

# **“Electoral Education” in PNG: a survey of existing literature and reports**

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## ***Executive Summary***

### **a) The core purposes and concepts in this report**

A major ingredient of successful Papua New Guinea (PNG) elections is knowledge by the relevant participants what elections are about, and in particular how the new Limited Preferential Voting system works. As such, the third component of the Electoral Support Programme (ESP) is concerned with *improving the awareness and understanding of the PNG electoral system, by voters and the community*. This report assesses the existing literature in this regard.

To help in interpreting the substantial reporting on elections, we formulate three simple concepts and frameworks:

- First, we believe that it is essentially to look at ‘voter education’ at two levels: that directed primarily at ‘actual voting’ (who, how, where when ballots are to be cast); and that directed at the wider ‘electoral system’ (how it works, and its connection to representative democracy).
- Secondly, we suggest that the general area of ‘voter education’ should be seen in the wider context of theory and practice of how states seek to influence (and change) behaviour – a useful summary of this field is in ‘regulation theory’, which broadly posits the unsurprising argument that it is cheaper and more effective if people voluntarily comply with expectations of their behaviour, than if state sanctions need to be widely deployed. That body of writing argues that substantial knowledge of ‘subject attitudes and behaviour’ is essential to ensuring effective education programmes aimed at securing compliance. All this, is, we suggest, extremely useful to working out what might work, and why, in relation to voter education.
- Thirdly, we suggest that it is useful to interpret the field by reference to a ‘flow chart’ between election policy and actual results, such that one might then assess the relevance of educational programmes to achieve outcomes.

With these concepts in mind, we assess the reporting about elections since 2002 at two levels (inevitably there is overlap and we have not rigidly separated these):

- ‘the electoral system’ and
- the Limited Preferential Vote (LPV).

As this Report indicates, it is relatively simple to assess activities aimed at a very basic level, such as the fact of an election, eligibility to vote, and where and how to vote but it is much harder to build higher levels of understanding about ‘the system’ and particularly in linking the electoral system to core aspects of the democratic process – and it is correspondingly harder to assess the success of educational activities with those objectives.

Our analysis in this Report makes reasonably simple points:

- the general literature on election education and on ‘regulating conduct’ suggests that ‘voluntary compliance’, brought about by a combination of education and aligning incentives/disincentives with cultural values, is likely to be the most cost-efficient way of achieving compliance with election rules, rather than reliance on the ‘back-stop’ of criminal and other compulsion;
- the reports show that the vast bulk of voter education has concentrated on the important ‘first level’ of voter education, concerning *voting*; there is however apparently little education focusing on the ‘electoral system as a whole’ intended to educate citizens, candidates and all players about the place of voting in the PNG representative democracy;

- the substantial body of information about how elections are actually conducted, and what people really think about elections/representation, appears to have played a relatively small part in informing the content and purpose of voter education;
- there is some support for a preliminary view that LPV by its demand for ‘three votes’ may have an *educating effect* on voters and candidates, at least in relation to the possibilities of a peaceful election campaign;
- in the absence of designing programmes to ‘change behaviour’ in pursuit of compliance with the rules, the evidence suggests that the operating incentives for *breaking the rules* will continue to dominate.

#### **b) Information in the literature on voter education**

We have summarised each report from each by-election to extract the key information about what voter education was done in each place. Unfortunately no survey information was available to us, but the observer and other reports nevertheless give a reasonable picture of what was done

#### **c) Assessment of what the literature says about: *Voters and The Electoral System***

There is a substantial body of literature that conveys a graphic picture of what many voters and other players (such as candidates and supporters) *actually think* and how they *actually behave*. This can be set against the knowledge of how the system ‘ought’ to work in building education programmes. In brief, the picture is that whilst many voters comply, there are substantial, and probably increasing, pressures to cheat the system where possible. At the one end of this scale (the Highlands), the pressures can produce explosive violence. This highlights the urgency of finding ways to achieve higher levels of voluntary compliance through education programmes, specifically tailored to the most problematic areas.

#### **d) Assessment of what the literature says about: *Voters and LPV***

The literature shows that it is extremely difficult to assess *real understanding* of LPV outside of the context of practices such as controlled voting. Informal votes are thus inadequate measures of ‘voter awareness’. Still, there is some positive evidence that LPV has been welcomed as an improvement in the democratic process, including the possibility that it will reduce violence if candidates and supporters see the need to accommodate other voters.

#### **e) What worked well and what requires improvement?**

- There is no evidence in the literature of voter education outside of the basic level of how and where and when to vote. The core recommendations of external groups post 2002, suggested that electoral education at this level was likely to be critical to rebuilding the electoral process for the 2007 elections. However, we were not aware of any substantive analysis of any attempt to conduct electoral education concerning how the ‘electoral system’ widely viewed is supposed to work, and how such an education programme might be based upon, and work with the realities of the ‘political culture’ in PNG.
- Voter/candidate education programmes on the messages at a category 1 level (‘this is where voting stations are, and how you vote for your three candidates’), are the bedrock of a good electoral process and must be continued - but it is clear that relevant programmes did not reach all the people, nor bring about actual understanding at a very high level;
- But such messages should also make explicit and determined effort to acknowledge/change the underlying *real* views about the electoral process and system, including being based on assessment of the incentives/disincentives that work locally.
- Awareness on registration for the rolls should, among other things, seek to educate voters about the electoral roll, the function it serves and the difference between the electoral roll and the census. As the IPS report indicated, the rolls should be a key tool to limit cheating

not the means to foster such. Ideal opportunities were apparently missed that might have tied together the various levels of education about elections, including around rebuilding a robust voters' roll.

- A consistent (but mostly hidden) observation which we would extract from the reports, is that poor advance knowledge about election details can be substantially 'cured' on the day, by competent and well-trained election officials (and, on occasions, others) who take a range of helpful steps to explain the voting to people present. There are risks that this will turn into unlawful influence, including 'assisted voting', but in our view the bulk of those risks stem from factors other than officials being educative 'on the day'.
- The same point applies to knowledge and education about how the *count* works – whilst advance understanding is ideal (particularly for candidates and key agents who will attend the count), it is clear that across the actual process of the count, competent officials (including well-informed police and others) can play a critical educative role in explaining, solving problems, keeping the confidence of the parties and ensuring the best atmosphere for orderly and peaceful counting.
- An identical finding in all the by-election reports was that awareness campaigns mainly focused on the formality of voting 1,2,3 without satisfactory explanation (or demonstration where applicable) of preferences, the counting and elimination process or electoral offences.
- Lateness of education material and training was a common theme.
- Electoral offences were not advertised widely. Illegal practices have not been spelled out clearly as electoral offences. With multiple voting reasonably common and previous problems with the rolls, it seems clear voters *do not believe* that persons convicted of electoral offences will actually lose the right to vote.
- There was a lack of clarification that an absolute majority is of the live votes at the *final* count, after the eliminations, not of valid votes in the primary count.
- The medium of communication is important. The Commonwealth Experts Group looking at the 2002 election were concerned at the high percentage of PNGEC expenditure on advertising and information that took place on television and in print media at the expense radio. Many rural areas rely on the radio as the only source of information. Joseph Ketan et al's field observations suggest that conventional methods, including TV, newspapers and leaflets are often ineffective.
- A number of factors need to be taken into account when devising awareness campaigns including cultural diversity, accessibility and level of literacy.
- Geographic and other challenges compound voter access and reception to awareness campaigns. Logic suggest that where there are indications of problems, resources would be poured in to that area or that strategic campaigns would be developed to deal with certain groups of voters. There was no evidence of this in the literature other than some information being available in different languages. We acknowledge that around 840 vernaculars and the highest illiteracy rate in the Pacific makes education difficult.
- The eagerness of member of civil society to assist with education was utilised but appears to have considerably more potential.
- The literature revealed some imaginative and successful initiatives to help voters understand LPV –
  - In 2003, the Media Council and PNGEC conducted two polls using LPV to find the No.1 NRL Player Poll and Miss PNG. These enabled people nation wide to properly make their preferences and also served as educational tools for the PNGEC staff members located in the provinces. It was mentioned in the observer report from Abau that those people who came home from Port Moresby had found this particularly illustrative.

- A novel approach in Bougainville was to involve young people in the counting process. This is a positive move towards political education amongst young people who in the future will be more aware of LPV and could become key agents of education about LPV and the electoral process as a whole. The observation team reported this positively and said that students involved came away with a solid understanding of the system.

#### **f) Specific Indicators**

The objective here was to suggest some indicators that could be used in future election monitoring to assess the outcomes of relevant educational programmes undertaken by ESP and in PNGEC's voter education programme compared to the data (and the specific performance indicators) identified in this research. As noted, our review suggests that it is useful to think about indicators of voter education taking account of:

- The appropriate focus on different levels: *actual voting*, and on education about how *the electoral system* more broadly works;
- the 'regulatory pyramid' hierarchy of attempting to maximising voluntary compliance with broad objectives (here: relevant electoral and other law, and democratic principle);
- information about the culture/locality and scale of problems under review.

No bright lines separate these. The suggestion is that programmes take all relevant educational opportunities and combine conceptual levels with clear purposes (including both voting and broader objectives aimed at wider compliance and acceptance), using information from the locality/culture.

On this basis, we suggest that specific indicators might usefully be built around the following simple headings to measure the effectiveness of voter education aimed at both *voting* and at improving understanding and compliance with the *system*:

- how to vote
- where to vote
- who can vote
- how the count works
- Specific practices
- System integrity
- Measures of voter education

#### **g) Educating for compliance (as well as participation)**

Education programmes focusing on *voting* generally aim to secure *participation* in elections.

Reasonable compliance with basic voting procedures is of course part of *participation*, because if people do not vote correctly their vote may be excluded. But compliance has a much wider meaning that extends to making all aspects of the system work reasonably well, ideally based on knowledge and consent. The core lesson we took from this review was that the lessons of 2002 have only partly been taken on board by voters – though no doubt the electoral officials realise too well that they cannot defend an electoral process against determined assault from the substantial sections of the voting public.

- The Commonwealth Expert Group looking at Papua New Guinea Electoral Arrangements persuasively suggested in its 2002 report that voter education is a core prescription to building better understanding of elections and of representative government and it must be strategic and at the grass roots level.

- The literature thus suggests the need for a much broader view of ‘voter awareness’ than simply how people *ought to vote*, but including what they *really* understand about the system, and how they *really* play the game. Voter/candidate education programmes that simply repeat the messages at a category 1 level (this is where voting stations are, and how you vote for your three candidates), but make no explicit and determined effort to acknowledge the underlying *real* views about the electoral process and system, arguably accept and even condone the continuation of past practices. There appears to be no specific educational activity that tries to ‘bridge the gap’.
- The 2002 Elections and the subsequent ten by-elections under LPV offer an abundance of evidence that the electoral system is shaped by a combination of election rules and the political cultures of the ‘players’ who participate in the system. This information should be of vital importance to anyone designing a voter education programme aimed at securing higher levels of voluntary compliance to core electoral rules.
- All the reports show that when elections go wrong the integrity of the entire system is compromised. The high number of electoral petitions after the 2002 elections is a sign of what happens when things break down, in other countries one would see widespread rejection of the legitimacy of those ‘elected’. Yet there is no evidence in the literature of voter awareness that cheating destroys the process. There seems to be little understanding of the appropriate response to tampering with a ballot box, either from voters or many officials. While offences and appropriate measures are set out in legislation, they are not widely known or enforced.

In the mixture of review, analysis and commentary that makes up this report, we want to make it clear that we do not suggest that there are easy answers. The complexity of PNG defies such and all the evidence supports the extraordinary difficulty of trying to change behaviour. Nevertheless, it seems clear that voter education (broadly termed), alongside policy and legal changes that might reshape the incentives for compliance, offers considerable potential to secure higher levels of both participation and compliance in PNG elections.

## 1. Introduction

This Report is part of the Electoral Support Programme (ESP) intended to assist with:

*improving the awareness and understanding of the PNG electoral system, by voters and the community.*

The objective of this Report is thus to build information that should help with assessing the effectiveness of the various activities conducted under this component (along with the community education done by the Electoral Commission itself).

In pursuit of that objective, this Report examines relevant literature and reports on elections, to provide *three main categories of information*, recognising that there are complex geographic variations (as well as many commonalities) across the diverse nation that is PNG:

- 1) an assessment of the current knowledge, awareness, attitudes and behaviour of PNG voters in relation to
  - their election system, and
  - the Limited Preferential Voting system in particular;
- 2) an assessment of what appears to have worked well/badly so lessons can be learned and improvements made; and
- 3) some specific and measurable performance indicators that could be used in future election monitoring to assess voter knowledge (and the effectiveness of education campaigns by the ESP and PNGEC).

As regards the materials examined, time pressures prevented relevant surveys conducted by PNGEC or others about voter knowledge being made available to the authors. Otherwise the materials included:

- reports on by-elections since the introduction of LPV in 2003,
- major reports and reflections on the 2002 National Elections; and
- a wide range of other relevant material.

The details of these materials are set out at the end of the report.

In reviewing the substantial literature on PNG elections, we found it necessary first to formulate concepts and frameworks to enable us (and the reader) to interpret the field:

- It is useful to think about ‘voter education’ at two levels: that directed primarily at ‘actual voting’ (who, how, where, when ballots are to be cast); and that directed at the wider ‘electoral system’ (how it works, and its relationship to representative democracy). This is not to say that these are disconnected.
- The general area of ‘voter education’ should be seen in the wider context of theory and practice of how states seek to influence (and change) behaviour – a useful summary of this field is in ‘regulation theory’, which broadly posits the simple proposition that it is cheaper and more effective if people voluntarily comply with expectations of their behaviour, than if state sanctions need to be widely deployed. That body of writing argues that substantial knowledge of ‘subject attitudes and behaviour’ is essential to ensuring effective education programmes aimed at securing compliance. All this, is, we suggest, useful to working out what might work, and why, in relation to voter education in PNG.

- It is useful to interpret the field by reference to a ‘flow chart’ between election policy and actual results, such that one might then assess the relevance of educational programmes to achieve outcomes.

Although this approach might appear somewhat extended, our objective has been to enable better assessment of the practical significance of voter education in an otherwise complex mass of information.

For all the complexity, in the end our analysis of the field suggests reasonably simple points:

- the general literature on election education and on ‘regulating conduct’ suggests that ‘voluntary compliance’, brought about by a combination of education and aligning incentives/disincentives with cultural values, is likely to be the most cost-efficient way of achieving compliance with election rules;
- the reports show that the vast bulk of voter education has concentrated on the important ‘first level’ of voter education, concerning *voting*; there is apparently little education focusing on the ‘electoral system as a whole’ intended to educate citizens, candidates and all players about the place of voting in the PNG representative democracy;
- the substantial body of information about how elections are actually conducted, and what people really think about elections/representation, appears to have played a relatively small part in informing the content and purpose of voter education;
- there is some support for a preliminary view that LPV by its demand for ‘three votes’ may have an *educating effect* on voters and candidates, at least in relation to the possibilities of a peaceful election campaign;
- in the absence of designing programmes to ‘change behaviour’ in pursuit of compliance with the rules, the evidence suggests that the operating incentives for breaking the rules dominate.

Those points are summarised in the Executive Summary and Conclusion in more detail. Here, we begin by building concepts to interpret the field.

## **2. Making sense of *causation* in voter education/attitudes**

Our goal in this section is to build a framework through which we can interpret the various levels of information. Put simply, it is extraordinarily difficult to answer the question about ‘what works?’ in voter education, unless one has clear conceptual tools to simplify the field so that we can explore how things might be connected, and what might be *causes*, *symptoms* and so on. We do this by building two connected analyses:

- first, we need to understand various hierarchies of education in elections, essentially distinguishing between education about *voting*, and about the *system*;
- secondly, we need some context concerning the general field of *regulating conduct*, essentially to understand the different levels at which education/voluntary compliance and coercion for election law breaches operate.

### **a) Education about the “electoral system”**

In the Terms of Reference, the meaning of “election system” was elaborated as including the:

- electoral process,
- role of the PNGEC (the Electoral Commission),
- rights and responsibilities of voters,
- laws relating to the electoral system,
- candidates’ roles and responsibilities and

- the selection and appointment of election officers.

This focuses on the immediate system for elections and provides a reasonable working definition. However, after looking at the wider election literature, our view is that it is useful to divide citizens' knowledge of an 'electoral system' into a hierarchy of categories that envisage increasing conceptual explanation of what elections are about and how they relate to core aspects of representative and constitutional government.

Well-established international practice is that states must undertake appropriate voter education to support elections and democracy – people need to know and understand 'the system' as well as how to actually vote. A survey of relevant examples, including international NGOs and the United Nations Electoral Assistance Division, suggests broad recognition of the summary from the International Institute for Democracy and Electoral Assistance and the ACE Electoral Knowledge Network.<sup>1</sup> For this Report, we have adapted this to structure the components of participants' knowledge of any electoral system into three categories measuring increased conceptual connection with core aspects of election systems, democratic government and citizenship:

### 1. *Voting Information*

This refers to the basic facts about the voting/counting process, including: date, time, place, type of election, identification necessary, mechanism for voting, what the ballot paper will look like, prohibited activities, and the basic counting formula. The objective of education programmes at this level is basic understanding of process, essentially to ensure participation and smooth operation of election systems.

### 2. *The Electoral System*

This addresses higher levels of information to enable voters and other key players (candidates, officials) to participate more fully in elections by understanding them better. Education would advance more conceptual information explaining the systems in the electoral process *closely linked* to representative government, including:

- conditions necessary for democratic elections (clear rules authorising association in political parties or other groups, free expression, campaigning, basic security, tolerance, choice, the expectation of fair process and core acceptance of results),
- the link between human rights, citizenship and voting rights and responsibilities,
- secrecy of the ballot and integrity of the electoral process,
- why each vote is important,
- the rights of political parties and their agents to observe all aspects of the election process,
- public accountability,
- how votes translate into seats, seats into legislatures and executive government;
- government responsibilities to citizens, and
- understanding what participants *really* understand about the 'electoral system' in addition to what the formal framework of law and process envisages.

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<sup>1</sup> The ACE Electoral Knowledge Network is made up of the following partner institutions. Elections Canada, EISA, Instituto Federal Electoral - Mexico, IFES, International IDEA, United Nations Department of Economic and Social Affairs (UNDESA), United Nations Development Programme (UNDP) and the United Nations Electoral Assistance Division (UNEAD)

### 3. *Civic Education*

This deals with even broader concepts underpinning a democratic society such as the respective roles and responsibilities of citizens, government, political and special interests, the mass media, and the business and non-profit sectors, as well as the significance of periodic and competitive elections. It emphasizes not only citizen awareness but citizen participation in all aspects of democratic society. Basic concepts of constitutionalism might commonly be explained at this level.

Obviously these categories have no precise boundaries. In some countries ‘voter education’ might successfully mix *all three* in one inter-related campaign (eg Cambodia in 1993). Or some election education programmes restrict the second category only to more technical information about the election process, without any connection to the wider issues of representation.

But the notion of a hierarchy of conceptual levels of educational information is useful, particularly in assessing the ‘voter/electoral educational’ activities in PNG. As this Report indicates, it is relatively simple to assess activities aimed at a very basic level, such as the fact of an election, eligibility to vote, and where to vote (by measuring turnout) or how to vote (by measuring ‘spoiled ballots’ – called “informal votes” in PNG).

But it is much harder to build higher levels of understanding about ‘the system’ (even in its technical aspects) and particularly in linking the electoral system to core aspects of the democratic process – and it is correspondingly harder to assess the success of educational activities with those objectives. Also, understanding what voters, candidates and officials *really* understand about all the core components of the electoral system, and indeed how it *really* works, seems to be a fundamental starting point for the analysis of voter education. One should know where one is coming from, as well as where one wants to go. Yet a core part of the commentary on PNG suggests that it is precisely in this second category that the most important benefits of ‘voter education’ might be found, as we will elaborate.

At this stage, the point to be taken from the international practice of electoral specialist organisations, is that *voter information* should be seen one component of a broader civic education programme. Ideally the second and third levels should be undertaken on an on-going basis by the state, election authorities and civil society organisations, particularly through schools. One would also particularly expect come concentration in the second category accompanying major events, such as the lead up to general elections.

In societies where there been major changes to electoral systems, processes, and procedures (and in the case of the newly enfranchised and first time voters), the respective levels of *voter information* and *electoral system* education programmes should thoroughly address both basic facts *and the systemic relationship of voting to representative government*. And in societies where there are particular problems (such as violence, or fear of intimidation) one might expect tailored educational programmes in particular areas, stressing such aspects as secrecy of the ballot, or that ballots from many areas would be ‘mixed’ before counting, so that no-one could identify exactly how a village or district voted.

Put differently, there is abundant international experiences that shows that ‘voter education’ must be adapted to fit the issues at hand, including regional variations, rather than there being any expectation of ‘one size fits all’.

For the purposes of this Report, we can apply these concepts to voter-awareness activities in PNG along the following lines:

- *voting information* (1) concerns the core facts of where and how to vote, including the Limited Preferential Voting (LPV) system and the counting and elimination process;
- *the electoral system* (2) would include information about ‘why’ people vote (in reality as well as in theory) and how this creates ‘representative government’ in PNG. This might include the wider aspects of campaigning and political organisation. It could be linked to concepts (eg extracted from some of the literature under review here) of the representative ‘legitimacy cycle’ whereby under the Constitution the people choose representatives who, through Parliament form the Legislature and Government; the representatives, through those institutions, then authorise the raising of taxes and the expenditure of public funds through the public service, leading back to the citizen;
- *civic education* (3) is however, probably beyond the focus of this review.

In this report, we thus examine the literature for evidence of components 1 and 2 but are not concerned with 3 (important though it might be more generally). We return later to these hierarchies to assess what is working well and what requires further improvement. Because of the complexity of the second level (‘the system’), our first substantive examination of the literature on elections begins with material that broadly sets out how the people of PNG understand their ‘electoral system’. After that, we focus more narrowly on commentary about ‘voting information’, and in particular on what voters know about actual voting under LPV. Before those assessments, however, we need to fit voter education into a broader context that should give some coherence to the questions of ‘what works and what does not’ in voter education.

