



PACIFIC ISLANDS FORUM SECRETARIAT

PACIFIC ISLANDS FORUM ELECTION OBSERVER TEAM REPORT

2020 VANUATU GENERAL ELECTION

EXECUTIVE SUMMARY

1. The Pacific Islands Forum deployed an Election Observer Mission to observe the 2020 Vanuatu General Election, which was held on 19 March 2020. The Forum was grateful to the Government of the Republic of Vanuatu, the Vanuatu Electoral Commission (VEC) and the Vanuatu Electoral Office (VEO) for the invitation and support in facilitating the Forum Team's mission to Vanuatu.

2. Due to heightened concerns over the evolution of the COVID-19 global pandemic and the health and travel implications associated with it, the decision was made by the Forum Secretariat to recall the Forum Team on 16 March 2020. The Forum Team believes that while it was unable to observe the polling, the count, or complete all scheduled consultations, it has a duty to document the findings of the parts of the mission that it was able to undertake.

3. Over the course of its revised mission, the Forum Team observed the pre-enabling environment, which included consultations with several key stakeholders. Overall, the Forum Team was pleased to note the organization and arrangements made for the election, and commends the efforts of all stakeholders involved. The Forum Team did not observe any attempts to disrupt the election in the lead up to polling day. Over the course of its mission, the Forum Team heard and observed several key issues raised by stakeholders, including the:

- adequacy and timely resourcing of the VEC and VEO to conduct elections;
- voter identification requirements at future elections;
- growing impact of social media on elections;
- eligibility of some candidates to contest the election;
- low number of women candidates and elected representatives; and
- method of voting (ballot paper booklets).

4. Discussion of the issues observed are addressed in this report. Given the revised duration of the mission (six days), the Forum Team could not substantiate some of the claims it heard. It is nevertheless obliged to raise and report them for the consideration of relevant stakeholders in Vanuatu.

SUMMARY OF RECOMMENDATIONS

5. The Forum Team recommends the following for the consideration of the Government of Vanuatu, Vanuatu Electoral Commission and the Vanuatu Electoral Office, as appropriate:

6. **Recommendation 1**

That in addition to National Identity cards, other forms of suitable voter identification be considered on polling day such as driver licenses and passports, possibly linked to the Civil and Voter Registry databases, to allow voters greater identification options on voting day;

7. **Recommendation 2**

In consideration of:

- i. the limited full-time staff to administer elections in Vanuatu; and
- ii. the expertise, administration and funding resources required to maintain newly implemented election-modernisation initiatives,

that the VEC and VEO are appropriately and sufficiently resourced in a timely manner, aligned with the requirements to maintain and progress contemporary integrity building initiatives for elections in Vanuatu.

8. **Recommendation 3**

That the VEO, in consultation with relevant government agencies and stakeholders, develop a comprehensive social media strategy to identify and counter all forms of disinformation, and ensure that the VEO is the primary social media platform that is referred to by Ni-Vanuatu for their electoral information;

9. **Recommendation 4**

That the VEC, VEO and Government of Vanuatu, in consultation with relevant stakeholders:

- i) collaborate on initiatives and civic awareness opportunities to address obstacles that hinder women from being elected to Parliament; and
- ii) explore options for reserved seats for women in the national legislature acknowledging the practice and successes of reserved seats for women in some Municipal Councils in Vanuatu.

10. **Recommendation 5**

That in consideration of the cumbersome voting process on voting day, the VEC and VEO explore simplified methods for voters to select their preferred candidate, such as a single ballot paper with the names of all candidates, and corresponding boxes to mark voters' preferred candidates. Photos and symbols of all candidates can be posted on the walls of all voting booths to assist voters in identifying candidates, and to minimize congestion on the ballots; and

11. **Recommendation 6**

That the VEC and VEO make a report on the conduct of the 2020 General Election, to be conveyed for the consideration of the Vanuatu Parliament.

