PACIFIC ISLANDS FORUM SECRETARIAT
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Report of the Pacific Islands Forum Election Observer
Mission to the April 2010 Nauru General Elections

14 May 2010

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Summary

SUMMARY

On March 2010, the President of Nauru, Hon. Marcus Stephen advised the Speaker to dissolve the 18th Parliament and to seek the mandate of the people after Opposition Members of Parliament (MPs) attempted to oust the Government through a series of no-confidence motions. In dissolving Parliament the election process was set in motion, brought forward by about one year.

A total of 86 candidates contested the 18-member Parliament. Eight women contested but failed to win a seat. The Ubenide constituency fielded the highest number of candidates with 22 and Aiwo the lowest with 5, representing an average number of 11 candidates per constituency. All the constituencies elect 2 members each, except for Ubenide which elects 4. Political parties do not exist in Nauru but two politically opposing groups (i.e., government of the day versus opposition) exist. Candidates' allegiances are aligned to their Districts and the families that voted for them.

The high number of voter transfers in recent years is partly encouraged by the broad eligibility criteria for enrolment on a particular electoral roll. Voter transfers continue to pose challenges for voter registration. Nauru election management officials informed the Team that multiple transfers by voters occurred before the poll. A total of 1,228 voter transfers were recorded for the April 2010 election. Other administrative considerations over the process of administering voter transfers, including enhancing the governance of the electoral process lends support for the need to consider the establishment of an independent election management body.

The total voter population in the 14 constituencies is 5,650. The size of the voter population ranges from the lowest in Yaren with 437 to the largest in Ubenide with 1,225. The total number of votes cast on 24 April 2010 was 5,202 but 185 votes were invalid, representing 3.6% of the total votes cast. The voter participation rate is 92%. Proxy votes accounted for 10% of the valid votes cast. Nauru uses the preferential voting method which requires voters to list their preferences in respect of all candidates in the ballot paper. All preferences are tallied in the count that uses a variation of the Borda method of counting.

The poll saw the re-election of the same incumbent MPs in the 18th Parliament, perhaps a rare and unique national poll result for the Pacific or anywhere else in the world for that matter. On the whole, the electoral process was a credible one. The poll result represents the will of the people, by a very high voter turnout of 92% of the total voter population, exercising their constitutional rights to elect the 19th Parliament. The Forum Election Observer Team has made various recommendations with a view to enhancing future electoral events. Annexure "A" of this report lists these recommendations.

On Thursday 13 May 2010 the Parliament finally elected the Hon. Godfrey Thoma as Speaker after 5 sittings of Parliament, since 29 April. The two opposing groups of MPs had been unwilling to elect a Speaker as doing so would weaken one group's numerical ability to form government. The even-numbered Parliament of 18 seats partly contributing to the impasse.

INTRODUCTION

Background

1. Nauru is a small independent democratic republic consisting of a single elevated oval shaped coral island remotely located in the mid-Pacific. According to the 1992-2002 demographic prolife of Nauru compiled by the Secretariat of the Pacific Community and the Nauru Bureau of Statistics, Nauru had a population of 10,065 people at the time, approximately half of whom were women. Over 2,000 Nauruans reside overseas. Nauru since its discovery in the 1830s was initially under German administration under the 1886 Anglo-German Convention. It subsequently came under the control of a joint trustee mandate of Britain, Australia and New Zealand following the outbreak of the First World War. During the Second World War, Nauru was occupied by Japan and later became a UN Trust Territory under Australia until it gained independence in 1968.

2. The discovery of phosphate at the turn of the 19th century propelled Nauru into the modern world of trade and commerce. The political and economic history of Nauru is not complete without mention of the phosphate industry. Political independence which was achieved on 31 January 1968 was followed by control of the phosphate industry in 1970. At the height of phosphate mining and export, Nauru experienced one of the highest per capita GDP in the world. With the depletion of accessible phosphate reserves, mining on a large-scale commercial basis ended.

3. According to the Asian Development Bank's Pacific Economic Monitor released in February 2010, world demand for phosphate in 2008 helped Nauru increase export prices and volumes but lower demands in 2009 and damage to the mooring buoys turned things around in 2009. The introduction of mobile telephony services in the second half of 2009 boosted the economy but this was offset by the fall in phosphate exports. Within weeks of the introduction of mobile phones, more than 40% of residents had mobile phones.

4. Studies have concluded that it is commercially feasible to mine secondary phosphate reserves, which may be worth as much as $1 billion over 20 years. About 1 million tons of primary phosphate reserves are estimated to be available. Secondary mining by the government-owned mining company, the Republic of Nauru Phosphate Company (RONPhos) commenced in late 2009. Economic alternatives to phosphate mining and fishing license revenue pose significant challenges for Nauru and which the country is working towards through economic reforms and strategic development plans.

5. Payments for fishing rights within its exclusive economic zone (EEZ), development funds and grants from donors make up some 54 per cent of the GDP. According to the Nauru 2009-2010 Budget, the government assessed Nauru's

total debt at $869 million, roughly 20 times the current GDP. This estimate confirms a separate assessment by AusAID in 2006 which found external debts of $237 million, with another $237 million of internal debts owed mainly to depositors in the insolvent Bank of Nauru. Debts of about $368 million are also owed between and amongst the Government of Nauru. The government has developed a debt management strategy to reduce this burden, paying off external debts and negotiating settlement arrangements. With the help of the Pacific Islands Forum and other development partners, the country has also pursued multi-year national development programs aimed at achieving a sustainable economic framework.

6.   Against a backdrop of a struggling economy, Nauru has faced political instability primarily through the use of no-confidence votes to change sitting governments. In the absence of a political party system, MPs' loyalties remain with the Districts and constituencies from which they are elected. The Constitutional framework governing the manner in which Parliament operates has seen the life of Parliament fraught with challenges between two main groups – the 'Opposition' and the Government of the day.

7.   In 1997, the country had four different Presidents in as many months. For a brief moment, following the election of Hon. Ludwig Scotty as President on 23 October 2004 through a 'snap' election, and supported by a reformist minded group of politicians, a brief period of political stability prevailed over Nauru. Political stability was assured through the support of 15 MPs for the government out of the 18-member Parliament. Unlike the two previous parliaments, the 2004 Parliament served a full three-year term. Economic reforms aimed at rehabilitating the economy got underway which also marked a period of extreme hardship for the people of Nauru. It was during the 2004 elections that Nauru for the first time invited international observers from the Commonwealth Secretariat and the Pacific Islands Forum to observe the elections.

8.   The group of reformist politicians led by Hon. Ludwig Scotty was re-elected in August 2007. However, in December 2007, a fall-out amongst the team of reformers led to a successful no-confidence vote which saw Hon. Ludwig Scotty being replaced as President by Hon. Marcus Stephen. The Pacific Islands Forum was invited to observe that election. The period after the 2007 elections saw Nauru go through months of political instability. These included an unsuccessful motion of no confidence motion against the government, the resignation of the Speaker, Hon. Riddell Akua, and the subsequent impasse when three MPs declined to accept nominations for the position of Speaker, the suspension of 9 government MPs by the new Speaker for unacceptable behaviour in Parliament when he delivered a statement on a Supreme Court Decision, and controversial amendments to the *Citizenship Act* in their absence. The Chief Justice subsequently declared the amendments to the *Citizenship Act* invalid.

9.	These events forced the President to declare a state of emergency and dissolved Parliament. Within 8 months, a snap election on 26 April 2008 saw the return of the government led by Hon. Marcus Stephen. Two electoral petitions filed in court to contest the validity of the election were dismissed as the petitioners failed to identify any breaches of any law.[1]

10.	The next election was due to be held in 2011 but was brought forward by one year when Parliament was dissolved on 20 March 2010, again precipitated by political manoeuvring to oust the government. The Opposition group attempted to remove government twice. The first attempt to change government took place on 17 February 2010. Three MPs had switched sides by joining the Opposition. The motion was defeated by government. A second no-confidence motion was put forward by the Opposition. On 13 March, President Hon. Marcus Stephen pre-empted the motion by advising the Speaker to dissolve Parliament which lead to the April 2010 general election.

Invitation to Observe the Elections

11.	On 24 March 2010, Mr. Robert Sisilo Nauru's Secretary for Foreign Affairs and Trade wrote to the Secretary General of the Pacific Islands Forum notifying the latter that the 18th Parliament of the Republic of Nauru was dissolved on 20th March 2010 and that national elections would be held on 24 April 2010. To ensure a fair and transparent process, Secretary Sisilo invited the Secretary General to send a team of Observers to monitor and assess the elections. On behalf of the Secretary General, the Deputy Secretary General, Mr. Peter Forau formally accepted the invitation by letter dated 8 April 2010, advising that the Forum would send a Team of one regional electoral expert and two staff of the Forum Secretariat.