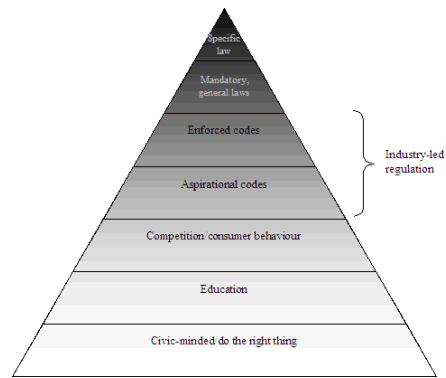
#### **b) Changing behaviour by *regulation***

There is a substantial body of literature which shows the complexity of achieving changes to citizens’ *behaviour* and the even higher degree of difficulty in achieving changes to *attitudes*. Discussion about the use of law and regulation to achieve an objective often makes reference to some sort of sliding scale between education to achieve voluntary compliance, and enforcement to punish behaviour that deviates from the objectives. Much of this literature adapts the *enforcement pyramid* in the work of Malcolm Sparrow, including this example in Figure 1:<sup>2</sup>

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<sup>2</sup> Malcolm K Sparrow (2000) *The Regulatory Craft: Controlling Risks, Solving Problems, and Managing Compliance* (Brookings Institution Press, Washington), p 40. The concept has been very widely used in Australia and New Zealand in discussion of regulation, with various adaptations of the triangle based on I Ayers and J Braithwaite (1992) *Responsive Regulation: Transcending the Deregulation Debate* (Cambridge University Press, Cambridge). This particular example is taken from: ‘Review of Industry Regulation: Discussion Paper’ Ministry of Consumer Affairs, Government of New Zealand July 2005

<http://www.consumeraffairs.govt.nz/policylawresearch/industry-led-regulation/discussion/discussion-1.gif>



**Figure 1: The Regulatory Pyramid**

In all the various adaptations of these ‘regulatory pyramids’, the base layer seeks agreement from the citizen/consumer by education, moving upwards through soft incentive-based systems to the top where state legal compulsion against ‘violators’ is required. This is a layered set of persuasiveness which moves from inviting people to comply (bottom), to punishing them for non-compliance (top). In general terms, compliance costs are highest at the top of the pyramid (state coercion) and lowest at the bottom *if it works* (eg educating people so that they agree to comply; making sure that the incentives favour compliance and it is easy to comply). The simple lesson is that relying on the law and coercion is generally the least effective (and most expensive) means of regulating behaviour, but that this ‘top of the pyramid’ is nevertheless critical because it must be available and deployed in exceptional cases when all other means have failed.

All the writing in this field stresses the importance of ‘matching horses for courses’ – in other words, of knowing the nature of the problem, the people, the culture, the existing incentives and disincentives – and being able to change methods of securing the goal depending on monitoring ‘what works’.

In some societies, the pyramid is quite ‘flat’, in that there is almost nothing between education and the next level, compulsion. Singapore is often cited as an example, where there are extensive education campaigns against low-level social ills (eg chewing gum), backed by substantial fines for non-compliance, and nothing between. This appears to work in that culture; however, with high levels of compliance and relatively few fines being levied (the same framework operates at all levels, from politics to family obligations).

We suggest it is useful in assessing the PNG election literature, to be informed by this ‘regulation writing’ - the essential concept being the regulatory pyramid outlined above. Obviously, elections seek to shape behaviour along certain lines and we should consider:

- the objectives (eg how to vote; maximising participation; reducing problems of unlawful conduct);
- the range of ‘regulatory’ measures being contemplated on the ‘pyramid’ (eg seeking voluntary cooperation? warning of prosecution?)
- the knowledge available about existing behaviour and understanding so that the most effective means of ‘regulating conduct towards a defined purpose’ might be achieved.

Put differently, the evidence from the regulation literature suggests that a high level of conformity with electoral processes is unlikely to be achieved simply by providing *information to voters about how and where to vote* (the first level, above). Properly done, that level of information would of course support other objectives, including maximising participation and minimising spoiled ballots.

But if widespread compliance with the electoral system as a whole is sought, then education about the entire electoral system is essential, based on targetted knowledge of existing behaviour. The regulatory pyramid suggests that the the most effective ‘changed behaviour for the regulatory dollar’ would come from structuring the incentives/disincentives (‘carrots and sticks’), and knowledge of those, such that more people comply voluntarily.

Everywhere, *carrots* are culturally shaped – what is effective in one society will not work in another. Thus, in the Highlands, there is abundant writing that shows that the name/prestige of the tribe/group in a very competitive society is of major significance. Education should thus work with this knowledge. For example, it might be possible to shape education campaigns around leading figures (church leaders, village heads) who place a high value on the honour of being the most peaceful area for voting, rather than the most violent.

Similarly, *sticks* are not uniformly feared and so may not work - especially if the sanctions involved are regarded as meaningless, ineffective, impractical and less important than other disincentives (such as the humiliation of being beaten by a rival who cheated the system without fear of correction).

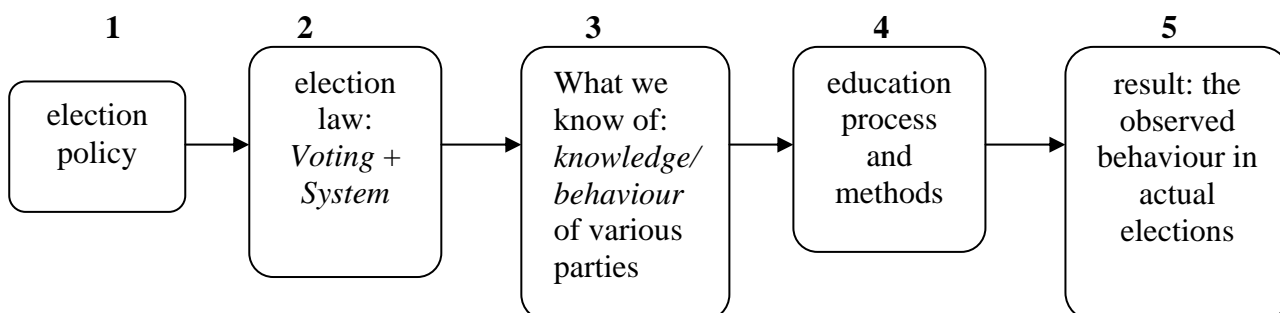
This means that a combination of

- knowing about possible sancions/punishments,
- seeing them work effectively, and
- believing that their candidates will be *worse off, rather than better off*,

would be far more likely to bring about effective conformity than any attempt to threaten the widespread deployment of coercive force by the electoral commission or police – even if this were possible.

Put differently, the value of the literature on ‘regulation’ suggests there is no bright line between PNGEC’s role in running the elections and the police’s role in punishing law-breakers, minimising violence, etc. The entire electoral process should be seen as an overall attempt at ‘the regulation of conduct’, broadly speaking with all aspects of ‘compliance’ being considered in the design of education programmes. The perspective of the regulatory pyramid thus suggests that voter education about the electoral system as a whole, designed to build support for its integrity, is a critical part of trying to secure an orderly election. Education targetted at minimising informal votes, or maximising turnout, is only a very small part of the overall regulatory pyramid.

It is useful also to build on this analysis with a simple flow-chart (which should be regarded as circular, and as having arrows in both directions). The reports we analyse fall into all these ‘boxes’, and for the purposes of this Report, the critical question is to summarise the evidence and work out what it is saying about *the content of and connection between* these boxes.



For example:

- it is clear that the evidence concerning the 2002 General Election (box 5) was instrumental in bringing about a change in electoral policy/law (LPV: boxes 1 and 2);
- also, as we show below, observed information (box 5) is amongst the information relevant to what we know about what voters and candidates think, and how they behave (box 3 - other measures might include surveys, anthropology, or comparative literature);
- clear information about boxes 1,2,3 would then drive the construction of box 4: education;
- one would then seek measures in box 5 to measure the effectiveness of what had been done in box 4 in any particular election.

By having clear categories, and fitting the analysis into the framework of ‘regulating behaviour’ more generally, we hope to increase the chances of drawing reasonable inferences about the causal connections between the information in these boxes. In the end, our conclusions are rather simple. The business of making sense of the field has been less so.

For example, it is only by breaking up the material along the above lines, that we can say with some certainty that the literature shows that the vast concentration of PNGEC and other efforts in the education field regarding voters and candidates, appears to be *on LPV voting* (essentially so that people will turn up on polling day and cast a formal vote for three candidates in order of preference), not on *the electoral system*. This means that the abundant evidence about how people vote and what their attitudes are to voting (boxes 5 and 3) has not really informed the formulation and conduct of education campaigns. There is some evidence that this reflects a view that compliance with the law is really the business of the police and other enforcement authorities (the top of the regulatory pyramid), rather than being a core part of the business of the Electoral Commission by education campaigns to secure voluntary compliance (the bottom of the regulatory pyramid).

In summary here, we suggest that it is useful to assess the reports and information on elections in PNG by considering:

- the conceptual level at which the education is pitched (*actual voting*, or the *system*);
- the attempt to secure voluntary compliance with electoral rules rather than relying on external coercion by courts/police to punish non-compliance (understood in the framework of general regulatory theory), and
- the possible relationships between policy and result in a flow-chart relevant to the electoral system and the place of educational activities within it.

With these concepts in mind, we turn to assess the substantial literature about elections in PNG, attempting to draw out lessons relating to voter behaviour and ‘awareness’ at relevant levels, and the possible relevance this might have to educational campaigns. We begin first with information about the electoral system as a whole, before concentrating on reports about LPV.

### **3. The ‘system’**

#### **a) Analysis since the 2002 General Election**

A substantial body of literature has analysed PNG elections since independence in 1975, setting out what are likely to be core and ongoing features of PNG elections, including what voters and

candidates think about the electoral system as a whole, and how they ‘play the game’.<sup>3</sup> Whilst that body of writing must inform any exploration of PNG elections, including ‘voter awareness’, we do not deal with it here because the abundance of post 2002 reporting clearly establishes substantial continuity with the past, despite the core policy and system changes since 2002. This continuity is hardly surprising of course, given the newness of the changes.

For the purposes of this report, therefore, the 2002 general elections form the immediate starting point of the literature we examine.<sup>4</sup>

It is useful to summarise the problems of these elections and the commentaries on them, essentially to extract various views of what voters/candidates (and probably the election officials) thought about ‘the electoral system’. Put differently, if any electoral system is shaped by a combination of election rules and the political cultures of the ‘players’ who participate in the system, then it seems clear that the 2002 elections offered an abundance of evidence about both.

Before going into the actual 2002 problems, we note the obvious points that the core policy responses of government after 2002 were changes to ‘the system’ (boxes 1 and 2 above), principally in the change to Limited Preferential Voting, and in the attempt to prevent any elected person from ‘defecting’ from the party (or other status, such as Independent) for which she or he was ‘registered’ on election (the OLIPPAC law). But as we will see, whilst the LPV has been the subject of a considerable amount of ‘voter education’, there is very little evidence of voter education about OLIPPAC - and there is even less evidence of any voter education aimed at changing the underlying ‘political culture’ in areas where there were the most problems.

To assess these points, we need first to set out how the commentators and reporters viewed the 2002 elections.

In terms of an overall assessment of the elections, this writing shows that whilst some of the country had reasonably peaceful and ‘successful’ processes, there were major inadequacies of the common roll all over the country and a high level on violence in some provinces, alleged corruption of candidates and officials in most areas, and varying degrees of logistical and transport problems throughout. The scheduled two weeks of polling ran into six because of security, logistics and financial problems. Six electorates failed to return an elected person because the system was so

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<sup>3</sup> Including but in no way limited to - the University of Papua New Guinea series dating back in fact to the 1964 General Election: R May (2001) *State and Society in Papua New Guinea: The First Twenty-five Years* (Crawford House Publishing, Hindmarsh South Australia); R May and A J Regan eds (1997) *Political Decentralisation in a New States: The Experience of Provincial Government in Papua New Guinea* (Crawford House Publishing, Bathurst); R J May and R Anere (2002) *Maintaining Democracy: the 1997 Elections in Papua New Guinea* (UPNG and ANU); John Connell (1997) *Papua New Guinea: the Struggle for Development* (Routledge, London); Clive Moore with Mary Kooyman eds (1998) *A Papua New Guinea Political Chronicle 1967-91* (Crawford House, Bathurst); Michael Oliver ed (1989) *Eleksin: The 1987 National Election in Papua New Guinea* (UPNG Press, Port Moresby); Peter King ed (1989) *Pangu Returns to Power: The 1982 elections in Papua New Guinea*, Canberra, ANU, Political and Social Change Monograph 9; David Hegarty ed (1983) *Electoral Politics in Papua New Guinea: Studies on the 1977 National Elections* (UPNG Press, Port Moresby), Y Saffu ed (1996) *The 1992 Papua New Guinea Elections: change and continuity in electoral politics* (Research School of Pacific and Asian Studies, The Australian National University, Canberra).

<sup>4</sup> See for example the Report of the Commonwealth Expert Group on Papua New Guinea’s Electoral Arrangements, November 2002; the Papua New Guinea Electoral Commission’s Evaluation Report on the 2002 Election, March 2003; Bill Standish (2003) ‘Papua New Guinea’s Most Turbulent Election’ *Catalyst* 33(2): 130-148; R J May (2003) ‘Turbulence and Reform in Papua New Guinea’ *Journal of Democracy* 14(1): 154-165; AusAID review team (2003) *Review of Australia’s Electoral Assistance Program to PNG: Report of the AusAID Review Team*, January; A Gelu (2003) ‘Political Decay in Papua New Guinea: the conduct of the 2002 national election’ *Catalyst* 33(1): 4 – 27; Bill Standish (2002) ‘Electoral Governance in Papua New Guinea: Chimbu Poll Diary, June 2002’ 28 June.

chaotic, violent and corrupted. All this led to the 2002 elections being labelled by both national and foreign observers, as the ‘worst ever’ in the history of PNG.<sup>5</sup>

The election reports showed that in the Highlands region there were particularly serious problems: threats, intimidation, violence (including the death of a policeman and the kidnap of another along with a candidate in the Southern Highlands, attacks against polling officials in the Eastern and Western Highlands and five deaths in Chimbu including that of a young girl), massive fraudulent voting, stolen ballot boxes and denial for many people of the opportunity to vote. Experienced observers were concerned that these tactics and electoral malpractice would spread to other areas.<sup>6</sup> Commentators argued that political competition had significantly intensified, partly as a result of declining service capacity but also because of the incentive to gain access to various resources and electorate development funds controlled by MPs.

Numerous reports showed that across the board, voters were denied their constitutional rights and effectively disenfranchised by foul play. The escalation of violence was particularly disturbing given that commentators were already alarmed at the levels in the preceding general election of 1997. In the Highlands region, serious fighting continued for six months after the election and it is estimated that over 100 people were killed in election related violence.<sup>7</sup> As Bill Standish observed:

*the fact that people went to such extremes over an election indicates their desperate desire to gain some control over state resources and services, and starkly demonstrates the fact that in many areas they were not constrained by electoral procedures intended to ensure free and fair elections.*<sup>8</sup>

In terms of what voters and candidates think about their electoral systems, and indeed about representative government, Bill Standish sees these events as strengthening Alphonse Gelu’s argument that “liberal democratic political culture never took root” in PNG and that authoritarian styles of ‘non-liberal’ politics better reflect indigenous political customs.<sup>9</sup>

Again, it is not possible to generalise the particularly violent conditions of the Highlands in 2002 across the entire country. But most of the commentary supports a simple (and probably uncontested) argument that *citizen and candidate attitudes to the electoral system are shaped by the political culture of its citizens – and in PNG increasing competitiveness for political office appears to be driving increasing levels of non-compliance with electoral rules.*

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<sup>5</sup> See for example ABC Radio ‘PNG elections fraudulent’ Friday, 12 July ,2002 [www.abc.net.au/am/stories/s605219.htm](http://www.abc.net.au/am/stories/s605219.htm) (last accessed on 6 May 2008) and Andrew Trawen (2006) ‘Electoral Reforms: Implications for the 2007 National Elections’ *State, Society and Governance in Melanesia Discussion Paper Series 2006/3* (Research School of Pacific and Asian Studies, Australian National University, Canberra); J Chin (2003) ‘The worst election ever? Papua New Guinea at the polls’ *Catalyst* 33(1): 48-61 and Alphonse Gelu (2005) ‘The failure of the Organic Law on the Integrity of Political Parties and Candidates (OLIPPAC)’ *Pacific Economic Bulletin* 20(1): 83-97.

<sup>6</sup> AusAID review team (2003) *Review of Australia’s Electoral Assistance Program to PNG: Report of the AusAID Review Team*, January, p 2.

<sup>7</sup> Bill Standish (2004) ‘Papua New Guinea’s Democracy’ Draft paper for conference on *Political Culture, Representation and Electoral Systems in the Pacific*. University of the South Pacific, Port Vila, Vanuatu, 10 – 12 July, p 7.

<sup>8</sup> Ibid.

<sup>9</sup> Alphonse Gelu (2000) ‘The emergence of non-liberal democratic political culture in Papua New Guinea’ in Rynkiewich, M A and Seib, R (eds) ‘Politics in Papua New Guinea: continuities, changes and challenges’ *Point* 24: 87-119.

Some see the lessons learned under the colonial period as having caused PNG politics to be mostly about the distribution of patronage, whether it be jobs, money or pork barrel projects.<sup>10</sup> The argument is that political citizenship in PNG is not really concerned with policy issues, effective national government or wider political parties. Of much more importance is personal identity, membership of clans and communities and the capacity/hope that there will be a 'reward for supporters'. Further, there is abundant evidence that the electoral system of First Past the Post (FPTP) voting had massively increased the intense electoral competition because politics was seen as a 'winner takes all' game in which almost any of hundreds of candidates across the country had (or believed she or he had - usually *he*) a reasonable chance of winning. In 2002 the 109 seats were contested by about 2800 candidates, resulting in people winning a seat with tiny proportions (including less than 10%) of the overall vote.<sup>11</sup> Also, there has been historically a very high turnover of MPs, often with less than half retaining their seats.<sup>12</sup>

For all the arguments that the 2002 elections might have produced disillusion with 'the electoral system', the literature is clear that Papua New Guineans all over the country have in fact embraced elections as a fundamental part of the political system, and are very actively engaged in elections, including those who "zestfully undermine the process".<sup>13</sup>

Unsurprisingly, some PNG academics argued that the 2002 elections showed that the system was not working and reported widespread public disillusionment with the entire system of elected governments in PNG.<sup>14</sup> Certainly, much of the political discourse in the relevant literature is dominated with talk of corruption. And it seems clear that however much the citizens of PNG were used to problematic elections prior to 2002, many were deeply shocked at the failure of the 2002 elections and realised how particularly badly governance had deteriorated in the Highlands.<sup>15</sup> One key marker of discontent about the integrity of the entire process across all regions, was that 85 electoral petitions were apparently lodged against the results (out of 103 electorates, with 6 seats not returned at all and needing supplementary elections). Whilst high levels of petitions are common in some Pacific states (eg Samoa), in other democracies (eg NZ) election petitions are extremely rare, with only one every decade or so.

A major problem identified in much of the PNG commentary on elections, but particularly in 2002, was the inadequacy of the Voters Roll. In simple terms, a Roll that is 'under inclusive' excludes citizens from the vote, and a Roll that is 'over inclusive' (with large numbers of 'bogus names') fosters the possibility that voters will try to vote many times so that they exhaust the available ballots for their candidate. Whilst there were some problems with the former in 2002 (and since), the vastly more important problems were with the latter – and indeed the Roll contained several million more people than the estimated adult population of PNG who are eligible to become voters. In any particular area, it seems clear that candidates and voters alike understood this issue and its

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<sup>10</sup> See Bill Standish (2007) 'The dynamics of Papua New Guinea's democracy: an essay' *Pacific Economic Bulletin* 22(1): 135-157, at 149 and Michael Morgan (2005) 'Cultures of Dominance: Institutional and Cultural Influences on Parliamentary Politics in Melanesia' *State, Society and Governance in Melanesia Discussion Paper 2005/3* (Research School of Pacific and Asian Studies, Australian National University, Canberra).

<sup>11</sup> James Chin (2003) 'Papua New Guinea' *The Contemporary Pacific* 15(2): 457-463, at 458.

<sup>12</sup> Jon Fraenkel (2004) Electoral engineering in Papua New Guinea: lessons from Fiji and elsewhere' *Pacific Economic Bulletin* 19(1): 122-133, at 122.

<sup>13</sup> Bill Standish (2005) 'Limited Preferential Voting: Some Early Lessons' Invited Paper for Lowy Institute Conference *Overcoming Constraints in Papua New Guinea*, 18 February 2005, Sydney, p 1.

<sup>14</sup> Joseph Ketan (2000) 'Leadership and Political Culture' in Rynkiewich, M A and Seib, R (eds) 'Politics in Papua New Guinea: Continuities, Changes and Challenges', *Point* 24: 44-86.

<sup>15</sup> Bill Standish (2002) 'Outcomes of 'Election 2002' in Papua New Guinea' Draft talk for ANU NCDS Papua New Guinea Update, 28 November.

possibilities all too well – indeed, this appears to be a widely-accepted part of ‘voter awareness’ that has led each candidate to try to outdo others in expanding dummy names on rolls so that they can match what others are doing in their areas. Hence in 2002 there were numerous examples of multiple voting, ballot stuffing, and the resultant retaliation as rivals tried to capture and destroy ‘cheated’ ballot boxes.

All this suggests that we need a much broader view of ‘voter awareness’ than simply how people *ought to vote*, but including what they *really* understand about the system, and how they *really* play the game. Voter/candidate education programmes that simply repeat the messages at a category 1 level (this is where voting stations are, and how you vote for your three candidates), but that make no explicit and determined effort to acknowledge the underlying *real* views about the electoral process and system, arguably effectively accept and even condone the continuation of past practices. Similarly, Electoral Commission conduct that does not respond to clear information about voter behaviour (such as knowing that voter rolls in an area are vastly exaggerated, but still sending ballots to match those numbers, plus 15%) arguably encourage and foster continued practices of multiple voting, capture of voting stations and ballot boxes, etc.

This point emerges so clearly from the commentary that it is arguably the ‘elephant in the room’ of voter education. It is the fact that everyone knows in PNG, but which appear to be hardly addressed in explicit voter education.

A detailed examination of the Papua New Guinea Electoral Commission’s Evaluation Report on the 2002 Election vividly illustrates the void in linking voter education with major problems addressed elsewhere in the report.

