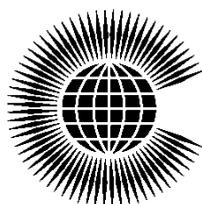


**Report of the Commonwealth Observer Group**

**PAPUA NEW GUINEA  
NATIONAL ELECTIONS**

June – July 2012



**COMMONWEALTH SECRETARIAT**

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## **Commonwealth Observer Group Papua New Guinea National Elections 2012**

Dear Secretary-General,

The Commonwealth Observer Group has completed the final report on its observation of Papua New Guinea's National Elections held in June – July 2012. The Group is pleased to submit our report to you.

Papua New Guinea's 2012 elections have seen some progress and some setbacks in the country's efforts to strengthen democracy. Overall, some of the benchmarks for democratic processes were met, but several serious concerns need to be addressed for the future.

The Group notes that significant challenges remain to achieve the efficient and effective management of elections to ensure maximum franchise for citizens, appropriate and consistent electoral practices for the exercise of that franchise, and a strong culture of democracy throughout the country. In the report, the Group has offered a number of recommendations for further strengthening the electoral process. We hope that the Commonwealth will be ready and willing to assist the relevant authorities in Papua New Guinea secure whatever support they may require in this regard.

We wish to express our gratitude for the support provided to us by the Commonwealth Secretariat staff team.

Thank you for the opportunity to participate in this important mission. We hope that our report will contribute to the continued strengthening of democracy in Papua New Guinea.

A handwritten signature in black ink, appearing to read 'N. Natapei', written in a cursive style.

**Hon Nipake Edward Natapei MP**  
Chairperson



**Ms Kathryn Omwandho**



**Ms Sarah Fradgley**



**Mr Daryl Mapu**



**Ms Emmanuella Kauhue**



**Ambassador M. M.  
Amanul Farouque**



**Mr Joseph N. Biribonwa**



**Mr Henry Hogger**

# Chapter 1

## Introduction

At the invitation of the Government of Papua New Guinea, the Commonwealth Secretary-General, Mr Kamalesh Sharma, constituted an Observer Group for the June-July 2012 National Elections. In line with usual practice, the Secretary-General sent an assessment mission to Papua New Guinea to assess the pre-electoral environment, prior to his final decision on whether to constitute a Commonwealth Observer Group. The Assessment Mission was in the country from 12-16 March 2012.

The Commonwealth Observer Group for the 2012 national elections was led by the Honourable Edward Natapei MP, Deputy Leader of the Opposition and former Prime Minister of Vanuatu, and comprised eight eminent persons in total. The Observer Group was supported by a six-person staff team from the Commonwealth Secretariat. A full list of members is at [Annex 1](#).

### Terms of Reference

*"The Group is established by the Commonwealth Secretary-General at the invitation of the Government of Papua New Guinea. 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 Papua New Guinea, the Papua New Guinea Electoral Commission, political parties taking part in the elections and thereafter to all Commonwealth Governments."*

### Activities

The Observer Group was present in Papua New Guinea from 16 June to 16 July 2012. During three days of briefings, the Group met with the Papua New Guinea Electoral Commission (PNGEC), the Integrity of Political Parties and Candidates Commission (IPPC), political party representatives, civil society groups, media, Commonwealth High Commissioners, and national and other international observer missions.

An Arrival Statement was issued on 19 June 2012 (see [Annex 2](#)). The Observer Group was deployed from 21 June to 11 July. Teams reported from 16 of the 22 Provinces of Papua

New Guinea, covering all four regions of the country (see [Annex 3](#)). During deployment teams followed the close of the campaign and met with election officials, candidates, political party and civil society representatives, police, members of the public and other observers in their respective areas, to build up a comprehensive picture of the conduct of the process.

On the basis of the Group's initial findings and observations, the Chairperson issued an Interim Statement on 11 July 2012 (see [Annex 4](#)). The Group's Final Report was completed in Port Moresby prior to its departure.

## Chapter 2

### POLITICAL BACKGROUND

#### Early and Colonial History

Melanesian people are believed to have inhabited the main island of Papua New Guinea from as early as 3000 BC, living in discrete groups isolated by dense forest. Spanish and Portuguese sailors sighted the land in the early 16th century. There was some limited exploration in the 19th century, and a few settlements made. In 1884, Germany annexed the northern parts and Britain proclaimed a protectorate over the southern parts, which were formally annexed by Britain in 1888 and became British New Guinea.

In 1906, Australia took over British New Guinea, renamed a year earlier as the Territory of Papua. The Australian army occupied German New Guinea in the First World War and in 1920 Australia received from the League of Nations a mandate for the government of New Guinea, as it was then called.

In 1942 the Japanese army occupied parts of New Guinea and Papua; the Australian military administered the rest. Papua New Guinea played a significant role in World War Two history, as a frontline of allied defence against Japan's push southward. Following the war, under the Papua and New Guinea Act of 1949, the two parts were united as the Territory of Papua and New Guinea and put under United Nations International Trusteeship, administered by Australia.

A transition to limited self-government followed through the 1960s, with the establishment of a House of Assembly comprising a mix of appointed and elected members. By the time self-government was granted at the end of 1973, the House had 100 elected, three appointed and four official members, and was led by Michael Somare as Chief Minister of a coalition government.

#### Post-Independence Politics

In September 1975 Papua New Guinea proceeded to full independence, becoming a sovereign constitutional monarchy with Queen Elizabeth II as Head of State, represented by a Papua New Guinean Governor-General, Sir John Guise. Michael Somare, appointed Prime Minister at independence, was returned at the 1977 elections, but a parliamentary defeat in 1980 led to his replacement by Sir Julius Chan, leader of the People's Progress Party, until 1982 when parliament re-elected Somare. The 1987 elections brought in another coalition government, headed by Pias Wingti. Sir Rabbie Namaliu became Prime Minister in June 1988, after Wingti lost a vote of no-confidence in the House. Pias Wingti was returned at the elections of 1992.

The law was amended in 1992 to extend the mandatory period between no-confidence motions to 18 months, in an attempt to increase political stability. Sir Julius Chan again became Prime Minister in 1994, following a leadership challenge and Supreme Court ruling. Chan was forced to resign in March 1997 as a result of a political and military crisis arising

from the Bougainville conflict.<sup>1</sup> Cabinet appointed a caretaker government headed by the Minister for Mining and Petroleum, John Giheno.

In elections held in June 1997, 16 ministers (including Chan) lost their seats and Bill Skate, the governor of Port Moresby, was elected Prime Minister by parliament, after a month of negotiations, at the head of a four-party coalition. Beset by corruption scandals and an acute financial crisis, by mid-1999 Skate lost the support of the majority in parliament. He resigned as Prime Minister in July, and Sir Mekere Morauta emerged as his successor.

The general election that commenced in mid-June 2002 was chaotic and violent, with the loss of at least 25 lives, and had to be extended for four weeks beyond the scheduled two-week voting period. Six Southern Highlands constituencies could not be declared because of sabotage and destruction of ballot boxes. Sir Michael Somare's National Alliance Party (NA) won 19 of the declared seats, formed a multiparty coalition commanding a parliamentary majority, and Somare once again became Prime Minister.

In 2003, a new *Organic Law on the Integrity of Political Parties and Candidates* (OLIPPAC) was enacted. The law aimed to strengthen the regulation of political parties and enhance political stability, and included restrictions on switching allegiances by parties, providing that Members of Parliament would forfeit their seats if they switched parties following an election, or failed to vote with their party on constitutional amendments, budget bills, or motions of no-confidence.

With the OLIPPAC in place, the 2002 Somare government became the first to serve a full five-year term in office. Following the parliamentary elections held in June/July 2007, in which NA won 27 seats, Somare secured the agreement of a further 59 members to join his coalition, and in mid-August was duly re-elected as Prime Minister by parliament.

In July 2010, PNG's Supreme Court ruled that the "party-hopping" and voting restrictions in the OLIPPAC were unconstitutional and therefore null and void. This led to the return of a more fluid political environment.

### **The 2011-12 political crisis**

In the months leading up to the 2012 elections, Papua New Guinea's national parliament and other institutions were beset by a series of events which rendered the political and legal environment for the elections an extremely complex one.

In December 2010, shortly after reshuffling his cabinet, Prime Minister Somare faced a Leadership Tribunal for breaching financial reporting obligations imposed on Members of Parliament under the OLIPPAC. While serving a two-week suspension from office imposed by the Tribunal in April 2011, Somare departed to Singapore for medical treatment, for what emerged as a serious heart condition. His absence extended into months.

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<sup>1</sup> The conflict between 1989 and 1997 in Papua New Guinea's Bougainville province was one of the most serious and damaging in the modern history of the Pacific Islands region. Under the Bougainville Peace Agreement signed between the Government of Papua New Guinea and representatives of warring Bougainvillean groups in August 2001, Bougainville received special autonomous status under its own Constitution (enacted in 2004), with a gradual draw-down of substantial powers from the PNG Government, and the promise of a referendum on independence to be held between 2015 and 2020.

On 20 August 2011, amid increasing speculation that Somare would never be able to resume office, parliament voted to declare his seat, and therefore the office of Prime Minister, vacant. Parliament then elected the leader of the People's National Congress (PNC) party, and Minister for Transport and Works, Peter O'Neill, as Prime Minister, with support from many government as well as opposition members.

Parliament's actions were immediately challenged in the Supreme Court, and the court action was joined by Somare following his remarkable recovery and return to Papua New Guinea in September 2011. On 12 December the Court ruled that parliament's replacement of the Prime Minister was unconstitutional, and that Somare therefore remained the lawful Prime Minister.

In response, parliament passed a law which sought to retrospectively legitimise the installation of O'Neill, and to prevent Somare resuming the Prime Ministership, by applying an age limit of 72 years on the office. The O'Neill government also made two attempts to suspend the Chief Justice of the Supreme Court, Sir Salamo Injia, and a subsequent attempt to arrest him, citing alleged misconduct unrelated to the political case. The Supreme Court rejected all of these and issued orders restraining any action against the Chief Justice.

On 26 January 2012, a small group of military officers briefly took up arms against the O'Neill-appointed Commander of the PNG Defence Force, claiming the authority of Somare as the lawful Prime Minister. The situation was defused by police and military loyal to O'Neill.

On 21 March parliament passed the Judicial Conduct Act, vesting (retrospective) power in the legislature to institute a procedure which could lead to the dismissal of a judge. Critics within PNG and internationally expressed concern that the Act created the potential for parliamentary interference in the judiciary, and that it was unconstitutional. On 4 April, Chief Justice Injia and Supreme Court Justice Kirriwom rejected an application by the O'Neill government to recuse themselves from the ongoing case on the legality of the government, in response to claims of bias. Following this decision, parliament invoked the Act to refer the two judges to the Governor-General for alleged misconduct.

On 5 April 2012, parliament voted to delay the national elections (constitutionally required by mid-year) by six months, citing concerns about the readiness of the Electoral Commission. Constitutional experts advised that parliament had no power to do so, and that only the Governor-General could delay the elections, on advice from the Electoral Commissioner, but the Speaker of Parliament maintained that the doctrine of parliamentary supremacy enabled the legislature to make the decision.

On 7 April, Prime Minister O'Neill addressed the nation, saying that "parliament may have been advised wrongly" to defer the elections, and that if the Electoral Commissioner advised Cabinet that he was ready to proceed, the polls would go ahead on schedule. The Prime Minister defended the Judicial Conduct Act, saying it was consistent with the Constitution and the separation of powers, by curbing an overreaching judiciary which he said had intruded on the powers of the parliament and executive.

On 10 April thousands of demonstrators staged protests in Port Moresby and Lae against the proposed election delay and the Judicial Conduct Act. Prime Minister O'Neill addressed the main rally in Port Moresby and announced that, following the Electoral Commissioner's brief to Cabinet the previous day, the polling would go ahead as scheduled. On the

Commissioner's advice, a three-week delay would occur in the issue of writs to allow the rolls to be adequately finalised, with the campaign period shortened accordingly.

On 11 April, in a reference against the constitutionality of the Judicial Conduct Act, the Supreme Court found that there was a prima facie appearance of unconstitutionality and illegality in the Act and issued a stay on its enforcement, including the actions to suspend Justices Injia and Kirriwom, pending final outcome of the case.

The Speaker of Parliament refused to entertain the Prime Minister's request that parliament reverse its decision to delay the elections. Nevertheless on 18 May, on the advice of the Electoral Commissioner and in accordance with the announced (revised) timetable, the Governor-General dissolved parliament and issued the writs for national elections.

On 21 May a 3-2 majority judgment of the PNG Supreme Court confirmed its decision of December 2011 that the appointment of Peter O'Neill as Prime Minister was unconstitutional, and ordered that Sir Michael Somare be reinstated to the office. The two dissenting judges refused to deliver their judgements and stated their opinion that the majority should not have done so, citing ethical concerns over the allegations of bias against Chief Justice Injia and Justice Kirriwom.

The following day Sir Michael Somare sought an audience with the Governor-General to be sworn in, but was turned away from Government House by police. The Governor-General's office subsequently stated that the G-G, having issued the writs for elections, would "not sign anything" until after a new government was elected.

On 24 May, (O'Neill's) Deputy Prime Minister Belden Namah entered the Supreme Court with police and soldiers, seeking to arrest the Chief Justice. Following a stand-off in the court for some hours, the Chief Justice and Justice Kirriwom were arrested and charged with sedition.

The O'Neill government reconvened parliament on 25 May (after two attempts which failed due to lack of quorum, and an ultimately unsuccessful blockade of parliament by police loyal to Somare, in an attempt to prevent the third). Parliament passed a motion purporting to nullify the Supreme Court's ruling of 21 May, and also moved to establish a State of Emergency in two provinces (Hela and Southern Highlands) and the National Capital District, stating that this was necessary to ensure law and order in the lead-up to the elections.

The Governor-General's office subsequently stated that the G-G had signed no instrument lawfully reconvening parliament following its dissolution on 18 May, and moreover, that he would not sign instruments establishing the State of Emergency. The Governor-General subsequently left the country, and in accordance with constitutional provisions, the Speaker of Parliament became Acting G-G while the Deputy Speaker would act in the Speaker's role.