Composition of the Team

12.	The Forum Election Observer Team ('the Team') consisted of:

	(a)	Mr. Walter G. Rigamoto
		Former Ombudsman and Head of the Elections in Fiji and currently a
		Consultant and practicing lawyer with lawyers Muaror & Co
		Fiji

	(b)	Dr. Henry Ivarature
		Regional Governance Adviser
		Political, Governance & Security Programme
		Forum Secretariat

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[1] *In re Article 36 of the National Constitution* [2008] NRSC 13 Constitutional Reference N0.2 of 2008 (20 December 2008) and *In the Matter of Article 55 & 45 (and Articles 36 & 40) of the Constitution* [2008] NRSC 7 Constitutional Reference No.1 of 2008 (April 2008).

(c)   Ms. Daiana Buresova
        Legal Drafting Officer
        Political, Governance & Security Programme
        Forum Secretariat

Terms of Reference

13.   The terms of reference agreed to between the Government of Nauru and the Forum Secretariat were as follows:

To be present in Nauru before, during and after the General Elections in order to gain a broad overview of the environment in which elections take place, the electoral process and the elections themselves, and to report to the Secretary General of the Pacific Islands Forum Secretariat.

A copy of the report is to be made available to the Government of Nauru and to the election management authorities.

Methodology

14.   When the Team was in Nauru from 17 April to 3 May 2010, we observed, consulted, gathered and analyzed appropriate information pertaining to the election and electoral process. The Team consulted key stakeholders in the first week, and also observed some key electoral activities. The team also attended all the platform meetings in the 8 constituencies. On polling day, the Team formed itself into three groups with each assigned a series of polling stations to observe for at least 1 hour before moving onto the next polling station. Two Team members covered 5 polling stations while the third member covered the remaining 4 polling stations. We were in place at 3 polling stations to observe the opening at 1pm and the closing at 6pm. This rotational shift enabled the Team to observe all 14 polling stations in operation.

15.   The Team watched the counting of votes and the declaration of elected MPs at the Parliament Chamber on the evening of Saturday 24 April until Monday 26 April. On 27 April, the Team attended the first session of the 19th Parliament to see the Resident Magistrate, in the absence of the Chief Justice, swear-in all newly elected MPs. Parliament did not elect a Speaker because the four MPs nominated for the position declined to accept the nomination. On 29 May 2010, the Team went again to Parliament to see if a Speaker would be elected. Again, no-one was elected. This resulted in the Clerk of Parliament further adjourn the sitting to Tuesday 4 May 2010 at 10am – the day after the Team departed Nauru.

16.   Prior to leaving Nauru, on Friday 30 April 2010, the Team met with the Returning Officer and his Deputy Returning Officers to discuss areas identified by the Team which would hopefully further strengthen an electoral system and process which has worked quite well for Nauru. The discussions also helped the Team to verify its assessment and to obtain additional information relevant to the completion of its report.

THE CONTEXT

Legal Framework

17.   Nauru's supreme law - the Constitution provides the general framework in which its unicameral Parliament is established and operates in. The key constitutional provisions are:

- Article 28 -   establishes the size of Parliament which comprises 18 elected members chosen from 8 constituencies;
- Article 29 -   states that MPs shall be elected by Nauruan citizens who have attained the age of 20 years;
- Article 30 -   prescribes the qualifications for membership of Parliament;
- Article 31 -   lays down the disqualifications for membership of Parliament;
- Article 32 -   sets out the circumstances which would result in a seat of Parliament becoming vacant; and,
- Article 41 -   lays down the procedure for the prorogation and dissolution of Parliament.

18.   The *Electoral Act 1965-2009* (hereinafter referred to as the *Electoral Act*) is the principal Act governing the processes of a general election. Matters covered in the Act include electoral Districts and rolls, the writ and nominations, polling, scrutiny and counting, and election disputes. Voting is compulsory and the failure to vote attracts a monetary penalty. The Team was informed by the Returning Officer that this provision has never been enforced.

19.   The two main regulations governing the electoral process are the *1971 (Electoral System) Regulations* and the *Electoral (Proxy Voting) Regulations* made in 2004 as amended by the *Electoral (Proxy Voting) (Amendment) Regulations 2010*. In 2004, Proxy Voting was added to the electoral process. It enables Nauruans residing outside the country on polling day to vote.

20.   To vote by proxy, the voter is required to complete an application form nominating the proxy, sign it and attested to by a witness and to have this submitted to the Returning Officer no less than 24 hours before polling. Persons who may witness applications to vote by proxy are prescribed by regulations and include the Honorary Nauru Consuls abroad as well as the heads of Nauru diplomatic missions overseas. Legal practitioners, Commissioners of oaths and justices of the peace abroad are also included.

21.   The 2007 Election Observation Report noted the constitutional review process which was underway at the time in an effort to reform Nauru's Constitution. The product of that review and reform process, the *Constitution of Nauru (Referendum Amendments) Bill 2009* was unanimously passed by Parliament in August 2009. However, it failed to receive the referendum approval of the people of Nauru on 27 February 2010. The proposed amendments were aimed at strengthening

human rights provisions, the manner in which the President is elected, providing clarity on the role of the President and the Cabinet and ensuring stability and continuity of government. Despite the Constitution of Nauru (Referendum Amendments) Bill not receiving the mandate of the people, it does not prevent future amendments being made to the Constitution.

Electoral Timetable

22.   Following the dissolution of Parliament on 20 March 2010, the Acting Chief Secretary who was appointed Returning Officer on 22 March began preparations for the general election under the following timetable:-

Date of Issue of Speaker's Writ for Elections	20 March 2010
Closure of Electoral Roll	3 April 2010
Closure of Transfer of Enrolment	3 April 2010
Closure of Nominations	10 April 2010
Last Date for Withdrawal of Nominations	17 April 2010
Last Date for Registration of Proxies	23 April 2010
Polling Day	24 April 2010
Declaration of Results	25-26 April 2010
Nineteenth Parliament convenes; swearing in of MPs	27 April 2010

23.   Notices of these election timetables were published in the Government Gazette and subsequently disseminated by the media.

Recommendation:

(i).   *The Team recommends that the key election timetable be made more accessible by placing them on the community notice boards at all 14 Districts.*

Electoral System

24.   The Constitution does not specify the electoral system to be used to elect MPs except that MPs are to be elected by Nauruan citizens who have attained the age of 20 years in a manner as is prescribed by law. Parts (IV) and (V) of the *Electoral Act* sets out the form of the ballot paper to be used and the manner in which those votes are to be counted. In general, Nauru uses the preferential system of election to elect 18 members of Parliament for a term of 3 years from the 8 constituencies.

25.   The *Electoral (Electoral System) Regulations* issued pursuant to Section 27A of the *Electoral Act* sets out the procedure for counting of votes. Each preference in order of rank beginning with the first preference is allocated a fractional value. The first preference is given the value of one unit, one half to every second preference vote, one third to every third preference vote and so on. Since Nauru

has 7 two-member constituencies and 1 four-member constituency, the 7 constituencies' first 2, and the eighth constituency's first 4 candidates with the highest number of votes after all the fractions are tallied are declared as MPs for those constituencies.

26. The constituencies are drawn from the 14 traditional Districts of Nauru. One particular constituency combines three Districts, namely Anabar, Ijuw and Anibare. Another constituency combines two Districts, namely, Ewa and Anetan. The largest constituency of Ubenide comprises of four Districts, namely, Uaboe, Nibok, Baitsi and Denigomodu. Four members are elected from Ubenide and the remaining constituencies each elect two members.

27. Voting is compulsory for all eligible voters, unless the voter is away from Nauru on the day of polling, is ill or infirm and cannot make it to the polling station to vote or in the case of women, is expecting a child on polling day, or has a valid and sufficient reason for not voting. Voting is conducted by secret ballot. Voters must cast a fully preferential vote, i.e., voters must allocate a numbered preference to every candidate to validate the ballot. The last unmarked box is read as the voter's last preference.

28. In 2004, proxy voting was also introduced to enable eligible Nauruan voters living abroad to cast their votes[2]. For the 2010 elections, a total of 575 proxy vote applications were received (email, faxed and hand-delivered) by the Returning Officer. Eighty-one applications were ruled invalid for a number of reasons. Proxy vote applications were received from 19 overseas locations. Nauruan residents based in Brisbane, Melbourne and Fiji accounted for over half of the total valid proxy applications. Proxy voters accounted for 10% of the total number of valid votes cast.