The report found that the range of mechanisms employed to educate voters worked “reasonably well”: “electors were aware of the impending elections and were well versed in voting procedure... must therefore be concluded that these key messages have been effectively conveyed to the public...”<sup>16</sup> Yet elsewhere the fundamental conclusion that the 2002 Common Roll was massively over inflated is bemoaned because of its centrality for the integrity of elections, particularly the faith that voters have in the process.<sup>17</sup> In another section, the PNGEC acknowledges advance warning of over inflated rolls in some areas but still went ahead and produced enough ballots to cover the number of enrolled voters plus an additional 15% ‘top up’ which facilitated gross ballot misuse.

This is a clear example of knowing what would transpire and not sending out the appropriate message, in fact doing the exact opposite by providing multiples of the necessary number of ballot papers in some areas. What voters think and do is a crucial part of elections. There appears to have been no strategic, differentiated or specific *voter awareness* response, informed by considerations of the ‘regulatory triangle’ (above), aimed at securing more voluntary compliance with the core electoral system’s processes. Based on the information known to the PNGEC about what voters do and think in say Chimbu, it should be possible to run a campaign there that clearly states what is going to occur on polling day eg: “*one voter, one ballot paper*”. It is not simply an issue of better calculation of ballot paper numbers as recommended in the report – nor is it sufficient to suggest that enforcement issues are for the police.<sup>18</sup>

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<sup>16</sup> Papua New Guinea Election Commission (2003) ‘Election 2002: Evaluation Report on the 2002 Election’ March, p 65.

<sup>17</sup> Ibid, p 71

<sup>18</sup> Ibid p 71

Even at the most basic level of voter education (*where*, and *how* to vote) the report details the connection between electoral administration and information being given to voters. Hence, the report shows that polling station schedules were poorly organised in 2002, even if many people still somehow found their way to an appropriate voting area.<sup>19</sup> Voters complained that they are being disenfranchised as a result of poor communication of where voters should go, in a number of electoral petitions. This is not just bad organisation, but bad voter-information, and it risks creating an atmosphere of desperation with voters becoming hyped. In our view, the report shows that apart from getting it right in the first place, a key message to voters (and electoral staff) is for the PNGEC to communicate that it is *responsive to problems* and that efforts will be made to address issues promptly. This reduces the likelihood of ‘self-help’ and desperation measures. In 2002 one returning officer fled for his life as supporters of various candidates tried to track him down to force him to declare a result (he did not, and a supplementary election was called in due course). As is clear in all the reporting on election conduct, every aspect of the elections is linked. Well-trained and organised Electoral Commission staff increase the likelihood that voters will receive the right messages, including where to vote and what to do if problems arise.

The PNGEC’s report recognises that “firm action” must be taken otherwise “electoral fraud, corruptions and violence will continue to grow and spread beyond those Provinces where it has become endemic”.<sup>20</sup> However, the report states that many of the serious problems in the 2002 election particularly electoral fraud were ‘outside of its control’ and were matters for the police and courts.

At one level this is obviously true. But given the substantial problems in 2002, the conclusion that “voter education went reasonably well” along with the suggestion that errant *voter behaviour* was outside the PNGEC’s control<sup>21</sup> risks missing the point that a key objective of voter education widely conceived, is precisely to seek to bring about changed voter behaviour.

Viewed in the context of the regulatory pyramid (above), this suggests that there is no graded linkage between the bottom and top of the pyramid, between education and coercive enforcement.

Obviously, an Electoral Commission does not have complete control over voters, and in the end coercive machinery might have to be deployed by others. But training, communication and strong messages are very much within the PNGEC’s control, as is the way election officials respond to voter behaviour. An alternative starting point is thus to treat voter behaviour as within the core ambit of voter education, connecting education with wider election processes and driving conceptual and practical voter awareness, intended to change behaviour at election time.

This was the key finding of the Commonwealth Expert Group that conducted an investigation at the invitation of the PNG government and reported in November 2002. Voter education was persuasively suggested as the *core prescription*, and the key to building better understanding of elections and of representative government (very much in the ‘expanded second’ of the three hierarchies of voter education, above).

The report recommended:

- the need for an ‘urgent large scale’ ‘strategic long term’ voter education to support democracy and the democratic process (their impression was that awareness of the

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<sup>19</sup> Ibid p72

<sup>20</sup> Ibid p 5

<sup>21</sup> Ibid p 76

nature of democratic process, the right to vote for a candidate of choice and the need for privacy was not well understood, particularly among women);

- voter education in schools and at the grass roots level in order to ensure that voters were aware of their rights, obligations and the need to act with honesty during elections;
- engaging civil society organisations and the preparation of ‘creative’ and ‘innovation’ communication material.

These recommendations were also reflected in the views of AusAID in its 2003 *Review of Australia’s Electoral Assistance Program to Papua New Guinea*.<sup>22</sup>

As noted, the formal policy response of government was the introduction of the Limited Preferential Vote (LPV) in 2003 and strong anti-defection laws for MPs.

But there is very little evidence of education being carried for the purposes set out by the Commonwealth Expert Group, which effectively amount to an exhortation that it was necessary to *change the political culture of PNG voters, by getting them to better understand and accept core standards of voting, fairness, tolerance, and the connection to the wider democratic system*.

In our view, therefore, the commentary on the 2002 election has established a stark picture about the citizens’ views about elections, the electoral system and representative democracy.

It is again important to stress that whilst there were problems of varying degrees everywhere, the vast concentration of violence was in the Highlands where the worst problems were. In many other areas, voting proceeded reasonably whatever the logistical or other problems. But this does not necessarily mean that the underlying ‘political culture’ which shapes views about elections and the electoral system, is limited to the Highlands. It is more likely that the scale of violence are indeed particular Highlands issues, because of the long history of intense inter group rivalry and armed competition there. But the questions about why candidates stand, what people think ‘the system’ is delivering in terms of representative government, and particularly about how to ‘play the game’ including by cheating if possible, may be much more widely shared across PNG. Certainly competitiveness is uniform. We need therefore to develop this picture of ‘attitudes towards the electoral system, by considering other writing.

### **b) Is PNG’s electoral system post 2002 already ‘working’?**

Here we examine commentary that has looked closely at the ten by-elections to date to see what happened, and to reach preliminary assessments of whether the objectives of the post-2002 reforms are working. This part focuses on the arguments of Benjamin Reilly, because if he is broadly correct, then the post 2002 policies are *already working* and then there is every likelihood that this will be shown in 2007. On this basis, “voter awareness” is only really important at the first level, probably, because the LPV system has itself somehow already driven changes in knowledge and understanding – and hence, behaviour.

Reilly sees the electoral system as robust and the reforms as having a positive impact on political outcomes.<sup>23</sup> He points to a few basic indicators in support this view including what he sees as the political stability of government (lasting the full term without losing votes of confidence), some consolidation of the political parties, increased “mandates” of candidates (higher proportions of overall votes compared with First Past the Post), the relatively small number of invalid votes and reports of lower electoral violence in the by-elections compared with 2002. These simple indicators

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<sup>22</sup> AusAID, above n 6, para 7.1.3.

<sup>23</sup> Benjamin Reilly (2006) ‘Political reform of Papua New Guinea: testing the evidence’ *Pacific Economic Bulletin* 21(1): 187 – 194, at 187.

are not in themselves particularly contested (with the exception of his apparent view that the LPV produces a mandate from more than 50% of the vote, whereas it almost never does this). At issue, however, is whether the indicators convey the real picture, and what caused them.

In our view there are (at least) two problems with Reilly's analysis. The first is that the measures are superficial. To take the flagship argument of political stability, James Chin's contrasting assessment suggests that it needs an heroic extension of the meaning of 'stability' to really argue that the 2002-2007 government was 'stable' – surviving a term is not contested, but suggesting that government was 'stable' requires other measures. Hence Chin shows that there were continuous problems across the term and in 2006 those included the further breakdown of law and order, corruption, the sacking of the Minister of Finance apparently for refusing to authorise 'slush funds', the instability of the police and public service – and newspaper reports have indicated that the problems persisted across 2007.<sup>24</sup> The government might thus have lasted a full term, and no doubt that is one measure of political stability. But political analysts might well hold their bets on this definition for a few more terms yet.

Similarly in relation to the conduct of voting in by elections, the suggestion of less violence and higher mandates are again superficial indicators of causation. Citing Chin again (though similar assessments are seen in reports about virtually every by-election since 2002) there have been ongoing problems with the by-elections including fraud, hijacking of ballot papers, numerous court challenges concerning illegalities (although it is recognised that many of these are not followed through with for a number of reasons that the literature does delve into) and even attempted kidnapping of a victorious candidate (to prevent him joining another party in Parliament).<sup>25</sup> Further, ascribing the reduction of violence to LPV without factoring in the massive security presence in by-elections, and the capacity of the police to concentrate forces in one area at one time, suggests a somewhat generous view of causation connecting the policy change of LPV to the outcome of relatively peaceful campaigning.

As regards voter education programmes, the Reilly thesis also offers little evidence that enables us to draw any sensible connections between the voter education programmes that we understand to have been the core focus for the by-elections (concentrating on voting for 1,2,3 preferences), what voters understood the changes to mean, what candidates understood, how MPs were supposed to behave and how this translated into candidate behaviour, voting patterns and eventually seats and the stability of government.

At best, therefore, Reilly's work suggests some early indicators that LPV may be playing a role in some way in reducing violence because candidates and voters may have understood the key need to get votes from a wider political support base – and this has meant less willingness to attack other supporters/candidates. This possibility is at best tentative when compared with evidence to the contrary (see below), and it ignores other factors that might have caused relative peaceful campaigning of course, including the selective deployment of police in significant numbers. However, intuitively it seems plausible that voters/candidates might seek more accommodation, and on its own this would appear to justify a specific voter education campaign. But otherwise, the bulk of the evidence suggests that there are ongoing problems that stem from a widespread and enduring voter and candidate view that elections are there to be won, by whatever means. It would indeed be surprising if two major policies (LPV and anti-defection), possibly along with widespread public and institutional shock at the chaos of the 2002 elections, and better-prepared security and election

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<sup>24</sup> James Chin (2007) 'Papua New Guinea in 2006: Somare's U-Turn and Legacy' *Asian Survey* 47(1): 200-205.

<sup>25</sup> *Ibid*, p 203.

machinery, might have virtually by themselves produced a dramatic change in the underlying political culture.

If this were however the case, one might expect the 2007 elections (and the resulting government) to show similar indices: peaceful campaigning, fewer problems with the conduct of elections themselves, less cheating, and, in the government that emerges, increased stability on a range of measures across the 5-year term of parliament. A contrary view may have emerged by then, however, along the lines that the 'increased stability' of the government in fact allowed something much closer to unchecked authority to emerge.

For our purposes, it is worth returning to the 3 categories of voter knowledge to consider possible detailed indices.

At the most basic level, one might expect indicators that voters know where and how to vote, that the communities understand the system, and that the election officials understand what they are doing and have the resources on hand to do the job, including:

- confidence that the roll appropriately reflected the actual eligible voting population;
- participation rates;
- knowing where to vote;
- knowing how to vote: eg low rates of 'informal ballots' conducted by voters themselves;
- timely voting, transport of ballots, and counting;
- low levels of complaints about how the actual balloting and counting went.

And if one adds understanding the previous history of voting in PNG, the indicators that the election in any area was in accordance with lawful processes and that *voters' and candidates' behaviours were changing* might include:

- Low reports of multiple voting or 'voting on behalf of others';
- Indicators of accuracy of the Rolls;
- No attempts to capture ballot boxes and stuff them;
- No problems with the counting;
- Declining rates of challenge by petition or other judicial means (and declining rates of success in such challenges).

In short, Reilly suggests that LPV on its own may work to bring about a number of systemic changes. In contrast, a substantial body of work is highly sceptical of giving LPV primacy in causation and which (in our view) broadly suggests that until the core incentive structures are changed accompanied by substantial education programmes to get higher levels of voluntary compliance, the underlying political culture will continue to produce significant problems in the electoral processes in PNG – including, by implication, in the 2007 election.

This does not mean there would be No indicators of change. These might include in relation to LPV for example:

- less tension in the campaign, in voting and in the count/aftermath;
- acceptance of results without challenge;
- understanding of preferences and elimination;
- alliance swapping and accommodation campaigning;
- candidates seeking preferences;
- low informal votes;

- increased mandates (included because this was an expectation in introducing LPV)
- more freedom of choice in voting – particular with regard to women.

However as the IPS audit report argues, at the end of the day the consent of the people (and the support and participation of the relevant stakeholders) is needed:

Put simply, we suggest that voter education processes must work with the competitiveness in PNG, but seek to reframe the basic incentives at every part of the cycle with encouragement and effective penalties. Ambiguities (such as election bribery) must be clarified – and we suggest a combination of strategies to establish more widely accepted rules for citizen and candidate.

We believe that everyone in PNG understands the metaphor that unless (say) rugby league is played according to a well-refereed set of rules, ‘the game’ will quickly become unplayable and probably violent. So with the electoral system - the rules must be known and supported. Officials, candidates, parties and public must be able to know what is a forward pass and a dangerous tackle, and the difference between supporting one’s team and throwing stones at the opponents. In elections, competition cannot (and should not) of course be stopped – but it might be better channelled so it does not become violent conflict. If violence, multiple voting, bribery, and other forms of cheating, are not effectively penalised, there is a real risk that the entire ‘game’ will become unplayable. It will also become too expensive for the players, the communities, and for the state. In the election process, as in any ‘game’, there must therefore be clear warnings, whistles, penalties, “Yellow Cards”, and, where necessary, the “Red Card” to exclude them from the game – in other words, candidates and MPs who have breached electoral rules in key respects, should not be able to contest again for defined periods (e.g., 5 and 10 years).<sup>26</sup>

### c) The price of elections

As we have seen, many authors suggest that understanding this field requires the assessment of what we have broadly called “political culture”, by which various authors have tried to explain how Papua New Guineans interpret the electoral system and therefore how voter awareness will play out on the ground. Albeit with regional variations, the literature suggests an increasingly shared composite picture of what Papua New Guineans think about elections, governments - and why they hold those views.

An assessment of the literature reveals representative politics to have distinctly PNG characteristics and of course it would be surprising if this were not the case. There are, for example, persistent complaints about the relative absence of broad policy programmes in government (and in election campaigns) and the inevitable cultural stress on personal/clan connections. Hence, governments have been widely criticised for ignoring significant policy problems such as the Highland’s warfare, the proliferation of high powered firearms and the Guns Summit report of 2005 and the HIV/AIDS crisis. It has also been argued that the people of PNG lack a sense of shared history and national identity which can be the basis of citizenship and democratic accommodation via the ‘liberal-democratic’ view of elections and representation. Given the extraordinary complexity of PNG’s makeup, none of this should be a surprise, nor should the achievements of building some national identity be minimised.

But it all builds parts of the picture of what voters see elections (and government) as being about, and what motivates candidates and their supporters.

Bill Standish’s extensive work in PNG paints a picture of the capacities of government institutions being overstretched in most areas of the country, with urban and rural people suffering from collapsing roads, schools, health and other basic services, the state not being able to control crime

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<sup>26</sup> Andrew Ladley, *Election Lessons: The Election Audit Report on 3 by-elections held in Papua New Guinea in mid 2004* (Institute of Policy Studies, Institute of National Affairs, and Transparency International; Papua New Guinea, November 2004), p 34.

and the public ‘intensely cynical’ about politicians and government generally (including particularly at the provincial level). Such evidence of common aspirations supports a simple view that Papua New Guineans aspire to acquire ‘development’ as in the local distribution of resources.<sup>27</sup> This hope shapes their view of the role and responsibilities of candidates, and suggests a deeper desire for growth and stability than a simply stress on clan preference. The importance of this was firmly underscored by Henry Okole et al, as it has been resilient since the pre-independence period, suggesting that these unfulfilled expectations account for the unfailingly high turn over rate of Members of Parliament (MPs) (usually above 50%).<sup>28</sup> In the 2002 election, 75% of existing MPs were not re-elected.<sup>29</sup>

Unfilled expectations of governments performance at all levels, supports the argument that elections are increasingly viewed as the only way of obtaining benefits that were once obtained from the state in the form of services.<sup>30</sup> The squatter settlement dwellers of Moresby North East told observers that only during elections do the rich share the money and wealth with the common people, even though they were under no illusion that this was simply to grasp the numbers needed to get into power and further enrich the candidate.<sup>31</sup> In Buin (Bougainville) a common sentiment expressed to observers was that MPs had not done enough for the people and it would be a waste of time for them to cast their votes.<sup>32</sup> Sometimes more immediate issues are used to tempt voters. In Moresby North east, where the electorate is comprised mainly of squatter settlements, one of the reoccurring promises heard during the campaign period was “squatters here to stay.” The fear of being removed hangs over the head of this voter base because the settlements are located illegally either on government or traditional village land.<sup>33</sup>

At its simplest level, this evidence suggests that (like everywhere else in the democratic world), voters and candidates respond to what most concerns their immediate interests, rather than to any broader understanding of representative government. This is not of course any ‘flaw’ in the electoral system or in political culture. It is simply the local flavour of democracy.

But specifics matter in this analysis, because some aspects of the electoral system are more directly focused on ‘money interests’ such that this has arguably come to dominate elections and understanding of what elections are about.

Put simply, we need to highlight the abundant evidence that voters and candidates see the handing out of money as a key part of the ‘real’ electoral system – further, that this is constantly escalating. The reports show that representative politics is increasingly about funds which connect a candidate with a core group who hope to benefit. The use of material incentives given to attract votes was

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<sup>27</sup> For a interesting piece on the lack of service delivery see Nicole Haley (2005) ‘District Government – Information Collection Southern Highlands Province Report’ *State, Society and Governance in Melanesia*, Australian National University, 20 April. Paper given at the ‘District Level Government in Papua New Guinea’ Workshop, Gateway Hotel, Port Moresby, 24 June 2005.

<sup>28</sup> Okole, Lawrence Sause, and Alphonse Gelu (2004) ‘The Yangoru-Saussia By-Election Under The Limited Preferential Voting System, May-June 2004 Final Report’ A project commissioned by the Papua New Guinea Electoral Commission and funded by the Australian Electoral Commission, September, p 30.

<sup>29</sup> Standish, above n 10, p 137.

<sup>30</sup> Ibid, at 139.

<sup>31</sup> Joseph Ketan, Henry Okole, Alphonse Gelu, and Orovu Sepoe (2004) ‘Testing the Limited Preferential Voting System in the National Capital of Papua New Guinea- An Election Observation and Assessment Study on the Moresby North-East Open Electorate By-Election, September/October 2004’ December, p 42.

<sup>32</sup> Orovu Sepoe and Alphonse Gelu (2006) ‘Bougainville By-Election Final Report - Technical Advice for PNG Electoral Commission: PNG Electoral Commission’s Election Planning and Community Awareness’ Commissioned by the PNG Electoral Support Program (Phase 2) 10 February, p 19.

<sup>33</sup> Ketan et al, above n 31, p 21.

obvious and extensive in the by-election campaigns, although the techniques differ across the regions. Concrete data is hard to obtain but there are convincing and largely uncontested reports of such behaviour as witnessed by observers or anecdotal evidence. Voters taking money or other bribes from candidates and their close supporters were a common allegation across all the observation reports. In Koroba-Lake Kapiago (K-LK) in 2006, for example, several candidates spent huge amounts of money offering material incentives to voters. One is rumoured to have spent as much as K2 million on his campaign. People in the electorate said that had never seen anything like it.<sup>34</sup> Interestingly, many voters also said they had voted for 'the money candidates' not because they had been bribed, but out of fear because those candidate were obviously 'connected'.<sup>35</sup>

This simplistic kind of 'money politics' has weakened the quality of governance nationally. Voters are well aware of the Electoral Development Funds (widely termed as 'slush funds') and expect MPs to provide endless payments. Ben Tomba reported that some voters in the National Capital District said they would only vote for candidates who pay them.<sup>36</sup> This ties in with 'development' because in real terms basic operating grants for provinces have declined. Although several dozen MPs have been expelled from Parliament for Leadership Code violations since 1978, the 'slush funds' are relatively unaccountable and their use is not transparent. Despite plenty of talk about corruption, it seems that the incentives remain and the sanctions do not deter. Voters complain loudly only when they miss out on a slice of the pie and many MPs were re-elected in 2002 who had previously been dismissed for breaches of the Leadership Code, others were elected with dubious allegations hanging over them.<sup>37</sup>

This suggests that there is no real view amongst voters, or candidates, that there are any effective 'downsides' to systematic and successive breaches of fundamental aspects of the electoral law and system. As regards the 'regulatory pyramid' (above), the relevance here is that very significant changes of attitude and behaviour will be needed to secure higher levels of voluntary compliance.

Election campaign hospitality is another strategy often employed by candidates to entice votes. In Moresby North East, hospitality was often symbolised through a candidate's provision of beer and lamp flaps.<sup>38</sup> In the Highlands generous hospitality and distribution of money and sponsorship of sports teams was rampant. Towards the end of campaigning, huge sums of cash were distributed in the hope of obtaining primary votes and preferences.<sup>39</sup> As candidates' understanding of preferences grows, reminders close to polling day could increase. Already on polling day, small gifts are often given to voters to remind the voters of the candidate. This includes kina nominally to buy smokes, drinks and betel nut, and sometimes little meal packages.<sup>40</sup>

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<sup>34</sup> Nicole Haley (2006) (with Philip Moya, Ben Randa, Richard Alo, Kenny Kendoli, Susan Ferguson and Bill Standish) 'Koroba-Lake Kapiago By-Election Observation Final Report', September. Prepared for Electoral Support Program By-Election Observation Activity with funding from AusAID, Government of Australia, p 27.

<sup>35</sup> Ibid.

<sup>36</sup> Ben Ninge Tomba (2006) (with Bill Standish) 'National Capital District By-Election Independent Observers' Interim Report' Prepared for Electoral Support Program By-Election Observation Activity with funding from AusAID, Government of Australia, 6 July, p 6.

<sup>37</sup> See Henry Okole (2000) 'Institutional Decay in Melanesian Parliamentary Democracy' *Development Bulletin* 60, 2000; Joe Ketan 'Leadership and Political Culture' in M.A Rynkiewich and R. Seib (eds) 'Politics in Papua New Guinea: Continuities, Changes and Challenges' *Point* 24: 44-86.

<sup>38</sup> Keten et al, above n 31, p 20.

<sup>39</sup> Bill Standish, (2006) 'Limited preferential voting in Papua New Guinea: some early lessons' *Pacific Economic Bulletin* 21(1): 195-211, p 203.