Under these arrangements, parliament was convened again on 29 May, in the absence of both prime ministerial claimants. The Acting Speaker ruled that the Supreme Court's decision of 21 May was valid and therefore Sir Michael Somare was the legitimate Prime Minister. Having done so, he immediately declared Sir Michael's seat in parliament, and the office of prime minister, vacant, on the basis that Sir Michael had contravened standing orders by missing three consecutive sittings of parliament during 2012. The Acting Speaker directed parliament to convene and elect a new prime minister the following day. It did so, electing Peter O'Neill by a vote of 56-0. Sir Michael Somare was not present. Mr O'Neill and his cabinet were sworn in later that day by the Acting Governor-General.

As the election began, therefore, Mr O'Neill remained in effective control of the caretaker government, while Sir Michael Somare and his supporters remained adamant that Sir Michael was the legitimate (caretaker) Prime Minister. The hope was widely expressed that the political and legal morass could be resolved through a successful election with a clear and accepted result.

### **Papua New Guinea and the Commonwealth**

Papua New Guinea has been a member of the Commonwealth since its independence in 1975. The country's Foreign Minister served on the Commonwealth Ministerial Action Group (CMAG) for two terms from 2005-09. PNG's Electoral Commissioner has participated in the Commonwealth Electoral Network, and was a member of the Commonwealth Observer Group to Nigeria's 2011 elections. Papua New Guinea will host the next Commonwealth Youth Ministers' Meeting, scheduled to be held in Port Moresby in April 2013.

The Commonwealth Secretariat is presently providing technical assistance to PNG in a range of areas including human rights training, mining sector reform, maritime boundaries and ocean governance, debt management, trade, and tourism.

The Secretariat has also been working to support and strengthen Papua New Guinea's judiciary since 2010. Most recently, it convened a seminar in February 2012, in conjunction with Papua New Guinea's judiciary and the Commonwealth Magistrates' and Judges' Association, on the independence of the judiciary and judicial code of conduct. In response to the legal and political crisis of 2011-12, the Secretariat offered further assistance to PNG to strengthen the rule of law and help rebuild an effective relationship between the three branches of government, which may be taken up following the election.

## **Chapter 3**

# **THE ELECTORAL FRAMEWORK AND ELECTION ADMINISTRATION**

### **International and Regional Commitments, and National Legal Framework**

Papua New Guinea has signed or agreed to several regional and international instruments relating to human rights and the conduct of elections. These include:

- Affirmation of Commonwealth Values and Principles (2009)
- Biketawa Declaration of the Pacific Islands Forum (2000)
- Convention on the Elimination of All Forms of Discrimination Against Women (1979)
- International Covenant on Civil and Political Rights (1966)
- Universal Declaration of Human Rights (1948)

The key national laws providing the legal and regulatory framework for the conduct of the elections are:

- Constitution of Papua New Guinea 1975 (as amended)
- Organic Law on National and Local-level Government Elections 1999 (OLE, as amended)
- Organic Law on the Integrity of Political Parties and Candidates 2003 (OLIPPAC, as amended)
- Electoral Law (National Elections) Regulations
- Integrity of Political Parties and Candidates Regulations

The Constitution of Papua New Guinea guarantees a range of fundamental rights and freedoms relevant to democratic processes, including freedom of expression, assembly, association and movement; the right to vote and stand for election; and equality of rights, privileges, obligations and duties for all citizens irrespective of race, tribe, place of origin, political opinion, colour, creed, religion or sex.

### **The Electoral System**

Papua New Guinea's unicameral National Parliament is chosen in national elections held every five years. Eighty-nine members are elected from single-member Open electorates (constituencies) across the country. In addition, each province elects one Regional member, who takes the title of Provincial Governor as well as a seat in the national parliament. The 2012 elections saw the size of parliament increase from 109 to 111 seats, with the creation of two new provinces in 2011 (Hela and Jiwaka), taking the total to twenty-two.

The law provides that the electoral boundaries shall be determined by parliament in accordance with recommendations from an independent Boundaries Commission, which must be convened to review the boundaries at least once every ten years. The Boundaries Commission must determine the boundaries on the basis of ensuring each electorate

contains an equal population, allowing a 20% plus or minus variation to take into account such factors as traditional and local government boundaries. Parliament may accept or reject, but not amend, the Commission's recommendations.

There have been several Boundaries Commission reviews since independence, but parliament has rejected the recommendations of every review since 1977. The next is scheduled to take place in 2013.

The Limited Preferential Vote (LPV) system, which replaced first-past-the-post voting at the 2007 election, was again used in 2012. Under this system, voters mark three preferences on the ballot, regardless of the number of candidates. Voters identify the name and "candidate number" of their preferred candidates on a photographic poster provided in the voting compartment, and write three names and/or numbers in preference order on the ballot paper. To win, a candidate must secure an absolute majority (50%+1) of the valid votes cast in their electorate: if no candidate receives an absolute majority of the first preference votes, the lowest-scoring candidates are progressively eliminated and their next preferences distributed, until such time as one remaining candidate receives the absolute majority.

Voting takes place over a two-week period in Papua New Guinea, on a rolling schedule, in order to provide for adequate presence of security and electoral personnel in each place, as well as catering for the difficulties of access to parts of the country. In each Highlands province and in urban centres, voting was scheduled for a single day within the two-week period. In other rural electorates, mobile polling teams moved from village to village over a schedule spanning several days. For the 2012 election there were approximately 9800 polling stations used, staffed by 4700 polling teams.

The electoral roll for each electorate is divided into 'wards', and voters are to vote only within their own ward. In the 2012 election, in the National Capital District, the rolls were further divided into alphabetical sub-groups within a ward, with individual polling stations each dealing only with voters whose names fell within one such sub-group within that Ward.

The electoral timetable for 2012 was as follows:

Issue of Writs	Friday 18 May
Close of Nominations	Thursday 24 May
Voting	Saturday 23 June to Friday 6 July
Return of writs	on or before Friday 27 July

### **The Papua New Guinea Electoral Commission**

Under the OLE, management of the election is vested in the Papua New Guinea Electoral Commission (PNGEC), which consists of an Electoral Commissioner appointed by the Head of State on the advice of an Appointments Committee comprising the Prime Minister, Leader of the Opposition, Chair of the Parliamentary Committee dealing with electoral oversight, and Chair of the Public Services Commission.

Electoral Commissioner Andrew Trawen has been in the position since January 2004. During the 2011-12 political crisis, his impartiality was challenged by some parties, and in March 2012 Prime Minister O'Neill questioned the legality of his re-appointment in 2010, because he had passed the public service retirement age of 55. However the government later stated that no move would be made to remove the Commissioner prior to the election.

The Commissioner heads the office of the PNGEC, which has 94 permanent staff. A number of additional staff were recruited or seconded to the PNGEC to play various roles during the election period. The PNGEC was also supported by 22 international advisers appointed under the Australian-funded Electoral Support Program. Polling and counting officials engaged at the provincial and district level for the elections lifted the total number of election personnel to around 30,000.

The OLE was amended in 2007 to establish an Election Advisory Committee comprising the Chief Ombudsman, a representative of Transparency International PNG, and an independent legal expert. The Committee is to provide recommendations and advice to the Electoral Commission on any election-related matters referred to it. The Group was advised that the Committee is convened by the Commissioner at his discretion, and has not met to date.

An Inter-Departmental Elections Committee (IDEC), chaired by the Secretary to Government, was also in place to coordinate election arrangements between the PNGEC and other relevant government agencies including the police and military. The IDEC for the 2012 elections included representatives from each of PNG's four regions.

Administration of the elections is largely decentralised. Provincial Election Managers (EM) are responsible in large part for organising and managing the elections in their respective provinces. They are expected to work in consultation with a Provincial Election Steering Committee, chaired by the Provincial Administrator. One of the 22 EM was a woman. One innovation in 2012 was the appointment of Assistant Election Managers (AEM) for the election period. These were generally young public servants, many of them women, with the aim of providing exposure and experience to a greater number of officials in the tasks of election management for the future.

The appointment of Returning Officers (RO) for each open electorate, and subordinate staff (Assistant ROs, Presiding Officers, and polling and counting staff) is undertaken at the provincial level. We were advised that most of the RO were drawn from provincial administration staff, and that the names of the RO and ARO are gazetted for public transparency.

The PNGEC advised the Group that it had only received PGK180 million of the PGK240 million<sup>2</sup> budgeted for the election. This meant that some cuts had to be made, including a reduction in funding to provincial Election Managers, and non-use of the electronic count verification system which had been trialled in by-elections in 2010 and 2011. The PNGEC also advised that most of the funds had been disbursed very late, creating difficulties for election preparations.

In addition to the Electoral Commission, Papua New Guinea has an Integrity of Political Parties and Candidates Commission (IPPCC), an independent statutory body established under the OLIPPAC. The IPPCC registers and regulates political parties under the terms of OLIPPAC. The PNGEC remains responsible for candidates' nomination for, and participation in, elections, in accordance with the OLE.

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<sup>2</sup> The Papua New Guinea Kina (PGK) is equivalent to approximately £0.33, or AUD/USD 0.50.

## **Voter Eligibility and Voter Registration**

The Constitution states that to be eligible as a voter one must be a citizen of Papua New Guinea and at least 18 years of age. It is compulsory under law to enrol, but not compulsory to vote.

Following significant problems with the integrity of the electoral roll in PNG's 2002 elections, particularly acknowledgement that it was inflated with a large number of deceased, duplicate and false names, a complete re-registration of voters was undertaken prior to the 2007 elections. The 2007 roll contained 3.9 million names, 1.4 million less than the 2002 roll. This was a significant improvement, but widespread discrepancies in the roll were nevertheless reported by election observers in 2007.

Prior to the 2012 election, an exercise was undertaken to update the 2007 roll. This process nominally began in early 2011, but was suspended in July 2011 to avoid confusion with the national census survey, which was occurring concurrently (having been delayed from 2010), and the August deadline for completion of the preliminary roll was extended to 31 October 2011. In the event, almost all provinces failed to meet that deadline and the roll update continued into early 2012. Between March and May 2012 the PNGEC, with donor support, mobilised extra computers and staff working 24 hours a day to finalise the rolls, but the rush to meet the constitutional deadline for elections meant that the display of preliminary rolls at district level and consequent verification and objection processes in several provinces were either reduced in time, or did not occur at all.

The final electoral roll issued for the 2012 election contained 4,776,096 names. The Electoral Commissioner expressed concern to the Group that this number appeared to be inflated, given the country's population of just over 7 million, the high youth demographic, and the increase of 800,000 names since 2007.

The electoral roll lists the voter's name, election identification number, gender, occupation, and date of birth. It does not include a photograph or any other biometric information. Voters are not issued any voter identification card or other document. On election day they establish their identity by stating their name, and if necessary, date/year of birth.

One innovation introduced for the 2012 election was a change in the organisation of the electoral roll in the seven Highlands provinces and Manus province. These provinces were issued a "family roll" in which voters were grouped by family and clan association, rather than listed in alphabetical order of surname. It was hoped that the family roll would provide a more accurate picture of the residents of a community, one that better reflected the way community members identified themselves, and in so doing would help voters and officials to use the roll more effectively, and also help prevent false enrolment and personation.

## **Candidate Eligibility and Nomination**

The Constitution provides that election to parliament is open to all Papua New Guinean citizens of at least 25 years of age. A prospective candidate must be nominated by a person to whom the candidate is personally known, and must pay a non-refundable deposit of PGK1,000.

Following the close of nominations on 24 May 2012, 3428 candidates were validly nominated – the largest number in Papua New Guinea's history. This meant an average of over 30

candidates per seat, with individual seats ranging from eight candidates (Ialibu-Pangia Open) to 73 (Chimbu Regional).

Only 1250 of the 3428 candidates represented political parties, with 2185 standing as independents.

Only 135 of the candidates were women, representing 3.9%. While the real number of female candidates increased, the proportion was comparable to 2007 when 101 out of 2759, or 3.7%, of candidates were women. Efforts were undertaken in the lead-up to the election by various stakeholders, including PNG's Office for the Development of Women and the United Nations Development Programme, to increase women's chances of being nominated and campaigning for election, including training programmes for women candidates.

### **Election Offences and Election Petitions**

The OLE identifies a comprehensive series of illegal practices and election offences. These include treating, bribery, and undue influence; false enrolment and personation; misleading or interfering with voters including through false campaign advertising; interfering with and destroying election materials. Each offence is punishable by a range of fines and/or prison sentences, which are prescribed in the law.

The Constitution provides that the National Court is to resolve election disputes. The OLE further clarifies that it is the sole body empowered to do so, and that its decisions in that regard shall be final.

### **Key Issues**

#### ***Election Boundaries and equal suffrage***

Equal suffrage, often expressed as "one voter—one vote—one value" is a fundamental principle of democratic elections. Although this principle is well enshrined in PNG's electoral law and process, the non-implementation of any boundaries review since 1977, despite massive population growth and movement, meant that by 2012 electorate sizes were well out of proportion, giving citizens in some electorates far greater voting power than others. The number of enrolled voters in each Open electorate varied from 22,403 (Rabaul Open) to 122,202 (Lagaip-Porgera Open). There were some large discrepancies within provinces too: for example Enga Province was home to Lagaip-Porgera with over 122,000 voters, while Enga's other four open electorates had less than 60,000 voters each; and of West New Britain's two electorates, Talasea Open (101,755) had more than twice as many enrolled voters as Kandrian-Gloucestera (45,131).

Equal suffrage is a fundamental principle of democratic elections, and the significant discrepancies between the present Open electorates did not provide equal suffrage to the voters of PNG. The Group recognises that some allowances need to be made for traditional boundaries and communities of interest, and the laws governing the Boundaries Commission provide for this. The Group therefore urges parliament to undertake a serious debate on the next review of the Boundaries Commission, due in 2013, with due consideration of the importance of redressing the present inequalities.

### ***Voter Registration and the Electoral Roll***

The failure of the electoral roll to facilitate voting for a large number of citizens was a major concern in the 2012 election. The Group observed problems with the electoral roll in all the provinces visited. The proportion varied, but a worrisome number of voters were turned away in all locations. In some polling stations, lack of confidence in the roll was so great that it was abandoned altogether.

