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30 August 2007

Mr Greg Urwin
Secretary General
Pacific Islands Forum Secretariat
Suva
FIJI

BY HAND


Dear Secretary General,

Thank you for your invitation to us to observe Nauru's 2007 general elections as members of the Forum Election Observer Team. Our work in Nauru was a pleasure and a privilege.

2. We are pleased to submit to you the attached report of the Team. As per the Terms of Reference agreed between yourself and the Government of Nauru, we request that you transmit it to the Government and election authorities of Nauru. We also recommend that the report subsequently be shared with other Forum member countries and be made public.

3. We would be most grateful if you would formally convey our thanks to the Government for the high quality of hospitality and assistance provided to the observer team during its stay in Nauru. We wish Nauru every success in the future.

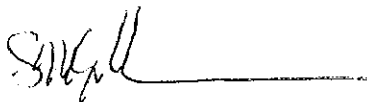
Yours Sincerely



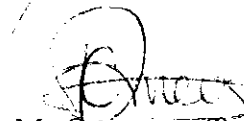
Mrs Makurita Baaro



Mr Dita Vuki



Ms Shennia Spillane



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REPORT OF THE PACIFIC ISLANDS FORUM ELECTION OBSERVER TEAM TO NAURU'S 2007 GENERAL ELECTIONS

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INTRODUCTION

Brief Political Background

Nauru is a single island nation in the central Pacific. Nauru's modern history has been a dramatic one, featuring German then British colonisation, Japanese occupation during World War Two, and postwar administration by Australia under UN Trusteeship. Nauru gained its independence in 1968.

Discovery of rich deposits of phosphate in Nauru from 1900 has played a significant role in the country's economic and political history. For many decades both the colonial powers and Nauru benefited from significant revenues from phosphate mining, making the island prosperous and economically self-sustaining both before and after its independence. By the late 1990s, however, mining-related income reduced dramatically due to depletion of the resource on the island, lower international commodity prices, and most significantly, the mismanagement of accumulated funds held in trust. Today Nauruans are experiencing significant economic hardship – mining royalties, land rents, salaries and other benefits have not been paid in full or at all for several years, services have deteriorated on the island and alternative employment opportunities are scarce. This in turn has put increasing pressure on Nauru's political leaders to account for its economic woes, and to determine a path to rehabilitate the island's economy.

The fifteenth Parliament of Nauru was elected in May 2003. Less than halfway through its term, the Government changed hands through a motion of no-confidence. Continuing political disputes rendered Parliament unable to pass the national budget, and the consequent declaration of a state of emergency by the President led to the dissolution of Parliament and the holding of "snap" elections on 23 October 2004. In a climate of some political tension and controversy, the Government of Nauru for the first time invited international observers from the Commonwealth and the Pacific Islands Forum to observe the elections.

The 2004 elections resulted in the formation of a new Government which held the support of 15 members of the 18-member Parliament, under the leadership of President Ludwig Scotty. This Government was able to maintain power for its full three year term, unlike the Governments of the previous two years. The Scotty Government initiated and began implementing a robust economic reform agenda aimed at the rehabilitation of the economy, while advising that continued hardship for Nauru's people in the short term was inevitable.

The Government and people of Nauru were granted increasing assistance during this period from a number of external donors, including Forum member countries under the Pacific Regional Assistance to Nauru (PRAN) programme. The caretaker Minister for Finance noted in campaign discussions that approximately 46% of Nauru's annual budget was sourced from donor-funded assistance and projects.

The 2007 elections essentially marked the end of the three-year term of the sixteenth Parliament, although Parliament was dissolved and elections held about two months earlier than expected. In a public statement the President acknowledged the early dissolution but noted that due to the circumstances of the 2004 elections, the present Government had been in power for over three years already. In addition, with significant events occurring in July 2007 including Nauru's Constitutional Convention and donor roundtable, the Government believed it was an appropriate time to seek renewal of its mandate for the next three years.

Invitation to observe the elections

On 2 August 2007 Hon David Adeang, Nauru's caretaker Minister Assisting the President and Minister for Foreign Affairs and Trade, wrote to the Secretary General of the Forum inviting him to deploy a Forum Team to observe the upcoming general elections. The Secretary General formally accepted the invitation by letter of reply on 9 August, advising that the Forum would send a Team of two regional experts and two Forum Secretariat staff.

