

4 November 2004

Dear President,

**Report of the Joint Commonwealth-Forum Election  
Observer Mission**

The joint team of representatives of the Secretaries-General of the Commonwealth and the Pacific Islands Forum which was present in Nauru for the 23 October 2004 National Election has presented us with its Report. We have pleasure in sending you a copy, as finalised in Nauru on 24 October 2004. We are separately forwarding a copy to the Chief Secretary/Returning Officer and will later make copies available to the Members of Parliament and civil society organisations.

You will see that the joint team concluded that "the overall electoral process was credible and the conditions existed for a free expression of the will of the people". However, as you can see from the Report, it also highlighted a number of areas in which improvements can be made to strengthen the process of electoral management in Nauru.

These recommendations were put forward in a constructive spirit, and it is in the same spirit that our two organisations offer technical assistance and whatever other support we can provide to assist in the implementation of these recommendations and other measures to enhance the Nauruan election process in the future.

One of the issues highlighted by the joint team is parliamentary process in Nauru. You may wish to give further consideration to this issue and its implication on stability of Government in the country. This has important and fundamental implications for Nauru's future political development. We would be happy to discuss ways in which our two organizations can assist you in strengthening parliamentary processes.

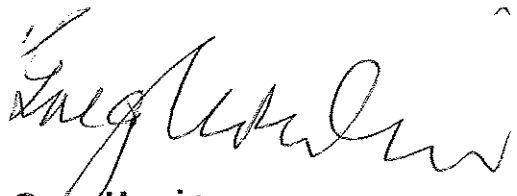
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The joint team was briefed on the dire economic challenges your country is facing which require urgent collective action by both the Government and the Parliament of Nauru. The Forum is engaged with you in a range of support measures, and we would both be happy to pursue with you any practical assistance our organisations could provide to assist you in addressing the urgent challenges ahead.

On behalf of the Commonwealth Secretariat and the Pacific Islands Forum we would like to take this opportunity to express our deep appreciation to you for inviting us to send representatives to be present for these elections, and for the co-operation and assistance extended to our representatives by the Government of Nauru.



**Don McKinnon**  
Secretary-General  
Commonwealth Secretariat



**Greg Urwin**  
Secretary-General  
Pacific Islands Forum  
Secretariat

HE Mr Ludwig Scotty  
President of Nauru  
Republic of Nauru  
Central Pacific

**REPORT OF THE COMMONWEALTH SECRETARY-GENERAL'S AND THE  
PACIFIC ISLANDS FORUM SECRETARY-GENERAL'S REPRESENTATIVES  
TO THE NAURU NATIONAL ASSEMBLY ELECTION**

**24 OCTOBER 2004**

**INTRODUCTION**

The dissolution of Nauru's Fifteenth Parliament and the calling of fresh elections for 23 October 2004, followed President Ludwig Scotty's decision, on 30 September 2004, to declare a State of Emergency under Article 77 of the Nauru Constitution.

The 2004 general elections took place under dire economic conditions in the country. The national economy continues to deteriorate, with no security of Government revenue. The minimum wage of public servants has substantially declined from AUD\$400 a fortnight to AUD\$50 a fortnight. With declining health, increasing unemployment and lack of skills for self-reliance, the country faces tremendous challenges to ensure a long-term future for its citizens.

**Brief Political Background**

Nauru's snap election of 23 October 2004, took place halfway into the three-year term of its Fifteenth Parliament. The last general election was held in May 2003.

The declaration of a State of Emergency on 30 September by the President follows a dispute over the dual citizenship issue of the Minister of Health and his entitlement to be a Member of Parliament, thereby jeopardising the Government's narrow majority. The ensuing impasse in Parliament meant that the Government was unable to pass its budget. The President then opted to declare a State of Emergency, dissolve Parliament and call for fresh elections.

Some opposition politicians suggested that the Government could have resigned, instead of declaring a State of Emergency, as the latter option has created a precedent that may be abused in future.