It seemed likely that this situation arose at least in part due to missing, misplaced or mistyped data entries which occurred in the rush to complete the roll update at the national level in the weeks leading up to the election. Such problems would have been exacerbated by the time factor preventing return of the preliminary rolls for checking in several provinces. Beyond human error, however, candidates and community leaders in some places expressed concerns to the Group that names may have been deliberately added to or omitted from the roll, by compromised officials at various levels, in order to benefit certain candidates. The Electoral Commissioner himself publicly noted the possibility of attempts to sabotage the roll by some candidates or their supporters.

Other factors were also cited by the PNGEC and others as contributing to the inability to locate many voters on the roll during polling. Almost all polling stations only had a very limited section of the roll for reference, which meant that voters may have been turned away when in fact they were enrolled in a different ward, but had no practical way of determining that on election day. The use of multiple names by many Papua New Guineans was also observed to make the process of checking names on the roll lengthy and unreliable. Moreover, confusion between the 2011 census and the voter registration exercise was cited in some areas as potentially leading voters to mistakenly believe they had registered to vote after filling in the census. The census and electoral roll processes were not linked (although electoral officials in one province told Commonwealth observers that they had decided locally to use the census data to complete the roll update).

The many cases of voters being turned away occurred despite acknowledgement that at almost 4.8 million names, the roll appeared to be inflated.

It is extremely difficult to assess accurately the extent of disenfranchisement caused by the roll problems, and we heard some difference of opinion on this, but Commonwealth observers personally saw enough voters being turned away to assess this as a serious concern. While there may have been various causes of this problem, the resulting impact made clear that the integrity of the roll, and the ability of voters to easily and reliably use the roll to exercise their franchise, remained significant problems which must be addressed in Papua New Guinea.

Problems with the roll were repeatedly cited by Commonwealth observers and other commentators following previous elections, and recommendations made for strengthening voter registration and the roll. The Group emphasises that urgent action is needed without further delay on this issue. We urge the new government and parliament, in cooperation with the PNGEC, to move ahead immediately following the 2012 election to agree upon, fund, and implement measures to strengthen the registration process and roll procedures, well in time for the 2017 election.

The Group believes that such measures should not just include further updating and correction, but the implementation of a strengthened system for voter identification and checking to ensure maximum integrity in the roll. This should include the introduction of a

voter identification card and/or biometric system for more reliable verification of voters' identity and the accuracy of the roll. Some steps have been taken in the past toward implementing such measures – most recently, in early 2012 the National Executive Committee (Cabinet) approved the adoption of a biometric registration system, but the PNGEC advised that neither the decision nor the funding to implement it were provided in time for the 2012 election.

It is also extremely important that legal provisions and timelines are more carefully adhered to in regard to the collection of data for the roll, and the display and inspection of the preliminary roll in local areas, prior to the election.

Beyond the roll itself, the Group also urges the re-examination of procedures for distribution and use of the roll during the polling, so that voters are not turned away due to the inability to access accurate information. Measures in this regard might include availability of the full electorate roll in all polling stations in the electorate for cross-checking and/or display at strategic locations within the electorate, or a provincial or national "hotline" for officials or voters to refer to on election day in order to verify their enrolment information.

The Group recognises that Papua New Guinea is a challenging environment for the implementation of such systems, and appropriate measures will have to take into account limitations on logistics and services in remote areas. However, we believe that reform and improvement is possible – and essential. There are many models and much knowledge and support available from other Commonwealth countries that could assist PNG in this task.

### ***Election Administration***

Administration of elections is an enormous task in Papua New Guinea. The staff of the PNGEC, both in Port Moresby and around the country, worked hard in very challenging circumstances. Nevertheless, the Group observed that there was an unfortunate level of disorganisation and inconsistency in aspects of election management.

This was particularly notable in the significant delays which plagued the commencement of voting and counting in every location, varying from a few hours to a few days, and ultimately led to an extension of the polling schedule in seven provinces, by up to eleven days. These delays were of concern for their potential to confuse and disenfranchise voters, as well as the cost and security implications of further extending an already lengthy election period.

The delays occurred in certain places due to weather conditions, but in many cases were caused by late distribution of polling materials and deployment of personnel, tardy payment of allowances to officials and security forces, and failures in logistics planning. The Group sometimes detected a lack of urgency to ensure that the polling schedule was met.

The Group also observed inconsistencies in both the procedures and the quality of election management at the provincial and district level. There appeared to be wide variations in the timeliness and effectiveness of training provided to Presiding Officers and other election officials, and their accountability for performance. Often, officials at various levels were making their own decisions to vary electoral arrangements and practices from the lawful and published procedures. In some cases, this extended to polling officials playing inappropriate and unlawful roles such as filling in ballots on behalf of voters in public, or assisting all voters regardless of request.

In a few provinces training had been provided in advance of the election, and officials understood their roles well. In others, training was still taking place on the eve of polling (such as in Enga Province), and some staff (including in National Capital District) even told observers they had not been trained at all. While cascading “train the trainer” arrangements may be essential in the circumstances of PNG, it is vital that training be supported, monitored and audited to ensure that all election officials are fully aware of their roles and able to perform them correctly.

Part of the election management approach is the devolution of the administration in large part to the provincial level through Election Managers and their offices. This seems a logical and even necessary approach. At the same time, the Group observed that the quality of election management varied between provinces and even between districts, and delay and disorganisation plagued many locations. In addition, constraints on the resources of Election Managers and some problematic bureaucratic procedures (such as the requirement that all payments of allowances for election officials be authorised by the Commissioner himself from Port Moresby), rendered the task of administration at the provincial level more difficult and less efficient.

Allegations were raised with the Group in certain locations about partiality and even corruption on the part of locally-appointed polling staff. In at least two electorates, candidates threatened to boycott the election due to the perceived bias of Returning Officers and polling staff. Observers saw other cases of individual polling and counting staff being removed when identified as candidate supporters. It is crucial that measures are in place to ensure the impartiality and professionalism of every election official at every level, and clear processes to fairly investigate and respond to concerns or complaints in that regard. The Group welcomed attempts made in some areas to arrange for polling stations to be staffed by polling teams drawn from outside localities, in order to ensure voter confidence in their impartiality.

These are complex challenges, but the Group believes that further attention must be given to improving the effectiveness, professionalism and accountability of the electoral administration, including a consistent and timely training programme for electoral officials at all levels, to minimise problems in future elections.

### ***Women’s Participation and Representation***

The current system does not adequately fulfil women’s right to equality in the political sphere. While the Constitution guarantees equal rights for women and there are no legal barriers to women standing for election, in practice women experience severe discrimination, which largely excludes any opportunity for meaningful exercise of political rights on a basis of equality with men.

In particular, social and cultural norms of leadership in PNG continue to be male dominated at all levels. The ‘big man’ culture, by which certain male figures are seen as the centre of power and influence for a community or tribe, extends into national politics. As such, women are not viewed as prospective political leaders, regardless of their merit, and they are culturally dissuaded from participating in politics.

Moreover, women continue to experience discrimination in virtually all other spheres of life, which in turn negatively impacts on their ability to exercise their political rights. This includes discrimination in education, health care, economic life, family life, access to finance

(including campaign finance) and access to justice. Another major issue is widespread violence against women.

Since independence in 1975 only four women have held seats in PNG's parliament. The 2007-2012 parliament included only one woman out of 109 members. The minimum global benchmark for gender equality in national politics is that women should hold 30% of parliamentary seats.

Under international human rights law, including treaties to which PNG is party, the Government has a legal obligation not only to ensure there are no legal barriers to women's political participation, but also to take positive legislative and other measures to eliminate discrimination against women in practice. This includes measures to level the political playing field so that women can fully exercise their rights to participate in public life on a basis of equality with men.

To this effect, at the initiative of the sole female member of the previous parliament, Dame Carol Kidu, efforts were made for several years to create reserved seats for women in Parliament.

A Bill was put before parliament in 2011 to amend the Constitution to expressly permit laws specifically designed for the advancement of women. The *Equality and Participation Bill* was passed by Parliament in November 2011 stating that there shall be special seats for women as defined by an Organic Law. A simple majority of 55 votes was required.

An enabling Organic Law was then presented to create 22 women's seats in Parliament, one for each province, by providing that the boundaries for the women's seats would be the existing boundaries for the Regional electorates. These seats would only be open to female candidates but would be voted on by both women and men. The Organic Law (33b) required a two thirds majority, or 73 votes, to pass. On its second reading in February 2012, at a session of Parliament at which 80 members were present, 21 walked out of the chamber leaving only 59 present for the vote. One member voted against the Bill and 58 voted in favour, far short of the required 73 votes. Although it was stated as a priority government policy, a 'conscience' vote was allowed and the result reflected the predominant feeling of the male-dominated parliament.

However, the Organic Law could be re-activated and, if successfully passed, provide one way for women to better access their democratic right to participate in political life in time for the 2017 elections, or earlier through a by-election.

## RECOMMENDATIONS

- The parliament of Papua New Guinea should give due respect to the principle of equal suffrage in considering the recommendations of the next Boundaries Commission review, which should proceed as scheduled in 2013 with all necessary support for its work.
- Action should be taken by the new government and the PNGEC as an urgent priority, immediately following the conclusion of the 2012 elections, to review and strengthen the voter registration system and the management of the electoral roll for future elections. This should include the incorporation of an appropriate form of voter identification into the enrolment process and the roll, and better measures for collection, checking and verification of enrolment details before and during polling.
- A review should be conducted of the support and reform needed to strengthen the effectiveness of election management by the PNG Electoral Commission, including through possible restructuring, and refining the arrangements for decentralisation.
- The Electoral Commissioner should make use of the Elections Advisory Committee established under the law to advise and assist him on election-related matters, including by convening regular meetings of the Committee.
- The PNGEC should ensure that adequate and timely training of election officials is undertaken, preferably no later than two weeks before polling commences.
- Efforts should be accelerated with urgency to establish a legal framework and other measures, compliant with CEDAW and international good practice, to ensure greater gender balance in Parliament in time for the 2017 elections.
- The new government should continue and expand dedicated programmes to train and support female candidates, and allocate clear and adequate budgetary resources to educate voters throughout the country and throughout the 2012-2017 election interval on the equal rights of women and men to participate in public life, and the benefits to society as a whole from gender balance in leadership and decision making.

## Chapter 4

# THE ELECTION CAMPAIGN AND MEDIA

### Campaign Calendar

Although Papua New Guinea does not have a formally prescribed campaign period, the campaign was generally considered to have begun upon the close of candidate nominations on 24 May 2012. Campaigning was required to officially conclude at midnight on 22 June 2012, the day before the polling period began.

General adherence to the official end of the campaigning period was reported, and the Group mostly witnessed respect for this during the polling period, such as efforts to conceal or remove campaign posters in the vicinity of polling stations.

### The Campaign Environment

The Group was in Papua New Guinea only for the final few days of the campaign period. We were able to witness some final campaign activity both in Port Moresby and in deployment locations. We also spoke with a range of stakeholders including representatives of candidates and political parties, civil society organisations, and other observer groups about the campaign.

It was reported to the Group that campaigning was generally competitive and, aside from some regrettable incidents of violence in the Highlands, peaceful.

### Political Parties

At the time of the 2012 elections a record 46 political parties were registered under the OLIPPAC, 42 of which endorsed candidates in the election. Fifteen of these were new parties. Only 1250 of the 3428 candidates represented political parties: the election saw a high percentage of independent candidates, with 2185 standing as independents.

The party system is weaker in Papua New Guinea than in many other countries. While there are some large, well-established parties, most continue to form around particular personalities rather than ideology or policy, membership tends to be fluid, and party affiliation has historically had a limited relationship to voter behaviour. The *Organic Law on the Integrity of Political Parties and Candidates* (OLIPPAC) was put in place to strengthen political parties by requiring their formal registration and enforcing some party discipline, but the Supreme Court's rejection of key provisions of OLIPPAC in 2010, and the subsequent political crisis of 2011-12, led to further fracturing in the major parties.

There were two political parties led by women, but the major parties nominated few women, and the vast majority of women candidates stood as independents. All of the political party representatives who spoke to the Group agreed that women were much less likely to get nominated since they stood a significantly lower chance of being elected. While some supported special measures to address the imbalances, others were opposed or reluctant.

### ***Key Issues: Campaign Financing and "money politics"***

The OLIPPAC requires parties to file annual financial returns, but the returns relating to the election period only fall due the following year. While party deregistration remains a threat for those failing to file, the IPPCC lacks the resources to investigate the veracity of the reports submitted. In addition, financial donations to political parties in excess of PGK500,000 must be declared to the IPPCC. However, it was reported that few parties adhered to such requirements.

Concerns were raised with the group about candidates demonstrating their capacity to 'provide' for their constituents and buying support through generous hand-outs of money, food or alcohol in the run up to elections. While such practices have been a long-standing feature of elections in PNG, the Group was informed that in 2012 they were occurring on a scale far greater than ever before. We heard, for example, reports of candidates boasting about the millions of kina they had to hand out, and of amounts as high as PGK3000 being handed to individual voters for their loyalty.

Vote-buying behaviour is further entrenched by high and growing expectations among constituents of material reward in exchange for votes. Members of the Group spoke to voters in some locations who openly acknowledged that they were awaiting the arrival of candidates or their representatives to deliver cash for their votes. The Group witnessed and received numerous reports, particularly in the Highlands, of such bribery and vote buying during the campaign period. However, these reports are very difficult to verify, as are links between vote buying and voter behaviour during polling.

Candidates are generally expected to finance campaigning from their own resources, even when endorsed by political parties. The practices of "money politics" therefore often lead to high levels of personal debt for candidates, increasing the stakes for success and creating volatility during the count if financial outlay does not translate into electoral success.

The Limited Preferential Vote (LPV) system was largely welcomed as a positive introduction in 2007, helping to reduce violence and antagonism, particularly in the Highlands, between candidates and their supporters as they sought second or third preference votes from their rivals. However, in relation to 'money politics', it was reported that the LPV system had exacerbated a culture of 'votes for sale' by enabling the selling of voting preferences.

Unethical campaign tactics and financing remain a significant concern and are perpetuated by cultural factors such as personality driven politics, a short term and material approach to campaigning, generally low expectations of what politicians will deliver once elected, and weak links between voter behaviour and political ideology. These issues are compounded by weak institutional oversight and limited capacity to ensure transparency and accountability in campaign activity.

