



Pacific Islands Forum

election observation:

An external perspective

Sławomir Szyszka

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International IDEA

SE – 103 34 Stockholm

Sweden

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Abstract

This paper provides a detailed analysis of PIF involvement in election observation. Its main purpose is to present practical and forward-looking recommendations to improve the effectiveness of the PIF EOMs in supporting electoral processes.

Attention is therefore focused on areas that can benefit the most from changes: namely, strengthening the methodological basis and comprehensiveness of the observation and follow-up activities. Each section examines selected issues and includes examples of best practice and arguments for their introduction.

Generally, more extensive use of the Declaration of Principles for International Election Observation and the Code of Conduct for International Election Observers is suggested. The Declaration can provide valuable guidance on how to conduct observations of the highest standards.

With regard to the Terms of Reference, contents should be modified to indicate that elections have to be evaluated in relation to local laws, relevant international treaties and regional commitments. This is a more appropriate basis for evaluation than elusive ‘standards’ or ‘environments’. Moreover, provisions to safeguard citizens’ rights to access final reports in a timely manner should be considered. Additionally, the Terms could underline the obligation to submit feedback on the EOM final report and recommendations.

However, the key issue is to put greater emphasis on long-term monitoring and to focus attention on areas where problems actually exist. This could place the PIF EOMs, which so far are short-term missions, in a completely different league. For this purpose I propose the introduction of long-term observer teams, specialized missions and teams of experts to audit registration of voters and to monitor media or campaign finances. All these options could be used in a variety of flexible configurations.

Nevertheless, long-term monitoring alone without far reaching changes in follow-up practices will not produce optimal results. Hence it is necessary to strengthen measures aimed at effective implementation of the EOMs’ recommendations. Again, this study suggests practical actions that should be taken to achieve this. These activities include the need to develop standard follow-up procedures, pre-deployment explanatory visits and post-election feedback reports.

Introduction

Since 2001 the Pacific Islands Forum (PIF) has deployed 16 Election Observation Missions (EOMs) to nine member states and has inevitably become a leading institution in election monitoring in the region. Indeed at present it is the only inter-governmental organization that is consistently observing elections in Pacific Island countries. This makes PIF activity in this area even more important and worthy of further development.

Over the years the PIF has observed elections together with the Commonwealth in the framework of the Joint Election Observation Missions. In the case of the Solomon Islands elections the PIF was included in the framework of the United Nations Election Observers

Coordination Team (UNEOCT). Nevertheless, beginning with the Fiji 2006 election the PIF has more often observed entirely independently. Year 2010 was significant as it saw a record number of four EOMs. This is an expression of the growing importance of democratic values and good governance principles among PIF members.

Because this year (2011) will be ten years since the first PIF election observation mission, it is worthwhile summarizing the PIF's experiences, and also looking at the methodology used and thinking about the prospective role of the Forum in election observation.

Therefore this paper has very practical aims: to serve as a contribution and a modest input to discussion on possible ways forward that will make PIF election observation more proactive and useful as a tool in building democratic institutions and preventing conflict. This will all be considered with respect to established good practices and the specific circumstances of the region.

The Pacific Islands forum mandate for election observation

The document that provides the PIF mandate to observe elections in Forum member states is the Biketawa Declaration. The Declaration was adopted in 2000 in the face of escalating civil unrest in the Solomon Islands and the civilian led putsch in Fiji. In the Declaration the Forum Leaders committed themselves to 'upholding democratic processes and institutions which reflect national and local circumstances, including the peaceful transfer of power' (PIF 2000: point 1.3). The Declaration also gives the Forum Secretary General a number of instruments to address crises, including 'fact finding or similar missions' (PIF 2000: point 2.3c). Shortly after the Biketawa Declaration was adopted the first PIF Observer Group was sent to the 2001 Solomon Islands election.

In 2004 the Forum Leaders adopted the Leaders' Vision. The Vision principles, such as quality of governance, the full observance of democratic values, and the defence and promotion of human rights (PIF 2004: 10), formulate a basis for the region's future. To achieve these goals the Pacific Plan was subsequently drawn up and adopted a year later. It gives the PIF Secretariat an overarching mandate but also tasks it to work on implementing the Plan. At the regional level the Leaders' Vision made the PIF Secretariat responsible for the Pacific Plan's implementation 'in the first instance' (PIF 2007: 10).

Under the Good Governance pillar of the Pacific Plan, the Secretariat aims at enhancing good governance and accountability. Among the key priorities for 'immediate implementation' in the years 2006-2008 was 'development of a strategy to support participatory democracy and consultative decision-making, and electoral processes' (PIF 2007: 7). For the years 2008-2010 four Good Governance Programmes were developed, including 'Participatory Democracy, Consultative Decision-making and Electoral Processes' programmes (PIF 2008: 2). Successive plans brought only reinforcement of the electoral matters under the pillar. In the Political Governance and Security Programme Strategic Plan for the years 2009-2011, three of the four priorities focus on issues where well developed and executed election observation programmes can have an impact (PIF 2010: 7). Hence it is not surprising that to realize the priorities it is planned in particular to 'conduct electoral observation missions and related assistance in member countries as requested' (PIF 2010: 9).



In light of the PIF Secretariat's obligations to work on implementation of the Pacific Plan, election observation missions can serve as an important supportive tool. In fact the missions' reports provide information on how PIF countries fulfill their own legal regulations, international human rights treaties and financial accountability rules which are all main issues of the Pacific Plan. As only a well-diagnosed situation allows for wise action, the EOM reports are invaluable.