<sup>40</sup> Bill Standish and Dorke Gedare (2004) 'Limited Preferential Voting: Second Interim Report on the Chimbu By-election, March-June 2004', DRAFT of 9 June, p 12.

Voters understood that the previous FPTP system gave a very good chance for almost any candidate to get in as a small number of votes were required. Also, there was only a small chance that cheating would be detected. The incentives to *have a go*, and the lack of deterrent, arguably have fuelled a culture of cheating. There is abundant evidence of this understanding of PNG elections. The key goal remains to capture votes and just get ahead of the other candidates. As the IPS Audit of By-Elections pointed out, this was one part of the strategy in the 2004 Chimbu by-election: capturing the voting stations of the Chuave District and pre-marking first preferences using every single ballot paper distributed, regardless of how many actual voters there were.<sup>41</sup>

#### **d) Political parties**

Many writers argue that an intensely personal “patron-client relationship” (or using “big man” culture) between voters and MPs has wider implications for the role of political parties. This is worth looking at for indications of what voters and candidates expect about the electoral system, as well as the wider role of MPs.

To put one matter out of the way, we note that there is no evidence in the literature of the Organic Law on the Integrity of Political Parties and Candidates (OLIPPAC) impacting on voters’ perceptions of candidates, nor any evidence that it has formed part of any education campaign in relation to ‘the electoral system’ widely viewed. In fact it enables massive donations to candidates, and enables them to approach businesses (local and foreign).

OLIPPAC, more commonly known as the ‘integrity law’, was introduced in an attempt to overcome the weakness of political parties. It locks MPs into voting with the party which endorsed them or which they vote with soon after the election, on key issues – constitutional change, budgets, the prime ministership and votes of no confidence. Louise Baker’s thorough analysis of the initial workings of OLIPPAC found some success in strengthening the party system. She points to the requirement that parties must be registered as having brought about “formality” and “coherence” to what were previously “chaotic, loose arrangements”.<sup>42</sup>

If party membership (and staying with a party across a term) is not particularly relevant to voter attitudes, what is? Bill Standish argues that the evidence supports a generalisation across the entire country that intense localism is an essential part of electoral success, along with personal style – hence that party policy issues are not especially salient.<sup>43</sup> Local issues and identities are far more important than party membership, policy or even money.<sup>44</sup> This does not negate the other evidence of the massive amounts of funds being splashed in elections. Rather it suggests that the money is wasted! Sometime money incentives work but mostly they do not unless payments tie in with inter-group relations. The use of weapons in attempting to ensure candidates received votes in return for campaign inducements is evidence that candidates and their supporters know that they need to back up the “we-gave-you-money-for-your-vote” contract with force.

The argument is thus that candidates do not owe their election to membership in wider parties, although access to resources may increase their chances. It was stressed in a number of the reports that party endorsement in by-elections, where it occurred, meant very little to the voters.<sup>45</sup> Voters

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<sup>41</sup> Ladley, above n 26, p 28.

<sup>42</sup> Louise Baker ‘Political integrity laws in Papua New Guinea and the search for stability’ *Pacific Economic Bulletin* 20(1), May 2005: 98-117, at 108.

<sup>43</sup> Standish, above n 7, p 10.

<sup>44</sup> Standish, above n 10, p 141.

<sup>45</sup> Haley et al, above n 34, p 23.

see candidates as individuals, rather than as representatives of political parties, which reinforces the longstanding view that in PNG parties were not the basis of people's voting decisions.<sup>46</sup> Many candidates stand as independents or change allegiances once in office.<sup>47</sup> In Moresby-North East only four of the twenty candidates had party endorsements.<sup>48</sup> In the Wabag only two of the nineteen.<sup>49</sup> Despite strong National Alliance campaigns in Abau and Yangoru and the involvement of Enga Government Peter Ipatas in Wabag, there is no sign that the OLIPPAC had changed people's behaviour so as to strengthen political parties. Reports noted that party policies were seldom discussed and that party politics was "largely decorative" being confined to "impressive nomination rallies" and the occasional fleeting visit by party leaders or prominent ministers.<sup>50</sup>

For the purposes of voter education, this evidence about the relative lack of importance of political parties in voter attitudes is similar to the situation other Pacific democracies, but in stark contrast with much of the rest of the democratic world. But it should of course inform any sort of education campaign that sought to address the place of political parties in the electoral system.

#### **e) Voting atmosphere**

In all the by-elections reports, the relatively peaceful and relaxed conduct of voters was praised, particularly in contrast with the turbulent 1997 and 2002 elections. In Bougainville the absence of violence and intimidation, unarmed police and the tranquil election atmosphere was a positive sign for democracy given recent civil war. The Institute of Policy Studies at Victoria University of Wellington in October 2005 carried out an audit of the three mid 2004 by-elections (Angalimp-South Wahgi in the Western Highlands, Chimbu Provincial and Yangoru-Saussia in the East Sepik). They too found that the by-elections were generally peaceful.

However, not all of the LPV by-elections have been without violence.<sup>51</sup> The problems that did arise, generally on polling day, are from entrenched political cultures. As the Chuave observers note, there are high levels of distrust within and between communities and animosity between neighbouring clans and sub clans which are stirred up during elections. There were at least two men killed in post-poll related violence. Polling day fighting also resulted in a dozen houses being burnt, the spearing of a man and the destruction of gardens. In Kundiawa and Kerowagi in 2004 unarmed police were unable to maintain control of voters which in one instance resulted in a local candidate's supporters taking control of two adjoining polling booths.<sup>52</sup>

In Chimbu and Angalimp ballot boxes were seized in two incidences but his was infrequent compared to hijackings throughout most Highland's provinces in 2002.<sup>53</sup> In the K-LK 13 ballot boxes disappeared before the 2006 by-election.<sup>54</sup>

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<sup>46</sup> See Y Saffu (1996) 'Continuity and Change in PNG Electoral Politics' in *The 1992 Papua New Guinea Elections: Change and Continuity in Electoral Politics*, Canberra, Australian National University, Political and Social Change Monograph 23: 1 – 42.

<sup>47</sup> For a fascinating account of the political to-ing and fro-ing of MPs, see James Chin 'Papua New Guinea in 2004' *Asian Survey* 45(1): 191-195.

<sup>48</sup> Standish, above n 40, p 202.

<sup>49</sup> Philip Gibbs 'LPV and the Wabag Open By-election', p 7.

<sup>50</sup> Bill Standish et al 'Aide Memoire: Limited Preferential Voting: First Interim Report on the Highlands By-elections', May-June 2004, p 6.

<sup>51</sup> Bill Standish and Steven Gari (with Sarah Garap Mathias Kinane Kaige, Andrew William); 'Chuave Open Electorate By-Election August 2006: Report of Independent Observers' 19 November 2006, p 4.

<sup>52</sup> Standish et al, above n 40, p 7.

<sup>53</sup> Standish, above n 39, p 200.

<sup>54</sup> Chin, above n 24, p 203.

In 2002 it was suggested to the Commonwealth Expert Group, that a gun culture and climate of fear prevailed in the Highland areas. In K-LK by-election, guns and knives did not feature to the same extent as they had in previous elections and those that were out there were not openly displayed at polling places or used to influence the vote.<sup>55</sup> It is worth noting however, that they were close at hand, as evidenced by a bush knife being used at Harereke to slash a ballot box following a dispute.<sup>56</sup>

Despite this, observers and commentators would not conclude that this was a positive sign for the 2007 general elections. Inter group antagonism and violence may have been reduced in the by-elections but it is impossible to tell if there can be a peaceful election without an overwhelming police presence. As the IPS audit team note the heavy security presence in the Highlands' by-elections (nearly half of the national police force!), and especially the helicopters paid for by AusAID, could not be replicated over several provinces at once.<sup>57</sup> In Wabag, 800 extra police were brought in at a cost of K3.5million.<sup>58</sup> It may be possible to say that LPV has had a positive impact in the three cases where it was used in coastal and Island region provinces but election in these regions have never been as intense as those in the hothouse political atmosphere of the Highlands.

Nicole Haley et al specifically warned against making any assumption about the same level of peacefulness for K-LK in 2007. They point to the fact that voters and candidates there and in Tari saying that they would not allow accommodative campaigning in 2007.<sup>59</sup> The expectation is that language based ethnicity will play a more significant role and this may mean more violent and fiercely contested elections in a community that still has substantial weapons. The Bougainville observation team stated that despite less intense campaigning by candidates, the undercurrents that define the existence of the different factions are profound and these affected the way people cast their vote (interestingly noting a poor voter turn out of about 25%).<sup>60</sup>

In the case of Chimbu, Bill Standish and Dorke Gedare saw several other factors as having reduced levels of conflict. The seat covered the entire province with similar numbers of candidates as would usually contest one of the smaller Open seat contests in the province. This therefore meant fewer local contenders in conflict with each other. In addition, the provincial governor does not have access to the funds that open MPs do and as such the intensity of competition is lowered amongst local groups. Voter participation was also lower.

As noted above, Ben Reilly is convinced that the recent evidence supports the contention that changes in electoral rules have encouraged more peaceful election campaigns in PNG. But even he states that the real test will be the 2007 general elections “where both the scale and the stakes of the election will be much higher”.<sup>61</sup>

#### **f) Voting practices**

The by-election reports also focused on the specific voting practices on and around polling day. The following was found to be extremely common:

- repeated-voting (where a person votes, and then joins the back of the queue and votes again, sometimes repeatedly),

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<sup>55</sup> Gibbs, above n 49, p 58.

<sup>56</sup> Haley et al, above n 34, p 27.

<sup>57</sup> Ladley, above n 26, p 4.

<sup>58</sup> Gibbs, above n 49, p 8.

<sup>59</sup> Haley et al, above n 34, p 54.

<sup>60</sup> Sepoe et al, above n 32, p 11.

<sup>61</sup> Reilly, above n 23, p 190.

- bloc-voting (where one person, often a presiding officer, fills out many ballot papers),
- underage voting<sup>62</sup>,
- controlled voting (where preferences are chosen by some other person or group – usually a candidate’s supporter - and followed; this is discussed more fully in the next section) and
- illegal assisted-voting (where a person casts votes on behalf of others where there is no disability which would qualify them for assistance).

It is important to distinguish all the above unlawful activity from ‘lawful assisted voting’ by which a presiding officer or other approved person helps someone (generally with some form of difficulty or disability) to vote *in the manner which the assisted person wants to vote*.

The range of unlawful behaviour emerges from a range of backgrounds, including a climate of manipulation, intimidation, corruption and violence. Extremely common fraudulent voter registration also exists that included multiple enrolment, enrolment of ghost names, and those of deceased and under age people.<sup>63</sup>

It is important to point out that while multiple voting may on occasions be consensual it is still illegal. As the IPS audit report states “customary ‘*consent*’ can easily mask intimidation, (at gunpoint or with severe threats of violence if there is any attempt to prevent the practice) and/or bribery to officials to allow or conduct the activity.”<sup>64</sup>

A common behaviour of voters in the Highlands is the avoidance of official procedures and controls designed to ensure free and fair elections. There, the IPS audit team found excessively large enrolment facilitated multiple and mass block voting. In other regions the story was the same to varying degrees. The exception to the good behaviour in the Abau by-election was the village of Wanigela where thousands of voters came from Port Moresby and voted illegally. Disturbances broke out when underage and multiple voters were blocked by police and officials. The observers saw that 100 per cent of papers were marked not by the actual voters, but by ‘helpers’ of the two leading candidates and argued that this showed that voters were under immense pressure. The report concluded that this polling place, with about 20 per cent of all votes, was politically compromised. They suggested it necessitated clarification of voter ‘assistance’, there was little knowledge of what constituted a free and fair election. Electoral offences were not advertised, and despite a strong police presence senior polling officials were unable to control bloc voting and attempted fraud by determined supporters.<sup>65</sup>

In K-LK polling areas some officials resisted voter pressure to allow voters to complete the unused ballot papers and in some areas communities made a conscious choice to ‘play by the rules’. That being said, the observation team reported that excess ballots were used in many cases, much underage voting (approximately one third of voters!), line up voting, multiple voting (achieved through a variety of different schemes including different spelling of names or under entirely different names) and serial voting at different polling stations amongst other schemes.<sup>66</sup>

Cheating was made easier though the poor state of the new electoral rolls and also the location and positioning of polling stations. At Lake Kopiago, the Kopiago Station and Ayukuni polling stations

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<sup>62</sup> Section 134 of the *Organic Law on National and Local Government Elections* outlines that a voter should be at least 18 years of age.

<sup>63</sup> Ladley, above n 26, p 17.

<sup>64</sup> Ibid

<sup>65</sup> Ketan et al, above n 31, p 18.

<sup>66</sup> Haley et al, above n 34, p 33.

in the K-LK electorate were one example where the short distance between them meant that people walked back and forth voting at each of them in turn.<sup>67</sup>

The by-elections in Chimbu were characterised by widespread double voting which resulted in twice as many ballot papers as eligible voters. There was some police action, other police responded to bribes from voters.<sup>68</sup> The count was also compromised. Bill Standish characterises the practice of voters in Chimbu as a culture of “win at almost any price”, “vote early and often” and “cheat if you can, because everyone else is doing it.”<sup>69</sup> As noted in the IPS audit, the by-election had serious irregularities, particularly in multiple voting and cheated counting which “quite simply... won the election”.<sup>70</sup>

Again, the accumulated evidence about voter behaviour and the relevance of education campaigns aimed at addressing this, should be seen in the context of an overall attempt to change behaviour. This evidence makes it clear that there is substantial and systematic non-compliance with key electoral rules and that this goes to the heart of the integrity of the elections. Any attempt to counter this simply cannot rely on the top of the ‘regulatory pyramid’ (above) – but will require widespread educational campaigns aligned with incentives and disincentives that have value in the respective communities.

#### **g) Controlled voting**

In 2002 it was widely known and acknowledged by candidates that they and their supporters had firearms which had been displayed before polling. They acknowledge to observers that they had forced the vote and that this was wrong but said that they had no choice because everyone else was doing the same thing.<sup>71</sup> It has already been mentioned that weapons were less visible in the by-elections observed, but the common practice in previous elections of controlled voting, or mass block voting of all papers by candidate’s supporters or polling officials was still the case in many areas for first preferences.

Philip Gibbs identified three types of voter behaviour typical of ‘Enga electoral politics’ The first is *tanim tebol* (‘turn the table’) where voters at a polling place give all their votes to one candidate because of arguments, bribery and intimidation.<sup>72</sup> The 2004 by-elections were generally conducted with much less tension and crude intimidation than in 2002. However in the Highlands in many booths one hundred percent of the vote went to one candidate, indicating coercion or bloc voting. The region is characterised by large tribal groups, clan solidarity and strong tribal voting since independence. In K-LK, the observers saw bribery and intimidation on the part of candidates. In Chimbu there was some threats of blocking of roads at strategic points to ensure preferences were allocated to specific candidates.<sup>73</sup> The roads were blocked, after the trend of counting and results became clear.

The second type of identifiable behaviour occurs where the common roll is only used partially by identify heads of families and they are then asked how many papers are needed. The head of the family then tells his family who to vote for and often he marks the papers or gets the officials to do so.

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<sup>67</sup> Ibid, p 39.

<sup>68</sup> Standish, above n 39, p 210.

<sup>69</sup> Ibid. This is also the view of E Dika (2003) ‘The 2002 National Election in Chimbu Province’ *Catalyst* 33(1): 41 – 47 and W.S.G Kaupa (2003) ‘PNG culture and politics: election in Chimbu Province’ *Catalyst* 33(1): 28-40.

<sup>70</sup> Ladley, above n 26, p 4.

<sup>71</sup> Standish et al, above 51, p 31.

<sup>72</sup> Gibbs, above n 49, p 2.

<sup>73</sup> Standish, above n 39, p 209.

In other polling stations a third type of controlled voting is observed where local leaders arrange people into separate groups depending on who they ‘support’ and then one person marks the ballot papers for the entire group. Those questioned who participated in this form of ‘voting’ said they had no idea how their second and third preferences were marked.<sup>74</sup>

The reports indicate that voting behaviour was largely unchanged in Chuave. At some booths there was huge pressure on voters to conform, others were more relaxed. Chuave block voting was common (over 91% and in some cases 100% of votes in many polling places going to the local favourite). The observation team actually saw not one single voter marking their own preferences in some polling places.<sup>75</sup> The pre-marking of ballot papers by presiding officers was witnessed by Standish in May 2003 in the supplementary elections in Nipa, in the Southern Highlands.<sup>76</sup>

There have been many reports of candidates and their supporters taking over thousands of ballots and simply casting them as they will, with no suggestion of any regard for the wishes of voters, as was seen in James Frankham’s award winning film called *Tanim*. This raises another category of common practice, whereby the vote at a polling station is “forced” or “controlled” by means of a candidate’s key organisers (sometimes known as “henchmen” or “supporters”) taking over the polling and casting the ballots. Sometimes this is done with the collusion of polling staff, either under threat or bribery, or both. Police presence played a strong role in crowd control, but in the Chuave District in 2004 where police arrived late, supporters of the dominant local candidate were able to gain control of papers and mass mark thousands of them.<sup>77</sup> The IPS team found polling officers had colluded in mass block voting such as pre-marking of papers by officials.<sup>78</sup>

In K-LK, the vast majority of voting was controlled in most cases by presiding officers, who in several cases, were observed making ballot papers in a manner contrary to the voter’s wishes.<sup>79</sup> It is not known how widespread this practice was but in the counting room there seemed to be a large number of papers where the first preference had been filled in with the same pen used by the presiding officer to sign the ballot. Presiding officers also admitted to filling in 2<sup>nd</sup> and 3<sup>rd</sup> preferences to make the vote valid.<sup>80</sup> At Chimbu and Wabag it is also clear that the primary vote was filled out by the presiding officer.<sup>81</sup>

In several locations in Chuave candidates or their supporters tried to argue for or grab blocks of hundreds of votes which they felt they were entitled to, and to vote separately. In some cases they were allowed to do so.<sup>82</sup>

Individual voting is a democratic ideal promoted by the PNGEC. Where there was good police presence, like near Wabag town, people marked their own ballot papers. In a number of areas in the Highlands however, voters simply could not vote as they wished, particularly at K-LK and throughout Chimbu.

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<sup>74</sup> Gibbs, above n 49.

<sup>75</sup> Standish et al, above 51, p 12.

<sup>76</sup> Standish et al, above n 40, p 12.

<sup>77</sup> Standish, above n 39, p 209.

<sup>78</sup> Ladley, above n 26, p 18.

<sup>79</sup> Haley et al, above n 34, p 33.

<sup>80</sup> Ibid.

<sup>81</sup> Standish, above n 39, p 201.

<sup>82</sup> Standish et al, above 51, p 20.

Controlled voting thus essentially refers to corrupt officials taking control of people's ballot papers by filling them in, or allowing candidate supporters to 'assist' to fill them in, thereby stealing the votes of less powerful people (women and old people are most likely to have this happen to them). *Assisted voting* should only be used to describe the rightful process of helping a voter fill in the ballot paper in the way the voter actually wants.

#### **h) Voter registration and the facilitation of cheating**

In this electoral system, accurate electoral rolls are the basis of free and fair elections. As the IPS report noted, compiling a reasonably robust roll is a key opportunity to 'strike a new electoral compact between citizen and the Electoral Commission, along the lines that "we enrol you to ensure your participation in the process of fair elections"'. However, there is abundant evidence of major problems in the rolls, and almost no evidence that the process of compiling them is used as an opportunity to educate voters about its importance to the integrity of the system as a whole. ON the contrary, the evidence suggests that the roll is widely viewed as the means to cheat the system, rather than the means to secure its integrity.

According to the Commonwealth Experts Group, the worst aspect of the 2002 elections was the inaccuracy of the common roll.<sup>83</sup> It was estimated that the number of adults eligible to be voters was 2.7 million but there were 4.9 million enrolled names on the electoral roll in a country where the total population (including children) only stood at about 5.1 million.<sup>84</sup> Because of this, in 2005 the PNG recommend creating what were meant to be entirely new rolls in the Highlands, and in 2006 decided to create new rolls across the entire country. In theory, then, the 2006 by-elections required voters to re-register on completely new electoral rolls. In the Highlands, contrary to instructions for the Commissioner, officials often copied whole sections of the old flawed roll across onto the enrolment claim forms for allegedly new rolls. In all electorates, this process was problematic and in many areas where the instructions were followed this resulted in high numbers of *claimed voters* being ineligible to vote because they had not enrolled afresh. Many thought the process was an 'update', not a new set of rolls. It must be remembered that it was only fairly recently in 1992 that the law was amended to require voters to be on the roll for them to vote.<sup>85</sup> This experience however, reflects negatively on 'officialdom'. Voters in the NCD told the observer teams that they feared the shambolic state of the rolls could defeat the purpose of LPV and make polling vulnerable to corruption.

There is some evidence of local pressure and practice that limits abuse of rolls by multiple voting. Okole et al indicated that local councillors were able to identify voters in some parts of the Yangoru-Saussia by-election, so that illegal voting was contained.<sup>86</sup> This was not the experience across the board however, with many examples in the literature of the poor rolls facilitating mass cheating. Even in Yangoru-Saussia, the IPS audit team were concerned that the roll including many 'ghost' and invented names, and hence we have to say that there was the *potential* for multiple voting. In other examples, voters were able to get away with multiple voting by exploiting the mismatch between polling staff teams using the same roll and the large number of voters on polling

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<sup>83</sup> Commonwealth Expert Group, above n 4.

<sup>84</sup> Trawen, above n 5, p 2.

<sup>85</sup> Prior to that section 141 of the Organic Law on National Elections allowed people whose name was not on the common roll to vote if they made a declaration that they were entitled to do so, and according to Bill Standish, in some places over half the votes were made under this section. See Bill Standish 'Papua New Guinea's Most Turbulent Election' *Catalyst* 33(2) 2003: 130-148

<sup>85</sup> See for example ABC Radio 'PNG elections fraudulent' Friday, 12 July, 2002

<sup>86</sup> Okole et al, above n 28. It must be noted that the 'local authority sword' could also cut less happily, in denying the vote to people who might vote against a preferred candidate and allowing only 'known' supporters.

day.<sup>87</sup> In Wabag in 2004 illegal voting was made easier because the same padded electoral roll was used as had been in the 2002 general election.<sup>88</sup> Although Gibbs notes that more papers were unused and returned in the by-election, suggesting that the practice of officials continuing to make all available ballot papers anyway until they were all used up, may have changed. The more unused ballot papers are returned to the counting centre the lower the level of double voting but the number of ballots in the count was still closer to the census population which includes children. One observer told us that at polling booths; a lot depends on the approach of polling officials, and whether the police have confidence and control of a polling place. Most police just observe and ignore, few take a stand.