29. Proxy voting presents several challenges. One problem is its lack of secrecy because the voter advises the proxy as to who the vote is to be cast or alternatively, relies on his or her proxy to do the "right thing". The voter has little control over how the proxy casts the vote, a fact which is clearly acknowledged and articulated in the *Electoral (Proxy Voting) Regulations 2004.*

30. Given the small number of voters in some constituencies, voting by proxy can have a major impact on the final results for a constituency. For this reason, the process by which this is implemented must be thoroughly reviewed. Complaints seemed to relate to the list of persons able to witness the applications for proxy and the time involved in processing them once these were faxed or emailed to the Returning Officer.

31. Regulation 4(6) in the *Electoral (Proxy Voting) Regulations 2004* permits those applying to vote by proxy to submit their application forms to the Returning

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[2] *Electoral Act 1965-1995, Electoral (Proxy Voting) Regulations 2004*

Officer "not less than 24 hours before polling". If a large number of applications were to arrive just before the deadline, it gives election officials very little time to properly process them before polling starts. Therefore, a deadline of 72 hours or more may be more manageable and realistic.

Recommendations:

(ii). *The Team recommends that the process by which proxy votes are administered and implemented be thoroughly reviewed and reformed with a view to streamlining it.*

(iii) *That the deadline for the submission of applications for proxy voting in Regulation 4(6) of the Electoral (Proxy Voting) Regulations 2004 be extended from 24 hours to 72 hours before polling starts.*

Candidates

32. Article 30 of the Constitution of Nauru states that a person is qualified to be elected as a Member of Parliament if he or she is a Nauruan citizen, is 20 years of age and is not disqualified under the Constitution. A person is disqualified from being elected to Parliament:

- if he or she is declared bankrupt or insolvent;
- if he or she is certified to be insane or judged to be mentally disordered;
- if he or she has been convicted and is under sentence or is subject to be sentenced for an offence punishable according to law by death or imprisonment for 1 year or longer;
- if he or she does not possess such qualifications relating to residence or domicile in Nauru as are prescribed by law; or
- if he or she holds an office of profit in the service of Nauru or of a statutory corporation.

33. The *Electoral Act* further specifies that the candidate must be enrolled on the roll of the relevant District. The intending candidate must submit to the Returning Officer before 12 noon 14 days before the polling day a written nomination signed by two or more electors of the District of the candidate. The nomination form is to be accompanied by a cash nomination fee of $50.00.

34. Altogether, a total of 86 candidates contested the April 2010 general elections *(See Table 1)*. Eight candidates were women. The Ubenide constituency fielded the highest number of candidates numbering 22, followed by Meneng with 15. The Ubenide constituency also fielded the most number of female candidates. The constituency of Aiwo was contested by 5 candidates. There is a steady increase in the number of people contesting general elections. In 2004, a total of 73 candidates stood and in 2007 the number of candidates standing was 79.

35. The *Electoral Act* also provides for the withdrawal of candidates from elections. A person who has been nominated as a candidate for election may notify the Returning Officer in writing no less than 7 days before the date on which election is to be held that he or she is withdrawing his or her nomination. Candidates are not required to state reasons for their withdrawal. They simply notify the Returning Officer in writing before the specified timeframe. The *Electoral Act* does not state whether the $50 cash nomination fee is refundable if a candidate withdraws his or her nomination.

36. On 17 April, the Team observed the last hour for withdrawal of candidates at the Elections Office. By 12.00 noon, the time specified for final withdrawal of candidates, only one candidate had withdrawn. This person was nominated for the Ubenide constituency, thus reducing the number of candidates for that constituency from 23 to 22.

2010 ELECTION: ISSUES AND OBSERVATIONS

Election Management and Personnel

37. The key people appointed to oversee the conduct of the April 2010 general elections were the Returning Officer, two Deputy Returning Officers, the Electoral Registrar and the Deputy Electoral Registrar. Their work was supported by the Presiding Officers and Polling Clerks who were responsible for the polling, 34 scrutineers who counted the votes, a 6-member team of computer operators and a 3-member statistics team.

38. The Returning Officer was Mr. Michael Cain, who at the time of his appointment was also Acting Chief Secretary of the Nauru Public Service Commission. He had earlier supervised the referendum on the constitutional amendments on 27 February 2010. Election 2010 was his first experience as the Returning Officer. He has however been the Electoral Registrar in the past and was therefore very familiar with the electoral processes. Two women, Ms. Doreen Temaki and Ms. Brangina Bagaga were also appointed as Electoral Registrar and Deputy Electoral Registrar respectively on 22 March 2010.

39. On 21 April 2010, the Returning Officer issued a notice in the gazette announcing the appointment of Presiding Officers and Polling Clerks for the polls on 24 April 2010. A total of 18 Presiding Officers and 18 Polling Clerks were appointed to oversee voting in the 14 Districts. Aside from training, the Presiding Officers and Polling Clerks were also issued with copies of instructions by the Returning Officer which outlined their roles and responsibilities, the time and place of polling, processing of voters, the ballot papers, ballot box, voting procedures, proxy voting and a summary of the "must do" activities.

40.   Also on 21 April 2010, the Returning Officer issued a notice in the gazette appointing 34 scrutineers (16 women and 18 men), 6 computer operators (all women) and a 3-member statistics team (1 woman and 2 men) to assist in the conduct of scrutiny of the votes beginning shortly after the close of polling on 24 April 2010.

41.   On the eve of the poll, two Deputy Returning Officers were appointed by the President Hon. Marcus Stephen. They were Mr. Sasi Kumar and Mrs Marolyn Harris. On the same day, a replacement polling clerk was appointed by the Returning Officer for the Anabar/Ijuw/Anibare consistency. Altogether, a total of 82 electoral officials, excluding the involvement of policemen and women, were engaged to manage the April 2010 general elections.

42.   For many genuine governance reasons, there is growing support amongst government officials, electoral management personnel and politicians on the need for an independent electoral management body. The shape and form and the specific role and functions of such a body will need to be developed by way of a thoroughly researched discussion paper and discussed widely with as many stakeholders as possible before it is formally established. Such a paper should preferably be put together by an expert in this area to ensure that the relevant options and their pros and cons are discussed, and more importantly, that the final product is one that is suitable and appropriate for Nauru.

Recommendation:

(iv).   That the question of establishing an appropriate electoral management body for Nauru be seriously considered by the Government of Nauru. Consideration of this should be based on a discussion paper to be prepared by an expert in this area and funded by a development agency.

Voter Registration and Transfer System

43.   On 23 March 2010, the Electoral Registrar issued a notice in the gazette informing voters that the rolls for the 19th parliamentary general elections will close at 12.00 noon on 3 April 2010. Voters were informed to apply for enrolment on the electoral roll to the Electoral Registrar whose office is located in the District of Yaren. The notice also informed voters to inspect the electoral rolls at the Electoral Registrar's office between the hours of 9.00am and 1.00pm, and between the hours of 2.00pm and 5.00pm from Monday to Friday. Voters were also advised to view the electoral roll between 9.00am and 12.00 noon on Saturday 3 April 2010.

44.   The *Electoral Act* prescribes the criteria for enrolment on an electoral roll for Nauruans 20 years of age or more. The criteria for the electoral roll on which

Nauruan citizens are entitled to have their names entered and on which transfers of enrolment are decided upon include:

- residence in the District for not less than 1 month and if the person is living outside Nauru, of the District in which the person had been living for not less than a month immediately before going abroad;
- District in which their names have been entered in the Register of Births or in any register or record of births as their place of birth;
- District where they have substantial connection by Nauruan custom, where either parents were born or where either parents are registered for electoral purposes;
- any roll on which their names have already been entered for no less than 3 years; and,
- the electoral roll on which the spouse's name is entered for the time being.

45.   Where voters are no longer eligible to be listed on the roll of any District, they are required to notify the Registrar in writing within 1 month of the date on which they became ineligible. They are also required to write to the Registrar and to complete the necessary application form to have their name entered on another roll. This process also applies to voters who wish to have their names transferred to an electoral roll of another District.

46.   Until local level governments were abolished, voters wishing to have their names entered on an electoral roll other than the electoral District they had been residing in or to transfer their name from one roll to another District's electoral roll, they are required to seek the approval of the councilors of the District. Applicants must also pay a fee of $10, a requirement which came into effect in 2007. Upon the abolition of local level governments, and largely by default, Cabinet assumed the role of endorsing or declining applications for transfers by voters from one roll to another.