Nevertheless, in respect of the principle of non-interference and recognition of a country's specific circumstances, before any electoral observation the Terms of Reference are agreed between the PIF Secretariat and the host country authorities. Thus the Terms must be considered as a crucial document in which the mandate and the aims of observers are ultimately determined. Details of the documents will be discussed in the next section.

Terms of reference

PIF EOMs reports usually publish only short quotations from the Terms of Reference.¹ However, if we read these quotes attentively a few things will attract our attention. Among these are details of the observers' tasks and information on the publication of the final reports. For example, the Terms of the EOMs on the elections of the Autonomous Bougainville Government (ABG) states that observers have to 'help maintain and build mutual confidence and trust during the election by the team's presence' and that the teams' 'presence, helps to ensure that the elections (...) are peaceful, orderly, free and fair' (ABG 2005 and 2010: 2).

I see in this quotation a potential problem. Observers by their mere presence should not help to ensure that elections are 'free and fair'. Observers are primarily there to observe and to assess honestly a process where outcomes cannot be predicted at the very beginning, especially in the case of post-conflict elections. What if an election turns out to be neither free nor fair? Then the observers' statements should reflect the situation. Critical reporting can act only in the opposite direction and contribute to undermining confidence. While I agree that observers can in fact have some impact on the overall atmosphere and enhance accountability, the impact is commonly overestimated. This is particularly the case if observers arrive only a day before voting commences.

The next objective of the Terms only reinforces this rhetoric. We read that observers have to 'act as a neutral and independent source of assurance and validation that the elections are held in accordance with the principle of democratic good governance and relevant laws, and are free and fair' (ABG 2010: 2 but also ABG 2005: 2).

Meanwhile, in contrast with the PIF Terms, the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe (OSCE/ODIHR), in its Election Observation Handbook, widely praised for methodological

¹ The quotations are published in the reports as follow: Solomon Islands 2010—Terms not published; Autonomous Bougainville Government 2010: 2-3; Nauru 2010: 7; Nauru 2008: 2; Republic of Marshall Islands: 3; Nauru 2007: 3; Papua New Guinea 2007: 3; Fiji 2006: Attachment 2—full Terms; Solomon Islands 2006—Terms not published; Autonomous Bougainville Government 2005: 2; Nauru 2004: 2; Vanuatu 2004: 1-2; Solomon Islands 2001: Annex 1—full Terms published.

integrity, states clearly that ‘the mere presence of international observers alone, however, should not be viewed as adding legitimacy or credibility to an election process’ (OSCE/ODIHR 2007: 11). Furthermore, in certain situations the presence of observers can add legitimacy to flawed processes even ‘regardless of what they said’ (Bjornlund: 127).

As we see, routine catchwords used in the Terms such as ‘acts as a source of assurance’, ‘helps to ensure’ or ‘to gain a broad overview of the environment’ (RMA 2007: 4, Nauru 2004: 2) do not provide observers with precise information on their role and tasks.

The problem is not limited to linguistic nuances. It is much deeper. Lack of precise and common points of reference in the assessment of elections weakens the potential of the PIF EOMs and the prospect for the implementation of recommendations (Meyer-Ohlendorf: 3).

Such universal references exist in the observed countries’ own legislations, in international human rights treaties and in regional commitments such as the Pacific Plan. Hence it is difficult to understand why they are not used in the PIF Terms.

As a positive example, I would like to quote the standard Terms of Reference of the Commonwealth Observers Group (COG) on the 2011 elections in Uganda. The COG Terms indicate that the elections will be assessed according to the ‘standards for democratic elections to which the Uganda has committed itself, with reference to national election-related legislation and relevant regional, Commonwealth and other international commitments’ (Commonwealth 2011a: 1).²

Therefore, to realize the full potential of the PIF EOMs, the contents of the current Terms of References should be modified in this direction. This would give PIF observers and host countries clear information about the kind of standards and legally binding documents against which the particular election will be assessed. The new Terms should indicate, as in the COG example from Uganda, that EOMs have to assess elections in relation to local laws, relevant international treaties (for example, The International Covenant for Civil and Political Rights) and regional commitments. This would empower EOMs and improve the possibility of their recommendations being implemented, because the main problems identified would relate to the respective legal provisions that have been breached.³

I would like to discuss one more issue related to the current Terms. The published fragments raise questions about who should receive (and read) the final report. In the texts, usually only the Secretary General of the PIF Secretariat, the governments and election management bodies are listed. Others, such as political parties and civil society organizations, are not.⁴ Moreover, in the case of recent elections in the Cook Islands (November 2010), Samoa (March 2011) and Niue (May 2011), EOM reports have not yet been published. Although

² Similar references are applied by the OSCE/ODIHR. In the Election Observation Handbook we read that the ODIHR ‘election missions assess election processes (...) for their compliance with OSCE commitments, as well as with international standards for democratic elections and with national legislation’ (OSCE/ODIHR 2010: 17).

³ Of course this will require goodwill on the part of the PIF member states and their leaders. As rightly noted by Michael Meyer-Resende, election observation ‘is the most sensitive part of human rights work’. Basically, ‘while raising human rights concerns ordinarily does not question the legitimacy of one’s interlocutor, serious election concerns do exactly that’ (Meyer-Resende: 9).

⁴ For example it is in the PIF EOMs reports as follow: Vanuatu 2004: 1-2; Nauru 2010: 7; RMA 2007: 3.



elections in the Cook Islands were held twelve months ago, and those in Samoa eight months ago, the EOMs' conclusions and recommendations remain unknown.

