



Stakeholder Briefing Kit

Thursday 5 August 2010

About the Research

In July last year NRI launched its major report on the 2007 National Elections. In that study we isolated the electoral roll as one of the biggest challenges for PNG. This study was consequently commissioned by the NRI to scope the feasibility of different approaches to improving the electoral roll, based on experience here in PNG and abroad.

About the Authors

A team combining international and local experience was awarded this research contract.

The team was led by Dr Andrew Ladley Adjunct Professor in the School of Government, in the Institute for Policy Studies at the University of Victoria, Wellington.

Dr Ladley was joined by Election Technology expert Ole Holtved, who has worked as an Elections technology consultant in countries as diverse as Kosovo, Moldova, Pakistan, Ghana and others and PNG-based Researcher Solomon Kantha, currently also the National Programme Officer – International Organization for Migration (IOM).

The team conducted consultations in December and February. Draft versions of the reports have been reviewed by a range of stakeholders.

Electoral roll needs long-term capacity and funding boost not quick fixes, according to two NRI reports

There are no ‘quick fixes’ to improve the electoral roll. The PNGEC needs a major capacity boost to deliver a long-term roll improvement program. Political and financial commitment from parliament is the first key ingredient, say two new NRI Reports.

The following two reports will be launched today by the National Research Institute:

- **Improving the Electoral Roll and Voter Registration in Papua New Guinea**, NRI Discussion Paper 111.
- **Realigning Electoral Incentives: Lessons for the 2012 National General Election from Conflict Theory and Public Policy**, NRI Discussion Paper 112.

Overview of the Reports

These two reports are the result of a major commissioned study on the feasibility of options to improve the electoral roll and voter registration. The research team has studied the extent of the problem, the experience in other countries and the particular challenges in a PNG context. They propose a range of recommendations for a Roll Management and Improvement Plan.

The first report recommends being wary of major technological ‘quick fixes’ which (on comparative experience) are likely to bring more problems than they solve. It emphasises the need to take a big picture approach focusing on improving roll management, improving procedures and piloting new systems, especially in the worst problem areas.

A key recommendation is the need for a Roll Management Unit, funded as a separate budget item with a work program mapped out in a multi year Roll Management and Improvement Plan. The report stresses the constitutional obligations on government to ensure appropriate political and financial support for the core requirements of the PNGEC in the long term.

The plan should focus on continual improvement of systems through trials and pilots, and refinement of procedures and systems. It recommends that senior operational staff be based in highlands region, providing support within the most challenging constituencies.

The related second report draws on the fields of public policy and conflict resolution to show that it is essential to ‘realign incentives of behaviour for elections’ in favour of compliance with rules, rather than cheating and violence.

This report suggests that much more hands on work should be done by the PNGEC before elections to create a safer environment in which to conduct fair elections. This would involve the PNGEC not just administering elections, but working closely with candidates, political parties and communities on agreements for fair play and good conduct. Adjustments to timetables and methods of holding elections would boost incentives for fair play.

Executive Summary

Improving the Electoral Roll and Voter Registration in PNG

There are no quick fixes for improving the electoral roll and voter identification in Papua New Guinea. The employment of technological options, including photo identification and/or fingerprint systems, has only worked well in other countries where there are strong — sometimes authoritarian — systems. To be ready to use this technology, there is much groundwork to be done.

Good management systems; enrolment, verification and updating procedures that can be depended on; and the support of the people when registering to vote and on polling day are all needed first. This requires a holistic approach to improving the electoral roll. This report outlines the key target areas that will help to achieve this kind of approach.

The current roll does not provide a credible link between eligible electors and the votes counted during an election. The spectrum ranges from crisis proportions in the Highlands Region (where about one third of the population lives) to manageable levels in the New Guinea Islands Region, and with variations in between.

This report argues that the current system does not meet our definition of ‘sustainability’, that is, the institutional capacity in PNG to maintain a system over time. There are no solid systems to keep the roll from further deterioration. It is not clear that there are working verification and roll-cleaning systems, and roll updating is delayed and neglected in many provinces in the Highlands Region. The system of voter identification on polling day remains particularly weak. Under-performing Election Managers and partisan Ward Councillors play a major role in this dysfunction. This is accompanied by insufficient resources to undertake adequate verification of the roll. On election day, these rolls are used despite obvious inflations.

The impact of these problems is not limited to poorly managed elections. Instead, this dysfunction infuses political processes, creating an ‘election crisis spiral’. A bad roll leads to unfair elections and increases the potential for the election of bad leaders. Under poor leadership, government budgets get reallocated to assure political survival, thereby reducing funds available for core services.

In light of the seriousness of the problem, this report examines what, realistically, can and should be done to improve the electoral roll and voter registration between now and the 2012 National General Election, and over the longer term.

The Papua New Guinea Electoral Commission (PNGEC) has made a very important step in the right direction — which is that they have made the electoral roll their highest priority. However the responsibility falls to the PNGEC to bring not just commitment, but a credible roll management and improvement plan to the people of PNG.