Composition of the Team

The Forum Election Observer Team ("the Team") consisted of:

Mrs Makurita Baaro
Former Chief Secretary & Secretary to Cabinet
Kiribati

Mr Pita Vuki
Supervisor of Elections
Tonga

Ms Shennia Spillane
Legal Adviser
Forum Secretariat

Ms Constance Tafua-Rivers
Young Professional - Legal
Forum Secretariat

Terms of Reference

The Terms of Reference for the Team (proposed by the Government of Nauru and agreed by the 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 the 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 is to be made available to the Government of Nauru and to the election management authorities.

Methodology

The Team was in Nauru from 17 to 31 August. Prior to election day the Team met with a wide range of stakeholders including representatives of the Government, election

management authorities, police, candidates, NGOs, women's and church groups, the private sector and the media. Our time on Nauru also allowed us to speak with voters as we went about the island.

In the days leading up to election day we also attended the campaign platforms for 7 of the 8 constituencies. In doing so we were able to hear the presentations of most candidates and the questions and issues raised by the public.

On election day the Team divided into two pairs and each pair visited each of the 14 polling booths on Nauru. Team members were also present (in rotating pairs) throughout the counting of votes. Finally, the Team observed the swearing in of the new Government and the Parliamentary election of the Speaker, Deputy Speaker and President, on 28 August.

THE CONTEXT

The Legal Framework

A key source of law for the electoral process is the *Constitution of Nauru*. It governs the membership of Parliament, providing for 18 members in eight constituencies (Art.28), and sets out qualifications for MPs (Art.30) as well as defining who can be qualified as an elector (Art.29) including setting the minimum voting age at twenty. The Constitution also mandates the conditions under which an election shall be held (Art.39). It should be noted that Nauru's Constitution is presently the subject of a major review process, and the resolutions of a Constitutional Convention held in July 2007 are expected to be considered by the seventeenth Parliament before a referendum is held on a new Constitution for Nauru.

The principal act that guides the elections is the *Electoral Act 1965-2007* ("the Electoral Act"), which sets out the electoral process in more detail including provisions in relation to registration, polling, counting and electoral disputes. This piece of legislation has not been amended for over three decades, and questions have arisen recently, including in the Constitutional review process, as to the current suitability of some of its provisions in the modern environment in which elections take place in Nauru.

Regulations have been enacted to further detail some areas of the electoral process. In 1971 the *Electoral (Electoral System) Regulations* were issued pursuant to section 27A of the Electoral Act which effectively amended the counting process in general elections from the elimination count set out in the Act, to a fractional counting system. More recently the *Electoral (Proxy Voting) Regulation* was promulgated in 2004, providing for citizens of Nauru not in the country on election day to nominate an in-country voter to cast a proxy vote on their behalf.

The Electoral Timetable

Upon dissolution of Parliament on 27 July 2007 the Returning Officer had less than a month in which to conduct the election. The 2007 General Election timetable was as follows:

- 27 July 2007 - Issue of Speaker's Writ
- 4 August 2007 - Closure of Electoral Roll
- 6 August 2007 - Nominations Open
- 11 August 2007 - Nominations Close
- 18 August 2007 - Last Date of Withdrawal of Nominations
- 24 August 2007 - Last Date of Registration of Proxies
- 25 August 2007 - Polling Day
- 26 August 2007 - Declaration of Results
- 28 August 2008 - Seventeenth Parliament convenes; swearing in of Members

The Electoral System

The electoral system used in Nauru is the preferential system. Under the terms of the Constitution and the Electoral Act, 18 members are elected from 8 Constituencies. The constituencies are drawn from Nauru's 14 traditional districts, with three constituencies combining two, three or four districts. Four members are chosen from the largest constituency of Ubenide, which groups four districts, whereas the remaining 7 constituencies elect two members each.

Voting is conducted by secret ballot and is compulsory. Voters must cast a fully preferential vote, i.e. must allocate a numbered preference to every candidate, for the ballot to be valid (except where the last unmarked box can be read as the voter's last preference).

The procedure for counting of votes is laid down by the *Electoral (Electoral System) Regulations* issued pursuant to section 27A of the Electoral Act. This unique counting system involves allocating each preference a fractional value according to its rank in preference. That is, the first preference has the value of one unit; the second preference has the value of half of one unit; the third preference has the value of one third of a unit and so on. The (two or four) candidates with the highest number of votes after all the fractions are added, are declared winners for each constituency.