47.   The role of Cabinet Ministers in this matter has raised many questions about the transparency of the process and the impartiality and objectiveness of Ministers. We understand that in the past, certain candidates tried to deliberately interfere with the electoral roll by attempting to transfer voters to their electorates without the knowledge of the voters or going through the prescribed procedures for transfers. The gazette dated 23 March informs the public on how applications for transfers would be processed.

48.   Voter transfers have grown significantly. In 2007, the total number of voter transfers was 758. For the April 2010 election, the total number of voter transfers was 1,228, representing 22% of the total registered voters. (*See Table 2*). But this is not a true reflection of the movement of individual voters because we understand that there have been cases where one or more voters had applied to be transferred on 4 separate occasions during the short period prior to the closing of the rolls. We also understand that there were a few who did so twice or three

times. There is an obvious need to review this process, including the eligibility criteria for enrolment. Reform measures could also include requiring a voter to remain in a particular constituency for a fixed period of time (perhaps 6 or 12 months) before he or she is permitted to transfer to the roll of another constituency.

Recommendation:

(v).   *The criteria on eligibility for enrolment as set out in Section 9 of the Electoral Act and the process by which registration and subsequent transfers are processed needs to be reviewed and streamlined.*

Voter Education

49.   The Team observed that voter education in terms of how to fill the ballot paper was undertaken largely by the Nauru Media Bureau using television and print with materials supplied by the 2010 Nauru election managers. The educational material showed voters how to indicate their preferences on the ballot paper. The Returning Officer and his team admitted that voter education was inadequate. We were also informed by some candidates that they conducted their own voter education programs, especially how to cast a vote. But the Team did not have the opportunity to witness this happening.

50.   Development agencies must be prepared to support efforts aimed at helping Nauruan citizens value their right to vote and to understand and appreciate the importance of voting in a democratic society. Development agencies could develop this through appropriate civic and community voter education activities and should be ready to offer appropriate technical, advisory and financial support to this activity.

51.   Informal votes in the April 2010 elections numbered 185 out of the 5,202 votes. It comprises 3.56% of the total number of votes cast. Constituencies with the largest number of candidates like Ubenide and Meneng recorded the highest number of informal votes. Meneng recorded 48 informal votes out of 856 votes cast and Ubenide accounted for 48 out of the 1,126 votes cast.

52.   We are informed that the most prevalent breach by voters resulting in the ballot paper being considered informal is the use of the same ranking twice. For example, having two candidates ranked 12th in the constituency with 22 candidates.

53.   Key information on the general elections was published in the government gazette. The gazette costs $10.00 and for many Nauruans, this fee is unaffordable. For the April 2010 general elections, the electoral rolls of the constituencies were open to public viewing at the government offices which are located in the District

of Yaren. The Team was informed by the Nauru election management team that members of the public very rarely turned up to view and up-date the electoral rolls.

54. The 2007 Forum Election Observer report stated that electoral rolls were posted on community notice boards in the 14 Districts. In 2010, preliminary electoral rolls were not posted on community notice boards. Aside from the announcements on radio, news magazine and television, the electoral management office should consider making key electoral information more accessible to the people by placing these on the community notice boards in all 14 Districts. In this way, it would partly absolve the Nauru election management of blame in not keeping the public informed about the elections.

55. The printing of appropriate posters and brochures in the Nauruan language for voter education purposes can be an expensive exercise. The appointment of officials to undertake the voter education programme will also be an added expense. These expenses will have to be supported by aid agencies in both the short and long term.

Recommendations:

(vi). *The Team encourages the development and implementation of a comprehensive voter education programme which is to be initially supported and funded by development agencies.*

(vii). *That the Nauru election management team make use of the community notice boards in all 14 Districts to disseminate information on elections.*

The Campaign

56. Campaigning for elections in Nauru takes many different forms. The Team, as with the Forum Observer Team's observation in 2007, also observed that candidates made relatively little use of public materials such as posters and fliers, or the use of television and radio for campaigning prior to the election. The radio, television and newsletter are managed by the Nauru Media Bureau. The reporters are public servants. The Team however heard messages of support for various candidates being broadcast on radio during the dedication sessions which came on air at around 8.30pm until the closure of the radio station. The Team was informed that candidates' campaign activities involved home visits and talking with friends and relatives. Anecdotal evidence heard by the Team suggested that gift-giving was a common practice during this period.

57. The most prominent method of campaigning is the use of "platform" meetings held in the 8 constituencies. All candidates contesting a seat in a constituency are

present and are given a speaking slot of between 5 to 15 minutes to articulate the issues they will address if elected as a Member of Parliament. However, these time slots were rarely enforced. A platform meeting was held in each of the 8 constituencies prior to the polls. Platforms are held in the evenings at around 6.00pm and end late at night, especially for constituencies with a large number of candidates. The Team attended the Ubenide constituency platform meeting which ended at around 1am the next morning.

58. Platforms are chaired by a moderator chosen by the community and are generally opened with a prayer either by a pastor or sing a Nauruan language hymn to commence proceedings. Candidates are seated at the front of the setting, usually in the order they will appear on the constituency ballot paper for that particular constituency. They are invited in this order to make their statements. The Team observed that no questions are taken while candidates make their statements. Questions, comments and remarks come at the end when all candidates have delivered their statements. Those wishing to ask questions either queue up or approach the moderator.

59. Due to the small size of the Team, we divided ourselves into two teams to attend the different platform meetings, some of which were held at the same time. The issues discussed at these meetings have not changed significantly to those observed by the 2007 Forum Election Observer Team.

60. Common issues raised for discussion included the ongoing financial struggle, the state of the economy, social and current political issues including voter transfers. Other issues included the grass-roots fund, "pending" payments due to the people, including land rental payments and outstanding royalty payments. Due to the exceptional circumstances surrounding the dissolution of Parliament in March, Members of Parliament from the government side received special attention from Members of Parliament from the Opposition side, including other aspiring MPs.

61. The use of cash in election campaigning appears to have become entrenched in Nauru. Allegations and counter allegations of vote buying or voters transferring from one constituency to another and receiving monetary payments and gifts were disclosed to the Team. Most of the stakeholders consulted agreed that the *Electoral Act* should be reviewed to include certain electoral offences, one of which should be bribery. In making this recommendation, we acknowledge that gift-giving is part of Nauruan culture, and therefore the challenge would be defining what constitutes bribery in the electoral context in Nauru.

Recommendation:

(viii). We recommend that the Electoral Act be reviewed and amended to include measures aimed at enhancing the integrity of the electoral process by incorporating electoral offences including that for bribery.

Ballot Paper - Drawing of Lots for Ballot Paper

62.   On the afternoon of 20 April 2010, the Team observed the drawing of lots to determine the order in which candidates names would appear on the ballot paper. This is an important process because voters are required to rank the candidates in terms of their preferences and therefore those whose names are listed first on the ballot paper are likely to receive the first preference of those voters who simply place 1, 2, 3 etc from the top of the ballot paper following the order in which the candidates are listed rather than on the basis of individual assessment.

63.   A transparent container holding the numbered pieces of folded paper equaling the total number of candidates contesting each constituency is used for representatives to draw. A representative of the candidate or the candidate picks a folded piece of paper to see the number written on it. He or she shows the number to the Returning Officer and the Deputy Returning Officers. One of the Deputy Returning Officers writes the name of the candidate on the line of the picked number. This is then initialed by the drawer of the lot. If no one turns up to draw on behalf of a candidate, the remaining undrawn lots are drawn and opened by the Returning Officer and his two assistants who place their initials alongside the candidate's name and signs off on them.

64.   Candidates were informed in advance of the time slots for the drawing of the lots for the ballot paper for their constituencies. Each constituency is allocated about 15 minutes to complete the process. The drawing of lots began with Aiwo, followed by Anabar/Ijuw/Anabar/Anabare until all the constituencies were completed. Unfortunately, not all candidates or their representatives turned up within the allocated time so the remaining lots were drawn by the Returning Officer and his deputies.

65.   The drawing of lots for the purposes of deciding where a candidate's name appears on the ballot paper is an important part of the preferential voting process. The Team understands that this has been the practice for sometime, which for all intents and purposes, is a fair and transparent process. This practice however does not emanate from any law and while it appears to work well, the Team is of the view that it should be duly incorporated into the electoral legislation so that this vital activity becomes a requirement of the law and not left to the discretion of the Returning Officer.

