Chapter 7
E-Government in Support of the Institutions of Democracy and Justice in Pacific Island States

Rowena Cullen

Abstract A critical aspect of e-government is how countries use ICT to support the institutions of democracy and the rule of law to facilitate citizens' access to information about these institutions. This chapter discusses how Pacific Island countries (PICs) are applying ICT to further this goal, with the support of regional organizations and development partners. It outlines how PICs are using e-government applications to improve their parliamentary process and provide citizens with information about parliament and the legislative process and how Pacific parliaments are using the web to communicate this information. The chapter discusses the use of ICT in the electoral process and the benefits and challenges these new technologies present. The contribution of justice information systems and the critical role of PacLII in providing access to information about legislation and court records in Pacific Island states are also discussed. Finally, the importance of government record-keeping and how ICT is used to ensure access to historic and current records is considered. The chapter explores some of the organizations and strategies helping to promote the use of ICT in democratic processes and concludes that the collaborative, knowledge sharing model that pervades this sector is an effective and sustainable model of e-government for development in the Pacific.

7.1 Introduction

The Pacific Islands Forum leaders' Auckland Declaration of 2004 articulated a vision which included the statement, "We seek a Pacific region that is respected for the quality of its governance, the sustainable management of its resources, the full observance of democratic values and for its defense and promotion of human rights" (PIFS 2004). In Chap. 6 we considered the role of sound financial management as the predominant element of good governance and the use of information and communication technologies (ICTs) to improve transparency and the effective

R. Cullen (✉)
Victoria University, Melbourne, Australia
e-mail: Rowena.cullen@vuw.ac.nz

management of resources in the region. In this chapter, we turn to the observance of democratic values and the role of ICTs in ensuring these, including the democratic principle of the rule of law, also embraced by the Forum under its Human Rights and Security policies and in the Framework for Pacific Regionalism adopted in 2014 (PIFS 2014).

The three pillars of democracy are often depicted as the legislature, the executive and the judiciary, with the media forming a fourth pillar as 'the fourth estate'. These pillars are especially relevant to this chapter which explores not only the use of ICT to support democratic processes and the work of the judiciary, but also the use of ICT to disseminate information about these activities, with or without the assistance of the media. The right to information, which UNESCO defines as the right to access information held by public bodies, "is an integral part of the fundamental right of freedom of expression" recognized in Resolution 59 of the UN General Assembly adopted in 1946. UNESCO also notes:

> The free flow of information and ideas lies at the heart of the very notion of democracy and is crucial to effective respect for human rights. Democracy demands that individuals are able to participate effectively in decision making and assess the performance of their government. … Freedom of information thus contributes to government openness and accountability, and represents an important instrument to prevent and combat corruption. It can also help increase government efficiency and responsiveness, along with civic trust. … [Freedom of information] can be curtailed by burdensome mechanisms for information access and weak enforcement, the arbitrary use of exceptions or reference to other legislation to deny public information access, the bad state of record-keeping and archive management systems, and poor monitoring of the law´s implementation. (UNESCO 2016)

This chapter will therefore discuss the use of ICT in parliamentary and electoral processes, especially in disseminating information about parliamentary and legislative processes via the Internet and the use of ICT in the justice system and in government record-keeping. It will explore how ICT can play a major role in improving these crucial aspects of governance and look at some of the strategies and organizations helping to promote the use of ICT in democratic processes.

7.2   Parliamentary Processes Informed and Supported by ICTs

The parliaments of the Pacific Island countries (PICs) were established by constitution with the approval of both their departing colonial governments and the newly-installed political leadership at the time of independence. They mirror, consequently, either the Westminster or the republican model of governance with which the departing colonial powers were familiar, and incorporate the strengths and weaknesses inherent in both. They were imposed with minimal consultation, replacing the limited powers of the existing legislative assemblies of the

pre-colonial period (Larmour 2002). As Hassall (2012) notes, because these par-liamentary systems were imposed quite rapidly rather than developing locally and over a longer time,

> some of their characteristics are defined by law rather than convention so as to ensure the existence of practices which might otherwise take a much longer time period to settle on … [T]he roles of 'the government', 'the opposition', and political parties have in some places been legislated rather than explored through practice. Provisions about the offices of speaker and attorney-general, as well as the major parliamentary committees, are also detailed in some constitutions. (p. 215)

In many cases these 'provisions' mandated independent funding to ensure the roles were adequately supported.