The answer is not a new roll for 2012. The systems are not in place to ensure the new roll will overcome some of the problems that have featured in the past. Rather the an-

swer is a long term roll management and improvement program, ideally funded as a stand alone, multi-year program by the PNG Government. Under this plan strategic re-enrolment in key electorates will be a better way of trialling new systems and procedures in controlled pilots, rather than a nationwide re-enrolment. There could be some productive, small scale, testing of new technologies.

This program will need to get the management of the roll right around the country and will need to get systems and procedures working. It will also need a whole new approach, and a redoubled effort to community engagement, the focus of which should be to reshape the incentives for voters, candidates and supporters to play fair during elections.

It is here that this report makes a range of findings on what this plan would need to address. We identify the following four areas as essential.

1. Get the Resources and Political Support in Place

Roll improvement begins with political support. In practical terms, one immediate measure of this support would be commitments by governments, to make sufficient resources available from the recurrent budget throughout the election cycle. The Constitution obliges the government to fund ‘genuine elections’. This report includes recommendations on how this can be achieved.

In addition to government support and resources, the PNGEC has made it clear that, ultimately, it is up to the people of Papua New Guinea to take ownership of ‘genuine elections’. The PNGEC can foster this ownership by communicating and maintaining clear strategies and by demonstrating effective and popularly-trusted management of all aspects of elections. The process of building a constituency for ‘genuine elections’ would see the PNGEC engaging more closely with political parties, candidates, elected leaders, civil society and voters.

2. Get the Electoral Incentives Right

In seeking more support for ‘genuine elections’ this report emphasises the essential need to realign the incentives for fair play during elections. This draws on the findings of our related report, titled *Realigning Electoral Incentives* (Ladley *et al.*, 2010). In that report we examine the incentives that drive electoral behaviour, especially in relation to enrolment and voter identification on polling day. Our suggestion is that it is possible to create stronger incentives to follow the rules, than to cheat. The primary emphasis should not be on coercion (more security and more prosecutions), important though such matters are. The primary emphasis should be on education and working with communities to create the conditions for fair elections. In this process, the PNGEC has to do more than be an effective ‘administrator’ of elections. It must engage with political parties, candidates and communities to cultivate support for accurate enrolment and voter identification — as well as all other aspects

Continued on p3

of polling.

The PNGEC has already developed an excellent civil society network. The next step is to implement an intensive community engagement program, involving the active negotiation of consent and cooperation, supported by a legal framework that allows the PNGEC to delay elections.

3. Get the Appropriate Roll Management Systems in Place

An appropriate management system for the electoral roll must be in place within the PNGEC. This must be a combination of centralised and decentralised control.

We understand that there is considerable interest in devolving roll management to the lowest level of government — the ward. This is a concern, given the fact that under-performing provincial Election Managers and partisan Ward Councillors feature prominently (in some cases, predominantly) in creating inflated rolls. Roll management needs to be configured so that any re-enrolment, updating and verification is conducted with centralised oversight, auditing and controls. Whilst this report agrees that there is a need for strong participation at the ward level, it does not support ward-based management of the roll uniformly across the country. The key is to adapt systems to deal with problems, not to assume that the same processes will work in all places in PNG.

Our recommendations involve getting specific technical assistance in place: a dedicated roll management unit within the PNGEC headquarters, supported by the government as a specific program, constituency-based technical support to PNGEC staff especially in the Highlands Region, with director-level PNGEC staff based in a Highlands headquarters.

There would also need to be transparent recruitment and performance management and regular auditing of province-, district- and ward-based staff. One excellent step would be for political parties to sign a code of conduct that (amongst other things) respects these processes for making appointments.

4. Tested Enrolment, Verification and Identification Procedures in Place

Getting the procedures right should be a major focus before 2012. This is particularly important for verification, roll-cleaning, recruitment, and — in key areas — enrolment. By targeting identified problem areas, it should be possible to trial procedures and refine approaches in the lead-up to 2012. Trials could address making improvements to enrolment (using registration centres) and verification (using ward-based public readings).

Executive Summary

Realigning Electoral Incentives: Lessons for the 2012 National General Election

Competition is at the heart of elections and strong competition can be a measure of the health of a democracy. But if the rules don't work, the 'race to win' can be a 'race to the bottom' as competitors match and try to outdo their opponents' unlawful and sometimes violent cheating. It is critical to stop the 'race to the bottom'. Indeed, it is a Constitutional requirement that elections be 'genuine' — something that is hardly possible if there is widespread cheating and violence.

In some areas of Papua New Guinea (PNG), especially the Highlands Region, it seems that the incentives for cheating outweigh the incentives for playing fair. Prosecutions for the wide range of offences are rare and few communities have the capacity to negotiate fair play, especially amongst very influential and adversarial candidates and their supporters. In a number of cases influential community members such as ward councillors, church leaders, sitting members or other 'big men' work with some of the competitors to influence enrolment, polling and counting procedures. Sometimes whole communities are caught up in the electoral contest and the disruption of elections. In many instances this is not so much a deliberate flouting of the electoral laws as a continuation of inter- and intra- community politics from a forum defined by custom, to a forum defined by the laws of a distant and poorly understood institution: the nation state of PNG.