This situation significantly undermines observers' efforts and the possibility of using post-election momentum to plan and carry out necessary reforms. But, most of all, this delay does not respect the rights of citizens, who are the principal owners of electoral processes. Citizens and civil society organizations definitely have the right to access the EOMs' reports in a timely manner. After all, 'international election observation is conducted for the benefit of the people of the country holding the elections' (Declaration of Principles: point 6).

Unfortunately, in current practice this is not the case. Again, as a solution I would like to propose the already cited Terms of the COG on the 2011 elections in Uganda. These Terms specify that the final report will be forwarded 'to the Government of Uganda, the Electoral Commission, political and civil society organizations' (Commonwealth 2011a: 1).

As we see, political and social organizations are specifically noted among the recipients of the final report. In practice, this means public distribution and the possibility for any citizen to read the content. Based on the COG example, in order to protect the rights of citizens to see the PIF EOMs reports, it is necessary to modify the current PIF Terms by introducing a similar provision. Moreover, to make current practice consistent with the Declaration of Principles for International Election Observation, and to realize the full potential of the election observations, all PIF EOMs reports should be published as widely as possible and no later than two months after the election. Furthermore, the practice of publishing the full text of the Terms in the final reports should be considered.

Principles for international election observation

The Pacific Islands Forum was among the first organizations to endorse the United Nations Declaration of Principles for International Election Observation and the Code of Conduct for International Election Observers (2005).⁵ The Principles commit observers to a number of rules, such as the need for long-term and comprehensive monitoring and the requirement to understand the voting day in its context. Although not legally binding, this document provides valuable guidance on how to conduct an election observation at the highest standard. Hence it is used by almost all international organizations regularly observing elections.

In the Commonwealth Observers Group reports, as an expression of adherence to certain standards, are annotations that election observation is 'conducted in accordance with the Declaration and Commonwealth Observers undertake their duties in accordance with the Code of Conduct' (for example Commonwealth 2011b: 44). Similar annotations are included in reports of the Carter Center missions and the European Parliament Election Observation Delegations (EP EOD).⁶ However, though the PIF is also among the endorsing organizations, this information does not appear in its electoral reports. In a total of nine

⁵ It is interesting that among the endorsing organizations the PIF is mentioned as Pacific Island Forum not Islands.

⁶ For example, the EP EOD on the parliamentary elections in Tajikistan (EP 2010: 2) or the Carter Center report on elections in Sudan (Carter Centre 2010: 14).

published reports, only one has any information in this regard.⁷ The same is true of the Code of Conduct. Only two reports reveal that the PIF observers signed the Code.⁸ Of course this does not prejudice the observation mission, but in accordance with the Declaration all observers are obliged to state their adherence to the Code (Declaration: point 21e).

It is well to note here that the Political Governance and Security Programme Strategic Plan for the years 2009-2011 expressed the will to conduct election observation with 'high quality reports produced' as the performance indicator (PIF 2010: 9-10). In light of this, the PIF Secretariat should consider if it would be valuable to publish in further reports the information that the PIF EOMs are conducting observations in accordance with the Declaration and that all observers have signed the Code of Conduct. In effect, this would prove that observations are in accordance with a practically tested and comprehensive methodology. Moreover, the Declaration should be used as a working tool to enhance the methodological integrity of the PIF EOMs, beginning with defining the Terms of Reference and continuing to the writing of the final reports.

Short-term, long-term or medium-term

It is hard to imagine a more diverse and challenging region for election observers than the Pacific Islands. We have Nauru, where one pair of observers can visit all polling stations (Nauru 2007: 4), Papua New Guinea (PNG), where voting procedures, due to the 'logistical delays,' took 22 days (PNG 2007: 4-5), and Fiji, with its over 106 inhabited islands. This obviously affects the possibility of proper observation. Transportation problems over large territories with dispersed populations make observation difficult.

Yet the PIF EOMs usually arrive only very shortly before voting starts. In the case of ABG elections in 2005, the mission was for three days only, and in 2010 the mission began only one day before the voting. The 2006 mission to Fiji was formed five days before polling period but spent the first two days on 'briefings' in Suva (Fiji 2006: 1). On this basis we can consider the missions as short-term.

However, the Terms of Reference provide for more comprehensive observation. In the PNG 2007 Terms we read that the mission will 'observe the preparations for the election, the polling, counting and results process' (PNG 2007: 3). The Vanuatu 2004, Nauru 2007 and the Republic of the Marshall Islands (RMA) 2007 Terms define observation in a more compact form as 'before, during and after' (pages: 1, 3 and 4). The Nauru 2008 conditions even provide for monitoring 'formation of government' and 'parliamentary and political consequence' (Nauru 2008: 2).

As we see, the current practice, at least to some extent, contradicts the Terms of Reference. Indeed, according to Walter Rigamoto, who participated in the PIF EOM to Vanuatu

⁷ 'Observers were also provided with the Declaration' (Solomon Islands 2010: point 2.3). But the EOM operated within the framework of the international mission coordinated by the UNEOCT.

⁸ These are the above-mentioned reports from the Solomon Island election (2010: point 2.3) and the report of the EOM in Fiji, but in the case the code was 'issued by the Government of Fiji' (2006: 19).