In K-LK less than half the people included on the newly constructed roll were actually eligible to re-enrol. During the re-registration exercise, hundreds of forms were obviously used in inappropriate and fraudulent ways. This report includes a fascinating detailed analysis of ‘over-enrolled wards’ A few examples illustrate the seriousness of the problem - on a role of 48,779 there were 1331 people duplicated under the exact *same* name (mostly in the North and South Koroba LLGs) and in the worst case they found, one woman was on the roll six times. In the case of the Kopiago Station ward they found that a third of the eligible voters were duplicated elsewhere on the roll. At Koroba there were only approximately between 200 and 250 people voting but these people managed to cast over 2000 votes at six polling stations (these were all next to each other).<sup>89</sup>

As regards ‘voter/candidate attitudes’ the overall picture confirms the expectation that it is possible to use an inflated roll, almost certainly with the active compliance of election officials, to cast multiple votes – and without any significant possibility of personal sanction, or damage to the chances of the candidate concerned. It is true that such factors weigh in any electoral petition. But that process is so slow, and the absence of real sanctions so obvious, that at worst there will be a by-election where the practices can be repeated.

Again, this has real implications for ‘voter awareness’ educational programmes.

As regards the contrary problem of the rolls, namely when eligible voters were left off newly compiled rolls, the evidence shows the real problems of compiling a robust electoral roll – and the critical importance of communicating appropriately with voters at the most simple level of ‘education’.

Where new rolls are compiled, there seems to have been an expectation that those eligible to vote would make it their responsibility to ensure their names were on the new electoral roll. Even in the NCD a significant number of voters were turned away because they had not registered (it is estimated that only 76% of adults were on the roll).<sup>90</sup> Often they had been at work when registration teams visited their homes and they assumed that because they were on the previous roll they would stay enrolled. This caused people to feel angry and disenfranchised. Others were turned away because of mis-spelt names. Illiteracy compounds the problem. In some areas, voters resorted to using any names on the electoral roll to vote. In all areas where the new roll was ordered alphabetically, voters complained about spelling issues and problems ensued. Papua New Guineans had been used to ordering themselves in sub-clan and extended family groupings. A common recommendation across the observer reports therefore was to order the rolls by clans, leaders and

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<sup>87</sup> Bill Standish and Steven Gari ‘Chuave By-Election 2006: Key Findings and Recommendations’ 14 September 2006

<sup>88</sup> Philip Gibbs ‘Limited Preferential Voting and Enga Political Culture’ *Catalyst* 36(1) 2006: 3-25, at 5.

<sup>89</sup> Haley et al, above n 34, pp 16 & 19.

<sup>90</sup> Ketan et al, above n 31, p 39.

then family groupings. Some polling stations were closed down for security reasons resulting from these complaints; in others officials literally gave up using the roll and 'line up' voting took place.

In K-LK the flip side of the number of ineligible persons, using up all available claim forms, meant that many eligible citizens were not given the opportunity to personally register. In addition many were not even aware that new rolls had been developed.<sup>91</sup> This is a stark illustration of voter awareness, showing that voters were not aware of their own responsibilities and did not know when and how to register, nor how to check before hand if they were on the roll.

In Yangoru-Saussia, problems with the new roll saw the Electoral Commission ordering the presiding officers to also use the 2002 common roll on the third day of polling. This information was misinterpreted and resulted in Haniak village polling station to only use the 2002 roll. Voters were understandably frustrated, especially when they had been turned away initially and some did not received the communication that they could now vote or if they did, could not do so because the nearest polling place was a fair distance away.<sup>92</sup>

This situation means that voter registration cannot be relied upon as an indicator of voter awareness – and that % of voter participation cannot be relied on as an indication of anything since the figures are so contestable. New rolls must be managed and used well so that voters have confidence in the PNGEC and so that there is political equality between voters. Deficient rolls after all defeat the refrain that LPV gives women, in fact Papua New Guineans generally, the opportunity to have a say in voting. There seems to have been an widespread expectation that census data would be available to the PNGEC for assisting with the updating of the roll in the lead up to the 2002 general election<sup>93</sup> and that this would also be the case in the by-elections. As such awareness should, among other things, seek to educate voters about the electoral roll, the function it serves and the difference between the electoral roll and the census.<sup>94</sup>

The PNGEC also produced an evaluation report specifically on the Common Roll after the 2002 election. Once again there is no link between the problems the roll facilitating cheating and appropriate voter education messages that must be clearly articulated. It is recognised that voters need to be aware of "what they can expect of the roll and their responsibilities in ensuring that the role is as accurate as possible" but that "ultimately it is the civic responsibility for the individual".<sup>95</sup> There seems to be an assumption that this kind of education necessitates vast production of material and large budgets.

Again, we suggest this misses the point that all parts of the election process are linked. The process of creating a new roll for the 2007 general election may have been robust and may have learned from the problems seen in the by-elections. But we have not seen any evidence that the opportunity was taken to encourage the people of PNG to understand the importance of enrolment, and its place in genuine elections, rather than either over- or under-voting. We have not seen a strong educational message (though the point is perfectly well-known by the Electoral Commission of course) that without fair rolls, communities will not be able to vote and this is an exercise that could be undertaken together.

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<sup>91</sup> Haley et al, above n 34, pp 4 & 12.

<sup>92</sup> Okole et al, above n 28, p vi.

<sup>93</sup> Commonwealth Expert Group, above n 4.

<sup>94</sup> Haley et al, above n 34, p 7.

<sup>95</sup> Papua New Guinea Electoral Commission (2003) 'Election 2002: Evaluation Report on the Common Role', March. p 34

In this regard, Murray Wicks recently completed a comprehensive review of the PNGEC's 2007 enrolment strategy.<sup>96</sup> He found the strategy to be "appropriate". Encouragingly the number of people registered at 25 November was 3.233 million which is not too much higher than the estimate based on the 2000 census of 3.1 million.<sup>97</sup> His review however, highlighted a number of problems, particularly lack of quality assurance, ability of those involved, poor training, environmental challenges, lack of any progress in the Western Highland, 74 wards in the Highlands Region and 135 nationally that have *no voters enrolled*, and accountability. His overall impression is that the "horse has bolted" because good election management needs solid foundations, particularly a meaningful voter awareness strategy that goes further than simply informing eligible voters of the basics - how and where to enrol.<sup>98</sup> This echoes the key arguments emerging from the rest of the literature and highlighted in this report.

#### **i) Voter/candidate awareness about the unlikelihood of 'being caught'**

As has been alluded to, the question here is that if voters and candidates know the rules, but equally know that they will not be effective (and that their opponents believe the same thing and will thus break them), this will have a massive impact on the conduct of the elections. This was essentially the reasoning behind the Commonwealth Expert Group's stress on voter education after the 2002 elections.

There are many reports that suggest that neither voters nor candidates really believe that compliance with the rules is more advantageous to their chances of winning the election, than cheating.

A recent example is the suggestion that one of the candidates in the NCD by-election, Bill Skate Junior, was actually legally underage for election purposes,<sup>99</sup> though this has been denied by the PNGEC.<sup>100</sup>

The reports on the practices of voters and officials across all areas suggests that the prevailing view in PNG is essentially that anyone can vote as often as they like in most circumstances *and all votes will be counted* and that those who do not like the result can possibly put an electoral petition to the court. Notwithstanding the existence of posters outlining unacceptable behaviour, the literature and commentary reveals what might be characterised as a largely 'consequence-less' system. The system design should mean most people comply - the reality is that there is widespread failure to comply, and hence a great many challenges by formal means (the courts) and informal means (rival attempts to burn ballots, or capture them).

The Yangoru-Saussia by-election seemed relatively free and fair, according to the IPS audit team but even here the election was subject to an election petition alleging irregularities in the process and unlawful electioneering (especially bribery) by the winning candidate.<sup>101</sup> It is hard to find anything in the literature to counter this awareness. Much of this kind of behaviour is indeed often out of the direct control of the PNGEC by the time that it happens – but there is abundant evidence that candidates and supporters have understood that it is in their interests to cheat wherever

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<sup>96</sup> Murray Wicks, 'Papua New Guinea Electoral Roll Review' Prepared for Electoral Support Program Phase 2 (ESP2), December 2006.

<sup>97</sup> Ibid p 3

<sup>98</sup> Ibid p 10

<sup>99</sup> Chin, above n 24, p 203

<sup>100</sup> Orovu Sepoe (2006) (with Alphonse Gelu, Patricia Kassman, Elly Kinkin, Dixon Susub, Anthony Sil, Meakoro Hahari and Bill Standish) 'Nation Capital District By-Election Independent Observers' Final Report' Compiled as an Electoral Support Program Observation Activity with funding from AusAID, Government of Australia, 25 September, p 44

<sup>101</sup> Ladley, above n 26, p 14.

possible. In the absence of fences that really work to control behaviour, the PNGEC will always struggle to run an electoral process with broad community and candidate support for ‘fair rules’. Hence, it is concerning to find few examples in the literature of appropriate responses such as candidates being struck off, police charging people with electoral offences, voters being struck off or ballot boxes being excluded from the count on the grounds that they were manifestly fraudulent.

The reports indicate that there are of course occasions where there is such overwhelming local support for cheating at a particular polling site, or determination to vote even if people are not on the roll, that it would be foolish to intervene on the spot because of the risk of violence. But even in such cases, the apparent rarity of excluding ballots that were obviously cheated acts as confirmation of candidate and supporter views that cheating is legitimated by the electoral process. Getting something into a ballot box, by whatever means, instantly sanitises any prior action and converts it into ‘valid votes.’ One observer told us that in Chuave, a box was excluded from count in 2004 by judicial decision but that 13 of them should have been.

This is a very strong message indeed to those hoping that voter education might aim to secure ‘regulatory compliance’.

At K-LK police did not record and report of any breaches of the electoral law, nor did they intervene to stop electoral malpractice by voters.<sup>102</sup> Two candidates however were charged, one for allegedly hijacking ballot papers and the other for impersonating a police officer (there is some suggestion that this was a trumped up political charge). There was strong evidence that some vote-counters were being paid by particular candidates, and certainly many of them were aligned including the son of one of the candidates. Checks and balances did not pick up irregularities, for example the Magara 1 Box was returned with 708 ballot papers although only 705 papers had been issued.<sup>103</sup> The K-LK report concluded that were it not for the fact that there was no time for another election, the result would have surely been challenged in the courts.<sup>104</sup>

PNGEC staff and police were alert to cheating and did block some attempts in some areas (eg Chimbu, Moresby Northeast and the Wabag by-elections).<sup>105</sup> However in Chimbu, with major incidences of malpractice, only four charges of double voting were laid.<sup>106</sup> One of the people at Chuave who had attempted to grab a bloc of votes was removed, and beaten up, but not charged.<sup>107</sup>

There are lessons in this for the PNGEC and for the ‘regulatory triangle’. Failure to prosecute the people guilty of electoral offences sends the wrong message to people who chose to do the right thing, and may see them revert to cheating, violence and even ‘gunpoint democracy’ in future elections. In K-LK the general feeling was that a ‘good’ election had given rise to a ‘bad’ result.<sup>108</sup> As the authors of the IPS audit report also note, failure to penalise those who cheat or ‘steal’ the election runs the risk “that the entire ‘game’ will become unplayable”.<sup>109</sup> It is not as if voters are completely unaware that this behaviour is wrong, in churches throughout PNG electoral fraud is condemned as a sin – but the key message remains of a sin without much electoral consequence.<sup>110</sup>

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<sup>102</sup> Haley et al, above n 34, pp 5 & 49.

<sup>103</sup> Ibid p 43.

<sup>104</sup> Ibid p 33.

<sup>105</sup> Standish, above n 39, p 196.

<sup>106</sup> Bill Standish and Dorke Gedare ‘Limited Preferential Voting: Fourth Interim Report on the Chimbu and Anglimp-South Wahgi By-elections, March-June 2004’ Draft of 8 July 2004, p 4.

<sup>107</sup> Standish et al, above n 51, p 33.

<sup>108</sup> Haley et al, above n 34, p 55.

<sup>109</sup> Ladley, above n 26, p 31.

<sup>110</sup> Ketan et al, above n 31, p 5.

#### **j) Conclusion: what do participants understand about ‘the system’?**

There appears to be relatively little education directed at the ‘second level’ of electoral education, concerning how the system is supposed to work and connect to wider notions of representative government under the constitution. But there is a lot of information in the literature about how elections are actually conducted from which it is possible to extract a clear picture of the reality of what citizens understand compared with any electoral theory.

At a general level, the by-election reports carry very positive signs that the people of PNG understand the importance of elections and the relationship to political and governmental representation: massive local participation, very strong interest in standing as candidates, lively and mostly peaceful rallies, cynicism about ‘money politics’, a clear recognition of the importance of local identity being represented, and a strong desire for stability that might support development. Voters clearly understand and accept that elections play the critical part in selecting people who will wield public power – *even if the process by which they get into office is fundamentally flawed*. But the reports also show the importance of getting to grips with the precise nature of what is *really* understood to be the electoral system.

James Frankham’s award winning film *Tanim* suggests that a violent view of elections (and their related democratic governments) is taking root in the Highlands, but that it may spread to other parts of the county. However the observation team in Moresby North East was encouraged by evidence of a less violent and more orderly version of democracy;

*people still took time to stand in long lines for hours (despite suffocating heat and dust, then being drenched by showers) waiting their turn to cast their vote. This is democracy. Perhaps a hybrid type, but a democracy, nonetheless.*<sup>111</sup>

Standish has observed however, that Port Moresby city, for example, has seen ‘rough-house’ politics in the last 15 years, with commentators saying Highland’s style politics has come to town.<sup>112</sup>

The lesson from the 2002 election was that there was a need for a “broader, long-term citizenship education program, to include voter education along with education on the role of government under the constitution...”<sup>113</sup> In the by-elections, the need for civic awareness and voter education on the tenets of good governance so as to generate and foster demands for good clean elections was glaringly obvious. Such awareness should seek to educate voters on electoral laws and electoral offences, as well as voter’s rights and responsibilities.

All the reports show that when elections go wrong the integrity of the entire system is compromised. The high number of electoral petitions after the 2002 elections is a sign of what happens when things break down, in other countries one would see widespread rejection of the legitimacy of those ‘elected’. Yet there is no evidence in the minimal literature on voter awareness that cheating destroys the process. There seems to be little understanding of the appropriate response to tampering with a ballot box, either from voters or many officials. While offences and appropriate measures are set out in legislation, they are not widely known or enforced.

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<sup>111</sup> Ibid p 22.

<sup>112</sup> Standish, above n 10, p 141.

<sup>113</sup> AusAid, above n 6, p 18.

In addition to voter awareness, there is a clear argument that voters currently understand that the incentives encourage cheating through effective penalties. Security is not enough; no amount of security will secure the integrity of elections against the widespread determination of voters to cheat the rules, as Chimbu shows.<sup>114</sup> To take one simple example, voters need to understand, and believe in, and uphold, the integrity of the electoral rolls. As the IPS report indicated, the rolls should be a key tool to limit cheating not *the means by which cheating happens*. In terms of indices of voter awareness, there is the further problem that without confidence in the rolls and indeed in the integrity of the voting, one cannot rely on any of the core measures of awareness, including voter turnout and registration – and even informal votes (because if large numbers of ballots are marked by people other than the actual voter, one has no idea what the real rate of spoiled ballots might have been).

The analysis of the commentary on the literature concerning participants' knowledge of 'the electoral system' (and any voter education concerning) might be summarised as follows:

- There is abundant evidence that suggests that voters and candidates have their own picture about the purposes of elections, as well as the 'real rules' of how elections are actually carried out – this picture varies across the country in its compliance with formal rules. The Highlands are clearly at one end of a scale of pressures for non-compliance wherever possible. Other areas show more compliance. But there are very widespread concerns about breaches of core parts of election rules, including the supposed prohibition on bribery/treating.
- The core recommendations of external groups post 2002, suggested that electoral education at this level was likely to be critical to rebuilding the electoral process for the 2007 elections. However, we were not aware of any substantive analysis of any attempt to conduct electoral education concerning how the 'electoral system' widely viewed is supposed to work, and how such an education programme might confront the realities of the 'political culture' in PNG.

Representational notions are of course adaptable to local circumstance and culture – but the evidence suggests that there is a profound gap between the formal system as intended and what actually happens in the living polity of PNG. Confronting this gap is the critical challenge for voter education, broadly termed. There is no evidence of educational programmes linking representative democracy, ownership of the process, compliance, check and balances and the rule of law.

There was no evidence in the literature that electoral laws and specifically electoral offences were widely advertised during the election period. In Abau, for example, the offences were listed in the PNGEC handbook for candidates, but were not advertised more broadly. The Electoral Commissioner, Andrew Trawen, noted that illegal practices had not been spelled out clearly as electoral offences. All the evidence supports the view that is essential that voters understand that persons convicted of electoral offences will be charged and fined, and that this is actually followed through.<sup>115</sup> It would no doubt be helpful to voluntary compliance if candidates and their most energetic system-playing supporters also believed in the possibility of similar such sanctions applying to them.

As we have seen, there are no stark boundaries in the reports about elections that distinguish between knowledge of, and attitudes towards, the *electoral system* as a whole, and *voting*. For this reason, we have already identified a number of issues that relate to voting (including Ben Reilly's

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<sup>114</sup> Ladley, above n 26, p 3.

<sup>115</sup> Trawen, above n 5, p 4

work) as they illustrate wider views of the system more broadly. But we turn now to consider the more specific evidence about LPV and voter education relating to the new system.

#### **4. “Voting Information” - particularly concerning LPV**

##### **a) Policy goals**

Although the type of information necessary under this basic level of voter education is wider than the actual mechanism of voting, it is perhaps inevitable that reporting and analysis concentrated on LPV, given its newness. By any measure this was a very major change in the voting system, and it had enormous potential to go wrong.

As noted the Limited Preferential Voting (LPV) system followed the 2002 elections and was a core policy response aimed at changing electoral practices and the behaviour of all concerned.<sup>116</sup> LPV has now been used in ten post-2002 by-elections.<sup>117</sup> Independent observer teams closely monitored and reported on each and these form the basis of the review.

We are aware in the led up to the 2007 elections that a great deal of information has been produced by the PNGEC, Caritas and Transparency International PNG included the General Election Guide, sample candidate posters, the scrutineers’ and candidates’ handbooks, dos and don’ts posters, posters on LPV in English, Pidgin and Motu, stickers, caps, bags and T-shirts. There is also advertising on TV, radio and through newspaper inserts. In addition a great deal training has been given by the same groups, as well as by the Ombudsman Commission and other NGOs, including mock elections and counting for schools.<sup>118</sup>

The introduction of LPV was partly to increase the mandate and quality of MPs and it was ‘sold’ as such through a media campaign by the Election Reform Project run by Transparency International in 2001. Bill Standish points out that in combination with the OLIPPAC party electoral reform, it was felt that these would cure PNG’s political ills.<sup>119</sup> LPV can thus be seen as an attempt at political engineering, to change voters’ behaviour and culture and to break down pervasive localism found in most areas of PNG. The many arguments used to promote LPV – campaigning outside of local areas, preference-swapping alliances, accommodative campaigning, less conflict and violence, eased tensions in communities, more freedom for women, strong mandates, fewer candidates, strengthened political parties in combinations with the integrity laws – can only have a hope of coming to fruition if voters understand the electoral system and LPV in particular. It is evident in the literature that the system has been used in unanticipated ways, under the influence of political cultures.

Considerable effort has been made in the literature to find measures to see if information is understood. The classic indicators are things like spoiled ballots, successful counts, candidates articulating clear positive preference choice for supporters (like a ‘how to vote’ card one would see in Australia) and accommodative campaigning. *It is however very difficult to find information on candidates and voters’ awareness as no surveys were available and there is very little detail in the by-election reports as to how the awareness was conducted i.e the mechanism employed such as those noted above in relation to the 2007 election.* This Report has therefore had to analyse the information and training given to officials, civil society, candidates and voters in light of the

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<sup>116</sup> Through the 2002 amendments to the Organic Law on National and Local-Level Elections (ONLGE 2002).

<sup>117</sup> 2003 – Abua; 2004 – Yangoru-Saussia, Chimbu, Wabag, Anglimp-South Wahgi and Moresby North-East, 2006 – Bougainville, Chuave, Koroba-Lake Kapiago and National Capital District.

<sup>118</sup> Information taken off the PNGEC’s website [www.pngec.gov.pg](http://www.pngec.gov.pg)

<sup>119</sup> Standish, above n 39, p 197.

behavioural outcomes to determine success and most importantly any change in behaviour from the 2002 Elections.

## **b) Information and training of by-election officials and lessons learned**

All the evidence supports the simple observation that officials are key actors in elections. Without them being well informed and properly trained, polling day will not have a solid foundation. Across the by-election reports, evidence of the lack of appropriate information and training was universally exposed. In K-LK what little was provided to polling officials was considered to be of a very poor standard and some wards did not receive anything. Manuals were in English which was problematic as many of the officials were not fluent English speakers, and translation varied depending on the trainer.<sup>120</sup> In Wabag the counting teams were given a day of training before the election and last minute instruction on the procedures before taking up their duty.<sup>121</sup> In Chimbu and Anglimp-South Wahgi training for senior polling staff was undertaken late and in some cases training for polling teams was negligible.<sup>122</sup> In Abau the information manuals were behind schedule and there was only limited training. Presiding officers were briefed on the details of LPV one day before they went out to commence polling!<sup>123</sup> A useful leaflet demonstrating both elimination and distribution (but not exhausted votes) was printed just in time for use by polling teams.<sup>124</sup> In Yangoru-Saussia officials had taken part in the Abau by-election, which meant they had the best possible training – hands on experience.<sup>125</sup> A more positive view of the training workshops was evident in the report from Moresby-North East, but here too observers felt there should have been more, particularly round the complexity of the count.<sup>126</sup>

Despite lack of training or understanding, polling officials did respond to community demand and attempt to give some basic awareness immediately prior to polling in a number of by-elections. In K-LK, police stepped in and answered voters' questions. Understandably, since details on the count had often been omitted in training, this tended to be limited to the need to mark 1,2,3 to formalise the vote.<sup>127</sup> Observers heard LPV formalisation reminders at polling stations in Abau and Bougainville on but there were no such reminders across much of NCD with only rare incidences noted in Moresby North-West.<sup>128</sup> Observers saw one solitary LPV poster prominently displayed at a polling station and this was at Kilakila Community Hall. No other aids were observed other than polling staff wearing 'awareness' tee shirts.<sup>129</sup>

All these reports thus support the observation of how important it is for officials to be trained on all stages of the election process in order to ensure that the basic LPV system works, including a single voting paper per enrolled eligible voter. In Bougainville training was clearly linked to broader voter education as officials were taught and then sent out to educate the people. They were also trained on the count, although the observation team thought this was inadequate and too brief.<sup>130</sup> Many

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<sup>120</sup> Haley et al, above n 34, p 30.