Recommendations:

(ix).   The Team recommends that the administrative process for the drawing of lots to determine the order in which the names of candidates should appear on the ballot paper should be incorporated into the electoral legislation of Nauru.

(x).   *The Team also proposes that candidates who are unable to attend the process in person should authorize their agents in writing if such agents are to attend the draw. Where there are no candidates or agents available to participate in a particular draw, the Returning Officer should request those candidates or representatives present to witness the drawing of the remaining lots by the electoral officials. It enhances transparency and reduces the possibility of unfounded allegations of bias.*

Polling

66.   Polling was held on 24 April 2010. Polling commenced at 1.00pm and closed at 6.00pm. Thirty-six officials, consisting of 18 Presiding Officers and 18 Polling Clerks were assigned to oversee the casting of votes by voters in all 14 Districts on the island *(See Table 3)*. A police officer was also present at each of the polling stations. The Presiding Officers, Polling Clerks and policemen were chosen from the respective District so that they would recognise the majority of the voters, if not all, as they came to cast their votes. Presiding Officers also had their prepaid mobile phones credited to enable them to contact the Returning Officer or the Electoral Registrar to check the master electoral roll if problems arose at a polling station.

67.   Each Presiding Officer had with them, a set of electoral rolls for males and females, a tally sheet for males and females, and summary sheets. Other materials included ballot papers, ballot boxes, polling booths, desks and chairs. Before the polling officials left for their assigned polling stations, they received a final briefing from the Returning Officer and also had their watches synchronized to the same time as the Returning Officer's. This was to ensure that polling ended and was closed precisely at 6.00pm.

68.   The Team observed that at precisely 1.00pm, the Presiding Officers at the 3 polling stations we were observing at the time opened their respective ballot boxes and asked witnesses to examine them and attest to the fact that they were empty. The opened ballot boxes were displayed for others present at the polling stations to see. They were then locked and placed on the table for use.

69.   The Presiding Officer held a list of voters with the names of males and females in separate lists. As a voter came to vote, the Presiding Officer and the polling clerk crossed out the voter's name by drawing a line across it. The tally sheet for the appropriate gender was also marked off. The Presiding Officer initialed the back of the ballot paper (for authentication purposes during the count) which was then handed to the voter.

70.   The voter carried the initialed ballot paper to one of several private polling booths to list his or her preferences. After listing his of her preferences, the voter then

folded the ballot paper and inserted it into the ballot box which is set in full view of the polling officials and the police officer. The Team observed that these procedures were properly followed in all polling stations. Voting is compulsory and voters must indicate a preference for all candidates on their ballot paper.

71. The Team observed these procedures using a polling checklist for each polling station. The checklist asked questions about the site of the polling station, its layout, the adequateness of the electoral materials (electoral rolls, ballot papers and polling booths and ballot boxes), whether polling officials received training, whether the ballot box was locked, whether polling officials verified the identity of voters etc.

72. The checklist also had a section for the Team to note irregularities and incidents, security related problems and any other problems. A summary assessment was also made ranging from "good", "minor problems" to "serious irregularities". General comments were also recorded for each polling station. The Team noted that despite minor incidents in some polling stations, these requirements were properly adhered to.

73. We observed a few cases where voters' names were missing from the roll. Upon consulting with the Electoral Registrar using mobile phones, the polling officials were able to establish that the voter's name was on the roll of another District or omitted by mistake. Where these were inadvertently missing, the Electoral Registrar arrived at the polling station to add the missing name and to initial the roll accordingly.

74. Sick voters were brought in by relatives and were assisted by the Presiding Officer at their vehicles. Blind and illiterate voters were also assisted to vote by Presiding Officers, in accordance with the electoral law.

75. Eligible prisoners were escorted by Police and Prison officials to vote at their respective Districts. This poses a potential security risk. Eligible inpatients who are mobile are transported by relatives and friends to their polling stations to vote. In certain cases, this could be a health risk. A possible solution to this is to consider mobile polling to prisoners and inpatients in future elections. If it means slight adjustments to the electoral legislation to make this possible, this should be pursued.

76. The voter turnout was very high *(See Table 4)*. Of the 5,650 total voter population, 5,202 turned up to vote and this constitutes a 92% voter turnout.

77. Voting on polling day was conducted in an orderly manner. The Team commends the polling officials on their performance in handling the voting process efficiently. The Team proposes areas which might be considered in enhancing the voting process. One suggestion is to cordon off the polling station precinct with a long rope to keep out loiters and to signal entry and exit points for voters.

78. Another suggestion is to permit voters of either gender to queue on either line to vote, if one line is slow. This is recommended in view of some 60 voters in the Meneng constituency who arrived at the polling station very close to the closing of the poll to cast their votes. For this reason, many were not able to vote when the polling station closed at 6.00pm.

79. Disenfranchising a voter of his or her right to vote is always a matter of concern. Urgent steps ought to be taken to ensure that those who are at the polling station before the closing time are able to vote. If it means an amendment to the Electoral Act, then this must be done urgently.

80. The number of polling officials present at a polling station is adequate when the number of voters arriving to vote is small. When large numbers turn up at the same time, the polling officials have difficulty coping with the issuing of ballot papers, helping those who need assistance as well as monitoring the movement of voters and keeping an eye on the ballot box. An additional polling clerk at each District would make a big difference to the efficient and proper management of polling stations.

81. Under the *Electoral Act*, the Presiding Officer has the power to ask voters certain questions to properly verify their identity and to assist them where they are unable to read or because of impaired sight. Administratively and as a matter of tradition, the Presiding Officer also has the responsibility of maintaining order and managing the poll. We are of the view that these should be legislated to properly give it force and effect. For example, a section in the *Electoral Act* could state something to the following effect:-

"(1) Every Presiding Officer –
    (a) must maintain order and keep the peace:
    (b) may cause to be removed any person who -
        (i)   obstructs the approaches to the polling station;
        (ii)   wilfully and unnecessarily obstructs the proceedings at the polling;
        (iii) conducts himself or herself in a disorderly way, or causes a disturbance;
        (iv) wilfully acts in defiance of the lawful directions of the presiding officer; or
        (v)   is not lawfully within the polling station.
(2) All police officers must assist Presiding Officers in maintaining order at polling stations."

82. The ballot boxes being used by the polling officials, while still useable, are old and beginning to show signs of wear and tear. We noted however that the collapsible card board polling booths from the Australian Electoral Commission were still in good condition. If a developing agency could donate about 30

transparent plastic boxes to the Nauru election authorities, it would be of substantial benefit for future elections.

83. In general, while campaign materials of candidates were not within sight of the polling stations, many voters turned up adorned with candidate's campaign paraphernalia or in vehicles displaying candidates' campaign posters.

84. Several value-adding suggestions are proposed by the Team to what is already an orderly polling process. They are as follows:-

Recommendations:

(xi). *The polling place should be properly demarcated where practicable to stop those not participating in the poll to keep away from the particular area and thus not to be perceived as interfering with the process. The use of ropes to cordon off the perimeter of the polling station might be an effective means of dealing with this.*

(xii). *That an additional polling clerk should be appointed by the Returning Officer for each of the 14 Districts. This person's role is to direct voters to the appropriate queue, show them to the polling booths, ensuring that all voters fold and place their ballot papers in the ballot box and to keep an eye on the ballot box. This polling clerk will also be required to check the voting booths regularly to ensure that a legible ball point pen is available and to remove any campaign material left within the polling booths or within the precincts of the polling stations.*

(xiii). *Consider reviewing Section 19(1) of the Electoral Act on the time of polling to one which states that polling must not close until all voters present and standing in a queue at the polling station at 6.00pm, and desiring to vote, have voted. This means that at 6.00pm, the Presiding Officer will advise all voters present that the queue ends with a particular voter standing in the queue and the police officer or the extra polling clerk will be expected to enforce this. No one else will be permitted to join the queue after 6.00pm.*

(xiv). *To consider legislating the role of Presiding Officers for maintaining order at polling stations to give it force and effect. In doing so, Presiding Officers will have the statutory power to remove any person who obstructs peaceful and orderly polling etc.*

(xv). *To consider providing mobile polling to eligible inpatients in hospital and prisons. This is to ensure that the sick are able to exercise their right to vote and that members of the public are not exposed to security risks when eligible prisoners are escorted to polling stations in their respective Districts.*

(xvi). *To consider doing away with the existing wooden ballot boxes and replacing these with transparent plastic ballot boxes for the next general elections sourced as aid from a development agency.*

The Count

85.   Part 5 of the *Electoral Act* describes the process for the counting of votes. Counting of votes in a Nauru parliamentary election is undertaken using a variation of the Borda count which was developed by the French scientist Jean-Charles de Borda in 1781. It is known amongst Nauruans as the 'Dowdall System' as it was first suggested by a former Nauru Secretary for Justice by the name of Desmond Dowdall, as a way out of the alternative vote system inherited from Australia and which had been used since 1971.