(2004),⁹ it was ‘short-term election observer missions as opposed to long-term’ (Rigamoto: 1). Observers themselves admit the fact in reports. For example, in the already quoted RMA 2007 report we read that as ‘the Election Observer Team was a short term mission, we were able to observe a limited part of the election campaign’ (RMA 2007: 14).¹⁰

Although the PIF EOMs cannot be regarded as long-term missions, due to the often long voting and/or counting procedures observers stay on duty for weeks.¹¹ Two or three weeks in a particular country actually allow for collecting substantial information, especially when the electoral calendar itself is very short. Thus, at least some of the missions can be considered as somewhere between short-term and long-term.

Yet this does not change the fact that Rigamoto is quite right to say that for short-term missions (including those two to three weeks long) it is not ‘always easy to make a proper assessment’ (Rigamoto: 1). This is apparent if we compare some of the PIF EOMs and the Commonwealth Observer Groups reports. Here the Solomon Islands and Fiji 2006 elections can be used as comparative cases because both were observed by organizations that produced their own reports. The Commonwealth missions, however, had an essential advantage in the form of ‘advance observers’ (Commonwealth 2006a, b) who arrived one to two weeks earlier. In this comparison it is evident that lists of voters, electoral campaigns and campaign financing are areas that require more attention, and for this purpose long-term or specialized missions are definitely needed.

Perhaps in the light of these issues it would be valuable for the PIF Secretariat to consider changes in current practice. Earlier arrival of teams of long-term observers, the entire mission arriving a week earlier in the country, specialized missions or teams of experts to audit registration of voters or monitor media and campaign finances should be among the options for consideration. These actions should be supported when necessary by more numerous teams of short-term or medium-term observers.

In this case closer cooperation with the Commonwealth (or other partners) in the framework of joint missions would be invaluable and would enable sharing of costs and experience. It would then be possible to use checklists in a broader form to collect data on voting and counting procedures for statistical analysis.

All these options could be used in different flexible configurations with respect to a particular country’s needs, population or geographical constraints. If used effectively as a tool, they would form the basis for more professional observation, monitoring and assessment of elections in PIF member states.

⁹ He also held the position of Head of Mission in Vanuatu (2004) and participated in the mission to Nauru (2010).

¹⁰ Similar annotations are in reports PNG (2007: 3); Solomon Islands (2006: 1); Fiji (2006: 2) and ABR (2010:1).

¹¹ The ABG elections were observed for 17 (2005) and 22 days (2010), the PNG 2007 election for in total 43 days and the Fiji 2006 for 19 days. All dates are collected in Table 4.

Women in the PIF election observation missions

Extremely low representation of women in parliaments is a constant problem among PIF member states. It is enough to mention that the parliaments of the Federated States of Micronesia, Nauru, Palau and the Solomon Islands¹² do not have a single woman member.¹³ In the case of parliaments in the Republic of the Marshall Islands, Papua New Guinea, Tonga and Tuvalu there is only one woman per parliament.¹⁴

The PIF EOMs pay attention to this situation. PIF final reports usually include a section on women's participation and make recommendations. Yet there is still a possibility for improvement in the reporting. Instead of using imprecise terms such as 'encourage the participation of women' (Solomon Islands 2010: points 6.20-6.21) observers should instead refer to internationally binding treaties such as the CEDAW (Article 7).¹⁵ This would increase leverage and give a common reference point for evaluations.

PIF observers are more than well placed to advocate for change. Having endorsed the Declaration of Principles for International Election Observation, PIF EOMs should examine and report any gender-based discrimination they notice (Declaration: point 5). But primarily the PIF itself should 'balance gender diversity in the composition of participants and leadership' of electoral missions (Declaration: point 20).

Significantly, in contrast to the missions of other organizations, the PIF EOMs seem to be well balanced in terms of gender. As we see in Table 1, the overall proportion of women among the PIF observers is 38 per cent. Even if we only consider external experts, participation of women still remains at a good level (25 per cent). Moreover, women dominate among the Secretariat officials sent to observe elections. In this group, they represent 68 per cent.

By comparison, in EP EODs in the years 2004-2009 women constituted 27 per cent of members and 31 per cent of missions heads (Hall: 4). In the case of the Parliamentary Assembly of the OSCE, women represented scarcely 20 per cent of the Assembly observers (dates for the years 2009-2011, OSCE PA: 28).

The only serious deficiency in the gender balance of the PIF EOMs is the fact that Heads of Mission are exclusively men. If the Secretariat wants to adhere fully to the Declaration of Principles for International Election Observation it should give women an opportunity to occupy these positions. In addition, a better gender balance among the external experts and the deployed Secretariat officials should be considered.

¹² Since independence in 1978 only one woman has been elected to the Solomon Islands Parliament.

¹³ This represents half of all parliaments in the world without women member. Inter-Parliamentary Union at : <http://www.ipu.org/wmn-e/classif.htm>

¹⁴ All dates are from the Inter-Parliamentary Union website and available at <<http://www.ipu.org/wmn-e/classif.htm>>, accessed 4 November 2011.

¹⁵ As a good example, see the report of the PIF EOM to Fiji, where we read 'political participation is a fundamental right for every woman, as set out in the CEDAW, to which Fiji acceded in 1995' (Fiji 2006: 13).