The current functioning of Pacific parliaments is influenced by their history and by other factors: the extremely limited resources available which affects the availability of accommodation and support services for ordinary members; the 'archipelagic' nature of the territories to be governed (including the diversity of cultures within these islands, the remote location of many of them and the fact that daily living is based on traditional forms of governance and gender specific roles); and the lack of any tradition of political participation, of political parties or the development and implementation of policy (Hassall 2012). PICs therefore struggle to deal with the inevitable conflicts between traditional forms of governance and authority and introduced democratically elected positions of authority such as ministers, prime ministers—and even parliamentarians—as well as senior public servants, especially permanent Heads of Department and CEOs.

Serious problems persist concerning the functioning of Pacific Island parlia-ments. This is a matter of concern to the United Nations Development Program (UNDP). It runs substantial UNDP regional and national education programs from the UNDP Pacific Office for Pacific parliamentarians and parliamentary officers to encourage a better understanding of the parliamentary process that PICs have inherited and (in recent years) to encourage the inclusion of more women in par-liament (UNDP Pacific Office 2016). In this context, and in "the absence of strong civil society, public interest advocates, and mass media" (Hassall 2012, p. 222), access to information about parliament, its procedures and its decisions, becomes an essential part of the parliamentary process and must be provided by government itself. Given the distance of many Pacific citizens from their parliament, dissemi-nation of this information via the Internet is the only real option, even though this leaves such access dependent on the limited bandwidth of telecommunications in most PICs.

While ICT has a vital role to play in the effectiveness of parliamentary democracy in the Pacific, its adoption in this aspect of government has been piecemeal and driven by a variety of factors, such as resources (funding and skills capacity), the views of parliamentarians, the priorities of development partnerships and technological infrastructure. Even the use of standard technologies such as office software, Internet access and email cannot be taken for granted and many

parliamentarians resist pressure to use ICT in their daily work.[1] In addition, support for technology in parliaments is limited. Although the most recent World e-Parliament Report (2012) indicated that "parliaments in the lowest income level are closing the technology gap" (p. viii), the report acknowledged that "many parliaments still face substantial obstacles in their efforts to enhance the state of ICT to support the work and purposes of the institution" (Global Centre for ICT in Parliament 2012, p. viii). The provision of personal computers to members, Internet access, ICT support, web publishing and network operations are lacking in many of the parliaments studied in the survey, limiting their ability to provide timely information and documents to members and to disseminate information to citizens. Lack of resources and skilled staff were identified as key reasons for these deficiencies, along with a 'technology gap' and a 'knowledge gap' between parliament and citizens.

Despite the fact that no Pacific Island country participated in the survey, the situation in Pacific parliaments is very similar. To remedy this a range of targeted projects, largely funded by the UNDP, and New Zealand, have seen the introduction of systems for electronic drafting of Bills, Acts and Regulatiocns (or Resolutions), the recording of parliamentary sessions for Hansard (the official verbatim record of the proceedings of parliament)[2] and the proceedings of committees, transcription software to create the published record, parliamentary intranets and Wi-Fi to support the sharing of knowledge and online access in the House to official documents (such as Standing Orders and Bills), access to Parliamentary Library resources and online interaction with citizens. In Solomon Islands, for example, electronic submissions to select committees is part of the e-Parliament strategy (Cullen and Hassall 2016a), a key focus of the National Parliament of Solomon Islands Strategic Plan (Solomon Islands 2012). But whereas Solomon Islands, with considerable international and regional support and a large number of ICT staff, is introducing most of the technologies above, resource constraints and lack of human capacity limit what other countries in the region can achieve. Vanuatu's sole Parliamentary ICT staff member manages the Parliamentary website and Parliament's ICT systems, wireless Internet, technical support and training for MPs and staff and the tablets provided for MPs. Producing Hansard in Vanuatu therefore remains a manual process (although like all Vanuatu official documents it is published in English, French and the local pidgin Bislama) and only sessions up to 2012 are available online. Negotiations began in 2015 to acquire and install a Legislative Management Information System (LMIS) to make Bills, Acts, Order papers and other parliamentary papers available online to members via their laptops or smart phones and ensure that members have read and considered Bills that come before the House (Isno 2015). Cook Islands, by contrast has made a deliberate

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[1]It should be acknowledged that this would have been the case in parliaments of many industrialized nations 25 years ago.

