urge all candidates and their supporters to remain calm during this crucial phase of the electoral process.

We commend the Solomon Islands Electoral Commission (SIEC) for its professional competence, efficiency and transparency in the preparation and conduct of the elections. As we depart, we wish to express our gratitude to the Chairperson, the Chief Electoral Officer and staff, both in Honiara and the field, not only for the opportunity for us to observe these elections, but also for the assistance accorded to the Group during our mission.

We also wish to thank the Royal Solomon Islands Police Force (RSIPF), all political parties and candidates, civil society organisations, and other observers – both domestic and international – for their briefings and support during our work. We extend our particular appreciation to the United Nations for its coordination of the international observation exercise, of which we formed a part.

This has indeed been another landmark election in Solomon Islands. We noted the high expectations that accompanied these elections and laud the people of Solomon Islands for their passion and commitment in supporting a peaceful democratic process.

We trust that our conclusions and recommendations will be received in the constructive spirit in which they are intended and affirm the Commonwealth's readiness to continue its support for the Government and people of Solomon Islands in the consolidation of its democracy.

Declaration of Principles for International Election Observation

The Commonwealth Secretariat is a signatory to both the Declaration of Principles for International Election Observation and the associated Code of Conduct for International Election Observation Missions, which were commemorated on 27 October 2005 at the United Nations in New York.

Commonwealth Observer Groups are organised and conducted in accordance with the Declaration and Commonwealth Observers undertake their duties in accordance with the Code of Conduct.