Some candidates met by observers also complained that the effective shortening of the campaign period by three weeks, caused by the delayed issue of writs, had favoured wealthier candidates who were better equipped to deploy resources in the shorter period.

### **Media**

The Papua New Guinea media is active and growing steadily as the demand for information increases and more Papua New Guineans become aware of the relevance of news and information. Freedom of expression and association are enshrined in the Constitution, with

Section 46(2)(b) providing that “every person has the right to freedom of expression and publication”. It goes on to explicitly cite the right to “freedom of the press and other mass communications media”.

Papua New Guinea has two dominant daily newspapers, two weekly newspapers, two television stations, the state radio broadcaster (National Broadcasting Corporation – NBC), as well as several FM and AM radio stations. It also has a small but influential and rapidly-growing online community of bloggers and social media users. Mobile phones and other mobile devices have become increasingly accessible within the last few years, and have become a major tool for news and information. Internet services are not as prevalent, with less than 1% of the population having access to the internet. According to a 2007 survey by Anglo Pacific Research Ltd, commissioned by the Media for Development Initiative, radio is the medium with the widest reach, with 51% of the population claiming to be listeners.

The Media Council of Papua New Guinea oversees the performance of the industry with a mandate to promote a free, pluralistic and vibrant media that profits from promoting democratic governance and human development in PNG by 2020. Working alongside the Council, the Independent Media Standards Committee is a stakeholder group, independent from the government, with responsibility for ensuring that media adheres to ethical standards, and which deals with press and broadcast complaints. However, there have been reports, including from the regional advocacy group Pacific Freedom Forum, that the Committee is ineffective in addressing complaints. This is cause for concern at a time when ethical standards are being challenged by the revolutionary changes in the way in which news and information are produced, funded, packaged, disseminated and consumed. In many areas, these changes lead to less accurate reporting; questionable sourcing; an escalation in the use of “manufactured news”; increase in self-censorship; growth of subjective or objective reporting, and a reduction in sustained, in-depth reporting on the ground, particularly investigative reporting.

### **The Media and the Campaign**

The Group was concerned by the lack of any form of guidelines or code of conduct on media coverage of the election, mediated by the industry or the PNGEC, to safeguard fairness or equitable access by political parties to public broadcasters. The PNGEC did not stipulate any requirements for the national broadcaster to offer free air time for political party broadcasts or for local newspapers to offer a nominal amount of free space to political parties for their campaign messages. The two television stations produced special programmes for political parties to state their cases, but because of the high number of political parties contesting the election, only those led by nationally known individuals had much play.

NBC radio, and other stations such as FM100, provided a great deal of media coverage, and carried messages from various political perspectives, live news briefings, and interviews with analysts and political leaders. Election coverage by local newspapers was generally fair, including some editorials on candidates and the electorate, as well as the conduct of the elections. Overall, the media dedicated considerable time to the election campaign with major parties given the opportunity to air their views. New media also played a larger role than ever before, with several dedicated blog-sites offering commentaries on the elections, and Facebook and Twitter being used actively by voters, candidates and parties.

Covering politics in the newsroom is considered a job for senior and more experienced journalists who have developed a good understanding of the government system, the election process, laws relating to political parties, budgetary process, parliamentary

processes, public expenditure and campaign financing. Politics is widely covered by the media in PNG and is prominent in most news bulletins. Other positive developments included special programming to encourage support for women candidates (partly sponsored by the United Nations), as well as the establishment of a UK Government-funded Elections Media Centre, which offered media facilitation, including internet-connected work stations where journalists could file their stories, and media rooms for news conferences and interviews. No journalists were seized or appeared in court on any charges during the campaign period.

## **Voter Education**

In the run up to the 2012 elections, the PNGEC informed the Commonwealth pre-election assessment team that the Australian-funded Electoral Support Program was working with around 90 civil society groups at the local level on voter education, including women's, church and youth groups, focusing particularly on the Highlands and other 'high-risk' provinces. In addition to providing information on the electoral process and the LPV system, these efforts also emphasised governance issues, and the importance of electing 'good leaders'.

Election messages for 2012 also integrated and promoted awareness on HIV/AIDS, with posters provided for display around polling stations, and free contraception offered in some polling stations.

Overall, the Group received positive reviews of the LPV system itself, with it being broadly accepted and welcomed in preference to the previous first-past-the-post system. It was commonly reported that voters generally understood the system, particularly with the benefit of experience from the 2007 elections.

However, the Group observed that voter awareness remained an acute issue in rural electorates, particularly amongst voters with little or no literacy. This was seen to lead to high levels of assisted voting, and delays in the processing of voters and the opening of the polling stations. In some polling stations, Presiding Officers purposely delayed the opening to allow voters to congregate in numbers around the station in order to then provide them with information on the LPV system and the correct polling procedures. These briefings were generally informative and clear, but could have been provided in advance of polling day to allow stations to open at 8.00 am as required by law. At particular stations the Group observed a tendency for polling staff and security personnel to assist every voter without their explicit request, which demonstrated a perception amongst officials that voters did not fully understand the process. This practice raised concern for the secrecy of the ballot and the ability of voters to freely cast their vote.

It was reported to the Group that education materials provided to voters were largely in English and Tok Pisin. Greater penetration of awareness campaigns remains an attainable challenge for the Electoral Commission and civil society to tackle in future.

A lack of candidate awareness was a related issue reported to the Group, with some voters stating they felt insufficiently informed to distinguish between candidates and their policies when faced with a large choice of candidates in the polling station. This issue remains to be addressed by political parties and candidates themselves.

## **RECOMMENDATIONS**

- Parliament should strengthen laws relating to the regulation and transparency of candidate financing. This needs to be coupled with more active enforcement of such laws, including by building the IPPCC's capacity to monitor and regulate campaign financing. Real redress for bribery and vote buying as election offences is also required.
- Media houses should introduce policies or guidelines on election coverage. Media industry bodies, working with partners such as the PNG Media Workers' Association and other agencies, should develop and encourage PNG media houses to agree upon a code of conduct on election coverage.
- Consistent and ongoing education on the electoral and registration process should be provided to all stakeholders, from voters to polling staff, scrutineers, observers, candidates and security personnel, in order to promote greater awareness of rights, practices, and legal requirements.
- Government should ensure the availability of civic education which encourages voting based on parties'/candidates' policies rather than personal relationships and clan affiliation. There is a need to foster greater demand for candidates with integrity, whose work does not stop once polling is over. The IPPCC and others are doing good work in this area, which should be continued and scaled up.

## Chapter 5

### Voting, Counting and Tabulation

#### Opening and Voting Procedures

In brief, the standard procedures set out for opening and voting were as follows.

Polling hours are from 8.00 am to 6.00 pm. If polling is for one day only or on the first day of polling, the empty ballot box should be shown to scrutineers and any voters just after declaring the polling station open and delivering an opening speech. On subsequent days with partially used boxes the unbroken seals should be shown and the numbers read out. Any persons waiting to vote within a polling station by 6.00 pm shall be allowed to do so.

There should be a separate queue and entrance where possible for women, away from the issuing points. Only four or five voters should be in the polling area at any one time to minimise crowding. Upon entry to the polling place, the voter's small left finger should be checked for indelible ink to ensure he or she has not already voted.

All voters must be on the common roll. The voter's name should be identified on the roll and crossed out, and the voter should then proceed to the Assistant Presiding Officer who will mark off the next number on the gender tally sheet, and place indelible ink on the voter's small left finger.

The voter proceeds to the Presiding Officer who checks that the finger is inked before issuing the ballots. Each voter receives two ballot papers, one (blue) for the Regional electorate of that province, and the other (pink) for their Open electorate. The Presiding Officer rips out the next ballot paper from each book, initials the back of the ballot papers and hands them to the voter. The Presiding Officer should explain to the voter the process of writing next to the numbered boxes their choice for each candidate, having reference to the candidate posters in the voting compartment, and should then ask the voter to proceed to a vacant voting compartment to mark the ballot papers, fold the papers and put them in the ballot box.

There should be separate voting compartments for men and women, and compartments should be placed to ensure voting in secret. They should contain candidate posters. Only one voter should be permitted in a voting compartment at any time, unless the person is receiving assistance approved by the Presiding Officer.

Assistance is permitted for voters with impaired vision, voters who are physically incapable of marking a ballot paper without assistance, and voters who are illiterate and unable to vote without assistance. In all cases, the Presiding Officer must first be satisfied that the person is unable to vote without assistance. The voter can then nominate any person, except a candidate or scrutineer (see below), to assist. In the absence of such a person, the Presiding Officer can assist. At some polling stations, one person may offer to assist many voters, and the Presiding Officer should discourage this as the person may be an active supporter of a particular candidate.

Contesting candidates are entitled to nominate agents, known as “scrutineers”, to observe procedures in the polling stations and counting centres. Scrutineers must wear an authorised identification card at all times while in the polling area. Scrutineers must not interfere with or attempt to influence voters, communicate with persons in the polling area except to carry out authorised functions, or enter a voting compartment while a voter is present there. They cannot observe the ballot papers being completed, or assist any voter to vote.

The ballot box should be supervised at all times. After the last ballot has been placed in the box, the box must be immediately sealed and locked.

### **Key issues: Opening and Voting**

#### ***Delays and reduced voting hours***

Widespread delays in the scheduled polling dates were a major concern, as discussed in Chapter 3 above. In virtually all areas, there were also significant delays in the opening time for polling. Our teams reported common occurrences in many provinces of polling commencing as late as 2.00 pm. Among the reasons for the delays were late delivery of ballot boxes and materials, delayed arrival of polling officials and/or police often linked with the late payment of their allowances, and polling officials awaiting the arrival of the majority of voters, particularly in rural communities, in order to explain procedures to a large group rather than commencing with those voters already present. The latter situation was sometimes attributed to insufficient awareness-raising about voting procedures in communities prior to the elections. Some Presiding Officers also waited for all scrutineers to be present before commencing.

Many instances were also observed of polling stations closing earlier than 6.00 pm – sometimes as early as 3.00 pm – including at stations which opened late, and some where only a fraction of registered voters had been crossed off the roll, and even where voters remained waiting to vote. In most cases, this decision appeared to be taken arbitrarily. In some stations, polling officials or police incorrectly interpreted the requirement for a 6.00 pm closure as meaning that any voters left waiting in the queue at this time should be turned away.

In a few cases observers saw unannounced changes to the location of polling stations, including on polling day, which had the potential to disenfranchise voters.

Failure to accord sufficient respect to polling days and hours has the potential to disenfranchise some and possibly many voters, and such disenfranchisement was directly observed in several places.

#### ***The electoral roll***

The widespread concern about the electoral roll was realised in the Group’s observations in the polling stations. As noted above in Chapter 3, the Group saw numerous voters turned away in the coastal and islands provinces visited, while in the Highlands, it became the norm to abandon use of the roll altogether due to a lack of confidence in its accuracy.

Where the roll was used, a related problem was the inordinate amount of time taken to check voters’ names, which was generally being done on a single copy of the roll with some difficulty, while long queues of voters waited with increasing impatience. This markedly

slowed down the rate of voting, increasing delays and in some places, the numbers of voters disenfranchised when the polling station closed. In some polling stations, officials resorted to calling voters forward in the order of names on the roll, rather than allowing them to come forward as they arrived. A more effective roll in line with the recommendations above at Chapter 3 would help alleviate these problems. Consideration might also usefully be given to having two copies of the roll and two officials available to check and mark names in each polling station.

### ***Ballot Boxes***

New transparent plastic ballot boxes were purchased for the 2012 election, in the hope that this would help reduce the ability for interference and allegations of ballot-rigging. However, the Group received complaints that the new type of clear plastic ballot box used, despite providing greater transparency, was more susceptible to tampering and damage than its metal predecessor, with several reports of boxes being broken during transit. The Group saw and heard some cases of accidental damage to boxes.

The integrity of the ballot box is of paramount importance, and consideration should therefore be given to providing a more durable box that can withstand rough use.

Very few polling stations used two ballot boxes, one for Open and one for Regional ballots. The use of a single ballot box may have had the benefit of avoiding voter confusion and misplaced ballots, but created delay in the counting process.

### ***Filling in the ballot papers***

The Group observed that the design of the ballot papers, and the use of the two, appeared to foster confusion among voters. The use of an essentially blank ballot, on which voters were required to complete three names and numbers, was challenging for many voters. It made the voting process very slow, and resulted in a large number of voters requiring assistance. In some areas, these factors were cited as justifying the routine filling in of voters' ballot papers by others on their behalf.

The existence of two such ballot papers also engendered some confusion, as evidenced in the count by informal votes being caused by voters filling in the wrong papers – that is, listing Open candidates on the Regional ballot, and vice versa. This had the unfortunate result of disenfranchising voters whose intentions were otherwise clearly expressed.

There were understandable reasons for the PNGEC to decide, in 2007, to abandon traditional ballot papers with candidate photographs on them, in exchange for the candidate poster / blank ballot system. With extremely large and increasing numbers of candidates in most electorates, the ballot papers were becoming unwieldy and expensive. However, the present system has also proven to have significant deficiencies, and is of particular concern in potentially undermining voters' ability to cast valid votes. This is a matter which may benefit from review once again, with consideration given to whether the ballot paper can be changed to ensure maximum franchise and ease of use.

### ***Secrecy of the ballot and adherence to Polling Procedures***

In many key aspects of polling procedures, particularly respect for one-person-one-vote and the secrecy of the ballot, Commonwealth observers reported marked differences between the coastal and islands provinces, on the one hand, and the Highlands provinces on the

other. This was not a strict distinction – problems experienced in the Highlands were also seen in parts of Momase, for example, and the National Capital District displayed varying levels of adherence to correct procedures. The following characterises in general terms, however, key issues with polling procedures as seen in these two areas.

- ***Coastal and islands provinces***

The Group observed that generally in the coastal and islands provinces, the correct procedures for voting were followed, albeit with some irregularities and divergences in polling practices, including between rural and urban stations. Overall, voters' fingers were checked for and marked with indelible ink, the voter's name was identified and marked off the electoral roll, and ballot papers were signed by the Presiding Officer before being issued to the voter who proceeded to mark them in secret within the voting compartment.