INTRODUCTION

12. On 5 February 2020 the Pacific Islands Forum Secretary General, Meg Taylor, DBE, was invited by the Government of Vanuatu to deploy a Pacific Islands Forum Election Observer Mission to be a part of the International Observer Group at the 2020 Vanuatu General Election. Accepting the invitation, a Pacific Islands Forum Election Observer Mission deployed to Vanuatu on 11 March 2020, and was due to conclude its mission on 21 March 2020. Due to heightened concerns over the evolution of the COVID-19 global pandemic, and the health and border closure concerns for Forum Team members, the decision was made by the Forum Secretariat to recall the Forum Team on Monday 16 March 2020. The Forum Team departed Vanuatu on the next available flights, Wednesday 18 March 2020.

13. The Forum Team comprised Mr Pita Vuki, Supervisor of Elections and Electoral Commissioner of the Kingdom of Tonga, and Ms Sylvanna Deireragea, Deputy Electoral Commissioner of the Republic of Nauru Electoral Commission. The Forum Team was supported by two Forum Secretariat staff (See **Annex 1** for the list of Team members).

14. During its mission, the Forum Team met with members and staff of the VEC and VEO; senior government officials; civil society; faith-based organizations; media representatives; private sector representatives; and the diplomatic corps (see **Annex 2** for list of interlocutors consulted).

CONTEXT

15. Located in the South Pacific Ocean, Vanuatu is a nation spread across 83 islands with a total land mass of 12,281 square kilometers. Vanuatu's estimated population is 293,000 (2018, World Bank). Three main languages are spoken in Vanuatu, namely Bislama, English and French. The capital of Vanuatu is Port Vila, where the Forum Team was based for the duration of its mission. Vanuatu gained its independence on 30 July 1980.

16. Vanuatu has a unicameral parliamentary system, whereby representatives are elected for a four-year term to the Vanuatu Parliament. The Electoral system uses a combination of Single Non-Transferable Voting in multiple-member constituencies, and First Past the Post in single member constituencies. Voters vote for one candidate. Representatives are elected from across Vanuatu's 18 constituencies, namely Ambae; Ambrym; Efate; Epi; Luganville; Maewo; Malekula; Malo/Aore; Pentecost; Paama; Port Vila; Santo; Shepherds Outer Island; Southern Outer Islands; Tanna; Tongoa; Torres; and Banks. Elected representatives appoint the Prime Minister (Head of Government). On 20 April 2020, Vanua'aku Pati leader Bob Loughman of Tanna was elected Prime Minister of Vanuatu.

17. The Head of State is the President of Vanuatu, and is elected for a five year term by an electoral college comprising Members of Parliament and the Presidents of Vanuatu's six provincial governments. The Constitution grants the President with restricted powers, but the role is generally limited to that of a figurehead.

THE INSTITUTIONAL FRAMEWORK AND ENABLING ENVIRONMENT FOR CONDUCTING ELECTIONS IN VANUATU

The legislative framework

18. The primary legislation under which general elections are conducted in Vanuatu are:

- The Constitution of Vanuatu 1980 (the *Constitution*); and
- The Representation of the People Act 1982 (the *Act*).

19. To vote in Vanuatu elections, a Ni-Vanuatu citizen must be 18 years of age, and qualify pursuant to sections 9, 9A, 9B, 10 and 11 of the *Act*. Upon registration, voters are ordinarily provided with Electoral Cards, which must be produced at a polling station in order to be allowed to vote. *Red* coloured Electoral Cards are issued to urban registered voters, and *blue* coloured Electoral Cards for rural registered voters. The practicality of the Electoral Cards was raised with the Forum Team, particularly concerning their durability and infrequent use leading to misplacement.

20. The Forum Team was informed that a comprehensive Civil and Voter Registration (CVR) initiative was launched jointly by the VEC, VEO and Vanuatu Department of Civil Registry and Vital Statistics in 2019, with the support of partners, to provide citizens proof of identity, improve access to services, and support the quality and accurate maintenance of the electoral lists. Through the initiative, multipurpose National Identity cards were and will be issued, and it is envisaged that the cards will in future eliminate the need for Electoral Cards at elections. Further, important data for the VEO such as all births and deaths in Vanuatu will be linked to the relevant databases, supporting electoral lists that more accurately reflect the Vanuatu electorate.