**Invitation to Observe the Elections**

Upon receipt of formal invitations from President Scotty to observe the elections, the Secretary-General of the Pacific Islands Forum and the Commonwealth Secretary-General agreed to send election observers to be present for the elections. The two organisations agreed that the team would be deployed as a joint mission as undertaken for the first time at the Vanuatu elections of July 2004.

## Composition of the Team

In line with the agreement between the Secretary-General's of the Commonwealth and the Pacific Islands Forum, it was agreed that the team would comprise:

### Pacific Islands Forum

Maiava Iulai Toma  
Ombudsman  
Samoa

### Commonwealth Secretariat

Leuluaialii Albert Mariner  
Senior Programme Officer  
Political Affairs Division  
Commonwealth Secretariat

Martin Tete  
Principal Electoral Officer  
Vanuatu

Martin Kasirye  
Senior Programme Officer  
Political Affairs Division  
Commonwealth Secretariat

Ulafala Aiavao  
Media Adviser  
Pacific Islands Forum Secretariat

## Terms of Reference

The Terms of Reference as agreed with the Nauru Government on 6 October 2004 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 the elections take place, the electoral process and the elections themselves and to report to the Secretary-Generals thereafter. This report will be made available to the Government of Nauru and the Election Management Authorities.*

## Methodology

The method of work for the Team was a series of meetings with the Government, election management officials and candidates. We also had informative briefings with representatives from women's groups and the state media, and other stakeholders in the electoral process. The Team also observed several political campaign rallies known as 'platforms'. This process involves all the candidates in a particular constituency, each taking turns to address the electors with the aim of soliciting votes. This is then followed by questions from the audience. We observed that women participated actively in the process of questioning candidates. The Team noted, however, that there was only one female candidate contesting the elections.

On election day, the Team visited all the 14 polling stations, twice, in the eight constituencies. The Team also observed the opening and closing of the polls at two polling stations and followed the ballot boxes from two polling stations to Parliament where the count took place. The boxes were received by the Returning Officer with her team of scrutineers ready to commence the counting process.

## **Registration**

The list of voters is derived from the Register of Births. At the age of 20, citizens born in Nauru are automatically placed on the voter's roll by the Electoral Registrar. Citizens born outside Nauru are registered upon application to the Electoral Registrar. Citizens are required to register in the constituency where they have resided for at least one month or have a substantial connection, for example, through their spouse or parents.

Under the Electoral Act, a registered voter can transfer to a different constituency if they meet a one-month residency requirement or can demonstrate a substantial connection.

The application by a voter to transfer his or her vote was previously endorsed by the Nauru Local Government Council. Since the abolition of the Council in the early 90's, the endorsements have been made by Cabinet Ministers, usually any two, with the Electoral Registrar either declining or approving the transfer. Serious concerns were expressed at the direct involvement of Cabinet Ministers in voter transfers.

In elections, a transparent registration process and the compiling of the electors list are crucial to the credibility of the whole electoral process. While this election was organised and conducted under a State of Emergency, the Team noted that the voters' list was not displayed in public to allow voters and candidates a period for claims and objections.

There needs to be a review of the registration process and a more transparent mechanism to facilitate the transfer of votes from one constituency to another. This is important in order to increase public confidence in the system.

## **Candidates**

Nauru's 18 seat Parliament was contested by 73 candidates. There is no formal political party structure in the country. Several candidates and electors expressed the view that introducing political parties could perhaps lead to more discipline and stability in Parliament; however, it could be divisive in a small society. Some also believed that Nauru's small size and population meant that family ties and connections would continue to influence voting patterns.

Two female candidates were nominated to stand for election, with one later withdrawing. Parliament has always been male dominated with only one female Member in its history.