Many polling stations in both rural and urban centres chose not to use separate voting compartments for men and women, instead either using them indiscriminately, or using separate compartments for open and provincial electorates. These decisions were understandable, particularly given the slow pace of voting and the need to keep voter flow through the polling station, and the failure to use gendered compartments was not seen to impinge upon the ability of women to cast their votes freely and without intimidation.

In areas serviced by mobile polling teams, the Group usually observed the use of the same ballot box for several different polling stations, with the box being sealed and stored each night before being taken to the next polling station and reopened. Although this meant that ballot boxes arrived at polling stations with ballot papers already inside, it was not reported to be a concern for voters, who generally appeared satisfied that the same scrutineers tended to follow the box through each polling station and could therefore verify the seals at each station.

- ***Highlands region***

The Group observed serious irregularities in the voting procedures throughout most of the Highlands provinces.

In most cases, voters' fingers were marked with indelible ink and ballot papers were signed by the Presiding Officer. However, in several instances failure to use or check for ink were observed and in at least one case there was no initialling of the ballot papers. Polling areas were in some cases roped off, while in others they were not. Crowding at polling stations was the norm which often made crowd control and smooth operation of the polling stations difficult.

Among the most common areas of non-compliance was a failure to ensure independence and secrecy of voting, including by virtue of:

- non-use of voting compartments;
- crowding around voting compartments;
- non-use of separate male and female voting compartments;
- filling in of ballots by polling staff (not limited to the Presiding Officer) without ascertaining the need for assistance in accordance with procedure, and often in the presence of scrutineers, police and other members of the community; and
- bloc voting, where a few individuals - in some cases polling officials, candidates or their supporters - filled in all or part of the ballot for an entire community.

Other irregularities included non-use of the electoral roll in very many locations in favour of a first-come-first-served queuing process until the ballot papers were exhausted, with no formal verification of voter eligibility. This arose in some cases due to disputes over the accuracy of the roll, as described earlier. However, failure to use the electoral roll compromised safeguards that are designed to ensure voter eligibility and avoid double voting. It was also unfair to voters in other regions where the roll was used correctly.

The vast majority of scrutineers observed did not wear authorised ID cards, and many were observed to be involving themselves in voter assistance in contravention of procedure. In some polling stations, scrutineers were seen to carry sticks which could be seen as an intimidation tactic. As mentioned above, in many cases scrutineers were allowed to stand in the direct presence of voters as they gave instructions to polling officials of their votes.

Several instances of multiple voting and apparent underage voting were also observed. In addition, we were concerned by reports of intimidation of voters by candidates and their supporters at certain polling locations.

### ***Women's participation***

In general, relatively equal numbers of women and men were observed to be voting, although in some areas – particularly in those areas of the Highlands where the roll was not used – the first-come-first-served process tended to favour male voters at least initially. In other areas, separate queues for men and women were created which helped ensure balance.

Women, particularly in the Highlands, are still reported to be under great pressure to vote along the lines set by male family members or community leaders. Our Group also observed cases of male family or community members filling in the ballots of female voters, particularly older and illiterate women.

We noted very little use of the separate male and female voting compartments, which were designed to safeguard the independence of female voters. However, in many instances where multiple polling compartments were used, women and men did access them independently and secretly, particularly in coastal and islands provinces. The main exceptions were in the Highlands provinces where secrecy of the vote for male and female voters alike was often severely compromised.

In many places women were well represented among polling officials, including as Presiding Officers, although this was much less the case in the Highlands. Women were present, but only in small numbers, amongst security forces and scrutineers.

### ***Voters with a disability***

We welcome the initiative that was developed for the first time in 2012 to increase the accessibility of disabled voters: in particular the establishment, in collaboration with disabled persons associations, of dedicated facilities for disabled voters in a few locations. Our Group observed two of these facilities, in Port Moresby and Lae, which were well organised and actively used. Disabled voters were provided transport to and from a special polling station and provided any necessary assistance to vote. We also observed disabled voters being given priority or assistance in several other polling stations. These steps towards empowering persons with disabilities as equal participants in electoral processes are laudable, and the Group encourages their expansion for future elections.

### ***Young people and elderly people***

In most polling areas, eligible voters of all age groups were observed to be participating in the polling. Elderly people however were more susceptible to confusion over the alphabetical polling stations used in the National Capital District, and also ranked highly among assisted voters.

### **Procedures for the Count**

Counting was not done in the polling stations, but conducted at counting centres located in district or provincial capitals. The stated procedures for the count were as follows:

Before opening the ballot boxes, the Returning Officer (RO) must read out the ballot box details, team number, and seal numbers from the outer lid of the box, to enable scrutineers to verify these. Each ballot box is then opened individually and all ballot papers emptied on to a sorting table. Officials check that each ballot paper has been initialled on the reverse side, and is a "formal" (valid) vote.

A formal vote is one where a candidate's code number and/or name appears against each of the boxes numbered 1, 2 and 3 on the ballot. If any of the numbers or names are missing or repeated, or a tick or cross is used, the vote is informal. A ballot not initialled on the back, or on which the voter has identified him/herself, is also informal.

The ballot papers are then sorted into trays for the candidates who have received the first preference votes (or into the "informal" tray). Following the sorting, counting officials count the first preferences in each tray, and they are double-checked by a second official. The agreed total is confirmed on a counting slip which is passed to a tally recorder and entered on the appropriate tally forms. This process is continued until all ballot boxes for an electorate have been fully sorted and counted. The ballots for each candidate from all boxes are then amalgamated, and the total figures re-checked.

Once this is complete, the necessary quota for an absolute majority is determined by calculating  $50\% + 1$  of the total formal votes. If any candidate receives an absolute majority of first preferences, that candidate is declared elected.

If no candidate receives an absolute majority, distribution of preferences is commenced. The candidate with the lowest number of votes is excluded, and each ballot paper from that candidate's tray is distributed to the remaining candidate who received the next preference shown. After each exclusion the absolute majority is checked, and if not yet reached by any candidate, this process is repeated.

If during an exclusion there is no continuing candidate left on a ballot paper (that is, preferences 1, 2 and 3 have all been excluded), the ballot paper is exhausted. Before each exclusion of a candidate, the number of known exhausted ballot papers is subtracted from the number of formal votes and the absolute majority required to win is recalculated. The exclusion process continues until one candidate achieves an absolute majority.

The law provides for a re-count of ballot papers at the request of the candidate who comes second in any electorate, if the margin of victory is 0.25% or less.

### ***Key issues: the Count***

The counting process, as observed by members of the Group, was conducted in a transparent and diligent manner. Although mostly proceeding very slowly, and marred by a large number of stoppages and disputes, the Group observed that on the whole, officials worked patiently to achieve consensus and enable the count to proceed in accordance with correct procedures.

One dispute which arose in several counting centres related to whether information from the Presiding Officer's journal should be read out by the Returning Officer before each box was opened, particularly the reconciliation figures and serial numbers of ballot papers used by the polling team. This procedure was not required by the published procedures, but was regarded as important by scrutineers, in the interests of transparency.

Some controversy arose over the timing of the count, with the rolling schedule for polling resulting in some electorates being counted and results beginning to emerge while voting was still taking place (or yet to take place) in others. Some expressed the view that this compromised the fairness of the election. Others, however, expressed concern about delays to the start of counting, which occurred in several places after the return of all boxes, while arrangements were put in place, and allowances paid.

The Electoral Commissioner countered that the arrangements for counting were consistent with Papua New Guinea's law and past practice, and also necessary in security terms, to prevent ballots lying idle for up to three weeks while nationwide polling was completed. The Group considers that this was a matter for careful judgment in accordance with PNG law, and should be resolved, if necessary, through the relevant court procedures.

The Group welcomed new initiatives taken in 2012 to streamline the counting and results processes. The introduction of a digital system for transmission of results from counting centres to the PNGEC improved the timeliness and transparency of the count, with results being frequently updated on the PNGEC website, which was in turn used by media to provide regular reporting.

### **Security**

A significant security effort was put in place for the vote across the country, involving both local police, and extra deployed forces in some areas. Some 3000 Papua New Guinea Defence Force (PNGDF), police and correctional services personnel were deployed to provide extra security in historically volatile areas, particularly in the Highlands. Logistical support was also provided by the Governments of Australia and New Zealand for the security deployment.

The Group welcomed the excellent work of many members of the security forces, which resulted in a largely peaceful poll overall. Predictions of widespread serious violence were not realised.

There were, however, several serious incidents of election-related violence during both the polling and counting periods, some of which resulted in the tragic loss of life and destruction of property. At the time of this report, the Group received information that further violence and killing was taking place in the aftermath of the elections in some Highlands locations.

The Group was also made aware of attempts to disrupt the election in particular locations, including by hijacking or destroying ballot boxes, or interfering with the count. The Group welcomed the efforts of security forces to take action against election-related crimes such as these, as well as bribery and weapons offences.

Concerns were raised with the Group about some members of the security forces in certain areas reportedly acting in support of or in collusion with particular candidates. Police officers were also seen in some places directly intervening in the voting process, for example by assisting voters in the voting compartment and by inspecting ballot papers before they were placed in the ballot box. The Group emphasises that all security personnel must remain completely professional, objective and impartial at all times in the performance of their duties.

### **Other observers**

In addition to the Commonwealth, other groups of international observers were accredited, upon request, by the PNGEC. These included a group coordinated by the East-West Center of the University of Hawai'i, and representatives from several diplomatic missions in Papua New Guinea, including Australia, New Zealand and the United Kingdom.

Two groups of domestic observers were accredited by the Electoral Commission for the 2012 election. One, coordinated by Transparency International PNG (TI-PNG), fielded approximately 370 observers in various provinces. The observers were volunteers recruited during awareness workshops conducted by TI-PNG throughout the country prior to the election. The second observer group was led by academics from Papua New Guinea's universities (supported by the Australian National University), and consisted of around 150 academics and students, observing in 19 electorates mainly focused on the Highlands. In addition to these, three researchers from PNG's National Research Institute conducted observation in specific areas.

Like their international counterparts, the overwhelming majority of domestic observers were able to carry out their functions freely and without interference. Members of our Group met them in a range of locations and valued their significance, and their perspectives, as Papua New Guineans enhancing the transparency of their own democratic process. However, two incidents were reported to the Group of intimidation of domestic observers by candidates or their supporters, one of which involved physical assault. We strongly condemn this practice and emphasise the importance of swift action by police against anyone found to have interfered with the safety or independence of election observers.

### **Overview of the Countrywide Observation**

Commonwealth teams reported from 16 of Papua New Guinea's 22 provinces. The following are some key points reported by teams on their observations of voting and/or counting in each province visited.

#### ***SOUTHERN REGION***

##### ***Central***

- Polling was generally quiet and orderly in Central Province.
- Polling stations were generally late to open, and in some large villages, slow progress meant that large queues of voters remained at the end of the day. In at least two cases, voters in the queue at 6.00 pm were turned away.

- Problems with the roll were seen throughout the province.
- Counting for Central Province was delayed in commencing and proceeded very slowly, but in an orderly and transparent manner.

### ***Milne Bay***

- On the whole, election management in Milne Bay was well in hand, and we were impressed by the competence and professionalism of the electoral authorities and police.
- Delays in Milne Bay province were caused by weather, exacerbated by weaknesses in logistical support, such as helicopters with insufficient seating for polling teams, and delayed response to a request for a naval boat to travel to remote islands in rough seas. The Election Manager expressed frustration that local advice was not sufficiently listened to by decision-makers in Port Moresby in making arrangements.
- We saw generally excellent adherence to voting procedures in polling stations, with free and secret voting taking place everywhere.
- Polling stations in Milne Bay were using separate ballot boxes for the Open and Regional votes, and in some cases, separate voting compartments to fill in each.
- Problems with the roll were significant. Use of varying names by voters also made the roll-checking process slow and laborious. In some cases this resulted in voters being turned away at 6.00 pm when darkness fell, forcing polling stations to close.
- Concerns were raised with us about the rise in “money politics” in the province. Many expressed disgust at this phenomenon, which was seen as outside influence.

### ***National Capital District***

- There were severe delays and in some cases postponements due to lack of delivery of polling materials and late deployment of officials. Some polling stations opened late and closed early despite a large number of ballots remaining, and even voters waiting in the queue.
- There were many disputes over accuracy of the roll, and significant confusion with the alphabetical polling stations – and the late or non-existent advice about this arrangement - which resulted in many people going to the wrong polling station.
- We saw varying quality of respect for polling procedures, although on the whole, the secrecy of the ballot was respected.
- Overall there was a good gender balance among polling officials and voters, including at senior levels, but overwhelmingly male-dominated police and scrutineers.
- The dedicated polling facility for disabled voters at the Hohola Rehabilitation Centre was an excellent initiative. Polling teams for all three NCD Open electorates were on hand in a single location, and transport was provided for disabled voters to attend. The voters and polling staff (one of whom was a disabled person) were extremely positive about the initiative and saw it as a significant first step toward realising the rights of disabled persons to participate in the political process.

## ***MOMASE REGION***

### ***East Sepik***

- The schedule for polling was generally adhered to and we did not witness the delays experienced elsewhere in the country.
- Problems with the roll were the most significant electoral issue in the province. Reports varied regarding the proportion of voters turned away due to their names not appearing on the roll. The overall impression was that this was a serious concern with high numbers of voters disenfranchised. However, we did not observe any cases

of the roll being abandoned. In rural areas the roll was typically read out with voters being called up in alphabetical order, either individually, or in family groups. A preference was expressed in some areas for formal use of the family roll.