<sup>121</sup> Gibbs, above n 49, p 4.

<sup>122</sup> Standish et al, above n 106, p 3.

<sup>123</sup> Bill Standish (2004) (with Alphonse Gelu, Henry Okole, Orovu Sepoe, Agaru Kaiulo and Cecily Kome) 'Limited Preferential Voting in Papua New Guinea: Report on Abau By-Election of December 2003' February, p ii

<sup>124</sup> Ibid p 31

<sup>125</sup> Okole et al, above n 28, p 32.

<sup>126</sup> Ketan et al, above n 31, pp 6 & 8.

<sup>127</sup> Haley et al, above n 34, p 31.

<sup>128</sup> Sepoe et al, above n 32, p 38.

<sup>129</sup> Sepoe et al, above n 100, p 30.

<sup>130</sup> Sepoe et al, above n 32, pp 24 & 26.

counting officials spoken to by the observers said that they themselves only fully understood the system once they had participated in the process.

Officials are a useful indicator of awareness of the system. Officials' safety, voter confidence in them, their own confidence in the elections and any allegations of corruption builds a picture of the functioning of the system as well as how the actual voting goes on the day. For instance of election officials felt that there was a lack of preparedness, that people were confused about the LPV voting or counting, or on the reforms to the ballot papers and other election issues.

The IPS audit team noted that in one province in the 2002 Highlands elections, enormous pressure had been put on the Returning Officer, including threats to his life, to declare results following massive violence and electoral fraud. The Returning Officer refused, but had to flee for his life. In the same province the wife of a Returning Officer was shot and killed.<sup>131</sup>

The politicised nature of the provincial officials, who are in charge of conducting elections, was echoed in reports from all by-elections (except Abau). In Chuave in 2006 the observers reported a huge suspicion of 'officialdom' and it was commonly stated that officials and police were politically aligned or bought off.<sup>132</sup> However the observation team saw no evidence that the polling officials pre-marked any ballot papers as was seen in 2002 and 2004 in Chimbu.<sup>133</sup> The NCD observers similarly reported low levels of trust and confidence in the conduct of officials, including allegations of malpractice, which affected the by-election "from start to finish". In K-LK in 2006 the Returning Officer and the Assistant Returning Officer for Lake Kapiago were both former associates of the previous holder of the seat and admitted that political interference on the part of the Provincial Administrator had seen them appointed to their positions. They told observers that this created a situation where they were beholden to their benefactors.<sup>134</sup> In South Koroba, papers were left in the custody of the presiding officer, not locked in ballot boxes guarded by police, which raises doubts about the integrity of the boxes. In NCD presiding officers manipulated the count and one was reportedly charged.<sup>135</sup>

Officials in Abau did the best they could. For example, whenever he could, the presiding officer witnessed that the voter's wishes were being carried out by the 'assistant'.<sup>136</sup>

### **c) Information and training of candidates and lessons learned**

Candidate awareness was hampered by lack of understanding of the importance of turning up to LPV information sessions and for those that did attend, inadequate information. The training of candidates varied across the by-elections, but the widespread feeling was that it was "too little too late". In Abau, candidates did not attend the briefing sessions and information provided for them did not arrive on time. Most did not see the useful leaflet produced at the last minute for polling staff.<sup>137</sup> In K-LK only about half of the candidates attended training.<sup>138</sup> In the NCD the training day for candidates was poorly attended and was not held until well into the mid campaign period.<sup>139</sup> In other areas, like Chuave, the literature notes that no training seemed to have been provided.<sup>140</sup>

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<sup>131</sup>Ladley, above n 26, p 16

<sup>132</sup>Standish et al, above 51, p 23.

<sup>133</sup>Ibid p 29.

<sup>134</sup>Haley et al, above n 34, p 28.

<sup>135</sup>Ketan et al, above n 31, pp 6, 39 & 54.

<sup>136</sup>Standish et al, above n 123, p 42.

<sup>137</sup>Ibid p 31; Okole et al, above n 28, p vi.

<sup>138</sup>Haley et al, above n 34, p 31.

<sup>139</sup>Sepoe et al, above n 100, pp 12 & 21.

<sup>140</sup>Standish et al, above 51, p 17.

The behaviour of candidates reinforces the failure of awareness of preferences. In K-LK for example observers noted that it was evident from the way many of the candidates only campaigned locally, just as they had under FPTP, that they did not fully understand the importance of preferences.<sup>141</sup> This is another example of the influence of culture. Candidates are often entrenched in parochial communities and believe that they only need the support of their home base and relatives to win. In the few examples where candidates did campaign more widely, as in the case of two candidates in Abau and Chimbu, they received huge proportions of preferences from across the electorate – but understandably not from their village rivals.<sup>142</sup>

Across the by-elections, observers stressed that candidates' lack of understanding of LPV meant they could not publicly advocate a pattern of preference allocation except in negative ways.<sup>143</sup> There were very few examples of the PNG equivalent of a 'how to vote' card, like instructions repeated verbally during campaigning. In most cases, the flow on effect from lack of understanding was that candidates advocated the negative use of preferences, advising voters to give their preferences to weak candidates or to block allies. This was the case in all by-elections and was unexpected by the authors of the reports, as was the practice of using dummy candidates in Moresby North East and Anglimp-South Wahgi to channel preferences to the sponsoring candidate.<sup>144</sup> While there is nothing wrong, the negative use of preferences in principle, it does effectively mean that they are wasted (weak candidates would continue to collect second and third preferences after they had been eliminated and the votes needed to increase numbers for the remaining candidates are drastically reduced). On the other hand it clearly shows the creative adaptation of preferences to suit their own circumstances. Candidates also told observers that their lack of understanding had effected how they and their teams campaigned.<sup>145</sup>

#### **d) The role of civil society and lessons learned**

The literature shows that in most cases, awareness preparation for the by-elections did not utilise the help of locally based members of civil society (like teachers, church leaders, women's groups, youth groups, and health workers) to assist in education despite huge eagerness to assist.<sup>146</sup> According to Standish, there are many thriving non-government organisations in the provinces who could be made use of.<sup>147</sup> A number of them proactively performed citizen education and sought to raise political consciousness such as HELP Resources (Wewak), the Bismarck-Ramu Group (in Madang) and Meri I Kirapim Sapotim in the Chimbu and wider Highlands region.<sup>148</sup>

A novel approach in Bougainville was to involve young people in the counting process. This is a positive move towards political education amongst young people who in the future will be more aware of LPV and could become key agents of education about LPV and the electoral process as a whole. The observation team reported this positively and said that students involved came away with a solid understanding of the system.<sup>149</sup>

Sarah Garap was impressed by the LPV system workshops held at the Granville Hotel in the NCD and at Ampo Lutheran Seminary in Lae. Her only criticism was that participants were selected via

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<sup>141</sup> Haley et al, above n 34, p 25; Sepoe et al, above n 100, p 21.

<sup>142</sup> Standish, above n 13, p 6.

<sup>143</sup> See for example Standish et al, above n 123, p iii ; Okole et al , above n 28, p 28; Standish et al, above 51, p 5.

<sup>144</sup> Ketan et al, above n 31, p 20.

<sup>145</sup> Standish, above n 13, p 9.

<sup>146</sup> Standish et al, above n 123, p 31.

<sup>147</sup> Standish, above n 39, p 204.

<sup>148</sup> Standish et al, above n 123, p 31.

<sup>149</sup> Sepoe et al , above n 32, p 26.

advertisements when she thought that they should have come from a cross section of organisation like universities and schools. This pool of contacts could be used by the PNGEC in the participants' local areas and places of work.<sup>150</sup>

Standish makes an important point about the kinds of people conducting awareness training - generally locally based public servants - who may lack the flair needed for public presentation.<sup>151</sup> The skills of those with good presentation skills, school teachers for example, should be harnessed. Not only that, but the lack of incorporation of civil society into the awareness campaign means that the sustainability of LPV awareness has been ignored along with potential avenues for getting awareness into remote communities. It was reported to the observers at the Abau by-election, that in the remote area of Amazon Bay, local leaders were used to assist with awareness and this had apparently worked well.

Although outside the ambit of this report, the literature strongly recommends that the media also needs good training so that their reporting and commentary can inform the public not spread misinformation.

#### **e) The education of voters and lessons learned.**

LPV was used by most of these voters in the by-elections for the first time. Harking back to the categories of participant knowledge one would expect to see evidence of the respective levels of *voter information* and *electoral system* in the education programmes because of this major change to the electoral system. In addition, because of the level of violence and intimidation in the 2002 elections, tailored strategies should be employed in certain areas, particularly the Highlands.

The Abau by-election was the first use of LPV and was fairly successful. Two major achievements were recognised by the observers - the community awareness programme explaining LPV and the requirements of formal and valid votes which produced a high rate of success, despite earlier fears in the interim report of the potential for there to be large numbers of informal votes.

Voters, for the most part, understood how to vote with LPV after awareness teams spread the word and covered 100 village locations. Teaching aids were minimal and included a few coloured posters and stickers for vehicles (*LPV, 1,2,3 – Now that's fair!*). The observers felt that voter education was rushed and lacked forewarning, so that some people missed sessions (some were not aware of LPV until they arrived at the polls). The 1,2,3 message was repeated on FM100 radio from three weeks before the election. The electorate is fortunate to have good reception.

Small exit polls however showed widespread knowledge of the basics of how to vote and that this had been garnered from official sources, local people and some candidates. Voters were "happy" with the opportunity to cast preferences. Spreading the word about the need to mark three preferences with limited teaching material is remarkable, but it is important to stress that this easygoing picture is not representative of the other by-elections. In Abau there were only six candidates, one of whom was dominant (and would have won under FPTP also) and compared to other areas, Abau has a small well-educated population.

Reports from the nine other by-elections showed general understanding of the need to vote 1,2,3 for the vote to be formal.<sup>152</sup> Accepting the problems of drawing conclusions where there is accompanying evidence of multiple voting (which distorts percentages because often a few people

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<sup>150</sup> Sarah Garap (2005) 'Report on PNGEC election enrolment/LPV system workshops' November.

<sup>151</sup> Standish, above n 13, p 9.

<sup>152</sup> Standish, above n 39, p 202.

do the bulk of the actual voting) informal votes were relatively low in most areas: in Chimbu was 0.4%, Chuave 0.45%, Koroba-Lake Kapiago 0.46%, Wabag 0.9%, Anglimp-South Wahgi 1.1%, Yangoru-Saussia 1.1%, Abau 1.9%,<sup>153</sup>, but were surprisingly high in Moresby North-East 3.3% and National Capital District 3.6% (compared to 0.45% in 2002!), and also high in Bougainville 5%. There were a small number of voters mentioned in each of the reports that had not heard about LPV at all until polling day.<sup>154</sup> Awareness as a whole was patchy in its coverage, timing and effectiveness.

In the Chuave by-election, voters had the advantage of some LPV experience from the 2004 by-election in Chimbu. As in 2004, the PNGEC funded teams were criticised by observers for not making the most effective use of local resources and for staying on main roads – it must be noted that the area is particularly mountainous! There was almost no public awareness from any official sources on LPV.<sup>155</sup> Community LPV awareness for voters (as well as candidates and scrutineers) was done at the last minute by Meri I Kirap Sapotim, the women’s advancement NGO and included information on good governance. People responded positively to the education but voters admitted that they had committed to candidates months beforehand and therefore it was belated. Voters said that for awareness to be effective, it needed to be done six months before the election.<sup>156</sup> T The observers and NGO workers were particularly concerned that voters would be confused with the new candidate poster and ballot paper.<sup>157</sup>

In the K-LK electorate, the observers were of the view that little if any LPV awareness had been undertaken prior to polling day by the PNGEC. In Chimbu, awareness campaigns were conducted by PNGEC using local officials but this was done late, around the time of nominations.<sup>158</sup> In Bougainville the two methods used in awareness were Radio Bougainville and the other was the aforementioned training of officials who then returned to their areas and informed the people.<sup>159</sup>

The PNGEC report on LPV awareness in Moresby North-East by Margaret Vagi, states that their programme focused on counting and the importance of preferences, alongside the change to LPV and the voting process.<sup>160</sup> She further reports that there were “no real problems” because most people had received the message through radio, TV and newspaper. However the high informal vote suggest otherwise.

In 2003, the Media Council and PNGEC conducted two public internet polls using LPV to find the No.1 NRL Player Poll and Miss PNG. These enabled people nation wide to properly make their preferences and also served as educational tools for the PNGEC staff members located in the provinces.<sup>161</sup> It was mentioned in the observer report from Abau that those people who came home from Port Moresby had found this particularly illustrative.

An identical finding in all the by-election reports was that awareness campaigns mainly focused on the formality of voting 1,2,3 without satisfactory explanation (or demonstration where applicable) of preferences, the counting and elimination process or electoral offences. This meant that the vast

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<sup>153</sup> Percentages taken from observer reports and from Standish, above n 39.

<sup>154</sup> For example, Standish et al, above n 123, p 17

<sup>155</sup> Standish et al, above 51, p 5.

<sup>156</sup> Ibid pp 5 & 8.

<sup>157</sup> Ibid, p 8.

<sup>158</sup> Standish, above n 39, p 207.

<sup>159</sup> Sepoe et al, above n 32, p 19.

<sup>160</sup> Margaret Vagi (2004) ‘Final Report on LPV Awareness in Moresby North-East Election 2004’ Papua New Guinea Electoral Commission, p 2.

<sup>161</sup> Only 22,656 people participated though.

majority of voters in all by-elections were reported by observers as saying they did not understand the system and were “worried” about the counting process. There was also little discussion of the motivation for introducing LPV. Even in Abau, there was little voter knowledge of why the voting system had been changed or how the scrutiny of votes would be conducted.<sup>162</sup> Philip Gibb found it difficult to say to what degree the LPV was really tested in the Wabag open by election. Voters were focused on first preference and the local political culture involving intimidation and material enticements appeared to dominate.<sup>163</sup> In Bougainville the Returning Officer is reported as saying that the marking of preferences was emphasized while the counting method and procedures was reserved for the officials.<sup>164</sup>

There was a slightly mixed message in the report from the observer team in Yangoru-Saussia. In the executive summary, it states that community awareness did not reach some parts of the electorate and many voters did not understand the system, but that this “this was not a major problem”.<sup>165</sup> Yet in their key observations they state that awareness covered all the villages in the electorate and the people were shown how to make their preferences under LPV in English, Pidgin and by demonstration, and were also informed of the motivation behind the new system.<sup>166</sup> Further on in the report the patchy nature of the campaign is once again discussed.<sup>167</sup> If the awareness campaign was as broad as indicated, then this is the one example we found in the literature from independent observers across the ten by-elections.

As Standish et al note “knowledge of procedures for counting preferences is essential for elections under LPV, and affects how candidates campaign and how people at large allocate preferences.”<sup>168</sup> Confusion over preferences was significant. NCD voters were often overheard saying that they would only give vote 1 to a particular candidate and would not use the subsequent preferences.<sup>169</sup> At Yangoru-Saussia, voters complained to observers that it was easier to predict a winner under FPTP.<sup>170</sup> The lack of understanding obviously impacted on the use of preferences and this was compounded in areas where misinformation filled the void. In the K-LK district for example, incorrect information about the count was unwittingly provided during one of the few examples of formal awareness given by Mendi Catholic Diocese to students from Tari High School. One student, known to the observer team, then travelled home for the election and passed this misinformation on to his fellow clan members, which caused heated discussion on the allocation of preferences.<sup>171</sup> In Chimbu, as in several other by-elections, voters were inventing their own versions of the counting process (first preference is worth 6 points; second 4 and third 2 was a common example).<sup>172</sup>

In response to anxiety over the count in Abau, officials were given useful and informative posters which included a diagram demonstrating the initial count, process of elimination and flow of preferences a few days before polling.<sup>173</sup> However in many by-elections observers were personally

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<sup>162</sup> Standish et al, above n 123, p 2.

<sup>163</sup> Gibbs, above n 49, p 7.

<sup>164</sup> Sepoe et al, above n 32, p 18.

<sup>165</sup> Okole et al, above n 28, pp vi & 20.

<sup>166</sup> Ibid p 12.

<sup>167</sup> Ibid p 20. They also said that the problems highlight in the report ‘not significantly undermine the by-election’s aim of maintaining integrity and fairness in the electoral process, and the voters’ freedom in casting their votes.

<sup>168</sup> Standish et al, above n 51, p 5.

<sup>169</sup> Tomba, above n 36, p 6.

<sup>170</sup> Okole et al, above n 28, p 25.

<sup>171</sup> Haley et al, above n 34, p 31.

<sup>172</sup> Standish, above n 39, p 207.

<sup>173</sup> Standish et al, above n 123, p 8.

asked questions about the LPV system, clearly illustrating the lack of understanding and the hunger for information about all aspects of LPV.<sup>174</sup> Without information on how preferences are used, voters will not be able to strategise effectively about how to use their votes. Understanding the count is crucial to ease anxiety, especially when the actual counting process takes longer than FPTP.

The literature reveals widespread confusion and irritation occurred over the concept of an ‘absolute majority’, that for a candidate to be successful, they would need to secure 50% + 1 of the vote.<sup>175</sup> LPV awareness seemed to stress this but there has been a lack of clarification that it is an absolute majority of live votes at the *final* count, after the eliminations, not of valid votes in the primary count.<sup>176</sup> This was not helped in the NCD by NBC radio talkback panel members talking of an absolute majority while the counting of the primary vote was still in progress.<sup>177</sup>

The lack of knowledge on LPV in the NCD is of huge concern given that this is an urban electorate with the best possible access to all means of communication and transportation. The level of informal votes in the central areas suggests that the medium of communication is important. Margaret Vagi’s official report on LPV awareness in Moresby North-East by-Election helpfully lists the materials that were used during the campaign – posters (including dos and don’ts) and flyers in a range of languages, bumper stickers, note pads, video tapes, tee shirts and pamphlets, along with radio, tv and newspaper messages.<sup>178</sup> The Commonwealth Experts Group looking at the 2002 election were concerned at the high percentage of PNGEC expenditure on advertising and information that took place on television and in print media at the expense radio. Many rural areas rely on the radio as the only source of information. Joseph Ketan et al’s field observations suggest that conventional methods, including TV, newspapers and leaflets are often ineffective.<sup>179</sup> A number of factors need to be taken into account when devising awareness campaigns including cultural diversity, accessibility and level of literacy. Plays and drama performances are viewed as good option, particularly for rural areas and urban squatter settlements. A reasonable amount of information was found on the PNGEC website which in theory is useful but it is doubted that computer and internet usage in PNG is very widespread.

It is clear that two significant vote education programmes have been run in the lead up to the 2007 general elections. The first is Voter Education and Democratic Governance Awareness Project (VEDGAP) which uses live drama to provide education and awareness about electoral governance and LPV, particularly in remote locations.<sup>180</sup> The second is called the Electoral Education Awareness Programme and this is being run by Caritas PNG working in partnership with the Papua New Guinea Electoral Commission and funded by AusAID through the Electoral Support Program. The aim of this endeavour is to empower and educate people so they make their own decisions about choosing good leaders by understanding the voting process. We cannot comment on the initiatives however as there is no mention of them in the literature.

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<sup>174</sup> Examples of questions – do we have to mark a second and third preference? What if we only want to vote for one candidate? What happens if your second preference is eliminated before your first? How and when do third preferences come into play? Can we give 1,2,3 to the same candidate? Can we give our third preference back to the first candidate? How much are the preferences worth? How do they add up preferences? Do we have three votes now?

<sup>175</sup> Haley et al, above n 34, p 30; Standish, above n 39, p 201.

<sup>176</sup> Standish, above n 13, p 5.

<sup>177</sup> Sepoe et al, above n 100, p 60.

<sup>178</sup> Vagi, above n 160, p 1.

<sup>179</sup> Ketan et al, above n 31, p 3.

<sup>180</sup> An initiative funded by UNDP and implemented by Transparency International PNG (TI PNG).

The conclusion of the various observer teams, was that LPV awareness must have focused predominantly on the need to vote 1,2,3 given the comments from voters and the general lack of understanding of any other aspect of the system. Without fail, with the evidence collected, all observer teams strongly recommended more, more, more! In the NCD, the unemployed youth, security guards and drivers were often the most well informed as they had attended many rallies. This shows the benefits of repeated messages and exposure.

#### **f) Mandates**

We return briefly to the issue of mandates as this was one of the measurable performance indicators employed by Benjamin Reilly to show the success of LPV. He believes that there has been a tripling of the average proportion of the vote obtained in the first six by elections by the winning candidate when compared with 1997 and 2002. Given the mathematics of the system, this is less of a major achievement and closer to an inevitable outcome. Bill Standish calculations show that there is evidence of an increase in the overall mandates when looking at as the final total of primary votes and preferences a candidate ended up with as a proportion of total valid votes in the initial count. In Abau and Wagbag the winners' mandates were around 50% and in Anglimp South Waghi, Chimbu, Yangoru Saussia and Moresby North East they were in the range of 22 – 29% but extremely close final margins were also evident.<sup>181</sup> His more recent calculations see a 10-20 per cent increase on the mandates from 2002. This cannot change unless the number of candidates is greatly reduced but there is no incentive for this to happen under LPV. This small increase perhaps also reflects the negative use of preferences and the general lack of understanding of candidates and voters on preferences generally.

#### **g) Horses for courses**

Geographic, linguistic and other challenges compound voter access and reception to awareness campaigns. Logic suggest that where there are indications of problems, resources would be poured in to that area or that strategic campaigns would be developed to deal with certain groups of voters. Apart from the availability of information in the three lingua francae, the literature does not reveal anything of this nature. There should be differentiated responses to different situations, the right horses for the different sorts of courses.