### **The Electoral Timetable**

As previously noted, from the date of dissolution of Parliament on 30 September 2004, the Returning Officer had less than a month to conduct the election. For the 2004 General Election, the following timetable was observed:

- 1 October 2004** Opening of the Electoral Rolls
- 8 October 2004** Closing of the Electoral Rolls
- 9 October 2004** Nominations Open
- 13 October 2004** Nominations Close
- 16 October 2004** Last Date of Withdrawal of Nominations
- 23 October 2004** Polling Day

### **The Voting System**

The electoral voting system in Nauru is based on fractional voting by preference. Voters are given a ballot paper with a box beside the name of each candidate in the constituency. The voter ranks each candidate by number, with number one being their first preference (counting as one unit), number two their second preference (counting as half of one unit), number three their third preference (counting as one third of one unit), and so on. The constituency of Ubenide was the only one with four seats to be contested. The remaining seven constituencies each had two seats to be contested, and the two candidates with the highest number of votes win the seats. All of the boxes must contain a number for the ballot to be valid, however, the law allows the final box to be left unmarked and this is read as the voter's last preference.

One week before the general election, the Government decided to introduce proxy voting, thereby allowing Nauruans living overseas to cast their ballots. This was the first time proxy voting was used in Nauru's general elections.

The process to cast a proxy vote was that a registered voter living overseas would need to fill in an application form at a Nauru Mission, authorising a voter on Nauru to cast a proxy vote on his or her behalf. The form would be witnessed by the Head of Mission and another registered Nauruan voter. A registered voter on Nauru was allowed to cast a maximum of two proxy votes, in addition to their own vote.

Section 27 of Nauru's Electoral Act empowers Cabinet to make regulations for proxy voting. The President signed the Electoral (Proxy Voting) Regulation 2004 into law on 21 October, two days before the election.

There were serious concerns conveyed by members of the public and some opposition candidates regarding proxy voting. One concern was the short notice which allowed only a few days to advise electors residing abroad about the new procedure. The deadline for receiving these proxy forms by the Returning Officer in Nauru (by fax or post) was 12 noon on Friday 22 October 2004.

The other concern raised by some opposition candidates was whether a Cabinet could legally make regulations when the country was under a State of Emergency; Parliament being dissolved; and the President the only authority with prerogative to make laws and regulations.

The Team was advised by some opposition candidates that they would pursue court challenges immediately after the elections on the legality of proxy voting.

### **The Campaign**

The Team, accompanied by a translator, attended a number of evening 'platform' campaign rallies in several constituencies, some of which were broadcast on state-owned TV and radio. Platforms are a very public and often robust affair. They usually involved a moderator to manage the time taken by candidates to outline their policies to the audience, and fielding questions from the public. The Team also saw a few election posters.

### **Voters**

The day before the polling, the Electoral Registrar certified the total number of registered electors on Nauru at 4,588. The number of proxy voters was 170. The total number of vote transfers from one district to another was 560 across the eight constituencies.

### **The Media**

The state-owned Media Directorate runs a print and broadcast operation, focusing mainly on relays of foreign news and programmes. There was a limited local news component on TV and radio once a week on Friday, with additional local programmes approaching the election. There was no independent local news media on the island. The Team was informed that local news programmes were censored by the administration of the day before they were aired. However, the Team was told that a policy change in July 2004 had relaxed these controls so that the media staff could now report on national affairs in a more balanced manner.

During our visit, local TV and radio ran extra campaign programmes which continued on the day of the election. We were told that this was the first time such campaign coverage had been allowed by Government. A critical Australian TV programme on Nauru by ABC Four Corners was re-broadcast regularly in the

lead-up to the election. The Media Directorate normally issues a weekly Bulletin, but these were several weeks overdue. This was due to the need to redirect the limited printing resources on Nauru towards the printing of ballot papers and related election material.

State media broadcast live coverage of the official results from Sunday morning as the results were certified and released by the Returning Officer.