Managers of elections in PNG have said that genuine compliance will only be successful in a context where the concepts of elections and the need for fair play are more widely understood and accepted by the people. It should be possible to create more incentives to follow the rules.

This paper takes up this challenge. It argues that the Papua New Guinea Electoral Commission (PNGEC), and other institutions (police and churches, for example), could work together with candidates, communities and voters not just to manage and administer elections, but to realign the incentives that drive behaviour during elections.

In making this suggestion this paper draws on the lessons of regulatory theory and conflict management. In essence, regulatory theory seeks to understand the drivers of behaviour and how people might respond to various 'carrots and sticks'. The key goal is to achieve higher voluntary compliance, rather than rely on coercive sanctions which are expensive and very much a last resort. The field of conflict management suggests that it should be possible to anticipate conflict and work with communities and candidates to create conditions in which competition can be managed without violence. But this requires proactive engagement — diplomacy — rather than emergency responses in the heat of the moment.

Elections take place in PNG when required by law, with the PNGEC administering the process. In the past, this has seen elections go ahead in scenarios where violence and fraud are almost certain to take place on a widespread scale. This was the case in some Highlands Region electorates in 2002, and failed elections were the result. Regarding the recent Kandep By-election, it also seems that the conditions on the ground were very volatile. Yet law and current practice encourage the PNGEC to push on in the face of danger, combined in no small measure with strong political pressure to see elections take place. Conducting elections in the expectation of widespread fraud, cheating and violence means that the PNGEC is hard-pressed to deliver genuine elections. Further, there are great costs to the state of PNG, including loss of life in communities, an unsafe working environment for electoral officials and police, and, too often, repeats of the process following judicial decisions that require by-elections.

This report suggests that the PNGEC, with the right support, could instead play a more proactive role in negotiating a better 'consent environment' for elections.

In this scenario, in addition to election planning, designated officers would spend the months leading up to the election working with the candidates, local communities, churches, authorities, prospective candidates, sitting members, supporters, and any other relevant stakeholders to establish the ground rules of an election: by agreement.

Those rules could include:

- all candidates and parties signing a code of conduct (displayed widely in the electorate, used by all local groups to educate voters);
- building transparency about fair processes (for example, public readings and verification of the electoral roll at agreed places, using agreed processes);
- gaining the commitment of communities to respect the use of the electoral roll for voter identification purposes on polling day (using agreed consensus-building processes);
- gaining the support and advocacy of local authorities (churches, local-level government (LLG) representatives, village elders, civil society groups) to respect voting processes and procedures, especially one ballot per person, a secret vote, and the proper use of indelible ink (along with processes agreed in advance to assist voters who did not know how to cast their ballots); and
- ensuring candidates and communities are aware of possible consequences of inappropriate conduct, including (for example) delays to polling or changing the sites of polling stations to enable better security.

Embarking on this kind of approach to elections requires a combination of:

- knowing about incentives, rewards and sanctions (understanding, research and awareness);
- seeing them work effectively (developing a body of experience); and
- supporters believing that their candidates will be worse off, rather than better off by cheating the system.

This report recommends — to begin with — a national discussion, including consultations around the country, and especially in the Highlands Region, about whether this approach to elections might be possible in PNG.

SUMMARY OF RECOMMENDATIONS

- 1. Establish mechanisms to ensure that the Government of PNG meets its constitutional obligations to provide appropriate resources to hold genuine elections**
- 2. Convene a national working group for the re-alignment of electoral incentives**
- 3. Establish a roll management unit**
- 4. Re-enrol key constituencies strategically before 2012, tailoring pilot options to different places**
- 5. Plan and implement a series of pilots in both 'problem' and relatively stable constituencies**

These pilots should address the following options, (amongst other possibilities):

 - centre-based voter registration by aligning of enrolment centres with polling sites;
 - adding receipts or issuing enrolment certificates; and
 - piloting a photo roll in a controlled context.
- 6. Build, publicise and implement an accountable system of roll display and verification.**
- 7. Consult widely with relevant agencies to develop a strategy for disciplinary action against electoral fraud.**
- 8. Allocate special constituency-based resources for the Highlands Region**
- 9. Diversification of donor support inputs.**
- 10. Focus on internal systems improvement within the PNGEC.** This would include:
 - development of roll cleaning systems — auditable mechanisms to encourage backup, software checks, groundwork, and management interventions for non-completion of tasks;
 - training and updating of manuals (that is; outlining processes for updating the roll, etc.); and
 - keeping abreast of ward designations and clearing up inconsistencies.
- 11. Use indelible ink properly**
- 12. Integrate voter awareness and education with registration, verification and other major electoral events and with efforts to 'realign incentives'.**
- 13. Make sure any technological solutions are implemented ONLY when certain conditions are in place.**
- 14. Establish mechanisms for the PNGEC to cooperate actively with any processes for developing a National ID card and/or civil registry, to share lessons and establish the feasibility of building reliable systems for unique personal identification**