Other jurisdictions have produced substantial literature on the concentrated efforts that they have been employed in problematic areas or the strategies used to target particular groups. One useful example is the garrison communities in Jamaica.<sup>182</sup>

The remoteness of regions does play a factor in voter awareness. In the Bougainville by-election informants told the observers that many people in the outmost parts had not even heard about the by-election or knew who the candidates were.<sup>183</sup> Awareness campaigns were apparently conducted across the entire region two weeks before the issue of writs. The primary means of communication was Radio Bougainville and this caused problems. This need not be the case however, the K-LK observation team, contrary to expectation, found that organisation in the more remote areas of the district proved to be better despite inferior infrastructure and road networks.<sup>184</sup>

On the other hand, the tightly populated 'settlement' areas in Moresby North East caused difficulties because they are perceived as high risk zones and indeed two members of the awareness

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<sup>181</sup> Standish, above n 132, p 7.

<sup>182</sup> For further information, see Laura Neuman, 'Observing the 2002 Jamaica Parliamentary Elections' Special Report of the Carter Centre, April 2003.

<sup>183</sup> Sepoe et al , above n 32, p 14.

<sup>184</sup> Haley et al, above n 34, p 5.

team were attacked.<sup>185</sup> The report bemoans the “nonpresence” of police. The immediate lesson that suggests itself is that teams should be made up of police or security guards and/or be chaperoned by local leaders. Put differently, connecting voting to democracy should be a key part of the message of education programmes. Hence, awareness programmes might be portrayed positively by local media and authorities, such that they are not seen as ‘the other’, but welcomed and respected as assisting the people in their democratic rights.

All this links to the wider view of election education and the goal of securing voluntary compliance with electoral laws, as shown above.

Observer teams encountered a fair degree of anxiety about the new system, particularly amongst elderly people who said they did not know how to write 1,2,3. Aside from assistance on polling day, there is no evidence in the literature of help with writing. There is a high level of illiteracy full stop, the highest in the Pacific (along with around 840 local languages). The by-election ballot papers required the actual writing of numerals not reliance on the old practice of placing an ‘x’.<sup>186</sup> There were many examples of spoiled ballot in the observation reports which showed that illiteracy was an issue (1,2,6 for example.) Awareness campaign needs to be strategic in targeting this large group.

This point suggests a very major concern for the 2007 election with be the most recent changes to the voting system for LPV. Voters will now have to write the candidates’ names or assigned numbers in the spaces beside the 1,2,3 printed on the ballot paper. As the reports show, considerable experience of actual voting has been gained all over the country in the by-elections, and with all the word-of-mouth spreading of that information about LPV and actually writing 1,2,3. However, all of this will be lost because of the need to actually write candidates’ names or numbers in the right boxes. However, we simply note this and it is otherwise beyond the scope of this report. Similarly, we are aware that there have been substantial efforts made in voter education in preparation for the 2007 elections, none of which is within the scope of this report.<sup>187</sup>

Assistance in voting is the dominate response to the problems of the elderly, the blind and the illiterate. However there were a disproportionate number of women who needed assistance across the by-elections. It was therefore recommended in the many of the reports, that women’s groups needed separate voter education because they were obviously not participating in general voter education sessions. In the interim report on the Abau by-election, the observers noted the exclusive use of masculine forms of language in awareness talks and the limited number of women in the LPV awareness teams.<sup>188</sup>

#### **h) Voter attitude towards LPV**

It is constructive to examine information on voter attitude. Positive responses could suggest understanding, democratic acceptance and this is a solid base on which to build willingness to play by the rules.

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<sup>185</sup> Vagi, above n 160, p 3.

<sup>186</sup> UNDP’s Human Development Report 2006 uses figures from 2004 and has the adult (15+) literacy rate at 57.3%, the adult illiteracy rate at 42.7% and females as a % of males at 80%. The PNG 2000 census is similar, adult literacy rate at 56.2%.

<sup>187</sup> We note recent reports of concern amongst electoral officials from Morobe district about lack of preparation for the election (including voter awareness and understanding). <http://www.rnzi.com/pages/news.php?op=read&id=31709>

<sup>188</sup> Standish et al, above n 123, p 22.

Despite the frustration over lack of knowledge of LPV and problems with the roll, voters saw LPV as a “superior” and “fair” system and liked the fact that it afforded them three choices. Three ‘picks’ meant that voters were able to tell more than one candidate that they would vote for them or had voted for them.<sup>189</sup> Making a choice from a field of candidates that may have included relatives and friends had never been easier. Okole et al believe three preferences made voters more thoughtful and more relaxing on polling day. In Yangoru-Saussia and Wabag, the observers surmised that the positive attitude came from hope that the change to LPV would assist in minimising the type of cutthroat electoral competition that had often led to violence under FPTP.<sup>190</sup>

Voters in other parts of the country were also of the view that LPV had helped to reduce the overall level of violence and conflict associated with elections. In K-LK voters enthused about the opportunity to vote for who they liked “without the need for guns” which they admitted was in large part due to the strong police presence.<sup>191</sup> In K-LK in particular, voters were heartened that they actually got to vote as many had been denied this democratic right in previous elections<sup>192</sup>

The literature reveals that the use LPV in the by-elections succeeded in changing the atmosphere of campaigning and produced less stressful voting and less violent aftermaths. However Bill Standish warns the impact of LPV in a number of coastal and Island region provinces may be more beneficial but political competition has never been as intense as in the Highlands’ “political hothouse” partly because these societies are comprised of much smaller clan and village structures.<sup>193</sup> In Bougainville there was minority resistance to LPV from the supporters of Me’ekamui and the Resistance but even some people from these groups voted in the end.<sup>194</sup>

Voters in K-LK also thought that the elections had “gone well”, been “really democratic” and “transparent” (transparent possibly meaning you could see who everyone had voted for, but also that everyone had a chance to vote, including children as members of the community, and absentees were voted for as well). That said, coupled with voter behaviour at many polling stations, it is evidence of the lack of the second category of *electoral education*, including the tenets of good governance.

### **i) Women**

The literature strongly notes that the attitude and practice of women in the by-elections was markedly different from previous PNG elections. Improved security meant they felt safe in exercising their democratic right to vote and most did. Women were active on polling days, even in the Highlands where women had previously encountered violence more frequently than in the coastal regions.<sup>195</sup> Women voters thought that LPV would allow them more freedom, particularly those who felt constrained to vote for the candidate chosen by their husband or family. Where the ideal of individual voting is followed, this would undoubtedly be the case. However, observers at Wabag saw many examples of voting behaviour that did not match this democratic ideal, with the practice of the ‘Enga electoral politics’ mentioned earlier. The observers’ impression of men in K-LK on the other hand, was that the majority did not seem overly concerned with influencing the way their wives voted. Their response was “laik bilong en” (“it’s up to her, her choice”). In this electorate anecdotal evidence was given to observers of women being able to move about freely

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<sup>189</sup> Haley et al, above n 34, p 6.

<sup>190</sup> Okole et al, above n 28, p 24.

<sup>191</sup> Haley et al, above n 34, p 41.

<sup>192</sup> Ibid

<sup>193</sup> Standish, above n 39, p 202.

<sup>194</sup> Sepoe et al, above n 32, p 14.

<sup>195</sup> Orovu Sepoe ‘To make a difference: realities of women’s participation in Papua New Guinea politics’ *Development Bulletin*, October 2002: 39-42, at 40

after the election, without fear of retribution, because they had voted for both the main candidates.<sup>196</sup> This was not just an issue for women; the Chuave observer team stressed in their report the positive affect of LPV elections on freedom of movement for all.<sup>197</sup>

In Abau women told the observer teams that they had followed their family decision on how to allocate preferences. In Moresby North East most female voters were allowed the freedom to make their second and third preferences but the observers believed that first preferences were decided at the family and community levels. This confirms the widely held view that the first preference is an obligatory vote influenced by kinship and economic obligations.<sup>198</sup> In the Highlands, some women laughed at the suggestion of a free vote because it would require a revolution in the collective nature of Highlands' societies.<sup>199</sup> In Bougainville observers saw many women arriving to vote unaccompanied and from anecdotal evidence heard of women who voted despite their husbands being followers of the Me'ekamui government.<sup>200</sup>

It is also evident in the literature that women cannot necessary be detached from the social intricacies of wider PNG society. Women themselves sometimes view female candidates in elections with deep suspicions and tend to vote along family and clan affiliations with male candidates.<sup>201</sup> There are parts of PNG, as among the Bari (Bandi) tribe in Chimbu, where women play an active role in the clan's internal politicking around elections,<sup>202</sup> here but in Chimbu too there have been no women becoming national and very few local council politicians.

Okole et al see culture as trumping the electoral law in relation to gender and political representation;

*what can be assumed from the by-elections under the LPV is that nothing would change for the sake of women candidates just because this is a new electoral system or that OLIPPAC has enabling provisions. While more women have entered electoral races over time, this observer team says that they would be successful not on any voter consideration for the sake of gender balance.*<sup>203</sup>

There have been many hindrances to women's effective participation in electoral politics but this is outside the scope of this review.<sup>204</sup>

There seems to have been little official strategy to bring women into the election process in other ways that would grow awareness and make women feel more comfortable. A general theme running across the by election observer reports was the lack of women employed at polling stations. At Lake Kapiago (K-LK) women expressed anger and publicly challenged the officials over this.<sup>205</sup> Bill Standish noted in the first interim report on the Highlands by-elections of 2004 that all awareness

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<sup>196</sup> Haley et al, above n 34, p 52.

<sup>197</sup> Standish et al, above n 51, p 5.

<sup>198</sup> Ketan et al, above n 31, p 22.

<sup>199</sup> Standish et al, above n 40, p 13

<sup>200</sup> Sepoe et al, above n 32, p 21.

<sup>201</sup> Ketan et al, above n 31, p 13.

<sup>202</sup> Abby McLeod 'Where are the women in Simbu politics?' *Development Bulletin*, October 2002: 43-46

<sup>203</sup> Okole et al, above n 28, p 31.

<sup>204</sup> There is not enough space in this review to address the position of women in PNG politics, please refer to Orovu Sepoe 'To make a difference: realities of women's participation in Papua New Guinea politics' *Development Bulletin*, October 2002: 39-42 and Abby McLeod 'Where are the women in Simbu politics?' *Development Bulletin*, October 2002: 43-46

<sup>205</sup> Haley et al, above n 34, p 52.

team (except NGOs) members were male, which limits the opportunities for women to discuss the issues.

#### **j) Informal votes and voter assistance**

One of the indicators that would traditionally be looked at to determine the effectiveness of voter education is the number of informal votes. The informal vote across the by-elections was actually very low compared with the rates of around 4 % typical in Australia (often protest votes).

Standish (pers comm.) reports that informal votes were high in more developed urban areas in 1972, perhaps because voters were over confident or too proud to be seen to ask for assistance. The observer reports show that low informal votes were evident in electorates that provided assistance to voters. The ‘helpers’ were designated family members, police, candidates’ scrutineers, local people, and presiding officers. In the K-LK by-election, for example, the anxiety over the new system, particularly from elderly voters, resulted in more assisted votes than in previous elections and this was reflected in the very low numbers of informal votes.<sup>206</sup> Where assistance was blocked by police which is what happened in the NCD by-election, informal votes were very high. In Bougainville most of the informal votes were in the North which indicates the total ignorance of LPV.<sup>207</sup>

As noted above, relying on informal voters as an indication of voter awareness is highly problematic in the PNG context however. The danger of assisted voting is that it is used in the intense competition to ‘win’ with complete disregard for the rules. In Chuave, observers were of the view that voters had no choice but to accept assistance from people who not only marked their votes but then checked them repeatedly.<sup>208</sup> This kind of practice – no secret ballot - negates free and fair elections. Privacy of the vote is specified in the electoral law but in many cases voters were supervised. The observers expressed concern that official assistance or a witness should be present to ensure that the voter’s choice is actually being followed.

The literature however is not united in identifying the risk of relying on informal vote statistics. While the K-LK report strongly rejects any assertion made by PNGEC officials that that low informal votes reflect higher voter awareness<sup>209</sup>, Henry Okole et al see low number of informal votes in Yangoru-Saussia as suggesting that there was voter awareness of the need to express three numbered preferences under LPV.<sup>210</sup>

We believe that the most that can be said is that there is a geographical pattern in the informal voter percentages corresponding to behaviour of participants. The high numbers in the urban capital areas can partly be attributed to ineffective LPV awareness, and allegedly, deliberate invalidation of ballots by presiding officers and protest votes. The low numbers of informal votes in the Highlands can partly be explained in the context of ‘controlled’ or ‘consensus’ voting, whereby preferences were marked by supporters of candidates. It is impossible however, to rely further on the informal voter percentages because of their unreliable nature. This is in stark contrast to the experience of Fiji. Dr Wadan Narsey was able to rely on the percentages to show the impact of a massive education campaign before the 2006 general election. Invalid votes decreased significantly from 2001 (12.5%) to 2006 (8.6%). He was also able to identify constituencies with a high proportion of informal votes that need targeting in the future.<sup>211</sup>

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<sup>206</sup> Ibid p 4.

<sup>207</sup> Sepoe et al, above n 32, p 25.

<sup>208</sup> Standish et al, above n 51, p 5.

<sup>209</sup> Haley et al, above n 34, p 48.

<sup>210</sup> Okole et al, above n 28, p vii.

<sup>211</sup> Wadan Narsey ‘The People Have Spoken: Time to move on’ *Islands Business*, June 2006: 21-22.

### k) Concluding comments

It is important to stress that the by-elections has been learning experiences in themselves for all concerned, but there are some positive indications in the by-elections of voter knowledge and awareness of LPV and their attitude and behaviour towards it, including:

- voter education on the new LPV system strongly cemented in the minds of voters the need to mark 1,2,3 to formalise their votes, with very good comprehension of basic concepts – when, where and how to vote .
- voters were positive about LPV and candidates and supporters were less antagonistic towards each other.
- the by-elections show that under LPV the possibility exists for considerable widening of candidates’ support bases and that a peaceful election can be held where massive state resources are applied.

However Ketan et al observe that that LPV (and OLIPPAC) are aimed at changing human behaviour in the classic top-down approach, where it is expected that reforms introduced at the national level can lead to significant changes at the grassroots level.<sup>212</sup>

As we have argued above, without a comprehensive and differentiated education campaign, this is a very tall order. There was no evidence of the broader systematic category two *electoral education* needed to link the basic voting information with the broader concepts. Voters in the by-elections lack thorough understanding of the LPV system, even the ‘who’ should vote. The core awareness seems to have changed from gaming 1 to gaming 3 votes. There is still coercion to align voters to distribute votes in a particular way. There is still vote buying. There are still people who fix deals with candidates and political parties to distribute preferences without the knowledge of voters. Jon Fraenkel argues that the lesson from Fiji for PNG is that parliamentary reforms were predicated on “exaggerated claims about institutional causes of governance failures and naïve expectations that juggling electoral rules will transform political culture”.<sup>213</sup> Institutions can shape behaviour but they do not automatically trump behaviour nor does behaviour necessarily defeat the system.

These arguments show the importance of education linked to the entire system. If elections go wrong, the integrity of the entire process is at risk. Instead of good elections feeding good governance, and vice-versa, the danger is that the entire cycle might become corrupted.

As we have argued regarding the ‘regulatory pyramid’ LPV alone cannot change this cycle, though it might indeed be one part of a complex array of solutions is education if properly conducted. There must be a way that voter education can appeal to culture concepts of fairness and rebuild the notion that the Electoral Commission enables and assists the voter’s choice but that there are reciprocal obligations on the people to make this a fair process.

We echo the importance of increased citizenship education, including voters’ rights and responsibilities, as well as the need for specific community awareness programs on the LPV. Electoral education should be a package building consent about the broader system, not only focusing on basic information for voters to vote successfully. Murray Wicks made a very good point that bearing in mind the high level of habitual fraudulent voter registration and cheating, it is a shame that a ‘one-person, one-ballot paper, one-enrolment’ campaign was not run which would helpfully link why you re-enrol and vote once, with penalties if you offend.<sup>214</sup>

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<sup>212</sup> Ketan et al, above n 31, p 10.

<sup>213</sup> Fraenkel, above n 12, p 130.

<sup>214</sup> Wicks, above n 96.

## 5. Conclusion

### a) Connecting the dots

Returning to our core objectives in this Report, we have assessed relevant reports and literature and group our conclusions responding to the Terms of Reference.

A key suggestion is that it is useful in assessing the literature, to categorise different levels of awareness of and educational programmes about elections, focusing here on a primary level of information about actual voting, and a broader level with information about how the electoral system actually works. Making sense of the goals here is also assisted, we suggest, by drawing on the wider field of ‘regulation theory and practice’ that seeks to explain the graded connection between education and compulsion in seeking to change behaviour towards certain objectives. Those processes depend on clear information about ‘the subjects’, including their views, cultures, attitudes and ‘what works for them’ in the mixture of incentives and disincentives. Putting all this into a cycle of ‘connecting the dots’ between policy, education, and actual behaviour, is also useful for understanding the literature and learning lessons.

Assessing the literature on the *electoral system*, the evidence suggested the importance of considering both the realities of what citizens already ‘know and do’, as well as what an educational programme might try to achieve at this level. The literature suggests that there is no specific educational activity that tries to ‘bridge the gap’ between what actually happens in many areas, and the intended way that the system ‘should’ work. Given that this was amongst the core recommendations after the 2002 elections, this is a significant omission.

Rather, the reports since 2002 suggest that the concentration in the electoral system has been on policy reform by LPV, in getting voters/candidates/officials to understand this change, and in ‘hoping’ that LPV would *of itself* bring about significant change to how all participants actually behaved. With the notable (but not sole) exception of Reilly, the bulk of the commentary suggests however that all the underlying problems of the 2002 elections that relate to voter/candidate views of how to vote, remain inadequately addressed. That said, there are some promising signs that LPV has been welcomed as somehow expanding the democratic choice of voters and as encouraging candidates to be at least less confrontational because of the need to get votes as second or third preferences.

We pause to note that we have only partially been able to assess *trends* in this report. Thus the evidence suggests broadly that the 2002 elections marked the bottom of what had been a steadily declining trend towards chaotic elections, reflecting a wider weakening of government capacity in the provinces as well as in Waigani. Also, there is clear evidence of some worsening trends, including the increasing expenses needed to campaign by handing out money. And there is ongoing evidence that in other respects, how people campaign, and vote, still has plenty of problems compared with what the law intends. That said, we have noted some reported evidence that the LPV by-elections to date, along with other improvements to the rolls and the capacity of the PNGEC, may have marked a turning of the trend.

### b) Information in the literature on voter education

Where information was available in the literature, details of the awareness campaigns (mainly focused solely on LPV) can be summarised as follows:

- **Abau** - Initial awareness campaigns on LPV were carried out by public servants in teams organised by senior district officials at meetings using minimal aids. The main ‘1,2,3’ message was repeated on FM100 radio, starting three weeks before the election.<sup>215</sup>
- **Bougainville** – Two awareness methods employed were the extensive use of Radio Bougainville as the main means of communication about LPV and the by-election. The second method was training the District Managers and the Council of Elders who then returned to their respective localities to pass on what they had learned to the people. Public servants and the Elders were also employed to carry out awareness two weeks prior to the issue of writs. Observers at districts visited sighted shirts, stickers and posters. A media person was recruited to lead the community awareness. At polling sites, the Presiding Officers reminded voters on how to vote using “1, 2, 3”.<sup>216</sup>
- **Chimbu** – There were two phases of community awareness activities. The first conducted by district-based officials was limited in its coverage in that it mostly stuck to main roads and was limited to the need to vote 1,2,3 for a vote to be formal. The second phase of awareness training occurred in mid-May, well into the campaign period, was done by PNGEC headquarters staff and focused on the counting. The observers were told that it concentrated upon training senior polling staff and some scrutineers in counting procedures. The NGO *Meri i Kirap Sapotim (MiKS)* also conducted several awareness meetings, focusing on issues of good governance, free and fair elections and the use of preferences. Observers also saw some leaflets.<sup>217</sup> Joe Hilarai, the team leader, says that officials in teams targeted public places like villages, markets, schools, hospitals and churches.<sup>218</sup>
- **Chuave** – According to the key findings of Bill Standish and Steven Gari (from Meri I Kirap Sapotim) the only real LPV awareness for candidates, scrutineers and voters alike was done late, over the space of a week, by the women’s advancement NGO, Meri I Kirap Sapotim.<sup>219</sup> It seemed that the PNGEC relied on the voters having learned from the Chimbu by-election and there appeared to be no funds for any education in this by-election. A small team spent five days in the last weeks of July travelling around the electorate alongside police doing security awareness.<sup>220</sup>
- **Koroba-Lake Kopiago** - Little if any LPV awareness was undertaken in the electorate and what did take place focussed only on the 1, 2, 3 formality aspect.<sup>221</sup>
- **National Capital District** - The PNGEC conducted LPV awareness through media advertisements on radio, TV and newspapers. Pamphlets and stickers were distributed as well.<sup>222</sup> A list of materials used in included - posters (including dos and don’ts) and flyers in a range of languages, bumper stickers, note pads, video tapes, tee shirts and pamphlets, along with radio, TV and newspaper messages.<sup>223</sup>
- **Moresby North East** – The report from the Margaret Vagi (Director of Information and Community Awareness) provides the best description what awareness entailed in this by-election. There were 34 teams of 3 officials who focuses on “the change of the voting system from X to LPV 1,2,3, the voting procedures, counting procedures and the importance and value of 1,2,3”

<sup>215</sup> Standish et al, above n 123, p 8.

<sup>216</sup> Sepoe, above n 32, p 18.

<sup>217</sup> Standish et al, above n 40, p 3.

<sup>218</sup> Joe Hilarai, (2004) ‘Field Report: Phase One of LPV Awareness Campaign in Chimbu Province’ Papua New Guinea Electoral Commission, p 7

<sup>219</sup> Standish et al, above n 87.

<sup>220</sup> Standish et al, above n 51, p 25.

<sup>221</sup> Haley et al, above n 34, p 30.

<sup>222</sup> Sepoe et al, above n 100, p 20.

<sup>223</sup> Vagi, above n 160.

- *Yangoru Sassuia* - The PNGEC created a division charged with the primary responsibility of carrying out awareness in the electorate, in all the villages. People were shown in public meetings how to make their preferences and how to formalise their vote. This was explained to them in pidgin and simple English and demonstrations were also conducted. The reasons behind the change in the voting system were also explained.<sup>224</sup>
- *Anglimp South Waghi* – The team leader from this electorate said in his report that 31 teams totalling 125 officials visited 80 wards in Minj, Kudjip and Anglimp.<sup>225</sup>
- No information was found on education in *Wabag*

### c) Assessment of what the literature says about: *Voters and The Electoral System*

The terms used here are not consistently distinguishable and hence some repetition is inevitable, but they are used as best as possible.