### **Voter Education**

There was no formal voter education exercise through state media or by the election management authorities. The use of public campaign platforms were an effective way of publicising policy stands by candidates and encouraged participation by voters. Public announcements relating to the elections were broadcast on TV and radio.

### **Role of the Police**

Two police officers were assigned to each polling station. The Team observed that polling was conducted in a calm and orderly manner. The Police were very cooperative with the Team and provided adequate and visible security at the polling stations. The Team commends the police for the professionalism demonstrated during the electoral exercise.

### **The Vote**

Polling opened at 1pm and closed at 6pm. Polling officials came from the same constituency where they were stationed. Most constituencies comprised closely-knit communities and extended families, which enabled the Presiding Officer and the Polling Assistant to recognise the registered voters in that particular constituency.

The process of voting involved electors having their names checked against the electoral roll by polling clerks. The ballot papers were photocopies and presiding officers were required to initial the reverse side to authenticate them. The elector filled in the ballot in a private booth, placed the ballot in the ballot box, and left the polling station.

### **The Count**

Counting fractional votes is complicated and time consuming. On this occasion, in the case of one electorate, it involved the sorting and re-sorting of all ballot papers 17 times, as there were 17 candidates.



Agents of candidates were not present. Only scrutineers appointed by the Returning Officer were in the counting room. This is established practice in Nauru and candidates appear to have confidence in this system.

The Team, a group of foreign journalists and state TV and radio were the only people allowed into the public gallery at the beginning of the count. This area was partitioned by a glass wall and while we could see the proceedings of the count, we could not hear the instructions issued by the Returning Officer to the personnel responsible for the count. It is important that the public has access to observe the count to promote transparency and confidence in the process.

### **Mood of the people**

Our Terms of Reference stipulate that we *"be present in Nauru before, during and after the general election in order to gain a broad overview of the environment in which the election takes place, the electoral process and the elections themselves."*

We observed serious concern among the people about their immediate future. They are facing real hardship and are in need of urgent relief. People are concerned, however, that the urgency of their need may be lost on their political leaders in their seeming preoccupation with other concerns as if nothing had changed in the fortunes of Nauru.

### **Parliament**

Our meetings and briefings with the stakeholders of Nauru indicated a strong desire for the country to review its Parliamentary processes. Recent political instability and constant changes of Government through votes of no confidence do not bode well for the stability urgently required to address Nauru's dire economic conditions. It was encouraging to note that candidates across the political spectrum were willing to address this issue.

### **Conclusions**

The Team recognises the unique circumstances under which the Nauru General Elections of 23 October 2004 took place. The Team commends the resilience and determination of the people of Nauru to exercise their democratic right in view of the difficult economic conditions in the country.

The Team commends the work of the Returning Officer, the Electoral Registrar and their support staff in efficiently organising the elections.

The Team is of the view that despite some shortcomings as highlighted earlier in this report, the overall electoral process was credible and the conditions existed for a free expression of the will of the people.

## **Recommendations**

We believe there are areas where improvements could be made to improve electoral processes and management in Nauru. Both the Commonwealth and the Pacific Islands Forum could provide such assistance if requested by the Nauru Government.

- Active steps could be taken to encourage greater participation by women in the political process.
- The election timetable should provide for a period for claims and objections.
- The transfer of voters to different constituencies should be undertaken by an impartial body such as the Electoral Registrar, without political involvement.
- A voter education exercise should be undertaken in the lead-up to future elections.
- New voting initiatives, such as proxy or postal voting, should be introduced well in advance to enable the maximum number of electors to participate.
- Training of news staff in reporting would improve the quality of coverage, not only for elections but other national issues.
- Greater access by the public to the count should be encouraged to ensure transparency and promote confidence in the process.
- The Team noted that the Forum would undertake a legislative needs assessment in the near future and would encourage Parliament to make effective use of this programme of assistance.
- The Commonwealth and the Pacific Islands Forum should offer assistance to strengthen Parliamentary processes in Nauru.

Yaren, Nauru  
24 October 2004