- Polling itself was generally peaceful, orderly and in adherence with the prescribed procedures. We did not observe any overt or deliberate attempts to interfere with the electoral process. Typically, a single ballot box was used for both Open and Regional ballot papers. In rural areas a single box was used at multiple polling stations, while in urban centres a new ballot box was used at each station. Generally separate compartments were used for Open and Regional ballots, which sometimes interrupted the flow of voting. Gender specific compartments were only observed at some stations, although overall women appeared able to participate freely and without intimidation.
- Polling stations generally opened late and sometimes closed early. The former was often as a result of polling officials seeking to provide an overview of voting practices and procedures. In this regard we received complaints that voter education, particularly in rural areas, was insufficient, although there was general support for the LPV system. In some places we also observed high levels of unsolicited assistance being given to voters. This was reported as necessary due to widespread illiteracy.
- Police were present at all polling stations we visited. There were two designated 'hot spots' in the province where armed PNG Defence Force soldiers were stationed. These were the more rural, remote areas where the election served as a vehicle for community disputes to flare up, further exacerbated by the consumption of homebrew alcohol. In one such village the team observed police lose control of an escalating situation but this was an isolated incident. It was reported that no major violence or disruption occurred in the province.

### ***Madang***

- Polling in this province was to start on 23 June, however it was delayed to 25 June. The electoral officials in this province cited the following reasons:
  - Delay in payment of allowances to polling officials;
  - Delay in delivery of logistical support for the electoral officials and police from the capital;
  - Delay in delivery of ballot materials including the final electoral roll.
- Polling officials underwent a two-day training program prior to the polling day.
- On polling day ballot materials were not delivered to the stations on time. Most polling stations started later than 9.30 am.
- Some voters did not find their names on the common roll.
- Most of the polling stations in this province had two ballot boxes on polling day.

### ***Morobe***

- Most if not all polling stations in this province, had one ballot box, even for the mobile polling stations, which covered more than four wards. However polling officials noted that once the ballot box was full they were issued with replacements.
- Some polling stations started well after 8.00 am, and others in the rural areas of Huon Gulf closed polling as late as 7.30 pm. On the other hand a couple of polling stations in Lae electorate started polling at 6.00 am, with the reason that they wanted to allow voters who had to work that day, a chance to vote.
- In Lae, the voting process was delayed by a day due to weather conditions (from 26 June to 27 June).

- Most polling officials were working with badly photocopied electoral rolls. In addition a number of voters were turned away because they could not locate their names on the common roll.
- Scrutineers (especially in parts of Lae and Huon Gulf), assisted voters.
- In some places secrecy of the ballot was disregarded by voters, polling officials, policemen and scrutineers.
- There were a notable number of voters entering the polling stations with photocopied pieces of paper with candidate numbers.
- The slow process of locating a voter's name and filling out the ballot paper caused large crowds to gather at polling stations and at times the tedious process, agitated voters and caused tension between the voters and polling officials.
- The disabled in this province were well catered for and given special attention and in one polling station in Lae they were offered a separate voting compartment.
- Unfortunately some polling stations did not allow voters within the polling station at closing time to vote; a number of voters in Lae were turned away by polling officials and police.

## ***HIGHLANDS REGION***

### ***Eastern Highlands***

- Voters started voting at 10.00 am because distribution of polling materials and personnel took place on the morning of polling day (11 July).
- Two colour coded metal ballot boxes were used in each electorate, on the basis that the transparent ballot boxes arrived late.
- The colours of the ballot boxes and colours of the ballot papers did not match and in turn confused voters.
- There was no respect for the voter's privacy, even police officers would open already folded ballot papers before inserting them in the boxes.
- Village representatives were allowed into the polling stations, and in one particular area they were permanently stationed in the voting compartments, assisting voters.
- Despite polling being delayed, most polling stations of Goroka and Ungai-Bena had closed by 2.30 pm.

### ***Enga***

- Polling did not take place on 26 June as scheduled due to delays in Southern Highlands and Hela Provinces. It was rescheduled for 27 June, and also continued on 28 June. As a result of a dispute over its Returning Officer, Kandep electorate in fact polled even later.
- Despite the extra day to prepare for the election, there were still substantial delays in checking and packing polling materials, and thus ensuring their distribution in a timely manner. For example, despite being relatively close to the provincial capital, Wabag Rural LLG did not receive its material and poll until 28 June.
- Training of polling officials was also conducted very late. For example, we observed a training session in Lagaip-Porgera electorate, conducted without necessary training materials, on 26 June, the scheduled date of polling.
- Polling stations opened around 12.00 pm in the electorates visited. There was very little secrecy of the ballot, with presiding officers/polling officials and, at several polling stations, scrutineers always marking the ballot on behalf of the voter. We also witnessed multiple voting, apparent under-age voting and, at one station, a Presiding Officer and two other individuals filling out all the ballots and placing them in the box.
- Polling stations almost always closed before the scheduled hour.

## ***Hela***

- Team 2 observed voting processes in 14 Polling Stations in all three electorates (Tari, Komo Magarema and Koroba-Kopiago). The overwhelming majority of them were not complying with many of the prescribed polling procedures, in ways which put some fundamentals of the democratic process at risk.
- The voters congregated in hundreds around every open air polling station well before the scheduled time. In certain places, ignoring the rainy weather conditions, they waited for hours patiently for the arrival of polling officials and ballot boxes to cast their votes.
- Delivery of polling materials and/or arrival of polling officials and security personnel were delayed by several hours, such that polling commenced significantly later than the scheduled time.
- Except for a few polling stations, many had no posters of candidates displayed and no separate voting compartments for female voters.
- Numerous complaints were made about the accuracy of the roll. In most cases the number on the roll was far less than that of eligible voters. In many polling stations the common roll had been abandoned in favour of first-come-first-served polling, with no formal identity checks.
- In virtually all polling stations there was no secrecy of the vote either by virtue of others crowding around voting compartments, or the filling of ballots by polling staff in the presence of scrutineers and/or other voters.
- In a polling station in Kopiago electorate, a group of 8 persons including 3 polling officials were seen engaged in bloc-voting, each of them with an entire pad of ballot papers. The scrutineers and voters did not object to mass voting, which appeared absolutely normal for everyone present there, including the polling staff. Ironically, the Presiding Officer was desperate to finish the marking of ballot papers strictly before 6.00 pm. He kept on initialling ballot papers one after the other although there were no individual voters queuing up. He paid little attention to observers' presence but did allow us to observe the mass voting. While bloc voting was continuing a person, apparently a scrutineer, added further chaos to the scene by grabbing a whole bundle of ballot pads from the Presiding Officer's desk and trying to run away from the place. He was stopped by others and returned the bundle, apparently after being told that those ballot papers were not initialled by the Presiding Officer.
- The team learnt from another observer about hijacking of a ballot box by supporters of a particular candidate in another polling station in Kopiago.
- After the closure of voting in the Tari electorate, the team observed in the Tari police premises 12 sealed ballot boxes containing fresh ballot papers meant for 12 Polling Stations in Komo-Magarima electorate still lined up on the ground. They were not delivered on the day of election due to lack of transportation facilities.
- One account was given by several members of a community of a candidate allegedly tampering with the roll and intimidating the community, including through destruction of residences and property because of their support for another candidate.

## ***Jiwaka***

- On the first day of election in Jiwaka the team visited 12 polling stations in two of the three electorates (Anglimp-South Waghi and North Waghi). In view of the access problem to remote parts of the hilly Jimi electorate, deployment of personnel and distribution of ballot materials were delayed by several days. The team was able to observe (by helicopter) the polling preparation and the polling itself in three polling stations in Jimi once polling began.

- As in the case of Hela Province, the overwhelming majority of the polling stations were not complying with many of the prescribed polling procedures.
- Polling was delayed by several days due to the delay in payment of allowances to polling officers as well as due to the delayed arrival of security personnel from other provinces where polling was delayed or extended.
- On the rescheduled polling day, delivery of polling materials and/or arrival of polling officials and security personnel were delayed by up to several hours. As such the polling commenced in every polling area significantly later than scheduled time, in certain cases in the afternoon.
- There were complaints about the accuracy of the roll and in most cases the roll was abandoned in favour of first-come-first-served polling with no formal identity checks.
- Except in one or two polling stations, in all other places the secrecy of the vote was blatantly breached as the ballot papers were marked either by polling staff or a community representative on voters' behalf in the presence of scrutineers and/or other voters. In one station, a police officer recounted to the team that scrutineers had been filling in ballots for people.
- Several accounts were given to us by community members or national observers of first preferences on ballots being pre-filled by candidates. In at least one case, the resulting dispute led to destruction and removal of the ballot box.
- A candidate in South Waghi was arrested by the police after being caught distributing cash to voters on the day of election.
- Polling in the stations visited in Jimi was peaceful, except voters' complaints about the common roll having far less names than the number of eligible voters in their respective areas.

*General Points: Hela and Jivaka*

- There was little or nothing in place to safeguard women's rights, including the ability to vote independently and secretly (no male/female voting compartments were used) and the enjoyment of equal employment opportunities (with some exceptions, polling staff, police and scrutineers were overwhelmingly male).
- Voters' literacy rate varied from 5% or less in certain villages to 30-40% in others. Despite a large number of political parties registered for the 2012 elections, policy oriented political party mobilisation was non-existent in all the electorates visited.
- Many election abuses stemmed from the low literacy level of an overwhelming majority of rural voters and lack of a policy-oriented party base in almost every electorate.

***Simbu (Chimbu)***

- Candidates were still meeting voters the day before elections, in this meeting they were issuing posters and money to the voters.
- A few stations visited did not have indelible ink, while in other polling stations officials opted not to use the common roll. Polling officials claimed that they hailed from the same area and therefore knew who lived there and who did not.
- A candidate and his representative, in one area known as Wandu, assisted voters. In the same ward the voters had asked to "bloc" vote however their request was turned down by the Presiding Officer.
- There was a significant number of underage voters in Sinasina electorate, where children as young as 12 were allowed to vote in full glare of the police and polling officials.
- There were also a significant number of areas where secrecy of the ballot was not observed.
- Candidates would linger at polling stations "talking" to voters.

- After the polls, a candidate had his property burnt by a rival candidate in the province's capital, Kundiawa.
- Because of logistical challenges distribution of ballot materials went well beyond 11.00 am on polling day (7 July) and in some electorates, polling stations closed by 3.00 pm, with officials claiming that all the voters in the wards had voted.

### ***Southern Highlands***

- Polling stations opened late in Southern Highlands, some as late as 4.00 pm on 23 June, with the planned one-day polling schedule continuing into the following day.
- There were various reasons for the delay in the start of voting: late or non-payment of allowances to polling staff; last-minute changes of polling staff in particular areas; delays in distributing election material from the provincial capital to the electorates; security personnel not being present at some polling stations; and delayed helicopter flights to more remote areas due to poor weather.
- When polling got underway, mainly early in the afternoon, polling officials generally called forward families according to the order of the family roll, rather than on a first-come, first-served basis.
- Secrecy of the ballot was rarely respected, with Presiding Officers/polling officials marking the ballot on behalf of the voter. Voters would often present a slip of paper marked with their preferences, with many of these pieces of paper identically printed. Scrutineers, police officers, as well as other voters, often looked at the voter's marked ballot before it was placed in the box.
- In one polling station in Imbonggu electorate, we witnessed a candidate interfering in the process and directing the work of polling officials.
- Some polling stations were seen to have closed as early as 4.00 pm on 23 June, but we were also present at one polling station, in Mendi electorate, which did close at 6.00 pm, in accordance with procedures.
- A few voters expressed concern that they were denied their right to vote at a polling station by supporters of a particular candidate who took their ballots and marked them themselves.
- We observed Days 1, 8, 9 and 10 of the count in Southern Highlands. In general, the count was transparent and according to procedures. However, disputes between two candidates and their supporters in Imbonggu electorate were of concern, particularly the reported threatening of some Presiding Officers on 7 July and the resulting suspension of counting on Sunday 8 July.

### ***Western Highlands***

- Polling did not take place on 29 June as scheduled due to delays elsewhere in the Highlands Region. It was rescheduled for 2 July, and also continued on 3 July.
- As observed in Enga, despite the time to prepare for the election, there were still substantial delays in checking and packing polling materials, and thus ensuring their distribution in a timely manner.
- We observed the transport of materials from Mt Hagen to Dei electorate on the morning of 2 July, as well as voting in Dei and Hagen electorates. On 3 July, we observed voting in Mul-Baiyer electorate.
- Materials were somewhat delayed in their distribution from Muglamp District Office to polling stations across Dei due to candidates' concerns over the number of ballot papers that had been allocated to each station. Requests were made to open up some of the ballot boxes so that their contents could be checked. These requests were acted upon by election officials in a transparent manner, and to the satisfaction of all concerned.

- Polling started at around 2.00 pm at stations observed in Dei electorate. With one exception, the electoral roll was not used at any polling station visited, because of serious concerns over its accuracy, and as an attempt to process voters more quickly.
- Again, secrecy of the ballot was not widely respected, with either polling officials or scrutineers filling in ballots, and others, including police officers, watching them do so. Considerable apparently under-age voting was also observed.
- Polling stations closed earlier than the scheduled hour. In Hagen electorate, we passed by several polling stations that had closed around 4.00 pm, thus potentially disenfranchising voters.
- We observed Days 1, 2 and 3 of the count in Western Highlands Province. In general, the count was transparent and according to procedures.

## ***NEW GUINEA ISLANDS REGION***

### ***Autonomous Region of Bougainville***

- In general polling was well-organised and efficient; although in one or two places locations and schedules seemed to have been changed for no obvious reason (weather may have been a factor).
- A substantial proportion of women and young people were observed voting at several polling stations in North and Central Bougainville electorates.
- The Assistant Returning Officer for the Panguna district in central Bougainville told us that a ballot box had just been taken from one of the polling stations near the disused Panguna copper mine; but it later emerged that this was probably the work of a disgruntled Presiding Officer who had not received his allowances. The box was recovered.
- Observers in one polling station in North Bougainville saw a disabled voter being helped by a Presiding Officer who was clearly manipulating him to vote for a different candidate from the one he had intended to vote for.

### ***East New Britain***

- Apart from some delays on the opening day of voting, polling seemed generally well-organised, with Presiding Officers and other staff apparently aware of their respective responsibilities, and a good statement to assembled voters about procedures under the LPV voting system by the Presiding Officer at the polling station where the opening was observed.
- The team observed a training session for polling staff in one electorate (Rabaul) the day before the start of polling, which was comprehensive and allowed time for questions.
- As elsewhere, the electoral roll caused problems. But in at least one polling station observed, staff had copies of the rolls for the whole electorate, and were thus able to advise voters who were enrolled in other wards where they should go to vote.
- In one polling station in Kokopo electorate, police were observed 'helping' voters, not only in the voting compartments, but also by inspecting their completed ballots, according to the polling staff to ensure that they didn't make a mistake leading to an informal ballot! The same polling station was using the old metal ballot boxes, having agreed to scrutineers' demand that the plastic ones be replaced due to being insufficiently robust.
- In another place in the same ward, we were told that more than half of those who had come to vote had been turned away because their names were not on the common roll. The area is populated mainly by (migrant) plantation workers, some of whom may have been enrolled in other regions.