Proxy voting grew in popularity at this election following its introduction a week before the general elections in 2004. The limit on the number of proxy votes a person can cast under the Regulation is two. The number of registered proxies for this election was 409.

Candidates

Under the law any citizen at least twenty years of age and not disqualified under the Constitution (eg bankrupt, insane or under serious criminal conviction), may be nominated as a candidate, with the endorsement of at least two voters and payment of a \$50 nomination fee. The 18 seats of the Parliament of Nauru were contested by 79 candidates, an increase on the 73 who contested in 2004. Of this number 8 were women. The number of candidates contesting the election in each constituency ranged from 7 (in the smaller constituencies) to 22 (in Ubenide).

There is no formal political party system in Nauru, but the House is divided between Government supporters and others, described as "the opposition".

ELECTION 2007: KEY ISSUES AND OBSERVATIONS

Election Management and Staff

In accordance with the Electoral Act, the three principal election managers are the Returning Officer, the Electoral Registrar and the Deputy Electoral Registrar, all three of whom are appointed by the President. The Returning Officer appoints Presiding Officers for each of the fourteen districts, polling clerks to assist them, and scrutineers who assist with the counting of the votes.

A three day workshop was run for Presiding Officers and polling clerks two weeks before the election to familiarise them with what was expected of them, and a manual was developed and issued to Presiding Officers to better prepare them for election day.

The Team was advised in its meetings that there was confidence by the public in the management of the elections by those appointed. Some suggestions however were made to the Team on improvements which could be made to the management of the elections. One issue raised was the need for greater transparency in the procedure for selection of the Presiding Officers and scrutineers. There was a call by some whom we met for these key election positions to be advertised and selection made on merit with community representatives included, rather than using the same people who are mostly Government employees. We were advised by the Returning Officer, as well as a former Returning Officer, that while this is the ideal, there was a need to balance this with selecting people with experience. The Team was also advised that the tight time-table for the elections this year did not allow for a lengthy selection procedure. This may, however, be an issue that the Returning Officer could consider for future elections in the interests of transparency.

The Team commends the overall professionalism of the Election Management Team and election officials in the successful management and conduct of the 2007 elections.

Voter Registration and the Transfer System

In Nauru, the electoral roll is derived from the Register of Births, and citizens are automatically added to the roll upon reaching 20 years of age. The Registrar of Births, Deaths and Marriages also holds the position of Electoral Registrar. Voters are able to alter their details on the roll at any time, if for example their name or place of residence changes. For the 2007 election, voter registration continued until 4th August, 2007 when it was closed with a total of 5108 registered voters. The figure shows an increase of approximately 11% on the number of registered voters in the 2004 election.

The Team was advised that this year for the first time, the electoral roll was displayed in each district two weeks before the election to allow any member of the public to examine it and to ensure he or she was correctly enrolled before the poll.¹ This initiative received positive reactions from the public and should be encouraged to continue in future elections.

¹ The Electoral Act allows errors or omissions in the roll to be corrected even after the roll has closed.

One concern in relation to voter registration came up in all meetings with the Team: the issue of district of enrolment and the transfer system.

Under the Electoral Act, every Nauruan who has attained the age of twenty years is entitled to have his or her name entered onto the electoral roll in the district where s/he has been living for not less than one month, where s/he was born, where his or her spouse is registered, or where s/he has established a “substantial connection” through Nauruan custom, or through either parent’s birth or electoral registration.

The transfer of voters from one district to another is permitted, requiring the person who wishes to be transferred to submit the appropriate form to the Registrar. A new requirement as of the 2007 election was payment of a \$10 transfer fee. The transfer form requires endorsement by an authority which under the Electoral Act was the Local Government Council for the relevant district. District Councils, which existed until some fifteen years ago, were comprised of traditional chiefs of each district, who could verify the genuine connection of the voter with the district. Since the disbandment of district councils in Nauru, however, those powers have been vested in the Cabinet, meaning that electoral transfers now require the endorsement of two Cabinet Ministers.

In the lead-up to the 2007 election, a total of 782 voter transfers were made which was about 15% of the total registered voters. The imposition of the \$10 fee was intended by Government to discourage transfers but this did not occur as the number increased from the previous election.