[2]Hansard is the traditional name for transcripts of the British Parliament; the name is widely adopted by countries in the Commonwealth of Nations (which a majority of independent Pacific Island states belong to), and commonly used in the Pacific region.

decision not to make Bills, Acts, Regulations and other parliamentary papers available online at this time, being reluctant to forgo the small income stream it gets from selling printed copies in the country and internationally. Its population of 12,000 is mainly found on the island of Rarotonga, and published Acts, Bills etc. are readily available for reading at Parliament House.

7.2.1   Parliamentary Websites

The well-established systems for ensuring access to information about parliament and its business in industrialized nations, previously through the deposit of 'parliamentary papers' in public and university libraries and now through online access to documents published on a parliamentary website, has not been easy to duplicate in PICs and has led in the past to serious gaps in citizens' access to information. Equally important for functional democracy and the accountability of parliaments is the issue of timeliness. Unless information is made available when decisions are being made and those making decisions have access to all necessary information, democracy is not well served. But the lack of structures through which to make information available (the 'technology gap' and 'knowledge gap' identified by the 2012 World e-Parliament Report) has hindered the development of participatory democracy in the region and slowed the progress of these emerging democracies.

> The foundation of democracy is an informed constituency that is able to thoughtfully choose its representatives on the basis of the strength of their record and one that is able to hold their government accountable for the policies and decisions they promulgate … Democracy is enhanced where people meaningfully engage with their institutions of governance and form their judgments on the basis of facts and evidence, rather than empty promises and meaningless political slogans. Where people do not have access to information, as has so often been the case in the Pacific Islands states, voters will often fall back on ethnic, religious or geographic affiliations when choosing a candidate. (Mistry and Rodrigues 2007, pp. 93–94)

Given the lack of a tradition of libraries and civic engagement through print and the remoteness of the majority of many Pacific Island populations from the seat of government, the Internet has the potential to transform citizens' access to information about the parliamentary process and the laws and policies being enacted in their name. In particular, the use of websites for disseminating information about such matters, and websites designed for access by mobile technologies (smart phones and small tablets) is essential to the delivery of participative democracy in the Pacific Island countries in this study.

A global survey undertaken by the Inter-Parliamentary Union (IPU) in 2000 indicated that only 29% of the Pacific parliaments had websites, a figure which had risen to approximately 40% by the end of 2006, or nine of the current 22 members of the Pacific Community (which includes sovereign states, dependencies and territories). In an independent study of the content of these Pacific parliamentary websites, Hassall (2007) noted the need to weigh the considerable cost of setting up

and maintaining a parliamentary website compared with the cost of providing access to printed copies of Bills, Acts and Hansard, or when balanced against the need for ICT support for members and staff. In these small jurisdictions such choices must often be made.

At the time of going to press not all PICs and territories have what could be described as parliamentary websites. The larger and more developed independent states (Papua New Guinea, Fiji, Solomon Islands, Vanuatu, Samoa, Kiribati, Tonga and the Federated States of Micronesia) all have some form of parliamentary website. So do some of the larger territories (French Polynesia, New Caledonia, the Northern Mariana Islands and Guam). But the smaller independent states struggle to maintain a web presence for their government, let alone their legislative assembly (which may be called a Parliament, Fono, Congress or carry a name based on the country's language, e.g. the Maneaba Ni Maungatabu in Kiribati or the Nitijela in the Marshall Islands). Among the smaller countries with populations of less than 20,000, Cook Islands and Nauru manage a Parliamentary web presence, even if irregularly updated, but tiny nations such as Niue and Tokelau (with around 2000 and 1000 inhabitants respectively)[3] do not attempt to maintain websites for their legislatures. (The Tokelau government website refers to the General Fono which shares power with the Council for Ongoing Government (the main administrative department) which lists Ministers and their portfolios, and notes Decisions taken by the General Fono on its government home page.) The website of Palau's National Congress (which comprises the Senate and the House of Delegates) is currently under construction.