86.   It is a form of preferential voting which requires voters to mark all preferences on the ballot paper for the vote to be valid. However, where the voter has indicated his first preference for one candidate and his contingent votes for all the remaining candidates except one, the candidate that is left blank shall be deemed to be the voter's last preference. All preferences in a properly completed ballot paper are counted.

87.   Rather than being a process of successive elimination of candidates with the lowest number of votes, each preference is allocated a value corresponding to its fraction of a vote. The process of counting of preferences is setout in the *Electoral (Election System) Regulations 1971*. For each constituency, count officials ascertain the total number of first preference votes, second preference votes and third preference votes and so on for each candidate and make a list of the total number of such preference votes.

88.   The value for every first preference vote is worth one, half to every second preference, one third to every third preference and so forth, the value of each preference being the reciprocal of the number of the preference indicated by the voter. For example, a first preference is 1, a 6th preference is one sixth of a whole vote, 0.16 (so preferences are valued respectively as 1, 0.5, 0.33, 0.25, 0.2, 0.16 etc).

89.   All values are tallied. In other words, all voters' preferences are counted. In a constituency electing two members, the two candidates with the highest total number of votes calculated in accordance with the fractional value of each vote are elected. The Team observed this being applied to 7 of the 2-member constituencies. In the only 4-member constituency, Ubenide, the four candidates with the highest scores are elected. The Team observed this counting process being complied with but it took over 30 hours of progressive declarations of results before the Returning Officer declared the last results (*See Table 6*).

90.   The duration of counting was time-consuming, laborious and exhausting for counting officials. Despite the extremely long hours, counting officers diligently

counted and rechecked the counts until all ballot papers were properly counted. The count is not a race and delays arose because the count teams were striving for accuracy.

91.   The 2010 counting of votes lasted some 37 hours, which we understand is the longest time ever taken to complete a count and to declare the winning MPs. It started at around 6.00pm on Saturday 24 April and ended at about 7.00am on Monday 26 April 2010. The Team observed the process from the Public Gallery overlooking the Parliament Chamber where the count was being conducted. The Nauru Media Bureau and police personnel observed from the gallery as well.

92.   Information on the progress of the counting process, including the final results for each constituency as declared by the Returning Officer were pasted on the glass wall partitioning between the Public Gallery and the Parliament Chamber. The counting process began with the unlocking of the ballot boxes, sorting and the manual counting of the preferences followed by the computer counting. Where the figures failed to reconcile, the counting officials checked this manually until both the computer and manual counts reconciled.

93.   The final result for each constituency, after it was verified, was publicly announced by the Returning Officer in the presence of the counting officials. The results and official gazette of the declared result was subsequently pasted onto the glass wall partitioning the Public Gallery and the Parliament Chamber for the media and others to see. The media used this information to provide a running up-date for the public at large through television, radio and the government website.

94.   The length of time it took to complete counting is bound to raise suspicion, especially amongst the candidates and their supporters. In fact, the only candidate who visited the Public Gallery to watch the counting, albeit for a brief moment, was concerned that counting took longer than usual to complete. Where there are delays in the scrutiny and members of the public are not advised in a timely fashion of the reasons, it breeds suspicion. As a way of improving the transparency of the process, the Returning Officer may consider explaining or describing how the counting will proceed and the different stages involved, including, issuing a statement to the media informing it of any delays and reasons for them. This helps to allay concerns and keep the public informed in respect of this important aspect of the electoral process.

95.   While the counting took a while to conclude, the Team commends the 2010 Nauru election management team's unrelenting efforts for accuracy to ensure the integrity of the count. It is recommended that such effort for the sake of accuracy is maintained in future elections.

Recommendations:

(xvii). *It is recommended that where counting takes an unusually long time to complete, as was the case in the recent elections, the Returning Officer should consider explaining the counting process in a timely manner to the public through the media and the reasons for any delays so as to allay concerns and suspicion, especially from candidates and their supporters.*

(xviii). *That final result sheets and copies of gazette notices of declared election results be handed directly to members of the media immediately after declarations are made to ensure that subsequent reporting through radio and television are as accurate as can be.*

De-briefing of Electoral Officials

96.   It is always useful for the Returning Officer to hold a de-briefing session of all electoral officials after a general election. This enables officials to determine how well the process was implemented and to identify its strengths and weaknesses and potential threats to the integrity of the electoral process. Any new lessons learnt will go a long way towards enhancing the implementation of future electoral events. This workshop should be held while the elections are still fresh in the minds of electoral officials for 2010. We understand that it would mean additional costs if all officials are brought in for this de-briefing session and for this reason, we would suggest that this be confined to civil servants only.

Recommendation:

(xix). *That a debriefing session of all civil servants involved in the polling and the count process be undertaken as soon as possible to determine the lessons learnt in order to better manage future electoral events.*

The Role of Police

97.   The Team was advised by the Acting Commissioner of Police of its role during the election. They were to provide law, order and security. An operational order was issued to ensure that police personnel understood their roles and functions during the election period. All available police personnel totaling 90 policemen were placed on duty. Leave of duty was effectively cancelled until after 24 April, the polling day.

98.   Police personnel were also present in adequate numbers at all platform meetings held during the week 19 to 23 April 2010. Police officers residing in or were from

the District where the platform meetings were to be held were assigned to work in these constituencies. Police personnel were also present in all polling stations throughout the 14 Districts. They were also present within the precincts of Parliament and inside the Public Gallery observing the counting that took place in the Parliament Chamber.

99. The Team commends the support of the Nauru Police Force on its provision of law, order and security to the elections in 2010.

Recommendation:

(xx). *It is recommended that the Police Force share their 2010 experiences with the Nauru election management team to further enhance the security of future elections as well as establish a better understanding between the two parties of their respective roles.*

Women and the Election

100. In 2010, 8 women stood as candidates. Three women candidates stood for the largest constituency of Ubenide, and one each for the constituencies of Boe, Buada and Anabar/Ijuw/Anibare, Meneng and Yaren (*See Table 7*). They made up 9% of all the candidates and stood in 6 out of the 8 constituencies.

101. While those people the Team spoke to about women standing for elections welcomed the involvement of women, many noted that their chances of winning may be slight. The woman candidate for the Yaren constituency came in third place. The Team was informed that she was also placed in third position in the 2008 general elections. With no woman candidate being successful in 2010, the Parliament of Nauru has been without a woman since Ruby Thoma was last elected to Parliament in the 1990s.

102. Despite the failure of women candidates to win a seat, their contribution to the management of the April 2010 general elections was significant. At all the platform meetings, many women were in attendance and asked a range of questions of the candidates. The Electoral Registrar, Deputy Electoral Registrar and one of the Deputy Returning Officers were women. The Team witnessed many women appointed as candidate's representatives on the drawing of lots. A significant number were also appointed as polling and count officials. It is encouraging to see more women continuing to contest the general elections despite their lack of success in being elected into Parliament.

Recommendation:

(xxi).   It is recommended that activities aimed at promoting representation of women at all levels of decision making in Nauru should continue to be undertaken, where these have been undertaken in the past, and other activities which would enhance their campaigns and chances of being re-elected be also initiated.

The Role of the Media

103.   The media in Nauru is controlled by the government, i.e., it comes under the Department of Home Affairs. The Nauru Media Bureau operates the state-owned television, radio and the Nauru community newsletter – the Mwinen Kô. Television coverage spreads over 100% of the island. Presently, two FM radio stations operate on the island. One radio station, FM 105 has 100% coverage while FM 888 reaches only 30% of the population between the Districts of Aiwa and Yaren. A government newsletter – the Nauru Bulletin is published every 3 weeks by the Government Information Unit. It disseminates government-related news. The news magazine Mwinen Kô publishes news articles on a whole range of activities from sports, politics, life-style and social events, on Nauruans abroad, interviews, advertisements and classifieds, and letters to the editor.

104.   The circumstances surrounding the dissolution of Parliament and the allegations MPs raised on the "last" sitting of Parliament provided sufficient basis for the media to play an important role in alleviating speculation by the public and the circulation of information for its accuracy, accessibility and balance. The Team heard dissatisfaction being expressed by 'Opposition' MPs that the media was geared towards reporting on the achievements of the government and offered little opportunity for them to explain their positions.