The process raised a number of concerns among many of the people who spoke with the Team. One concern was that the system could be easily abused (and some asserted it was already being abused), with the large-scale transfer of voters by candidates into constituencies with which the voters had no genuine connection. This led to relative disenfranchisement of the residents and landowners of the districts, as well as allegedly granting unfair advantage to those candidates with the means to fund voter transfers. Some interlocutors expressed the view that the criteria for registration should be tightened to ensure that only demonstrable connections with a district, such as residence or land ownership, would provide grounds for transfer.

A further concern raised was with the propriety of the approval process for transfers, given that Ministers (usually themselves candidates) have the power to approve or reject transfer applications. This appears to have undermined the reasoning behind the provisions of the original Act, and the perception of impartiality in the management of the electoral roll. Although the Government advised the Team that all transfers were approved to ensure equity in the system, we heard allegations from others that some voters had been transferred to another district without their knowledge and others’ transfers were rejected with no grant of reasons or right of appeal. We can not judge whether and to what extent such discrepancies occurred, but it would undoubtedly improve public confidence in the transfer system, and protect Ministers from any allegations of bias or misconduct, if politicians were removed from the transfer process

and approval was vested in neutral authorities. The endorsement of the application for transfer could be given to an independent community committee in each district, the Electoral Registrar, or even a new body such as an independent Electoral Commission.

The Team recommends:

1. That Voter Registration continues as an ongoing process and that the roll be made accessible for members of the public as much as possible.
2. That the criteria for registration under the Electoral Act be reviewed with a view to establishing tighter criteria for registration in, including transfer into, a district.
3. That authority for approving voter transfers be vested in an independent person or body without the involvement of politicians or candidates.

Voter Education

The Returning Officer advised the Team that prior to its arrival on Nauru, her office had undertaken for the first time a mock election day exercise two weeks prior to the elections. This was directed towards educating polling officials but contributed in a substantial way to raising public awareness of the electoral process. Voters were given a chance to raise queries as well as checking that they were correctly enrolled to vote. Polling officials and the voting public indicated that this was indeed helpful in the lead-up to the elections, and the Team encourages the Returning Officer to continue this practice for future elections.

At the same time, the Team believes there is a case for more civic and voter education in Nauru. Although the number of informal votes declared was not high, at approximately 2.75% of the total number of votes cast, the Team heard many reports of a prevalent and growing trend among voters, especially young voters, to be swayed by cash and other inducements, failing to understand the significance and value of their vote and the ethics of voting. We also heard that some voters felt compelled to respond to requests and gifts from candidates by voting for them, despite the protection of a secret ballot. In this context, voter and civic education for all Nauruans, perhaps with particular emphasis on young people, is vital to ensure a healthy culture of democracy and free and informed decision-making by voters.

In developing countries a strong role is often played by non-governmental organisations and civil societies in voter education and advocacy for integrity in elections, but this has not occurred in Nauru. NGO representatives advised us that their very limited present capacity and resources prevented them from taking on such activities. In this context the Team believes that external assistance to Government and NGOs for the development and implementation of appropriate civic and voter education activities would be an extremely valuable contribution to Nauru's future.

The Team recommends:

4. That appropriate civic and voter education programmes be developed and implemented in Nauru prior to the next election, and that international partners be prepared to assist Nauru's Government and civil society in doing so.

The Campaign

In 2007 there were fourteen days from the closure of nomination of candidates to the polling day. The Team noted relatively little use of public materials such as posters and fliers for campaigning in Nauru, except for the few days prior to the polling day. The involvement of the local media in the process was also quite minimal, due at least in part to the fact that local television and radio presently cover only very limited areas of the island. Candidates tend to adopt different approaches of campaigning, although a common approach appears to be candidates or their representatives visiting voters on a 'door-to-door' basis and talking to every family in the constituency. Gift-giving during such visits is a common occurrence.

Perhaps the most notable event during the campaigning period was that of community meetings which have been traditionally conducted over the years, known as "platforms", conducted in each constituency in the days leading to the election. In the platforms, which were chaired by a moderator, all candidates from the constituency shared their views and made their final presentations on issues they considered important to the nation. Voters were then provided with the opportunity to make comments and ask questions of the candidates.

The Team managed to attend the platforms held in seven of the eight constituencies. They were robust events with strong public attendance and participation. Most of the concerns raised in these platforms were financial, social and political issues. People were concerned over the state of the economy, and specifically, the status of the island's natural resources and prospects for the payment of outstanding royalties and other benefits to them. Some representatives of the private sector, both in the platforms and in separate meetings with the Team, bemoaned the Government's lack of support for private sector development in Nauru. In one constituency the environmental and health impact of phosphate mining was a major campaign issue. Allegations of Government corruption and misuse of funds were often made in the platforms.