The current state of the websites of the independent Pacific Island states are surveyed in Table 7.1, using abbreviated criteria based on the International Parliamentary Union (IPU)'s *Guidelines for Parliamentary Websites*, which include:

- information on access to parliament including visitor information and educational tours, seating arrangements in the debating chamber and a virtual tour;
- history and role of the parliament, responsibilities of the legislature and the text of the constitution or other founding documents;
- functions, composition and activities, events, sitting days, reports, statistics and press releases; elected leaders (Speaker and Deputy), powers, biodata and photograph;
- list of parliamentary committees, commissions and other non-plenary bodies, responsibilities, membership, report on activities;
- list of members of Parliament, biodata and photo, constituency and political party affiliation along with roles, committee membership etc., contact information and email address, activities of current members and lists of previous members;

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[3]Tokelau is a non-self-governing territory of New Zealand, with a resident NZ Administrator, but defines itself as "largely self-governing with a system of government based on traditional village leadership".

- political parties represented in parliament and links to their websites; elections and electoral system including detailed results of recent and previous elections; administration of parliament, description of key roles and vacancies;
- publications, documents and information services, including where to obtain documents if not online, information about parliamentary library and services;
- general links to other relevant websites, ministries, other government agencies, Constitutional and Supreme court, etc. and the IPU website (IPU 2009).

Not all of these are relevant to all PICs—some do not have a system of political parties; others do not yet have websites for courts. In other PICs the technology available to citizens does not make the use of virtual online tours a high priority for the country. Financial resources, staffing levels and the technology available present challenges in keeping information up-to-date online, as will be seen. Hence a more conservative, but essential set of criteria are applied in Table 7.1.

This table shows that only 12 of the independent member states of the Pacific Community (SPC) have what could be described as a functional Parliamentary website and that few cover all the expected core elements. Many are several years out of date. In particular, information about sitting dates and the business to be considered on those days (the 'Order Paper') is rarely available and direct contacts for MPs, committee reports, other parliamentary papers and online access to the ParliamentaryLibrary (which might fill some of these gaps) is very limited. Hansard (which might be expected to be available at least for the previous year) is also rarely available online. But the creation of Hansard and keeping a journal record of the proceedings of parliament is a labor intensive skilled task; in the past it required high-level shorthand and editing skills. When technology is used to record and transcribe debates specialized software is needed to create an appropriate record and a considerable amount of training is involved. Instead, many countries, while committed long term to the Hansard concept, have adoptedlive-streaming audio/video in the interim, which is accessible via smart phone or tablet. Where such video recordings are archived and remain available they can be useful in providing access to the business of the house, but they are no substitute for the permanence and searchability of a Hansard report. The lack of information available in most jurisdictions and the lack of timeliness of the information available in most of the others, while due in large part to lack of resources, is still a major brake on good democratic process in Pacific Island states.

To the extent that they can, Pacific parliamentary libraries play a key role in allowing citizens access to parliamentary papers, even if they are unable to support a web presence. Thirteen of the 15 SPC independent Pacific member states are members of the Association of Parliamentary Librarians of Asia and the Pacific, which is focused on the role of parliamentary libraries in support of democracy and which is engaged in training and knowledge sharing in the region (APLAP 2016). Their role, in both providing research services to MPs and parliamentary staff and in providing access to parliamentary publications to citizens is a crucial one; they, along with the Pacific Legal Information Institute (PacLII), which makes all Pacific

Table 7.1 Summary of content of Pacific Island Countries' parliamentary websites, using IPU criteria