105.   These claims of unbalanced access to the media and biased reporting were denied by government MPs including the Director of the Nauru Media Bureau. The gravity of these complaints and allegations also forced the Director of the Nauru Media Bureau to publicly refute the allegations in an interview on television prior to the elections. In the interview he encouraged the Opposition MPs to utilize the available media. The Team observed that the Opposition did not use the media avenues of the Nauru Media Bureau but conducted interviews through a foreign radio station after the first session of Parliament, on 27 April.

106.   Since the available media in Nauru falls under the management of government, issues about access and biased reporting, whether these are proven or otherwise, are bound to arise. For this reasons, it is important for government to seriously consider using its influence in the Nauru Media Bureau to establish a policy of providing equal time for candidates on TV and radio during the two weeks prior

to the poll to address their constituents. It is important that the freedom and impartiality of the media be promoted and protected. Technical and advisory support should continue towards developing Nauruan journalists and reporters in the reporting of political affairs of the state.

107.   Despite the issues raised about the role of the government controlled media, the Team observed a determined effort by the media in Nauru to engage with all stakeholders, to broadcast up-dated regular reports on the campaigns, coverage of platform meetings and live progressive reports on the declaration of MPs as these came through during the counting process. It is evident that government and Parliamentary representatives become more responsive to the need for timely dissemination of accurate information to the public on issues that affect their lives and to capitalize on what is currently available in Nauru. The Team heard many opposition MPs being interviewed by the international media organizations and using this opportunity to express their views on the elections and the formation of government.

108.   The media plays an important role in enhancing the integrity and transparency of elections.

Recommendations:

(xxii).   It is recommended that the Nauru election management team continue to utilize the media for voter education programs, information on key election related activities, timetables and release of press statements.

(xxiii).   That the government seriously consider using its influence in the Nauru Media Bureau to establish a policy of providing equal time for candidates on TV and radio during the two weeks prior to the poll to address the constituents.

CONCLUSIONS

109.   The April 2010 Nauru general election was conducted in an orderly and peaceful manner. There was a very high voter turnout with 92% of the total voter population exercising their constitutional right to elect their representatives to the 19th Parliament of Nauru. On the whole, the electoral process was, in our view, a credible one and produced a result that represents the will of the people. The Nauru electoral management team and the citizens of Nauru must be commended for an orderly and peaceful election.

110.   However, electoral processes will always be confronted with different sets of challenges which will continue to test the integrity of elections. To safeguard the integrity of the electoral process, the challenges that arise during elections should be noted and addressed. The Team offers a number of recommendations for the consideration of the Government to add further value to a well-established election process undertaken by the Nauru election management authorities.

ACKNOWLEDGEMENTS

The Team thanks the Government of Nauru for inviting the Pacific Islands Forum to observe the April 2010 elections and acknowledges the support and assistance provided to the observer mission. We thank the Nauru Department of Foreign Affairs and Trade for facilitating the visit and for assigning two of his officers to support the Team. We are grateful and appreciative of the outstanding support from Ms. Anjelita Detudamo Officer Trade and Protocol and Ms. Analinna Solomon Officer for International Affairs during our stay in Nauru.

We also thank the Returning Officer, Mr. Michael Cain (who was also Acting Chief Secretary of the Nauru Public Services Commission) and his election management team for enabling the Observer Mission to gather as much relevant information as possible, observe the electoral processes and sharing information and views on a wide range of electoral processes and issues with us. We also acknowledge the patience and tolerance of the staff of the Acting Chief Secretary's office in permitting us to intrude into their space on a regular basis to ask for information and use their conference room.

We also thank the many candidates, care-taker Cabinet Ministers and Members of Parliament (MPs) who met with us at short notice to share their views and experiences in respect of the socio-political environment in which elections is being held as well as the manner in which some of the key electoral processes were being administered and implemented. We also acknowledge the willingness of many MPs to further share their views on the election itself and on other issues after the general elections.

Finally, the Team acknowledges the warm reception and hospitality of the people of Nauru for allowing the Team to observe the election and electoral processes, including the very unique platform meetings.

We wish the people and Government of Nauru success in finding a way forward in addressing the many challenges that they face with a view to progressively realizing their collective hopes and aspirations as an independent nation.

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14 May 2010

Annexure A: SUMMARY OF RECOMMENDATIONS

The following is a summary of the recommendations made by the Observer Mission:-

(i). *That the key election timetable be made more accessible by placing them on the community notice boards at all 14 Districts.*

(ii). *That the process by which proxy votes are administered and implemented be thoroughly reviewed and reformed with a view to streamlining it.*

(iii) *That the deadline for the submission of applications for proxy voting in Regulation 4(6) of the Electoral (Proxy Voting) Regulations 2004 be extended from 24 hours to 72 hours before polling starts.*

(iv). *That the question of establishing an appropriate electoral management body for Nauru be seriously considered by the Government of Nauru. Consideration of this should be based on a discussion paper to be prepared by an expert in this area and funded by a development agency.*

(v). *That the criteria on eligibility for enrolment as set out in Section 9 of the Electoral Act and the process by which registration and subsequent transfers are processed needs to be reviewed and streamlined.*

(vi). *That the development and implementation of a comprehensive voter education programme which is to be initially supported and funded by development agencies be encouraged.*

(vii). *That the Nauru election management team make use of the community notice boards in all 14 Districts to disseminate information on elections.*

(viii). *That the Electoral Act be reviewed and amended to include measures aimed at enhancing the integrity of the electoral process by incorporating electoral offences including that for bribery.*

(ix). *That the administrative process for the drawing of lots to determine the order in which the names of candidates should appear on the ballot paper should be incorporated into the electoral legislation of Nauru.*

(x). *That candidates who are unable to attend the process in person should authorize their agents in writing if such agents are to attend the draw. Where there are no candidates or agents available to participate in a particular draw, the Returning Officer should request those candidates or representatives present to witness the drawing of the remaining lots by the electoral officials. It enhances transparency and reduces the possibility of unfounded allegations of bias.*

(xi).	*That the polling place should be properly demarcated where practicable to stop those not participating in the poll to keep away from the particular area and thus not to be perceived as interfering with the process. The use of ropes to cordon off the perimeter of the polling station might be an effective means of dealing with this.*

(xii).	*That an additional polling clerk should be appointed by the Returning Officer for each of the 14 Districts. This person's role is to direct voters to the appropriate queue, show them to the polling booths, ensuring that all voters fold and place their ballot papers in the ballot box and to keep an eye on the ballot box. This polling clerk will also be required to check the voting booths regularly to ensure that a legible ball point pen is available and to remove any campaign material left within the polling booths or within the precincts of the polling stations.*

(xiii).	*Consider reviewing Section 19(1) of the Electoral Act on the time of polling to one which states that polling must not close until all voters present and standing in a queue at the polling station at 6.00pm, and desiring to vote, have voted. This means that at 6.00pm, the Presiding Officer will advise all voters present that the queue ends with a particular voter standing in the queue and the police officer or the extra polling clerk will be expected to enforce this. No one else will be permitted to join the queue after 6.00pm.*

(xiv).	*To consider legislating the role of Presiding Officers for maintaining order at polling stations to give it force and effect. In doing so, Presiding Officers will have the statutory power to remove any person who obstructs peaceful and orderly polling etc.*

(xv).	*To consider providing mobile polling to eligible inpatients in hospital and prisons. This is to ensure that the sick are able to exercise their right to vote and that members of the public are not exposed to security risks when eligible prisoners are escorted to polling stations in their respective Districts.*

(xvi).	*To consider doing away with the existing wooden ballot boxes and replacing these with transparent plastic ballot boxes for the next general elections sourced as aid from a development agency.*

(xvii).	*That where counting takes an unusually long time to complete, as was the case in the recent elections, the Returning Officer should consider explaining the counting process in a timely manner to the public through the media and the reasons for any delays so as to allay concerns and suspicion, especially from candidates and their supporters.*

(xviii).	*That final result sheets and copies of gazette notices of declared election results be handed directly to members of the media immediately after declarations are made to ensure that subsequent reporting through radio and television are as accurate as can be.*

(xix). *That a debriefing session of all civil servants involved in the polling and the count process be undertaken as soon as possible to determine the lessons learnt in order to better manage future electoral events.*

(xx). *That the Police Force share their 2010 experiences with the Nauru election management team to further enhance the security of future elections as well as establish a better understanding between the two parties of their respective roles.*