A common theme in relation to the campaign, raised in all the meetings the Team held with stakeholders, was the increase in the use of cash in election campaigning, with strong allegations of "vote buying" in this election on a scale never before seen in Nauru. We were consistently told that cash was being directly handed out to voters by candidates, used by some to pay for voter transfers into the relevant candidate's district, and to buy expensive gifts such as alcohol and vehicles for voters. Significant concerns were raised by many over the use of donor development funds granted directly to Government MPs, known as the "grass-roots" funds, with some allegations that the funds were misused for campaigning purposes by incumbent members. The Team notes that

use of the grass-roots funding is the subject of ongoing legal action in Nauru. It was more generally noted by several candidates that those with money – Governmental or otherwise – were at a clear advantage in a campaign where at least some candidates and voters viewed votes as a commodity to be bought and sold.

The question of bribery was raised in this context as there are no specific definitions or offences in the Electoral Act to distinguish traditional practices of gift-giving (or legitimate community relief projects) from electoral bribery. We were told that traditionally, candidates can provide food or gifts to constituents as a form of appreciation and indeed, visitors to a house will often bring a gift of food.

The Team was advised that given the current circumstances of hardship in Nauru and the significant increase in money expended on electioneering, there is a need to review the electoral law in relation to funding and disclosure, as well as election offences and bribery, to ensure that campaigning is clean, transparent and as fair as possible. It was suggested to the Team that the introduction and enforcement of laws requiring transparency in campaign funding and expenditure, perhaps including a limit on campaign spending, would enhance the integrity of the electoral process.

We were further told that the creation of specific offences of bribery and clarification of acceptable and unacceptable gift-giving in the electoral law would assist both candidates and voters in knowing where the limits are and ensuring a clean campaign. Defining such offences is a challenge and would require public consultation and careful consideration, but is not impossible. For example, some people indicated to the Team that gifts of food given during house-to-house visits were traditional and widespread and should be acceptable, while handouts of cash, alcohol, and high-priced goods such as boats and motorbikes, were more unusual, universally understood as incentives to influence voting, and thus should be classed as bribery.

The Team recommends:

5. That the Electoral Act be reviewed to create necessary offences including electoral bribery, which should be clearly defined with due consideration of the traditional practice of providing food and gifts.
6. That funding and disclosure provisions be introduced into the Electoral Act to limit candidates' campaign expenses and require transparency in the sources and expenditure of funds.

The Vote

The election was held on Saturday 25 August, 2005. Polling commenced at 1.00 pm and closed at 6.00pm. Presiding Officers and polling clerks in each polling station were from the same district so that they could recognise the voters as they came in to vote.

Presiding Officers each had a list of registered voters with male and female voters listed separately. They also had a tally sheet for a head count of the number of voters which was marked off as each voter was handed a ballot paper. Should any problems or queries

arise, the Presiding Officers were able to make contact with the Electoral Registrar through the use of police mobile radios.

The process for voting was as follows: when the voter arrived at the polling station, his/her name was checked on the roll by polling officials, and a line drawn across the name. A ballot paper was then initialed by the Presiding Officer to authenticate it and handed over to the voter to cast his/her vote in a private booth. The ballot paper was then folded by the voter and placed in the ballot box which sat within view of the polling officials. The Team observed these procedures being properly followed in all polling stations, and the polling stations were generally well set up and equipped for a smooth voting process.

There were a few instances observed of voters' names not being found on the roll. A check on the radio with the Electoral Registrar assisted in finding these voters' names which were either on the roll of another district or erroneously listed under the opposite sex in the same district.

The Team observed some blind and other disabled voters assisted by the Presiding Officer to cast their votes, in accordance with the electoral law.

Voting on polling day was conducted in a very orderly environment and the Team commends the polling officials for their efficiency in the handling of the voting process.

The Count

The counting of preference and fractional votes is not only complicated but also very time consuming. This was particularly so with the increased number of candidates in this election compared to previous elections. In the largest constituency of Ubenide, there were 22 candidates so the counting of fractional votes involved the sorting and re-sorting of ballot papers 22 times.