Country[a] (population)	MP's use of ICTs	Parliament structure and processes, constitution, standing orders, tours etc.	Information on MPs, affiliations, contacts	Order papers, journals and sitting days notified	Legislation (acts, bills, regs.) online	Hansard or other record online	Committees and reports	Other parliamentary papers and reports	Parliamentary library
Cook Islands (14,300) http://www.parliament.gov.ck/index.html	MPs have MS Office, Internet and Wi-Fi in the House	Brief information about Parliament given. Constitution and Standing orders online. Speaker not named, but Clerk's name, address and email address given. No tours mentioned	Name and party affiliation. No individual contacts	Not found	Acts, bills and regulations listed, with price. Not accessible online	Described and available in print at Parliament House	Committees described and membership listed but no reports available	Not found	Not found
Fed States Micronesia (FSM) (102,800) http://www.fsmcongress.fm	Not known	No information currently available ('History' tab not functioning); Speaker and Vice Speaker's names and photos provided	Name, electorate and photograph only (14 members only)	Sitting days online for 2014 only	Acts, bills and resolutions online line up to August 2016	Not available	Up-to-date online for 2016. Committee members listed in reports	Not found	Not found
Fiji (867,000)	MPs and staff have MS Office, Internet	Full information about history and	Name, party and photograph only	Sitting days notified and		Hansard, journals and	Committee membership and		Research and library

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Table 7.1 (continued)

Country[a] (population)	MP's use of ICTs	Parliament structure and processes, constitution, standing orders, tours etc.	Information on MPs, affiliations, contacts	Order papers, journals and sitting days notified	Legislation (acts, bills, regs.) online	Hansard or other record online	Committees and reports	Other parliamentary papers and reports	Parliamentary library
http://www.parliament.gov.fj	and access to GovNet through Parliamentary web site	function of Parliament online, with seating plan. Tours, education program, constitution, standing orders available online	(ministerial roles noted). No contact details	Order papers up-to-date online	Acts, bills and resolutions up-to-date online	voting records of members available and up-to-date online. Live streaming video on sitting days	reports online, but currently unavailable	Range of annual reports available	services noted on website, email link available for MPs to make requests
Kiribati (113,400) Website not available but cached site at http://www.maneaba.net/constitution.html indicates it usually provides the items noted	Standard ICTs and knowledge sharing platform provided by UNDP	About Parliament pages available, content not known. Constitution available on cached site. Link to standing orders broken	Members pages available, content not known	Not known	Bills/acts pages available, content not known	Hansard pages available, content not known	Committees pages available, content not known	Not found	Not found
Marshall Islands (54,900) http://miparliament.org/cms/	Standard ICTs and knowledge sharing platform provided by UNDP Parliamentary staff also receive ICT training from SPC	Brief history of the Nitijela (parliament) and roles of Speaker, Vice Speaker, Clerk and Legislative (Parliamentary) Counsel, and incumbents noted. Constitution	MPs listed, some link to personal page which lists electorate and brief bio. Ministerial roles noted. Party affiliations not noted	Session calendar and order papers to mid-year 2016 available under 'Library' tab	Acts and Resolutions available online	Live streaming on sitting days, recorded	Committees and membership listed but no reports available	Not found	Not found. 'Library' is tab heading for Parliamentary papers (Order papers and journals), legislation etc.

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Table 7.1 (continued)

Country[a] (population)	MP's use of ICTs	Parliament structure and processes, constitution, standing orders, tours etc.	Information on MPs, affiliations, contacts	Order papers, journals and sitting days notified	Legislation (acts, bills, regs.) online	Hansard or other record online	Committees and reports	Other parliamentary papers and reports	Parliamentary library
		available through search facility							
Republic of Nauru (10,800) http://www.naurugov.nr/parliament-of-nauru.aspx	Standard ICTs in use in MPs and staff offices, with Internet access (through UNDP strengthening project 2009–)	Summary information, constitution and standing orders online	MPs listed, with electorate and brief bio. Ministerial roles noted. Members of previous parliament listed	'Notice' papers, Votes and proceedings available online up until June 2013	Bills available online up to June 2013 through RonLaw database. Acts up to 2016 available through RonLaw database	Votes and proceedings available online up to 2013. Hansard being digitised. Online up to 2007	Committees and members listed, as at 2013, but no reports available	Only Annual report of the PCO—up to 2013	Parliament has a Library Committee for the Library and Research and Information Service
Niue (1500) http://www.gov.nu/wb/pages/parliament.php (In free association with New Zealand since 1974)	Standard ICTs available. Parliamentary staff also receive ICT training from SPC	Web page for Parliament (Fono Ekepule) on government web site. Brief description of political system (Constitution online on the NZ Legislation web site. Standing orders available as part of Niue Consolidated Laws)	Cabinet, responsibilities of Ministers and MPs listed, with constituency. No contact details, but ministry email contacts online. This includes Director of Cabinet and parliamentary services	Not available	Consolidated and sessional Acts and regulations available online up to 2014. Bills before parliament sometimes noted in government news	Not available	Not available	Not available	Not available