21. The Forum Team understands that the initial plan was to allow either the National Identity card (for Ni-Vanuatu that had them) *or* coloured Electoral Cards to identify voters for the 2020 General Election. This however could not be done due to delays in enabling legislation to recognize the National Identity cards as a voter identification mechanism. All voters were therefore required to present their coloured Electoral Cards to vote in the 2020 General Election.

22. The Forum Team commends all stakeholders involved in the CVR initiative, as it will significantly simplify and strengthen the integrity of electoral lists and access to voting for eligible voters in Vanuatu. The Forum Team supports the intention to eliminate the use of coloured Electoral Cards at polling stations.

23. Voter registration closed six weeks before the polling day.

Recommendation 1

That in addition to National Identity cards, other forms of suitable voter identification be considered on polling day such as driver licenses and passports, possibly linked to the CVR databases, to allow voters greater identification options on voting day.

The Vanuatu Electoral Commission and the Vanuatu Electoral Office

24. Article 18 of the *Constitution* provides for the establishment of an Electoral Commission, which consists of a Chairman and two members. The VEC has the general responsibility for the registration of electors and conduct of general elections, and is the highest electoral authority in Vanuatu. Article 19 of the *Constitution* provides for a Principal Electoral Officer, who, through the VEO, operationalizes the administrative directives provided for by the VEC. The Principal Electoral Officer is a public servant.

25. It was clear to the Forum Team that the VEC and VEO had used much of the electoral cycle to prepare for the election, demonstrable by the magnitude of the integrity building activities it undertook. Notwithstanding the improvements made to the electoral process however, the Forum Team is concerned that the existing capacity of the VEO (five fulltime staff) is insufficient to maintain or further improve progress made. Further, much of the initiatives relied heavily on international partner support, which while welcomed in the short-term, should not be a long-term solution.

26. An initiative that supported the capacity constraints of the VEO was the ‘Ready for Work’ programme run by Youth Challenge Vanuatu, which assigned youth seeking work experience to support the VEO in preparation for the election.

27. To promote voter awareness, the VEO produced materials that were informative and identifiable through the VEO’s new brand colour (yellow). Online content, like the VEO website and Facebook page, were user-friendly and interactive sources of information for the public. While social media presented an ideal platform to disseminate information, it was also the source of unsubstantiated accusations, complaints and disinformation that the VEO had to manage. It was noted that multiple social media fora played a role in the confusion that arose through disinformation.

Recommendation 2

In consideration of:

- i. the limited full-time staff to administer elections in Vanuatu; and
- ii. the expertise, administration and funding resources required to maintain newly implemented election-modernisation initiatives,

that the VEC and VEO are appropriately and sufficiently resourced in a timely manner, aligned with the requirements to maintain and progress contemporary integrity building initiatives for elections in Vanuatu.

Recommendation 3

That the VEO, in consultation with relevant government agencies and stakeholders, develop a comprehensive social media strategy to identify and counter all forms of disinformation, and ensure that the VEO is the primary social media platform that is referred to by Ni-Vanuatu for their electoral information.

Administrative and logistical challenges: COVID-19 and Cyclone Gretel

28. The election was conducted amid a global pandemic, caused by the spread of COVID-19. The Forum Team understands that challenges faced by the VEC and VEO as a result included the:

- i) Mounting uncertainties and global pressure on countries to respond quickly and effectively to COVID-19, affecting all national activities; and
- ii) Procuring election materials from China.

29. Category 2 Tropical Cyclone Gretel, while not directly hitting Vanuatu, delayed the departure of patrol boats delivering polling materials to the South and North of Vanuatu. Noting the unpredictable danger of tropical cyclones, the Forum Team commends authorities for delaying the deployment of the vessels.

Candidates

30. To be eligible for candidacy, a Ni-Vanuatu citizen must be 25 years of age and qualify pursuant to sections 23, 24, 24A and 25 of the *Act*. Candidates run as independents or are affiliated with political parties.