(xxi). *That activities aimed at promoting representation of women at all levels of decision making in Nauru should continue to be undertaken, where these have been undertaken in the past, and other activities which would enhance their campaigns and chances of being re-elected be also initiated.*

(xxii). *That the Nauru election management team continue to utilize the media for voter education programs, information on key election related activities, timetables and release of press statements.*

(xxiii). *That the government seriously consider using its influence in the Nauru Media Bureau to establish a policy of providing equal time for candidates on TV and radio during the two weeks prior to the poll to address the constituents.*

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Annexure "B": **Persons Consulted (17 - 30 April 2010)**

Names	Position
Hon. Mr. Aloysius Amwano	Member of Parliament
Hon. Mr. Baron Waqa	Member of Parliament
Mr. Brenden Linsey	Acting Commissioner of Police
Mrs. Charmaine Scotty	Secretary, Home Affairs and Candidate for the Constituency of Yaren
Hon. Mr. David Adeang	Member of Parliament
Mr. Douglas D Audoa	Nauru Island Association of NGOs
HE Mr. George Fraser	Australian High Commissioner to Nauru
Mrs. Helen Dageago	Presiding Officer, Meneng Constituency
Ms. Joanna Olsson	Director, Government Information Office
Mrs. Julie Olsson	Coordinator, Nauru Island Association of NGOs
Ms. Katy Le Roy	Parliamentary Counsel
Hon. Dr Kieran Keke	Caretaker Minister for Finance, Foreign Affairs & Trade
Mr. Leo D. Keke	Barrister & Solicitor, Law Consultant, Yaren
Mr. Manfred Depaune	President, Nauru Island Association of NGOs
HE Hon. Mr. Marcus Stephen	Care-taker President
Mrs. Marolyn Harris	Deputy Returning Officer
Hon. Mr. Mathew Batsiua	Care-taker Minister for Justice, Health and Sports
Mr. Michael Cain	Acting Chief Secretary, Nauru Public Service Commission & Returning Officer
Mr. Robert Sisilo	Secretary, Department of Foreign Affairs & Trade
Mr. Rod Henshaw	Interim Director, Nauru Media Bureau
Rev. Roger Mwaren	Chairperson, Nauru Congregational Church
Ms. Ruby Thoma	Former Member of Parliament
Ms. Sandra Bill	Editor – Nauru Media Bureau TV & print media
Mr. Sean Oppheimer	Managing Director, Capelle & Partner Pacific & Occidental
Hon. Mr. Shadlog Bernicke	Member of Parliament and Speaker
Mr. Sasi Kumar	Deputy Returning Officer
Fr. Tatiera Ewenteang	Catholic Parish Priest

Table 1:   Voter Population and Number of Candidates Contesting the 2010 General Elections

Constituencies	Total Voter Population	Number of Representatives	Number of Candidates	Gender	
				Males	Females
Aiwo	616	2	5	5	--
Anabar/Ijuw/ Anibare	614	2	11	10	1
Ewa/Anetan	684	2	7	7	--
Boe	580	2	9	8	1
Buada	531	2	8	7	1
Meneng	968	2	15	12	1
Ubenide	1,225	4	22	19	3
Yaren	437	2	9	8	1
Totals	**5,650**	**18**	**86**	**78**	**8**

Note: All MPs in the 18th Parliament re-contested the elections

Table 2: Approved Transfer of Votes (24 March – 3 April 2010)

Districts	Total Transfers In	Total Transfers Out	Total Roll on Polling Day
Aiwo	202	125	616
Anabar	35	58	267
Anibare	105	76	351
Anetan	86	38	193
Baitsi	36	68	333
Boe	73	96	580
Buada	120	91	531
Denigomodu	40	55	194
Ewa	80	61	333
Ijuw	36	37	154
Meneng	244	186	963
Nibok	67	127	416
Uaboe	17	107	282
Yaren	88	103	437
Total	**1,228**	**1,228**	**5,650**

Source: Government of the Republic of Nauru

Table 3: Polling Station Location, Presiding Officers and Polling Clerks

Districts	No. of Presiding Officers	No. of Polling Clerks	Location of Polling Station
Aiwo	2	2	Civic Centre
Anabar	1	1	Fisherman Catchments Shed
Anetan	1	1	Anetan Infant School
Anibare	1	1	Polling shelter on vacant land area between Jinnie Jeremiah and Victoria Scotty's residence
Baitsi	1	1	Beduwo Store
Boe	2	2	Boe Infant School
Buada	1	1	Buada Church Hall
Denigomodu	1	1	Nauru College
Ewa	1	1	Clivaz Hall, Arubo Church
Ijuw	1	1	Polling shelter on vacant land area between Renibe Adar and Susan Keitsito's residence
Meneng	2	2	Meneng Infant School
Nibok	2	2	Nibok Infant School
Uaboe	1	1	Polling shelter on vacant land area between James Scotty's garage and Ziklag Ambassador (AOG)
Yaren	1	1	Yaren Primary School
Totals	**18**	**18**	

Source: Government of Nauru, G.N.N 189/2010, No. 46 of 22 April 2010

Table 4: Voter Turnout – Nauru 2010 Elections

Constituencies	Total Voter Population	Total Number of Votes Cast	Percentage (%) of Votes Cast	Total Number of Formal Votes	Total Number of Informal Votes
Aiwo	616	580	94.16	572	8
Anabar/Ijuw/ Anibare	614	541	88.11	525	16
Buada	531	506	95.29	500	6
Boe	580	541	93.26	533	8
Ewa/Anetan	684	643	94.00	631	12
Meneng	963	856	88.89	808	48
Ubenide	1,225	1,126	91.29	1,047	79
Yaren	437	409	93.59	401	8
Totals	**5,650**	**5,202**	**92.07**	**5,017**	**185**

Source: Nauru General Election 2010 Counting Results

Table 5: Summary of Proxy Voting by District and Gender

Districts	Females	Males	Total	% of Total Proxy Voters
Aiwo	12	19	31	7
Anabar	7	6	13	3
Anetan	12	6	18	4
Anibare	6	3	9	2
Baitsi	11	15	26	5
Boe	44	43	87	18
Buada	29	28	57	12
Denigomodu	10	6	16	3
Ewa	12	9	21	4
Ijuw	5	5	10	2
Meneng	46	40	86	17
Nibok	27	19	46	9
Uaboe	18	8	26	5
Yaren	21	27	48	9
Total	**260**	**234**	**494**	**100%**

Notes:
1. A total of 575 proxy vote applications were received by the Electoral Registrar.
2. 81 applications were considered invalid for several reasons ranging from ineligibility due to age, applicant not registered on electoral roll, non-citizen, incorrect application form, and applicant or proxy being from different electorate.
3. Applications for 2010 were received from 19 overseas locations with Brisbane, Fiji and Melbourne accounting for over half of the total valid proxy applications.
4. Proxy voters accounted for 10% of the total number of valid votes cast.

Table 6: Results of 2010 Nauru General Elections

Constituencies	Name of Elected MPs	Total Number of Formal Votes	Preference Points	Rank
Aiwo	Godfrey A Thoma	572	284.433	1
	Dantes I Tsitsi		282.983	2
Anabar/Ijuw/ Anibare	Ludwig D. Scotty	525	268.525	1
	Riddell Akua		216.436	2
Buada	Roland T. Kun	500	255.531	1
	Shadlog A Bernicke		238.610	2
Boe	Baron O Waqa	533	245.466	1
	Matthew J Batsiua		244.570	2
Ewa/Anetan	Marcus Stephen	631	355.436	1
	Landon Deireragea		277.474	2
Meneng	Rykers Solomon	808	312.714	1
	Sprent J. Dabwido		283.346	2
Ubenide	David Adeang	1,047	355.162	1
	Frederick W. Pitcher		313.199	2
	Valdon S Dowiyogo		304.881	3
	Aloysius Amwano		257.967	4
Yaren	Dominic J Tabuna	401	208.267	1
	Kieren A Keke		203.009	2
8 constituencies	**18 Parliamentarians**	**5,202**		

Source: Nauru General Election 2010 Counting Results

Table 7: Election Results for Women Candidates

Constituencies	Name of Women Candidates	Rank out of Total Number of Candidates
Anabar/Ijuw/Anebari	Melissa Ika	6/11
Boe	Joy Edith Heine	5/9
Buada	Elchen Anabelle Solomon	8/8
Meneng	Darlyne Faith Harris	11/15
Ubenide	Maria Gaiyabu	7/22
	Greta Harris	8/22
	Bernadette Eimiriken Aliklik	13/22
Yaren	Charmaine Scotty	3/9

Source: Government of the Republic of Nauru