**Table 1. Gender balance and the PIF officials in the elections observation teams**

No	Elections	Men	Women'	Chief Observers
1	Solomon Islands 2001	4(2)	3(2)	M
2	Vanuatu 2004	2(1)	0	M
3	Nauru 2004	3(1)	0	M
4	ABG 2005	3	2(1)	M
5	Solomon Islands 2006	5(1)	4(1)	M
6	Fiji 2006	19(3)	6(3)	M
7	Papua New Guinea 2007	3(1)	2(2)	M
8	Nauru 2007	1	3(2)	?
9	RMI 2007	3(1)	3(2)	?
10	Nauru 2008	0	2(1)	?
11	Nauru 2010	2(1)	1(1)	M

(Source: the PIF Election Observation Reports 2001–2011)

Legend

M Man

2 Total number of observers

(1) Number of the PIF Secretariat officials

? Not specified in report

PIF election observation mission reports

Although the PIF EOMs are not long-term missions, in the final reports observers try to assess elections in a broader perspective. In this section we look at the reports' contents. The issue to be explored is the extent to which EOMs, within their own well-acknowledged limits, are able to achieve balanced assessments.

When we read the final conclusions of these reports, we see that all elections were generally evaluated positively. While numerous shortcomings and problems were noted, none of these separately, or even together, were sufficiently serious to place the outcomes in question. Table 2 summarises the key issues examined in the reports and the general conclusions expressed in the texts. If the respective problems were limited to administrative or organisational matters, and not serious enough to undermine the election's credibility, then the corresponding area is marked as 'positive'.

As we see, voting and counting were almost always evaluated positively. The procedures can be well covered by short-term observers. By contrast, the most common problems related to electoral rolls, campaign financing, transfers of voters between constituencies and differences in the number of voters per constituency. All these problems require long-term or specialist observation. But PIF EOMs are short-term missions. Is this a problem? Does this have any affect on the observers' conclusions? Would long-term observers be more critical? These are important questions.

Table 2. Elections assessments by the PIF EOMs 2001–2010

Elections	*	Electoral administration	Voting	External voting	Counting	Voters register	Voters transfer	Campaign financing	Voters per mandate
Nauru 2010	23	Positive	Positive	–	Positive	NEGATIVE	NEGATIVE	NEGATIVE	–
Nauru 2008	3	Positive	Positive	–	Positive	NEGATIVE	NEGATIVE	NEGATIVE	–
Nauru 2007	12	Positive	Positive	Mixed	Positive	NEGATIVE	NEGATIVE	NEGATIVE	–
Nauru 2004	9	Positive	Positive	NEGATIVE	Positive	NEGATIVE	NEGATIVE	–	–
SI 2010	10	Positive	Positive	NEGATIVE	Positive	NEGATIVE	NEGATIVE	NEGATIVE	NEGATIVE
SI 2006	6	Positive	Positive	NEGATIVE	Positive	NEGATIVE	NEGATIVE	--	NEGATIVE
SI 2001	6	Positive	Positive	-	Positive	NEGATIVE	–	NEGATIVE	NEGATIVE
ABG 2010	6	Positive	Positive	NEGATIVE	Positive	Mixed	–	–	–
ABG 2005	5	Positive	Positive	NEGATIVE	Positive	Mixed	–	–	–
Fiji 2006	9	Mixed	Positive	–	Positive	NEGATIVE	–	–	NEGATIVE
PNG 2007	8	Positive	Mixed	--	Positive	NEGATIVE	–	NEGATIVE	NEGATIVE
RMI 2007	16	NEGATIVE	Mixed	NEGATIVE	NEGATIVE	NEGATIVE	NEGATIVE	NEGATIVE	NEGATIVE
Vanuatu 2004	11	Mixed	Positive	NEGATIVE	Positive	NEGATIVE	–	–	–

(Source: PIF Election Observation Reports 2001–2010)

Legend

SI Solomon Islands

* Number of recommendations in the final report

– Not discussed specifically

External voting—any system to vote outside the polling station to which the voter is assigned

Elections in Nauru will serve us as an example to analyse the problem. The PIF EOMs observed a record number of four elections in the country (2004, 2007, 2008 and 2010). This represents one quarter of all elections observed. In the reports, observers constantly return to the same problems of the transfer of voters between districts and of campaign financing.

Regulations in the Nauru Election Act allow for transfer of voters from one constituency to another, in practice without any obstacle. The situation gives some candidates an incentive to transfer supporters and relatives to the constituency in which they actually compete. Because the total number of voters per constituency remains small (usually some six hundred), the outcome and the composition of parliament is often decided by a few votes. Thus the other candidates, regardless of whether they want to or not, are forced to join in the ‘transfers’ competition to diminish the negative effect.

The problem was already noted in the report from the 2004 election (Nauru 2004: 3), although the next report discussed the issue more substantially. In 2007 observers noted as a common theme an ‘increase in the use of cash in election campaigning, with strong allegations of “vote buying” in this election on a scale never before seen in Nauru’ and



were ‘consistently told that cash was being directly handed out to voters by candidates, used by some to pay for voter transfers into the relevant candidate’s districts’. Moreover, we read that allegedly the so call ‘grass-roots’ development funds (granted directly to the parliamentarians) were spent on the campaign, and that several candidates noted that ‘at last some candidates and voters viewed votes as a commodity to be bought and sold’ (Nauru 2007: 10-11). All this took place in the total absence of regulations on financing.

Table 3. Transfers of voters between constituencies before elections in Nauru 2004-2010

Election	Registered voters	Number of transfers	% of registered
2010	5650	1228	22%
2008	–	418 (in three days!)	–
2007	5108	782	15%
2004	4588	560	12%

(Source: PIF EOMs Reports on Nauru Elections 2004–2010)

In effect the EOMs proposed four recommendations in this area. Unfortunately, these recommendations have not been followed (Nauru 2007: 16 - recommendation 2, 3, 5, 6). We can see the result in Table 3. Just a year later, during the next election, 418 voters were transferred in three days and many Naurans openly admitted that the system is used ‘by both voters and candidates to facilitate large-scale buying and selling of votes’ (Nauru 2008: 5). However, this was not observed directly by the PIF observers. Although the Forum has sent four EOMs to this country, it has never observed the transfer procedures. The reason for this is simple. The observers have always been sent too late. In 2007 they arrived 13 days after the closure of the electoral roll, and in 2008 they arrived four days too late.¹⁶

The next early election in 2010 brought a record-breaking number of 1228 transfers.¹⁷ Over 20 per cent of voters changed their constituencies using a system open to abuse.¹⁸ This raises the essential question of whether these transfers had an impact on the final results.