31. The publication of the list of qualified candidates to contest the election was due to be announced 2 March 2020, but was delayed by one day. While the Forum Team was yet to deploy to Vanuatu, it understands that the cause for delay was related to Section 24 and 24A of the *Act*, concerning the eligibility of some candidates. Section 24 paragraph 1(ca) of the *Act* states that a person is ineligible to contest an election if they are in default of payment of any rates, charges or other debts due to the Government or Government agency as defined in the *Public Finance and Economic Management Act (CAP 244)*, for a period exceeding two months after the same becomes due. From its consultations, the Forum Team heard that relevant institutions were still awaiting advice from the VEO on outstanding payments that were owed by candidates intending to contest the election.

32. The Forum Team also noted that under a 2018 amendment to the Vanuatu *Public Service Act 1998*, public servants that intend to contest an election to Parliament, a Municipal Council or a Provincial Government Council must resign from the Public Service within nine months before the election year. The Forum Team understands from its consultations that some candidates contesting the election were still being paid for their roles as public servants.

33. Due to the limited time the Forum Team was deployed, it could not verify the preliminary findings of the issues raised in paragraphs 31 and 32 of this report, however raises them for the consideration of relevant authorities.

34. The political campaign period commenced on 3 March 2020, after the announcement of the preliminary list of candidates to contest the election. The Forum Team was able to observe the campaign period, which was peaceful, well-attended and festive. 48 hours before election day, a ‘silence period’ was observed, in which no political campaigning was allowed. While the Forum Team was only in-country for a part of that period, it did not observe any political campaigning.

Women and Elections in Vanuatu

35. Since Vanuatu's independence, only five women have been elected to the Vanuatu Parliament. Of the 295 candidates contesting the 2020 General Election, 17 were women. The Forum Team was pleased to note that the number of female candidates had increased since the 2016 election, which saw only 10 female candidates contesting. While there was a 70% increase in female candidates, the Forum Team is concerned that, similar to the 2016 election, there were no women elected representatives in the 2020 General Election.

36. The Forum Team understands that the lack of elected women representatives is a common issue shared among most Forum Countries. Similar to many other Forum Countries in fact, the Forum Team heard that women were increasingly starting to fill senior level public servant positions. Nevertheless, the Forum Team is of the view that women's participation in decision making in the legislature and executive is crucial to a representative democracy.

37. The VEC and VEO promoted women's participation through its outreach programme. From its consultations however, the Forum Team understands that greater effort should have been made to collaborate on initiatives with relevant stakeholders to promote the participation of women in Vanuatu politics. It was acknowledged though that capacity constraints often prohibit the necessary action required. Noting that no women have been elected to Vanuatu's Parliament since 2008, the evidence suggests that a long-term multi sector and stakeholder approach to addressing societal perceptions of women in Parliament is necessary, and that these initiatives need to take place as soon as possible.

Recommendation 4

That the VEC and Government of Vanuatu, in consultation with relevant stakeholders:

- i) collaborate on initiatives and civic awareness opportunities to address obstacles that hinder women from being elected to Parliament; and
- ii) consider options for reserved seats for women in the national legislature, acknowledging the practice and successes of reserved seats for women in some Municipal Councils in Vanuatu,.

Civic Awareness

38. In addition to the awareness initiatives of the VEO, the Forum Team observed that the media in Vanuatu was very active in the election, and that coverage was widely available to rural places that were, in the past, difficult to reach. The media was very effective in disseminating information to the masses, and some worked well with the VEC and VEO to communicate official and factual information. Further, the Forum Team was alerted to initiatives by media representatives that initiated public platforms to support election awareness, such as 24 hour radio coverage, specialized radio stations for women and youth, and the 17 election public forums hosted by Vanuatu Broadcasting and Television Corporation (VBTC).

39. The Forum Team was particularly pleased to note an initiative by 'Wan Smolbag Theatre' that performed skits, plays and songs to inform voters of the electoral process, primarily targeted at youth through social media. The Forum Team heard that the initiative had

a positive and far-reaching impact on voters, particularly urging them to register and actively practice their right to vote.

40. The Forum Team heard and agrees that the 2020 General Election was the most informed in the history of Vanuatu elections.