## ***New Ireland***

- Unusually, one of 4 polling stations visited in Namatanai Open electorate was on its second ballot box. Commonwealth observers were able to verify later during counting for the provincial seat in Kavieng that this box had been counted; whereas for the majority of Namatanai polling places the second ballot box issued had not been used.
- The Returning Officer for Namatanai Open electorate showed us the form which voters were required to complete to ensure that they were on the electoral roll (countersigned by the local ward recorder or other official carrying out the updating exercise). He claimed that anyone who had not completed and signed this form would not be included in the electoral roll, irrespective of whether they were on the original (2007) roll. This suggests that there may have been regional variation in the way the updating process was conducted.
- The Election Manager for New Ireland was almost invisible during the counting process in Kavieng (for the Kavieng Open and New Ireland Regional electorates). Announcements of the count were made by the respective Returning Officers.
- During the period between the end of polling and the start of counting, observers spoke to 5 candidates to discuss feedback obtained from their scrutineers about the polling process. A common theme of their comments was the deficiencies manifested in the electoral roll. There were also complaints about the truncation of the campaigning period (from 5 to 2 weeks), which it was claimed had favoured wealthier candidates able to deploy greater resources during a shorter campaigning period; allegedly politically-motivated failure to include a photo of one candidate so as to reduce his profile for voters; lack of any mechanism to monitor votes in other electorates so as to prevent multiple voting; and difficulties for scrutineers in ensuring that ballot boxes were kept properly guarded overnight between polling sessions. A female candidate we spoke to also bemoaned the difficulties of standing as both a woman and an independent, with no party resources in support and only family members as campaigners/scrutineers.
- Commonwealth observers witnessed some 44 hours of counting at the Kavieng Open/New Ireland Regional counting centre in Kavieng (after a series of reversals of plan, it was decided that counting for Namatanai Open should take place in Namatanai). In general this was conducted effectively and transparently, despite periodic hold-ups caused by complaints from scrutineers.
- Informal ballots during the counting period observed constituted an average of around 5% of total votes cast. Most of these involved voters listing candidates for the Open election on the ballot for the Regional seat, or vice versa, indicating confusion on the part of voters between the two ballot papers.
- By the standards observed elsewhere, polling and counting in the Islands region (to the extent to which the latter was observed) was relatively efficiently conducted. But problems with the electoral roll in particular led to a strong sense of frustration among voters who felt that they had been involuntarily disenfranchised.

## RECOMMENDATIONS

- The PNGEC should upgrade the training of polling officials to emphasise the unacceptability of opening later and closing earlier than mandated.
- The PNGEC should consider the following measures which may enhance polling procedures:
  - using a stronger ballot box which is less susceptible to damage, but is still transparent;
  - the use of separate ballot boxes in polling stations for the Open and Regional electorates;
  - reviewing the design of the ballot paper, considering whether it can be changed to ensure maximum franchise and ease of use. This could include a clearer distinction between the Open and Regional ballot papers;
  - making available clear and broadly accessible instructions on how to cast the ballot, at every polling station.
- Relevant authorities should ensure strict enforcement of the secrecy of the ballot and adherence to polling procedures by all stakeholders (polling officials, police, candidates, scrutineers and voters) at the polling station.
- Work should be continued and enhanced to build a culture of democracy, such as a commitment to the peaceful transfer of power, and relationships of respect and accountability between elected representatives and their people, including through support for civil society efforts to achieve this.
- The PNGEC, police and political parties should continue to strengthen measures to ensure appropriate gender balance and equality of opportunity for women and men in all positions, including senior positions, within the various institutions that play a role throughout the electoral process.
- The PNGEC, in partnership with the National Board for Disabled People, should continue and expand special arrangements for disabled voters.
- The PNGEC should include in procedures for the count a requirement that information from the Presiding Officer's journal, specifically the reconciliation of the ballots, be publicly announced prior to the counting of each box.
- Continued support and capacity development should be provided to strengthen domestic election observation, and to promote respect for domestic observer groups.

## Chapter 6

### Conclusions and Recommendations

#### Conclusions

The 2012 election in Papua New Guinea saw some progress and some setbacks in the country's efforts to strengthen its democracy. Some of the benchmarks for democratic processes were met, but significant challenges remain to achieve the efficient and effective management of elections that ensures maximum franchise for citizens, appropriate and consistent electoral practices for the exercise of that franchise, and a strong culture of democracy throughout the country.

The legal framework in PNG provides the necessary foundation for democratic elections, and a concerted effort was made by the Papua New Guinea Electoral Commission, and others involved with the election, to afford the people of Papua New Guinea the opportunity credibly to express their will. Many were able to do so.

Nevertheless, several serious concerns need to be addressed for the future.

The increase in "money politics" during the election campaign was widely noted and reported to the Group. Gift-giving has always been a feature of election campaigning in PNG, and is arguably part of the culture. Nevertheless, the very significant amounts of money now involved, and the many reports of direct bribery on a large scale, undermine the integrity of the democratic process. Stronger measures should be taken to counter this trend.

There were unfortunate problems with aspects of election management. The process was beset by delays, often for avoidable reasons. Crucially, problems with the quality and management of the electoral roll led to significant numbers of citizens missing out on their opportunity to vote. There were multiple causes of this, and reform is needed on a number of levels to improve the voter registration and roll management system. This should be an urgent priority for the new government and electoral authorities immediately following the 2012 election.

There were significant variations in the practices of voting around the country. In most coastal and islands locations, voters were able to exercise their votes freely and in secret. In the Highlands and parts of Momase, however, the Group observed a great many serious breaches of democratic practice. There was no secrecy of the ballot in most of the polling stations visited in parts of the Highlands. There were also many cases of polling staff, scrutineers or candidates filling in the ballots of voters (usually in public); multiple voting; "bloc" voting; and other unlawful practices. We were also concerned by reports of intimidation by candidates or their supporters in certain places.

A major remaining obstacle to democracy in Papua New Guinea is widespread, deeply-rooted discrimination against women. The Group strongly emphasises the need to accelerate efforts to establish a legal framework, and other measures, to address the very uneven playing field for women's political participation.

The counting process was beset by disputes and delays, but was conducted in a transparent and diligent manner. The improved system for transmission and publication of progressive results helped increase the transparency of the count and public confidence in it.

The achievement of a largely peaceful poll defied many predictions, and was a credit to the excellent work of many members of the security forces. There were some cases of allegedly partisan behaviour by police and military, however, which must be swiftly addressed. The Group also abhors those incidents of election-related violence and disruption which did occur, particularly where lives and livelihoods were lost.

The Commonwealth Observer Group urges all Papua New Guineans to continue exercising patience and respect for the democratic process. The final results, formation of government, and any necessary legal matters arising from the election, should be completed in a timely, lawful and peaceful way.

The next parliament of Papua New Guinea will face formidable opportunities and challenges in the life of this young nation. The Group emphasises the importance of good leadership in the next five years, including through responsible and accountable leaders who enjoy the confidence of their people.

The Group hopes that the recommendations below can assist in strengthening the election process in Papua New Guinea in future. The Group urges the Commonwealth and other international partners to provide the Papua New Guinea Electoral Commission, and other relevant stakeholders, with whatever support they may request in order to do so.

## **Recommendations**

### **Electoral Framework and Election Administration**

- The parliament of Papua New Guinea should give due respect to the principle of equal suffrage in considering the recommendations of the next Boundaries Commission review, which should proceed as scheduled in 2013 with all necessary support for its work.
- Action should be taken by the new government and the PNGEC as an urgent priority, immediately following the conclusion of the 2012 elections, to review and strengthen the voter registration system and the management of the electoral roll for future elections. This should include the incorporation of an appropriate form of voter identification into the enrolment process and the roll, and better measures for collection, checking and verification of enrolment details before and during polling.
- A review should be conducted of the support and reform needed to strengthen the effectiveness of election management by the PNG Electoral Commission, including through possible restructuring, and refining the arrangements for decentralisation.
- The Electoral Commissioner should make use of the Elections Advisory Committee established under the law to advise and assist him on election-related matters, including by convening regular meetings of the Committee.
- The PNGEC should ensure that adequate and timely training of election officials is undertaken, preferably no later than two weeks before polling commences.

- Efforts should be accelerated with urgency to establish a legal framework and other measures, compliant with CEDAW and international good practice, to ensure greater gender balance in Parliament in time for the 2017 elections.
- The new government should continue and expand dedicated programmes to train and support female candidates, and allocate clear and adequate budgetary resources to educate voters throughout the country and throughout the 2012-2017 election interval on the equal rights of women and men to participate in public life, and the benefits to society as a whole from gender balance in leadership and decision making.

### **Election Campaign and Media**

- Parliament should strengthen laws relating to the regulation and transparency of candidate financing. This needs to be coupled with more active enforcement of such laws, including by building the IPPCC's capacity to monitor and regulate campaign financing. Real redress for bribery and vote buying as election offences is also required.
- Media houses should introduce policies or guidelines on election coverage. Media industry bodies, working with partners such as the PNG Media Workers' Association and other agencies, should develop and encourage PNG media houses to agree upon a code of conduct on election coverage.
- Consistent and ongoing education on the electoral and registration process should be provided to all stakeholders, from voters to polling staff, scrutineers, observers, candidates and security personnel, in order to promote greater awareness of rights, practices, and legal requirements.
- Government should ensure the availability of civic education which encourages voting based on parties'/candidates' policies rather than personal relationships and clan affiliation. There is a need to foster greater demand for candidates with integrity, whose work does not stop once polling is over. The IPPCC and others are doing good work in this area, which should be continued and scaled up.

### **Voting, Counting and Results**

- The PNGEC should upgrade the training of polling officials to emphasise the unacceptability of opening later and closing earlier than mandated.
- The PNGEC should consider the following measures which may enhance polling procedures:
  - using a stronger ballot box which is less susceptible to damage, but is still transparent;
  - the use of separate ballot boxes in polling stations for the Open and Regional electorates;
  - reviewing the design of the ballot paper, considering whether it can be changed to ensure maximum franchise and ease of use. This could include a clearer distinction between the Open and Regional ballot papers;
  - making available clear and broadly accessible instructions on how to cast the ballot, at every polling station.

- Relevant authorities should ensure strict enforcement of the secrecy of the ballot and adherence to polling procedures by all stakeholders (polling officials, police, candidates, scrutineers and voters) at the polling station.
- Work should be continued and enhanced to build a culture of democracy, such as a commitment to the peaceful transfer of power, and relationships of respect and accountability between elected representatives and their people, including through support for civil society efforts to achieve this.
- The PNGEC, police and political parties should continue to strengthen measures to ensure appropriate gender balance and equality of opportunity for women and men in all positions, including senior positions, within the various institutions that play a role throughout the electoral process.
- The PNGEC, in partnership with the National Board for Disabled People, should continue and expand special arrangements for disabled voters.
- The PNGEC should include in procedures for the count a requirement that information from the Presiding Officer's journal, specifically the reconciliation of the ballots, be publicly announced prior to the counting of each box.
- Continued support and capacity development should be provided to strengthen domestic election observation, and to promote respect for domestic observer groups.

## **Annex 1**

### **Composition of the Commonwealth Observer Group**

#### **Hon Edward Natapei (Vanuatu) – Chair**

The Hon Edward Nipake Natapei is currently Deputy Leader of the Opposition and head of the Vanua'aku Pati. He took office for a second term as Prime Minister of Vanuatu in September 2008 following the victory of the Vanua'aku Pati at the 2 September general election and served until 2 December 2010. He was concurrently Minister of Public Service.

Mr Natapei had earlier been Prime Minister from 2001 to 2004. He served as Deputy Prime Minister and Minister for Public Utilities from 2007 to August 2008 during the Ham Lini administration. From 2005 to 2007, Mr Natapei was Minister for Infrastructure and Public Utilities. He was Leader of the Opposition from 1999 to 2000 after being elected Leader of Vanua'aku Pati in 1999. Mr Natapei was Acting President for a brief period from 2 to 24 March 1999. He was Speaker of Parliament from 1996 to 1999, and was briefly Minister of Foreign Affairs in 1991. Mr Natapei served as Minister of Health from 1987 to 1991 under the Walter Lini administration.

Mr Natapei was first elected to Parliament in 1983. Prior to that, he was First Secretary, Ministry of Finance, Commerce, Industry and Tourism in 1982. Mr Natapei is a graduate of the Fiji Institute of Technology, Suva, Fiji Islands.

#### **Ms Kathryn Omwandho (Kenya)**

Kathryn Omwandho is a journalist with KTN (Kenya Television Network). Her main focus is feature reporting on issues of governance, conflict and politics. She is a graduate of the University of Nairobi with a degree in Journalism and Media Studies and is currently studying for her Masters degree in International Conflict Management.

#### **Ms Sarah Fradgley (New Zealand)**

Sarah Fradgley is a media and communications consultant working with international organisations, including the UN and EU. She has extensive experience of media relations, public information campaigns and grassroots communications on a wide range of political, electoral, security and development issues. Ms Fradgley has considerable experience in the field of elections, and has worked as an election observer in 20 countries, including Indonesia, Bangladesh, Lebanon, Zambia, as well as in many countries in the Balkans and in the former Soviet Union. She also worked as spokesperson for the Iraq Out-of-Country Voting Programme in the UK. Previously, she worked in Kosovo as spokesperson for the European Agency for Reconstruction and as press officer for the United Nations. She began her career as a journalist at the BBC, where she spent six years as a producer on TV and radio news programmes, and as the BBC's Berlin bureau producer covering stories in central and eastern Europe.

#### **Mr Daryl Mapu (Samoa)**

Mr Mapu is currently employed as a Senior Registration Officer by the Office of the Electoral Commissioner. He has wide experience in elections around the Pacific and other parts of the world such as Bangladesh. This is his second involvement with the Commonwealth Secretariat. He has a Bachelor of Commerce degree majoring in accounting and computing.