Once more the PIF EOM did not observe the problem directly. The missions arrived in Nauru two weeks after the closure of electoral roll, too late to have any opportunity to observe the transfers.

This example primarily shows how important is the extent to which elections are observed. It shows also that although voting and counting can always be assessed positively, more

¹⁶ However, the elections were exceptional. The president declared a State of Emergency on 18 April 2008, dissolved parliament and on the same day issued a writ for an election to be held eight days later (Nauru 2008: 2).

¹⁷ As we learn from the report, this figure is somewhat overstated because some voters changed constituency several times shortly before the electoral roll closure (Nauru 2010: 14). The report, however, does not give us an answer to the question about the cause of this behavior.

¹⁸ Already in 2007, observers noted concerns that the ‘system could be easily abused (and some asserted it was already being abused), with the large-scale transfers of voters by candidates into constituencies with which the voters had no genuine connection’ (Nauru 2007: 8).

systemic problems can have a far-reaching impact on the final results and on the quality of democracy in general. Hence, when planning observations, observers should particularly take into account problem areas already identified. To observe effectively they should focus attention and direct observation on the areas where problems actually exist. This is an important issue because, as confirmed by the example of Nauru, during the next elections unresolved problems usually become only more serious.

The PIF election observation and follow-up policies

Election observation is not an end in itself. Information collected and recommendations proposed should serve countries and their citizens. Recommendations represent a chance for follow-up activities and consequently an opportunity to solve the problems identified, but the necessary actions should be planned promptly after the election.

In practice proper follow-up is a matter of concern for all organizations engaged in election observation in a consistent manner. It is enough to mention that the OSCE/ODIHR in the most recent sixth edition of the Election Observation Handbook acknowledges honestly that ‘due to its limited resources, the ODIHR Election Department has, so far, been unable to sustain broad, systematic follow-up efforts’ (OSCE/ODIHR 2010: 98). Nevertheless, in line with the recently increasing emphasis on the proper use of recommendations, the ‘ODIHR has been exploring ways to intensify follow-up efforts and make the follow-up more meaningful and more systematic’ (OSCE/ODIHR 2010: 98).¹⁹

The Pacific Islands Forum is not an exception here. Its Political Governance and Security Programme Strategic Plan for the years 2009-2011 lists among the key performance indicators that the ‘recommendations of observer reports are followed up with countries as required’ (PIF 2010: 9). According to the Plan, this should be done in accordance with the observed country feedback and ‘follow up assistance coordinated e.g. consultancies, reviews’ (PIF 2010: 9). But this should not exhaust the list of possible actions. Indeed there are many more activities that could be undertaken to improve the effectiveness of follow-up. Among them pre-deployment visits to discuss with the host state authorities the follow-up activities that result from the observation would certainly be useful. Better understanding of the EOM role on the inviting side and the need for subsequent action to address identified weaknesses would also be invaluable. Moreover, there should be a Head of Mission visit to officially transmit the final report, and a post-election roundtable of all stakeholders, including civil society organizations, to discuss possible electoral assistance programmes and how the Secretariat could help raise awareness. Roundtable discussions would also help ensure implementation of recommendations.

¹⁹ The same is true in the case of the European Parliament. In its Conference of Presidents Decision of the 10 December 2009 on Implementing Provisions Governing Election Observation Delegations we read that ‘there shall be appropriate follow-up of the election observation delegation, in particular by competent committees and delegations’ (EP 2009: Article 6). The previous Provisions (2005) did not even mention the word ‘follow-up’.



Another step would be to take the findings of the EOMs more fully into consideration in the Peer Reviews and the Pacific Plan Annual Progress Reports.²⁰ Ultimately, the missions provide information on countries' adherence to the Pacific Plan commitments and, when more than one election has been observed, on the progress made as well.

Here, however, I would like to pay special attention to one initiative. Recently the OSCE/ODIHR sent Election Assessment Missions to the general elections in Norway (September 2009) and the United Kingdom (May 2010). As usual in final reports,²¹ observers proposed numerous improvements in areas where legal arrangements or practice were inconsistent with OSCE commitments. A couple of months later both governments responded to the OSCE reports with detailed analysis of the recommendations and information on planned reforms (Norwegian Government 2010a, b and United Kingdom Government 2011). This move established a standard to which any follow-up activities can be compared. In the long run it could lead to the adoption of regular reporting procedures, which would mean a huge improvement in current practice. In fact representatives of both countries expressed the hope that the next OSCE member states will follow suit.²²

I cannot see any reason why the PIF Secretariat could not encourage, and the PIF member states adopt, a similar approach. This could be done by including notation in Terms of Reference to state that election observation includes an important follow-up component, and by imposing an obligation to submit formal feedback on the EOM report with information on planned actions in response to identified irregularities and problems.

The money and effort invested in the EOMs deserve to be effectively used. Ultimately it is an opportunity for member states to strengthen their own electoral systems. This is also an opportunity for the PIF, by adoption of a reporting mechanism, to establish itself as an example for other organizations. But of course this would require a significant measure of goodwill and understanding among the governments of the member states.