Despite this, the counting was completed in 24 hours, a record time, we were told, compared to previous elections. This was an excellent effort by the team of scrutineers, but undoubtedly took its toll on them in terms of tiredness as the hours of work went on. With a trend toward increasing numbers of candidates, the counting is becoming more complicated and time-consuming at each election, and tired scrutineers are at greater risk of human error. While the Team saw no evidence of errors in the counting, the Returning Officer may wish to consider a rotating shift system in future to ensure that no threat to the integrity of the count is posed by scrutineers' fatigue.

The Team observed the counting, which was done at Parliament House, from the Public Gallery. This was partitioned by a glass wall from the main Chamber where the counting was done. While the Team was able to see the counting in progress, we could not hear the instructions issued or discussion taking place within the counting room. We were however provided, as was the general public and the media, with results from each constituency when final.

Suggestions were made to the Team that a rolling count and tally should be provided to the public as the counting progressed. Apparently this was done in the past but the practice has fallen away in recent elections.

Some also proposed to us that agents for candidates should be given access to observe the counting process. Relatives and associates of some candidates were appointed as scrutineers, leading some to query the neutrality of the counting process. Such appointments are probably inevitable given the small population of Nauru, and the presence of candidate agents to observe, as is allowed in many other countries, would provide reassurance as to the integrity of the count.

We noted a positive improvement over the 2004 elections, and that is, that the Public Gallery was opened to all including the general public to observe the counting in progress.

The Team recommends:

7. That the election management authorities be encouraged to provide a rolling count and tally for each candidate as the counting of the votes progresses, and that agents for candidates be given access to observe the counting.

Role of the Police

The Team was advised by the Commissioner of Police that its role during the elections, as with other times, was to ensure law and order. Standing orders for election day were ready and all officers were briefed with the Nauru Police in a state of preparedness.

Police officers were quietly present at all the platforms we observed and at all polling stations throughout election day. Police vehicles and officers transported ballot boxes to and from polling stations before polling started and after the close of polling on election day. They were also present at Parliament House for the counting of votes. Police radio handsets were also used by the polling officials at polling stations to contact election managers, if the need arose.

The Team was advised in its meetings with civil society that there is a marked improvement in the image and in the public's confidence in and respect for the Nauru Police over recent years. We commend the professionalism of the Nauru Police in the conduct of their work during the 2007 elections.

Public Access to Information

The Team was advised in its meetings with representatives of civil society that there was very little public access to information relating to major election issues such as the Government's use of phosphate royalty funds, if and when outstanding salaries and land rent were to be paid, and issues relating to the allocation and use of the "grass-roots"

funds. In many of these meetings, comments made to the Team were prefaced with “rumor has it that...” In the campaign platforms it was also clear that there were competing versions of the truth on many of these issues circulating amongst the community.

There were also questions asked of the Team on various legal issues including what the Electoral Act provisions were in relation to election matters such as transfers, proxy voting, gift giving and dual citizenship.

The Team advised that it was not in its Terms of Reference to provide comments on Nauru Government policies or interpretations of Nauru laws. A dedicated and continuing public awareness programme by Government explaining its activities and developments on issues of public interest may help in alleviating speculation by the public and the circulation of misinformation.

The media, which would in other countries be a key source of public information, is not operating satisfactorily in Nauru at present. The only official media which exists is state controlled, and we were also advised that the state owned television and radio operation has been vastly curtailed following a fire that destroyed the TV and radio transmitters. TV broadcast covers only approximately 10% of the island and radio 30%. A fortnightly newsletter is published which provides Government-related news, and an anti-Government “underground” newsletter is also published and distributed on a semi-regular basis.

With this limitation on radio, TV and print media coverage, suggestions were raised to the Team about making Government and representatives in Parliament more responsive to the need for the timely dissemination of accurate information to the public on issues that affect their daily lives. One of these suggestions was to have more “platform”-like meetings in the various districts with Government and members of Parliament on a regular basis and not just confined to the days leading up to the elections.

The Team was also advised that TV and radio will return to national coverage next month after the installation of new transmitters. It was also suggested that with the return to national coverage by both radio and TV, more frequent press releases from Government, its various Departments and instrumentalities on its policies, programmes and projects will go a long way in disseminating this much needed information to the public and in reducing speculation and hearsay by the public.

It is also important that the freedom and impartiality of the media be promoted and protected, both by placing Government-owned media at arms’ length from the Government itself, and by allowing freedom of publication for any other non-government media which may wish to operate in Nauru.