#### *Knowledge*

- Voters have strong views on the importance of elections and representative politics - but the knowledge has a distinctive character in that it is shaped by elections connected with views of patronage and the search for some form of meaningful advancement. Aspects of the electoral system are more directly focused on ‘money interests’ such that this has arguably come to dominate elections and understanding of what elections are about.
- There is abundant evidence that suggests that voters and candidates have their own picture about the purposes of elections, as well as the ‘real rules’ of how elections are actually carried out – this picture varies across the country in its compliance with formal rules and violence. The Highlands are clearly at one end of the scale. Other areas show more compliance and less violence. But there are very widespread concerns about breaches of core parts of election rules, including the supposed prohibition on bribery/treating.
- *Registration* - Voters in the by-election did not understand the difference between a Electoral roll and the census, which meant that some people were not registered and not able to vote; vastly more appeared to vote multiply because of an expanded roll.

#### *Awareness*

- The literature suggests that there are ongoing problems that stem from a widespread and enduring voter and candidate view that elections are there to be won, by whatever means.
- Voters do not understand and accept core standards of voting, fairness, tolerance, and the connection to the wider democratic system.
- In any particular area, it seems clear that candidates and voters alike understood this issue and its possibilities all too well – indeed, this appears to be a widely-accepted part of ‘voter awareness’ that has led each candidate to try to outdo others in expanding dummy Rolls so that they can match what others are doing in their areas.
- There are many reports that suggest that neither voters nor candidates really believe that compliance with the rules is more advantageous to their chances of winning the election, than cheating.
- There is no evidence in the literature of the Organic Law on the Integrity of Political Parties and Candidates (OLIPPAC) impacting on voters perceptions of candidates. Local issues and identities are far more important than party membership, policy or even money.

<sup>224</sup> Okole et al, above n 28, pp 11 & 12.

<sup>225</sup> A Wari (2004) ‘Update Report on LPV Awareness and common Roll Cleansing at Anglimp South Waghi Electorate’ Papua New Guinea Electoral Commission, 24 February.

### *Attitudes*

- The literature is clear that Papua New Guineans all over the country have in fact embraced elections as a fundamental part of the political system, and are very actively engaged in elections, including those who “zestfully undermine the process”.
- The literature reports widespread public disillusionment with the entire system of elected governments in PNG and that political discourse dominated by talk corruption.
- There are persistent complaints about the lack of broad policy connection in government which makes voters ‘intensely cynical’ about politicians and government generally.
- At its simplest level, this evidence suggests that (like everywhere else in the democratic world), voters and candidates respond to what most concerns their immediate interests, rather than to any broader understanding of representative government. This is not of course any ‘flaw’ in the electoral system or in political culture. It is simply the local flavour of democracy.
- While voters are used to problematic elections prior to 2002, many were deeply shocked at the failure of the 2002 elections and realised how particularly badly governance had deteriorated in the Highlands.
- There is an unfailing high turnover of MPs because voters aspire to acquire ‘development’ as in the local distribution of resources, and these expectations of the roll and responsibility of representatives go unfulfilled. In the 2002 election, 75% of existing MPs were not re-elected.
- Voters are well aware of the Electoral Development Funds and expect MPs to provide endless payments.

### *Behaviour*

- The vast concentration of violence in the 2002 Elections was in the Highlands where the worst problems were. In many other areas, voting proceeded reasonably, whatever the logistical or other problems.
- One key marker of discontent about the integrity of the entire process across all regions, was that 85 electoral petitions were apparently lodged against the 2002 results (out of 103 electorates, with 6 seats were not returned). Whilst high levels of petitions are common in some Pacific states (eg Samoa), in other democracies (eg NZ) election petitions are extremely rare, with only 1 every decade or more.
- The ten by-elections were relatively peaceful and voters were relaxed, particularly in contrast with the turbulent 1997 and 2002 elections. However there have been ongoing problems with the by-elections including fraud, hijacking of ballot papers, numerous court challenges concerning illegalities and even attempted kidnapping of a victorious candidate (to prevent him joining the other faction in Parliament). This stems from the widespread and enduring voter and candidate view that elections are there to be won, by whatever means.
- The peacefulness of the LPV elections cannot be viewed as a positive indicator for the 2007 General Elections because of the massive allocation of resources pumped into one area and the overwhelming police presence.
- PNG politics generally is characterised by a high level of competitiveness, this is played out on the ground in the behaviour of voters who will do anything to “see their horse win”
- Voters taking money or other bribes (often hospitality) from candidates and their close supporters were a common allegation across all the observation reports.
- Cheating is rampant and the attitude of any means necessary to win means a variety of practices are employed to achieve this end. The following was found to be habitual: repeated voting (where a person votes, and then joins the back of the queue and tries to vote again, sometimes repeatedly) , bloc voting (where one person, often the presiding officer, fills out many ballot papers), underage voting, controlled voting (where preferences are chosen by

some other person or group and followed) and illegal assisted voting (where a person – usually a candidate’s supporter - casts votes on behalf of others where there is no disability which would qualify them for assistance). This behaviour is sometimes due to a climate of manipulation, intimidation, corruption and violence. Habitual fraudulent voter registration also exists that included multiple enrolment, enrolment of ghost names, deceased and under age people.

- Controlled voting is a huge problem. This is often done by a candidate’s key organisers (sometimes known as “henchmen” or “supporters”) taking over the polling and casting the ballots. Sometimes this is done with the collusion of polling staff, either under threat or bribery. The IPS team found polling officers had colluded in mass block voting such as pre-marking of papers by officials.
- Despite plenty of talk about corruption, it seems that the incentives remain and the sanctions do not deter behaviour.

#### **d) Assessment of what the literature says about: *Voting and LPV***

##### *Knowledge*

- Most voters were aware that the system had changed to LPV, but not all, particularly those in the remote regions of PNG. The observation reports found that voters did not know why the system had changed apart from the widely advertised idea that it would increase mandates.
- The by-election reports showed that voters comprehended the need to mark 1,2,3 to formalise the voter but generally lacked any broader understanding of LPV such as how preferences and the count worked.
- The literature reveals widespread confusion and irritation occurred over the concept of an ‘absolute majority’, that for a candidate to be successful, they would need to secure 50% + 1 of the vote.

##### *Awareness*

- There is no evidence in the literature to suggest that the core awareness altered from that already articulated above, it has simply changed from a game of 1 to gaming of 3.

##### *Attitudes*

- Voters were positive about the new system, they saw it as a “superior” and “fair” system and liked the fact that it afforded them three choices. Three ‘picks’ meant that voters were able to tell more than one candidate that they would vote for them or had voted for them.
- Voters in were also of the view that LPV had helped to reduce the overall level of violence and conflict associated with elections. In K-LK voters enthused about the opportunity to vote for who they liked “without the need for guns” which they admitted was in large part due to the strong police presence.
- In Bougainville there was minority resistance to LPV from the supporters of Me’ekamui and the Resistance but even some people from these groups voted in the end.
- Women voters thought that LPV would allow them more freedom, particularly those who felt constrained to vote for the candidate chosen by their husband or family. Where the ideal of individual voting is followed, this would undoubtedly be the case. However, observers at Wabag saw many examples of voting behaviour that did not match this democratic ideal, with the practice of the ‘Enga electoral politics’ mentioned earlier. The observers’ impression of men in K-LK on the other hand, was that the majority did not seem overly

concerned with influencing the way their wives voted. Their response was “laik bilong en” (“it’s up to her”). In this electorate anecdotal evidence was given to observers of women being able to move about freely after the election, without fear of retribution, because they had voted for both the main candidates. This was not just an issue for women in the past; the Chuave observer team stressed in their report the positive affect of LPV elections on freedom of movement for all. In the Highlands, some women laughed at the suggestion of a free vote because it would require a revolution in the collective nature of Highlands’ societies. In Bougainville observers saw many women arriving to vote unaccompanied and from anecdotal evidence heard of women who voted despite their husbands being followers of the Me’ekamui government.

### *Behaviour*

- There was substantial evidence in the literature that the first preference is an obligatory vote influenced by kinship and economic obligations.<sup>226</sup>
- Voters were less antagonistic to each other in the LPV by-elections
- Cheating was still rampant

### **e) What worked well and what requires improvement?**

#### *Electoral system*

- There is no evidence in the literature of voter education outside of the basic level of how and where and when to vote. The core recommendations of external groups post 2002, suggested that electoral education at this level was likely to be critical to rebuilding the electoral process for the 2007 elections. However, we were not aware of any substantive analysis of any attempt to conduct electoral education concerning how the ‘electoral system’ widely viewed is supposed to work, and how such an education programme might be based upon, and work with the realities of the ‘political culture’ in PNG.
- Voter/candidate education programmes on the messages at a category 1 level (‘this is where voting stations are, and how you vote for your three candidates’), are the bedrock of a good electoral process and must be continued;
- But such messages should also make explicit and determined effort to acknowledge/change the underlying *real* views about the electoral process and system, including being based on assessment of the incentives/disincentives that work locally.
- Awareness on registration for the rolls should, among other things, seek to educate voters about the electoral roll, the function it serves and the difference between the electoral roll and the census. As the IPS report indicated, the rolls should be a key tool to limit cheating not the means to foster such. Ideal opportunities were apparently missed that might have tied together the various levels of education about elections, including around rebuilding a robust voters’ roll.
- Yet there is no evidence in the literature of voter awareness that cheating destroys the process.
- It is not possible to rely on coercion/punishment as a primary means of building compliance. Still, *more visible* prosecution for electoral offences would assist the education and compliance process. The PNGEC/media could highlight such cases. The key to avoid sustaining the message that there is no consequence and because everyone else is cheating without consequence, candidates who do not cheat will always lose. At the extreme end, this fosters violence and gunpoint democracy in elections. As the authors of the IPS audit report also note, failure to achieve higher compliance increases the risk “that the entire ‘game’ will become unplayable”.

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<sup>226</sup> Ketan et al, above n 31, p 22.

### *LPV and 'actual voting'*

- The energy that went into all forms of LPV and voter education is critically important – but it is clear that relevant programmes did not reach all the people, nor bring about actual understanding at a very high level.
- A consistent (but mostly hidden) observation which we would extract from the reports, is that poor advance knowledge about election details can be substantially 'cured' on the day, by competent and well-trained election officials (and, on occasions, others) who take a range of helpful steps to explain the voting to people present. There are risks that this will turn into unlawful influence, including 'assisted voting', but in our view the bulk of those risks stem from factors other than officials being educative 'on the day'.
- The same point applies to knowledge and education about how the COUNT works – whilst advance understanding is ideal (particularly for candidates and key agents who will attend the count), it is clear that across the actual process of the count, competent officials (including well-informed police and others) can play a critical educative role in explaining, solving problems, keeping the confidence of the parties and ensuring the best atmosphere for orderly and peaceful counting.
- An identical finding in all the by-election reports was that awareness campaigns mainly focused on the formality of voting 1,2,3 without satisfactory explanation (or demonstration where applicable) of preferences, the counting and elimination process or electoral offences.
- Lateness of education material and training was a common theme.
- Electoral offences were not advertised widely. Illegal practices have not been spelled out clearly as electoral offences. With multiple voting reasonably common and previous problems with the rolls, it seems clear voters *do not believe* that persons convicted of electoral offences will actually lose the right to vote.
- There was a lack of clarification that an absolute majority is of the live votes at the *final* count, after the eliminations, not of valid votes in the primary count.
- The medium of communication is important. The Commonwealth Experts Group looking at the 2002 election were concerned at the high percentage of PNGEC expenditure on advertising and information that took place on television and in print media at the expense radio. Many rural areas rely on the radio as the only source of information. Joseph Ketan et al's field observations suggest that conventional methods, including TV, newspapers and leaflets are often ineffective.
- A number of factors need to be taken into account when devising awareness campaigns including cultural diversity, accessibility and level of literacy.
- Geographic and other challenges compound voter access and reception to awareness campaigns. Logic suggest that where there are indications of problems, resources would be poured in to that area or that strategic campaigns would be developed to deal with certain groups of voters. There was no evidence of this in the literature other than some information being available in different languages. We acknowledge that around 840 vernaculars and the highest illiteracy rate in the Pacific makes education difficult.
- The eagerness of member of civil society to assist with education was utilised but appears to have considerably more potential.
- The literature revealed some imaginative and successful initiatives to help voters understand LPV –
  - In 2003, the Media Council and PNGEC conducted two polls using LPV to find the No.1 NRL Player Poll and Miss PNG. These enabled people nation wide to properly make their preferences and also served as educational tools for the PNGEC staff members located in the provinces. It was mentioned in the observer report from

Abau that those people who came home from Port Moresby had found this particularly illustrative.

- A novel approach in Bougainville was to involve young people in the counting process. This is a positive move towards political education amongst young people who in the future will be more aware of LPV and could become key agents of education about LPV and the electoral process as a whole. The observation team reported this positively and said that students involved came away with a solid understanding of the system.

### f) Specific Indicators

The objective here was to suggest some indicators that could be used in future election monitoring to assess the outcomes of relevant educational programmes undertaken by ESP and in PNGEC’s voter education program compared to the data (and the specific performance indicators) identified in this research. As noted, our review suggests that it is useful to think about indicators of voter education taking account of;

- The appropriate focus on different levels: *actual voting*, and on education about how *the electoral system* more broadly works;
- the ‘regulatory pyramid’ hierarchy of attempting to get compliance with broad objectives (here: relevant law and democratic principle);
- information about the culture/locality and scale of problems under review.

There is no suggestion that bright lines separate these. The suggestion is that programmes take all relevant opportunities to combine conceptual levels with clear purposes (including both voting and broader objectives aimed at wider compliance and acceptance), and taking account of information from the locality/culture.

We also note in terms of performance indicators, that the IPS Audit revealed the substantive information that sits in the post-count ballots. Should the right circumstances allow, a forensic examination of these could very substantially improve understanding of a great many of the indicators set out below.

<b>purpose</b>	<b>possible voter education</b>	<b>indicators</b>
<p><b>‘how to vote’</b>            (specify objectives that will then shape forms of voter education, such as:            - minimise informal ballots            - targeted areas of need            - response to cultural or other information</p>	<ul style="list-style-type: none"> <li>• Voter education before ballot</li> <li>• Preparation for officials’ educative activity on voting day                (eg explanatory forms displayed at ballot stations; statements by presiding officer at the opening of voting, etc)</li> </ul>	<ul style="list-style-type: none"> <li>• Assessment of form of education before ballot against purposes;</li> <li>• reports of ‘educative role’ of electoral officials on the day and relevant materials on display</li> <li>• reports of non-compliance with standard voting systems, eg controlled voting comparatively measured against previous reports.</li> <li>• NB in the absence of very strong information of compliance with process, ‘informal votes’ should NOT be used as a measure of good voting conduct on the day because of the danger that such measures reflect the system being successfully subverted.</li> </ul>

<p><b>‘where to vote’</b> (specify objectives that will then shape forms of voter education, such as:</p> <ul style="list-style-type: none"> <li>- minimise uncertainty amongst voters</li> <li>- targeted areas of need</li> <li>- response to cultural or other information</li> </ul>	<p>Information to local communities Formal designations of localities</p>	<ul style="list-style-type: none"> <li>• Reports on the provision of this information</li> <li>• Complaints/problems on the day</li> </ul>
<p><b>‘who can vote’</b> (specify objectives that will then shape forms of voter education, such as:</p> <ul style="list-style-type: none"> <li>- minimise problems with rolls;</li> <li>- targeted areas of need</li> <li>- response to cultural or other information</li> </ul>	<ul style="list-style-type: none"> <li>• ‘one person one ballot paper’ campaigns</li> <li>• advise people in advance who is/not enrolled</li> <li>• advise local candidates/supporters and communities on processes for decision on site</li> <li>• educate police/candidates/supporters and general voters about common practices in the past and why they are inappropriate</li> </ul>	<ul style="list-style-type: none"> <li>• Check rolls against census estimates</li> <li>• Check turnout against both (NB all the evidence suggests caution about using turnout measures because of the inaccuracy of the rolls)</li> <li>• Reports of what happened on the day, looking particularly for common problems</li> </ul>
<p><b>‘how the count works’</b> (specify objectives that will then shape forms of relevant education, such as:</p> <ul style="list-style-type: none"> <li>- minimise mis-understandings on site;</li> <li>- plan efficient counting process;</li> <li>- ensure candidates/supporters understand and can observe;</li> <li>- targeted areas of need</li> <li>- response to cultural or other information</li> </ul>	<ul style="list-style-type: none"> <li>• Voter education before ballot</li> <li>• Candidate/key agents education before ballot</li> <li>• Preparation for officials’ educative activity across the counting (eg explanatory forms; statements by presiding officer at the opening of counting, etc)</li> </ul>	<ul style="list-style-type: none"> <li>• Assessment of form of VE before ballot against purposes;</li> <li>• reports of ‘educative role’ of electoral officials at the count; and relevant materials on display</li> <li>• accuracy of count</li> <li>• complaints / evidence of acceptance of process</li> </ul>
<p><b>‘Specific practices’</b> identify particular problems in particular places that are likely to emerge and set clear strategies to tackle them eg</p> <ul style="list-style-type: none"> <li>- multiple voting</li> <li>- reducing violence</li> </ul>	<ul style="list-style-type: none"> <li>• Voter education before ballot</li> <li>• Candidate/key agents education before ballot</li> <li>• Preparation for officials’ educative activity at relevant sites</li> <li>• Strategies to ensure those sites are better watched by officials/ ngos/ scrutineers etc who have been trained</li> </ul>	<ul style="list-style-type: none"> <li>• Comparisons of reports from previous elections in this area on relevant indicators (attacks, ballot box thefts, intimidation)</li> </ul>
<p><b>‘System integrity’</b></p> <ul style="list-style-type: none"> <li>- (do something different, rather than what people expect) eg</li> <li>- build understanding of the ‘ballot balance’ equation to broaden confidence in the integrity of the system and support for compliance, and</li> <li>- spell out the core values of a proper election system (fairness, one-person one ballot paper; non-violence; no corruption in elections,</li> </ul>	<ul style="list-style-type: none"> <li>• The ballot equation in any election is: No. of ballots sent to any particular site = ballots validly voted + unused ballots returned;</li> <li>- All ballots can be tracked</li> <li>- Education programmes can stress that this protects against a variety of potential abuses</li> <li>• Build ‘fairness’ programme around core cultural /ethical values; possibly use religious leaders or other trusted people; stress the values of the electoral system and the need to vote fairly and without violence’; use metaphor of soccer rules; get ordinary people in</li> </ul>	<ul style="list-style-type: none"> <li>• Visibility of the programme across the country, but particularly in targeted areas;</li> <li>• Standard measures of compliance;</li> <li>• Surveys of core messages to see if they resonated</li> <li>• Getting candidates and supporters (including prominent candidates such as PM, Ministers) to sign a ‘code of fair election conduct’ that pledges them and their supporters to follow the rules.</li> </ul>

nor corruption in office)	street interviewed and use their quotes and values; build public support	
<p><b>‘Measures of voter education’</b>  objective is to assess what went out in a reasonably standardised form that can be used for comparative purposes</p>	<ul style="list-style-type: none"> <li>• Voter education before ballot</li> </ul>	<ul style="list-style-type: none"> <li>• <u>content</u> of voter education as to whether it addressed the two levels above (<i>voting information</i> and <i>electoral system education</i>);</li> <li>• <u>distribution and frequency</u> of voter education (how many actual visits, how many people spoken to, what groups of people (parties, candidates, voters, villages?) how many pamphlets, adverts, etc);</li> <li>• <u>‘style’</u> of voter education (eg role plays followed by immediate assessment of whether it worked; or working through villages, neighbourhood groups; comparisons with any other methods);</li> <li>• <u>organisations</u> that were involved with voter education (which had greater ‘reach’ into particular areas, which tried innovative methods, which produced clear reports of activity).</li> </ul>

### g) Educating for compliance (as well as participation)

Education programmes focusing on *voting* generally aim to secure *participation* in elections. Reasonable compliance with basic voting procedures is part of *participation*, because if people do not vote correctly their vote may be excluded. But compliance has a much wider meaning that extends to making all aspects of the system work reasonably well, ideally based on knowledge and consent. The core lesson we took from this review was that the lessons of 2002 have only partly been taken on board by voters – though no doubt the electoral officials realise too well that they cannot defend an electoral process against determined assault from the substantial sections of the voting public.

- The Commonwealth Expert Group looking at Papua New Guinea Electoral Arrangements persuasively suggested in its 2002 report that voter education is a core prescription to building better understanding of elections and of representative government and it must be strategic and at the grass roots level.
- The literature thus suggests the need for a much broader view of ‘voter awareness’ than simply how people *ought to vote*, but including what they *really* understand about the system, and how they *really* play the game. Voter/candidate education programmes that simply repeat the messages at a category 1 level (this is where voting stations are, and how you vote for your three candidates), but make no explicit and determined effort to acknowledge the underlying *real* views about the electoral process and system, arguably accept and even condone the continuation of past practices. There appears to be no specific educational activity that tries to ‘bridge the gap’.
- The 2002 Elections and the subsequent ten by-elections under LPV offer an abundance of evidence that the electoral system is shaped by a combination of election rules and the political cultures of the ‘players’ who participate in the system. This information should be of vital importance to anyone designing a voter education programme aimed at securing higher levels of voluntary compliance to core electoral rules.

- All the reports show that when elections go wrong the integrity of the entire system is compromised. The high number of electoral petitions after the 2002 elections is a sign of what happens when things break down, in other countries one would see widespread rejection of the legitimacy of those 'elected'. Yet there is no evidence in the literature of voter awareness that cheating destroys the process. There seems to be little understanding of the appropriate response to tampering with a ballot box, either from voters or many officials. While offences and appropriate measures are set out in legislation, they are not widely known or enforced.

In the mixture of review, analysis and commentary that makes up this report, we want to make it clear that we do not suggest that there are easy answers. The complexity of PNG defies such and all the evidence supports the extraordinary difficulty of trying to change behaviour. Nevertheless, it seems clear that voter education (broadly termed), alongside policy and legal changes that might reshape the incentives for compliance, offers considerable potential to secure higher levels of both participation and compliance in PNG elections.

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