²⁰ The Pacific Plan 2010 Annual Progress Report mentions the word 'democracy' once, in the Secretary General's Introduction. The word 'election' is also used only once and in relation to assisting Tonga to redraw its electoral boundaries. Although they are more frequent in the 2010 Progress Report Annex, the terms do not appear at all in the 2008 and 2009 Annual Progress Reports. It seems that in all the reports there is nothing on the implementation of the EOMs' recommendations. All the reports are available on the PIF Secretariat website at: <<http://www.forumsec.org/pages.cfm/newsroom/publications/pacific-plan-progress-reports.html>>

²¹ Both reports of the OSCE/ODIHR Election Assessments Missions are available on the ODIHR website under the links: <<http://www.osce.org/odihr/elections/norway/40529>>, <<http://www.osce.org/odihr/elections/69072>> for Norway and the United Kingdom respectively, accessed 4 November 2011.

²² The 'United Kingdom calls on all participating States to adopt a similar approach in cooperating with ODIHR' (Statement by the UK Head of Delegation to the OSCE available in the United Kingdom Government 2011) and 'The Norwegian Delegation would like to introduce a novelty in OSCE cooperation, by presenting a fairly substantive and concrete report on the follow-up given to the observations and recommendations', 'We consider that such reports would constitute a big step forward in the implementation of our election-related commitments, and hope it would be followed up by innumerable similar reports' (Norwegian Government 2010a).

How to improve effectiveness of the PIF EOMs

On the basis of the analyses in the previous sections, a comprehensive summary of proposed changes is presented here. The proposals are divided into sections corresponding to major themes. Some of these are organizational, while others focus on more general matters.

General

1. Detailed and comparative evaluation of current practices should be undertaken to identify necessary improvements on the basis of regional organizational experience and with the Declarations of Principles for International Election Observation as a reference document.
2. The PIF Secretariat should consider strengthening cooperation and exchange of experiences with the Commonwealth and the European Commission in the field of election observation.
3. Before each EOM a detailed analysis of previous reports, including those prepared by other organizations, and of follow-up activities conducted by the country should be carried out.
4. Final reports should be published and distributed no later than two months after the election.

Terms of reference

1. Terms of Reference should refer to the legally binding commitments to which the country has voluntarily agreed to adhere as reference points for the assessments made by observers.
2. Terms of References should include notation that the final report also be made available to ordinary citizens as the principal owners of the electoral process.
3. Terms of Reference should include notation that election observation includes an important follow-up component and an obligation on the part of governments to submit formal feedback on the EOM report.
4. Finally, in the name of transparency, the full text of the Terms of Reference should be published in the final reports.

Observation methodology

1. In general the work time of the EOMs should be extended and some missions should be enlarged to observe the electoral process more comprehensively.
2. The possibility should be considered of sending Expert Team or long-term observers to observe processes that require an earlier presence in the country (especially registration of voters and election campaign finance).
3. The possibility should be explored of closer cooperation with the Commonwealth in the framework of the common EOMs when a larger number of long-term or short-term observations are needed.



4. Wider use of checklists to collect data on voting and counting procedures should be considered. These could provide the basis for statistical analysis of the quality of these processes.

Gender equality

1. The PIF should consider appointing women to the position of Head of Mission.
2. The PIF should aim to improve the gender balance among external experts and PIF officials sent on EOMs.

Final report contents

1. Final reports should state that the PIF endorses the Declarations of Principles for International Election Observation and stress that PIF EOMs are observing in accordance with the Declaration, and that PIF observers have signed the Code of Conduct.
2. Final reports, and especially recommendations, should when possible contain references to local laws, relevant human rights treaties and regional commitments which the country has agreed to abide by.
3. Reports should be more balanced with an emphasis on pre-election day processes.

Follow-up procedures

1. Development of standardized follow-up procedures for implementation after each EOM.
2. Head of Mission to visit in order to officially transmit final reports, and roundtables of all stakeholders, including civil society organizations, to discuss possible electoral assistance programmes and how the Secretariat could help ensure realization of recommendations.
3. Subsequently, as a recommended practice, the country whose elections have been observed should develop a report that includes a response to the EOM recommendations and information on planned actions in response to identified irregularities and problems.
4. The PIF Secretariat should take into consideration more fully the EOMs' findings in the Pacific Plan Annual Progress and other reports.

Prospective role of the PIF in election observation

The first decade of the PIF election observation missions will conclude this year. Therefore this is a particularly relevant time to look back and to summarize experiences, but also to look forward at the prospective role of the Forum in election observation during the next decade.

The PIF, with 16 EOMs deployed so far, has already established itself among the regional organizations that observe elections in the member states. In fact, at present it is the only organization observing elections in the region on a permanent basis. This is not likely to change in the foreseeable future²³ and means that there is a space and a role that can be filled only by the PIF.

It is worth noting that the Forum has regional expertise and necessary flexibility. These are significant assets in the context of regional diversity where standard, large and structured EOMs in most cases are not needed,²⁴ or even if needed are not feasible due to very high costs.