The Team recommends:

8. That Government considers the development of a communication strategy, which could include measures for direct regular

communication with communities at the district level, the issue of more frequent press releases, and the preparation of dedicated media programmes on its policies, programmes and projects as well as on key financial issues for the public's information.

9. That Government gives priority to rehabilitating the electronic media facilities on Nauru, seeking international assistance as necessary, and that Government policy and practice promote the freedom and independence of the media on Nauru.

Women and the Election

The Team observed that women played a strong role in the conduct of the elections. The Returning Officer was a woman and women were well represented as both polling officials and scrutineers. The Team also noted that women voters were active participants in the process, asking many questions at the campaign platforms, and voting freely alongside their male counterparts on election day.

Eight women stood as candidates in this election – while constituting just over 10% of all candidates, this was a marked increase on the 2004 election in which only one woman stood. We were advised by some women's groups and candidates that a workshop conducted by UNIFEM for female candidates prior to the election was a worthwhile initiative and helped increase the confidence and capacity of the female candidates in their campaigning.

In the event, no women were elected to the seventeenth Parliament. This continues the strong trend in Nauru toward male-dominated parliaments, with only one woman ever having been elected to Parliament, and was perhaps disappointing given the relative success of female candidates in the recent Constitutional Convention elections. Nevertheless, the greater visibility and involvement of women candidates at this election hopefully bodes well for increasing success among women candidates in future elections. Further activities to encourage and support women in political life should be encouraged.

The Team recommends:

10. That further activities be undertaken to promote greater representation of women in Nauru's Parliament.

CONCLUSIONS AND SUMMARY OF RECOMMENDATIONS

Overall the Team believes the electoral process in Nauru was a credible one, in which voters were able freely to exercise their will. As such, the election result should be respected as reflecting the wishes of the people of Nauru.

However, no elections are perfect. The Team heard some real concerns consistently raised with us by a wide range of people with whom we spoke. Chief among these was the increase in “money politics” in recent elections, and this one in particular. With the reportedly significant rise in perceptions of vote-buying and bribery, public confidence in the integrity of the electoral process is in danger and needs to be restored.

Another issue consistently raised with us was the transfer system, which has arguably outlived the purpose and function it served when introduced prior to independence, and is now distorting at best, and abused at worst. The Team believes that there is a need to review the law relating to the transfer system to restrict the criteria for transfers and remove politicians from the approval process, as another measure to safeguard the perceived and real integrity of the elections.

There are a number of other elements of the process raised in this report which could also be addressed to improve elections for the future, including increased voter education and greater dissemination of information to the public both directly and through media, more transparent counting procedures, and a continued focus on improving women’s representation in Parliament.

In summary, the Team offers the following recommendations:

1. That Voter Registration continues as an ongoing process and that the roll be made accessible for members of the public as much as possible.
2. That the criteria for registration under the Electoral Act be reviewed with a view to establishing tighter criteria for registration in, including transfer into, a district.
3. That authority for approving voter transfers be vested in an independent person or body without the involvement of politicians or candidates.
4. That appropriate civic and voter education programmes be developed and implemented in Nauru prior to the next election, and that international partners be prepared to assist Nauru’s Government and civil society in doing so.
5. That the Electoral Act be reviewed to create necessary offences including electoral bribery, which should be clearly defined with due consideration of the traditional practice of providing food and gifts.
6. That funding and disclosure provisions be introduced into the Electoral Act to limit candidates’ campaign expenses and require transparency in the sources and expenditure of funds.

7. That the election management authorities be encouraged to provide a rolling count and tally for each candidate as the counting of the votes progresses, and that agents for candidates be given access to observe the counting.
8. That Government considers the development of a communication strategy, which could include measures for direct regular communication with communities at the district level, the issue of more frequent press releases, and the preparation of dedicated media programmes on its policies, programmes and projects as well as on key financial issues for the public's information.
9. That Government gives priority to rehabilitating the electronic media facilities on Nauru, seeking international assistance as necessary, and that Government policy and practice promote the freedom and independence of the media on Nauru.
10. That further activities be undertaken to promote greater representation of women in Nauru's Parliament.
11. That Nauru's Electoral Act and regulations be reviewed, with particular regard to the issues raised above, at a time and in a way that will be complementary to the outcomes of the present Constitutional review process.
12. That international donors and partners, including the Pacific Islands Forum, be prepared to positively consider requests from the Government of Nauru for assistance with the implementation of the above recommendations.

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Nauru
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