Polling day processes

41. The Forum Team was happy to note that various improvements have been made to polling day processes, including:

- i) the procurement of high-quality indelible ink (18% silver nitrate), replacing ink pads used in previous elections;
- ii) the procurement of translucent ballot boxes with unique numbered security seals, replacing heavy wooden ballot boxes; and
- iii) Efforts to promote the professionalism of polling staff (extensive training and polling staff uniforms).

42. The Forum Team was unable to observe polling day activities, however a consistent issue raised at its consultations was the method for voters to select their chosen candidate in polling booths. On polling day, after being verified as a registered voter, a voter:

- i) is issued with a book of ballot papers and a voting envelope;
- ii) enters a voting booth;
- iii) selects the ballot paper bearing the name, photo and symbol of the candidate of the voter's choice from the ballot book, and places that ballot paper in the envelope;
- iv) exits the voting booth and places the voting envelope in the ballot box; then
- v) places the unused ballots in a rubbish bin provided and exits that polling area.

43. Dependent on the number of candidates contesting a constituency, a ballot book could be very thick, and requires significant primary and financial resources to produce. The process is cumbersome for voters and the VEO alike, and there is a great deal of unnecessary wastage.

Recommendation 5

That in consideration of the cumbersome voting process on voting day, the VEC and VEO explore simplified methods for voters to select their preferred candidate, such as a single ballot paper with the names of all candidates, and corresponding boxes to mark voters' preferred candidates. Photos and symbols of all candidates can be posted on the walls of all voting booths to assist voters in identifying candidates, and to minimize congestion on the ballots.

Election Report

44. Under section 39 paragraph 1 of the *Act*, the Principle Electoral Officer shall submit a report not more than 3 months after an election, to the VEC. Paragraph 2 of the same stipulates that the VEC, not more than 3 months after receiving the report from the Principle Electoral Officer, shall make a report to the Parliament concerning the conduct of the election.

45. The Forum Team understands that no report was produced following the 2016 General Election. The Forum Team is of the view that internally prepared reports are crucial to ensuring that Electoral Management Bodies are able to document, review and learn from past practices.

Recommendation 6

That the VEC and VEO make a report on the conduct of the 2020 General Election be conveyed for the consideration of the Vanuatu Parliament.

ACKNOWLEDGEMENTS

46. The Pacific Islands Forum Election Observer Team acknowledges with gratitude:

- The Government of the Republic of Vanuatu, the Vanuatu Electoral Commission and the Vanuatu Electoral Office for the invitation and facilitation of the Forum Team's mission to observe the 2020 General Election;
- All the interlocutors the Forum Team met with; and
- The people of the Vanuatu for their warm welcome and hospitality.

Pacific Islands Forum Election Observer Mission to the 2020 Vanuatu General Election

24 September 2020

FORUM OBSERVER TEAM MEMBERS

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INTERLOCOTURS CONSULTED

1. Mr Kalfau Kaloris – Director General, Ministry of Foreign Affairs, International Cooperation & External Trade;
2. Joe Johnson Iati – Principal Electoral Officer, Vanuatu Electoral Office;
3. Mr Francis Herman – Chief Executive Officer, Vanuatu Broadcasting and Television Corporation;
4. Steven Noel Sawia – Director, Youth Challenge Vanuatu;
5. Lillyrose Welwel – Public Relations Manager, Youth Challenge Vanuatu;
6. Pastor Allan Nafuki – Chairman, Vanuatu Christian Council;
7. HE Jonathan Schwas – New Zealand High Commissioner to Vanuatu;
8. Mr Luke Gaskin – First Secretary, New Zealand High Commission to Vanuatu;
9. Mr Hamish Garae – Vanuatu Police Force;
10. Ms Rothina Noka – Director, Department of Women’s Affairs;
11. Ms Astrid Bulekon – Chief Executive Officer, Vanuatu Chamber of Commerce;
12. Pastor Shem Tema – Member of the Vanuatu Electoral Commission;
13. Ms Dorothy Erickson – Director of Finance and Treasury, Vanuatu Department of Finance and Treasury;
14. Mr Willie Tokon – Chief Executive Officer, Transparency International Vanuatu; and
15. Mr Douglas Tamara – Civic Educator, Transparency International Vanuatu.