Bearing all this in mind, possible improvements have already been discussed in this article. Generally, instead of increasing the number of missions, it would be better to broaden the scope of observation. In particular, three areas require attention. These are the methodological basis, the comprehensiveness of the observation, and the follow-up activities. The emphasis on long-term monitoring proposed here, and a focus on the most common problems, together with other arrangements, could place the PIF EOMs in a completely different league. Yet additional financial costs would be moderate. Ultimately the extra money spent on election observation will bring tangible benefits. After all, the quality of electoral processes has an impact on governance, corruption and even internal security.²⁵

The world moves forward quickly and election observation is changing too. There are plenty of examples of the ongoing professionalization in this area that can be studied. It is enough to mention that the EP recently revised its Provisions Governing Election Observation Delegations. In the new document, which focuses on long-term observation, we read that ‘no official election observation delegation may be organized in countries where no long-term observation mission is present’ (EP 2009a: Article 4).

In the face of these changes the PIF Secretariat and the member states have two possibilities. They can revise current practices and build on the basis of experience (including the experience of other regional organizations) or, conversely, they can continue observations in the current format. Yet whichever decision is taken, election observation will continue to serve the PIF states and their citizens in better observing fundamental human, civil and political rights. Nevertheless, without changes the unused potential of the EOMs will remain and will grow in following years. This would be greatly detrimental because, despite geographical challenges, the PIF has the potential to observe and monitor elections in a manner that could become an example for other organizations.

²³ The European Union has sent to the region one mission and the EP one delegation. This is all in over 20 years of EU involvement in election observation around the world. Only one COG was sent in the years 1990–2000 (Commonwealth 2004a: 89), although in the next decade there were five more and a further four missions were organized jointly with the PIF. The Carter Center has not observed a single election in the PIF member states.

²⁴ For example, we have countries such as Niue, with little more than a thousand voters, and Nauru, with a total of 14 polling stations, but also Papua New Guinea, where the 2007 election voting took 21 days.

²⁵ And more broadly ‘the quality of democracy greatly affects the quality of development’ (Rich: 2), quoted in Bhagwati, Jagdish, ‘New Thinking on Development’, *Journal of Democracy* (1995).

**Table 4. PIF Election Observation Missions 2001-2011**

No.	Country	Election	Type of mission and observation	Observers	Days
1	Niue 2011	–	–	–	–
2	Samoa 2011	–	–	–	–
3	Cook Islands 2010	–	–	–	–
4	Solomon Is. 2010	Parliamentary	PIF EOM/UN-EOCT – short-term	5(62)	5(12)
5	ABG 2010	General	PIF EOM /? – short-term	3(?)	1(22)
6	Nauru 2010	Pre-term	PIF EOM – short/medium-term**	3	8 (16)
7	Nauru 2008	Pre-term	PIF EOM – short-term	2	1 (8)
8	RMI 2007	Parliamentary	PIF EOM – short/medium-term	6	7(12+5)
9	Nauru 2007	Pre-term	PIF EOM – short/medium-term**	4	8 (14)
10	PNG 2007	Parliamentary	Join EAT – medium-term	5(9)	10 (43)
11	Fiji 2006	Parliamentary	PIF EOM – short-term	25	5(19)
12	Solomon Is. 2006	Parliamentary	PIF EOM/ UN-EOCT – short-term*	9(44)	6(12)
13	ABG 2005	First General	Join ET/IEOT – short-term	5(14)	3(17)
14	Nauru 2004	Pre-term	Join EOM – short-term	3(5)	?
15	Vanuatu 2004	Pre-term	Join EOM – short-term	2(4)	?(7)
16	Solomon Is. 2001	Parliamentary	PIF OG/IEOT – medium-term	7(84)	7+9(23)

(Source: *The PIF Election Observation Reports 2001–2010*)

Legend

- Dates are lacking because the report has not yet been published.
- OG Observer Group
- Join EOM Join Election Observer Mission together with the Commonwealth
- Join ET Join Expert Team together with the Commonwealth
- Join EAT Join Election Assessment Team with the Commonwealth
- IEOT International Election Observer Team
- PIF EOM Pacific Islands Forum Election Observation Mission/Election Observers Team
- UN-EOCT United Nations Elections Observation Coordination Team
- ? To the EOM joined other ‘international observers’ but the report did not provide any detail on numbers
- ? The dates of the EOM are not specified in the report
- 3 PIF observers
- (5) Total number of observers in the framework of the IEOTs or Join Missions
- 3 Days of observation before polling day
- (17) Total number of observation days
- * Two ‘advanced’ Commonwealth observers were deployed earlier
- ** Very short electoral calendar
- 7(12+5) due to the controversies with counting and re-counts one observer conduct 5 days long follow-up visit
- 7+9(23) ‘Advance party’ from the PIF Secretariat was present on the ground 7 days earlier

Table 5. Number of the PIF Election Observation Missions per year 2001–2011

7											
6											
5											
4										Cook Islands	
3							Marshall Island			Solomon Islands	
2				Nauru		Fiji	Nauru			Autonomous Bougainville	Niue
1	Solomon Islands			Vanuatu	Autonomous Bougainville	Solomon Islands	Papua New Guinea	Nauru		Nauru	Samoa
	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011

(Source: PIF Election Observation Reports 2001–2011)



Abbreviations

ABG	Autonomous Bougainville Government
CDI	Centre for Democratic Institutions
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
COG	Commonwealth Observers Group
EOD	Election Observation Delegation
EOM	Election Observation Mission
EP	European Parliament
ODIHR	Office for Democratic Institutions and Human Rights
OSCE	Organization for Security and Co-operation in Europe
PIF	Pacific Islands Forum
PIFS	Pacific Islands Forum Secretariat
PNG	Papua New Guinea
RMI	Republic of the Marshall Islands
SI	Solomon Islands
UN	United Nations
UNEOCT	UN Elections Observation/Observers Coordination Team

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