**Ms Emmanuella Kauhue (Solomon Islands)**

Ms Kauhue is the Community Participation Advisor with the Regional Assistance Mission to Solomon Islands (RAMSI) Infrastructure Partnership, and a Member of the Solomon Islands Law Reform Commission.

**Ambassador Mohamed Mohideen Amanul Farouque (Sri Lanka)**

Amanul Farouque, a former career Foreign Service Officer of Sri Lanka was his country's Ambassador to Oman, Yemen, Iraq, Lebanon and Syria. From 1975 he served in different capacities in the Foreign Ministry in Colombo and Sri Lankan Missions abroad, including in the Permanent Missions of Sri Lanka to the UN in New York and Geneva. During his career he was appointed Consul for Sri Lanka in New York, Acting High Commissioner in Pretoria, and Director-General (Political Affairs) in the Ministry of Foreign Affairs. He has briefly served as Presiding Officer and Assistant Returning Officer during the General and Provincial Elections in Sri Lanka. Following his retirement in 2008 he was attached to the Ministry of Resettlement and Disaster Relief as the Additional National Project Coordinator and currently lectures part-time in the Bandaranaike International Diplomatic Training Institute in Colombo.

**Mr Joseph N Biribonwa (Uganda)**

Mr. Joseph N. Biribonwa holds a Bachelor of Commerce with Hons. Degree from the University of Nairobi. He has over 35 years of experience in Commercial Management of Public Enterprises (Export and Import Corporation, State Trading Corporation, Uganda Hardwares Ltd, Uganda Pharmaceuticals Ltd, Uganda Electricity Board and Electoral Commission). He was a Commissioner, Electoral Commission from 2002 to November 2009. He has previously served on several Institutional Boards e.g. African Furnishing House, Makerere University Council, Uganda Aids Commission, etc. and currently is Chairman, Crane Bank and is also Chairman Munyoyo Commonwealth Resort Ltd. He has undergone local and overseas specialised training for Chief Executives, Procurement, Public Utility Management, Election Administration etc, including Executive Attachment at Manitoba Hydro, Canada. He has been a regular International Elections Observer to several African Nations. He is a retired Speaker of Bunyoro Kingdom, and a member/past President of the Rotary Club of Kololo. He is in charge of Central North Region.

**Mr Henry Hogger (United Kingdom)**

Henry Hogger is a former British diplomat who spent most of his career in the Arab world, finishing as Ambassador in Syria and then Governorate Coordinator for Basra in post-war Iraq. Since retiring from the foreign service in 2004 he has undertaken election observation missions for the European Union in several African and Latin American countries; and for the Commonwealth in Zambia (2006) and the Autonomous Region of Bougainville (2010). He is Chairman of the Council for British Research in the Levant (a UK government-funded body supporting archaeology and social science in the Near East) and a Senior Consultant with Middle East Consultants (MEC) International Ltd.

**Commonwealth Secretariat Staff Team**

Ms Shennia Spillane, Adviser & Head, Caribbean & Pacific Section, Political Affairs Division

Mr Manoah Esipisu, Deputy Director, Communications & Public Affairs Division (17/6-7/7)

Ms Geraldine Goh, Adviser, Communications & Public Affairs Division (8/7-17/7)

Ms Treva Braun, Human Rights Adviser, Human Rights Unit

Ms Laura Southerland, Programme Officer, Governance & Institutional Development Division

Mr Jonathan Hawkes, Logistics and Administration, Political Affairs Division

Ms Claudia Russo, Logistics and Administration, Political Affairs Division

## **Annex 2**

### **Arrival Statement**



### **Commonwealth Observer Group Papua New Guinea National Elections 2012**

#### **NEWS RELEASE**

##### **Arrival Statement by Hon. Edward Natapei MP Chairperson of the Commonwealth Observer Group**

The Commonwealth Secretary-General, Mr. Kamallesh Sharma, constituted an Observer Group for the 2012 Papua New Guinea National Elections following an invitation from the Government of Papua New Guinea. It is my honour and privilege to have been asked to lead the Group and to be here in the country for these important elections.

The Commonwealth has a tradition of observing elections in Papua New Guinea since 1992, and we are pleased to be here this year to contribute to the further strengthening of PNG's democracy.

Democracy and good governance are key Commonwealth principles and ones which our Observer Group is constituted to promote and uphold. These elections are crucially important for the people of Papua New Guinea, as they elect their representatives, and it is imperative that the electoral process is transparent, fair, credible, and free of violence.

Our task as the Commonwealth Observer Group is to consider all the factors affecting the credibility of the electoral process as a whole, and assess whether the elections have been conducted according to the standards for democratic elections to which Papua New Guinea has committed itself, with reference to its own election-related legislation as well as relevant regional, Commonwealth and other international Conventions and Declarations.

We will consider, among other things, whether conditions exist for free and competitive elections; the voter register provides for universal suffrage; there is a level playing field in the campaign; state apparatus and public media are impartial; freedom of expression is provided for and the media meets its responsibilities for honest and balanced reporting; voters are free to express their will; the secret ballot is respected; and the results process is transparent and timely.

In conducting our duties and undertaking our assessment, we will be impartial, objective and independent. We are here in our individual capacities as eminent Commonwealth citizens. The assessment of the Group will be its own, and not that of any member government. We will be constructive in our observation and remarks, with the intent to help further strengthen the democratic process in Papua New Guinea.

Our Group has been drawn from across the Commonwealth, and includes politicians, members of election commissions, and representatives of civil society and the media.

In the pre-election period we are meeting a wide range of stakeholders, including the PNG Electoral Commission and Integrity Commission, representatives of political parties, civil society and the international community. We are also in touch with the other international and national observer groups to share information and coordinate our respective efforts.

During the polling period, Commonwealth teams will deploy to a variety of locations around the country to observe the voting, counting and results processes. Our teams will coordinate with other observers in the field in order to maximise our overview of the process. We will issue an Interim Statement after the election and a final report at a later stage.

For Papua New Guinea, the conduct of credible elections is vital, and has become even more critical to the country's future following the constitutional crisis and political uncertainty of recent months. We call on all political parties and stakeholders to play their roles responsibly and to adopt a constructive approach to the entire electoral process, in order to ensure a peaceful and successful poll.

I wish the people of Papua New Guinea well and pledge the unwavering solidarity of the Commonwealth as you go into these important elections.

Port Moresby, 19 June 2012

## Annex 3

### COG Deployment Plan

TEAM	OBSERVERS	PROVINCE
1	Chair: Hon Nipake Edward Natapei (Vanuatu) Ms Shennia Spillane, Mr Manoah Esipisu & Ms Claudia Russo	Central Province National Capital District Milne Bay Province
2	Amb M.M. Amanul Farouque (Sri Lanka) Ms Tea Braun	Hela Province National Capital District Jiwaka Province
3	Kathryn Omwandho (Kenya) Mr Daryl Mapu (Samoa)	Madang Province Morobe Province Chimbu Province Eastern Highlands Province
4	Ms Sarah Fradgley (New Zealand) Mr Joseph Biribonwa (Uganda)	Southern Highlands Province Enga Province Western Highlands Province
5	Ms Emmanuella Kauhue (Solomon Islands) Mr Henry Hogger (United Kingdom)	East New Britain Province Autonomous Region of Bougainville New Ireland Province
6	Mr Jonathan Hawkes Ms Laura Southerland	East Sepik Province

## **Annex 4**

### **Interim Statement**



### **Commonwealth Observer Group Papua New Guinea National Elections 2012**

#### **INTERIM STATEMENT**

**Hon. Edward Natapei MP  
Chairperson of the Commonwealth Observer Group**

***"Some of the benchmarks for democratic processes have been met, but several significant challenges remain to be addressed for the future."***

The Commonwealth Observer Group has been present in Papua New Guinea since 16 June 2012. During this time we have met with a wide range of stakeholders, including the PNG Electoral Commission (PNGEC), the Integrity Commission, representatives of political parties, civil society, media, the international community, and other national and international observer groups. Commonwealth teams have observed voting in all four regions and 16 of PNG's 22 provinces. Our teams were also able to observe some counting in four provinces and the National Capital District. While deployed, our observers met with electoral officials, police, candidates, scrutineers, and ordinary voters in order to build up a larger picture of the conduct of the electoral process.

We are aware that due to the extended polling schedule, voting is yet to be completed in some provinces at the time of this statement. The counting is also ongoing, and most results are yet to be declared. This interim statement reflects in summary form the observations and assessments of the Commonwealth team on the electoral process up to this point. We will issue a Final Report at a later stage, containing our full conclusions and recommendations on the entire process.

#### **Key Findings**

Papua New Guinea's 2012 elections have seen some progress and some setbacks in the country's efforts to strengthen its democracy. Up to this point, some of the benchmarks for democratic processes have been met, but several serious concerns need to be addressed for the future. Significant challenges remain to achieve the efficient and effective management

of elections to ensure maximum franchise for citizens, appropriate and consistent electoral practices for the exercise of that franchise, and a strong culture of democracy throughout the country.

### *Legal Framework*

- Overall, the legal framework in PNG provides the necessary foundation for democratic elections. This includes universal suffrage, and the safeguarding of human rights such as freedom of association, assembly and movement.
- A major remaining obstacle to democracy is the widespread, deeply-rooted discrimination against women. The Group strongly emphasises the need to accelerate efforts to establish a legal framework and other measures to address the very uneven playing field for women's political participation.

### *The Campaign*

- Those with whom we met in the final days of the campaign period reported that the campaigning was competitive, and mostly peaceful. Candidates generally complied with the campaign deadline of 22 June 2012.
- However, concerns were raised with the Group about the rise of money politics in these elections, including widespread reported attempts by candidates to bribe voters directly, on a scale far greater than ever before. The Group encourages the further strengthening and enforcement of laws relating to campaign financing, bribery, treating and undue influence.

### *Election Management*

- The staff of the PNGEC, both in Port Moresby and around the country, worked hard in very challenging circumstances. Nevertheless, the Group observed that there was an unfortunate level of disorganisation and inconsistency in aspects of election management.
- Widespread delays in the polling schedule were of concern given their potential to confuse and disenfranchise voters, and the cost and security implications of further extending an already lengthy election period. Delays occurred in certain places due to weather conditions, but in many cases were caused by late distribution of polling materials and personnel, tardy payment of allowances to officials and security forces, and failures in logistics planning. Commonwealth observers sometimes detected a lack of urgency to ensure that the polling schedule was met. Attention needs to be given to the further strengthening of election management, including refining the systems for delegated authority to the provincial and district levels, to ensure the necessary efficiency, oversight and accountability for a timely and effective poll.

### *Electoral Roll*

- The Group observed problems with the electoral roll in all provinces visited. The proportion of voters turned away varied between areas, and there were multiple apparent causes including: the integrity of the electoral roll itself, confusion over names used by voters, a lack of clarity in the allocation of voters to specific Wards,

and the limited ability of polling officials to verify enrolment information on polling day.

- The widespread disenfranchisement of citizens of Papua New Guinea who wished to vote is a serious problem that must be addressed through a more reliable and efficient voter registration and electoral roll management system, including the incorporation of some form of voter identification, and better measures for verification and redress during polling. This issue has been repeatedly raised during past elections in PNG, including by Commonwealth observer groups. It must be addressed as an urgent priority following the 2012 election.

### *Voting*

- There were significant delays to the opening time of polling stations almost everywhere, and this was exacerbated by the observation of Group members in many places that polling stations also closed earlier than 6.00pm. Failure to accord sufficient respect to the designated polling times has the potential to disenfranchise voters, and is a serious concern.
- The Group witnessed wide variance in voting practices around the country. In coastal and islands provinces, the procedures were correctly followed in most respects and voters (whose names were located on the electoral roll) were able to exercise their votes freely and in secret.
- In the Highlands provinces, on the other hand, a great many anomalies were observed in the practice of voting. Most of the polling stations we visited did not provide for the secrecy of the ballot, with voting taking place in public and often being done by polling officials or even by candidates or scrutineers on behalf of voters. Our teams also saw multiple voting, "bloc" voting, and apparently underage voters, in a number of locations.
- We were also concerned by reports of intimidation of voters by candidates and their supporters at certain polling locations.
- The Group welcomed the initiative taken to provide for voters with disability in the 2012 election. Members of the Group visited the dedicated facilities established for disabled voters in Port Moresby and Lae, and also witnessed disabled voters being given priority and assistance in several other polling places. These steps toward empowering persons with disability as participants in the electoral process are laudable, and the Group hopes they can be further built upon in future elections.

### *The Count*

- Although there have been some procedural disputes and delays, the counting process, as observed by members of the Group so far, has been conducted in a transparent and diligent manner.
- A positive development observed by the Group was the new system for digital transmission of results from counting centres to the PNGEC, which allowed for timely updating of results on the PNGEC website and through the media. This has increased the transparency of the counting process, and is to be commended.

- The Group will continue to monitor the counting and results processes in the coming days.

### *Security*

- The Group welcomes the patience and restraint of the vast majority of people involved with the election, and the excellent work of many members of the security forces, which have resulted to date in a largely peaceful poll.
- There have been, however, some serious incidents of election-related violence, some of which resulted in the tragic loss of life and destruction of property. The Group is also aware of some attempts to disrupt the election in particular locations, including by hijacking or destroying ballot boxes. The Group welcomes the efforts of security forces to stop these actions and arrest their perpetrators, and urges all Papua New Guineans to refrain from criminal acts that interfere with the election process.
- Concerns were raised with the Group about some members of the security forces in certain areas acting in support of particular candidates. The Group emphasises that all security personnel must remain completely objective and impartial at all times in the performance of their duties.

At this crucial stage in the electoral process, the Commonwealth Observer Group urges all Papua New Guineans to continue to exercise patience and to allow the election process to be completed in a peaceful and lawful way. The Group likewise urges the PNGEC and other relevant authorities to ensure that the counting and results processes and those steps which follow, including any election-related legal matters, are concluded in a timely and transparent manner, in order to ensure full accountability for, and confidence in, the outcomes of the election.

**Port Moresby, 11 July 2012**

### **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.