Table 7.1 (continued)

Country[a] (population)	MP's use of ICTs	Parliament structure and processes, constitution, standing orders, tours etc.	Information on MPs, affiliations, contacts	Order papers, journals and sitting days notified	Legislation (acts, bills, regs.) online	Hansard or other record online	Committees and reports	Other parliamentary papers and reports	Parliamentary library
Palau: republic with elected president (21,000) http://www.palauoek.com	Not known	History and composition of the National Congress (parties not part of system) Mission statement	Photo, email, brief bio, role and phone number of each member	Not available. Records of sitting days, bills considered and voting online to early 2014	Bills and Senate Joint Resolutions online to 2014. (Sessional legislation up to end of previous year on PacLII)	Out-dated 'Archived Posts' (news) available online	Committees and membership listed	Not available	Not available
Papua New Guinea (7,744,600) http://www.parliament.gov.pg	Basic ICT services for members and staff, internet access, and Intranet for document and knowledge management	Brief description and history of Parliament. Sitting dates notified. Constitution link broken, Standing Orders not available. Tours advertised online	Members, parties and ministerial roles noted, bios and email contact. SMS messaging invited to find out 'what your MP is doing' Links to party websites inactive	Order paper (Notice papers) and Questions for written answers avail online on the day. 'Minutes' for previous year available online	Acts available online up to end of previous year. Regulations and current Bills, not available online	Hansard up-to-date online	Committees and membership listed. Meetings dates and minutes not available	Other Parliamentary papers (referred to in Notice papers) not available online	Online link to Information Support Division (Library ICT support and telephones)
Samoa (187,300) http://www.palemene.ws	ICT services available to MPs in office and parliamentary library online access to library resources and documents	Info sheets on aspects of parliament available online, roles of Speaker and Clerk outlined.	Members listed, with constituency and initial of party. One general phone number given. Members of earlier	Order papers available (in Samoan and English) up to end of previous year available online, as well as Procedural Digest, 'Daily	Acts and regulations up-to-date online. Bills available up to end of previous year	Hansard available online for previous sessions, in Samoan, and in English at a later date. Audio	Committees and membership can be found on search (no tab). Committee reports tabled available up to end of previous session	Annual reports for ministries and SOEs available online	No information found although information management services listed in organizational

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Table 7.1 (continued)

Country[a] (population)	MP's use of ICTs	Parliament structure and processes, constitution, standing orders, tours etc.	Information on MPs, affiliations, contacts	Order papers, journals and sitting days notified	Legislation (acts, bills, regs.) online	Hansard or other record online	Committees and reports	Other parliamentary papers and reports	Parliamentary library
		Standing orders cited but not available online	parliaments listed. Parties tab has link to ne party's website	progress' and Journals. Sitting days not available		recordings available for current session while Hansard is being prepared			structure chart and references to the library can be found
Solomon Islands www.parliament.sb (641,900)	Well-funded ICT Unit, Intranet/ Internet access for MPs and staff, training provided. Tours and civic education noted	Brief description and history of Parliament. Law-making process, role of committees, and Officers Constitution and Standing orders available online (with updates). Session dates not noted	Current members, parties and ministerial roles noted, bios and phone numbers	Current Order papers (and business papers) avail online, Minutes up to end of previous year	Acts avail online to end of previous year. Bills avail but not current, committee schedule out of date	Hansard available online up to end of previous session	Committees listed, with membership. Bills under consideration and committee reports online	Press releases and news	Online link to library, role, and access to parliamentary publications including committee reports (not up-to-date). Access for MPs to library online catalogue
Tonga (103,300) Constitutional monarchy Parliament includes appointed nobles and	Standard office software available	Description of how parliament functions, history, accountability measures, visits and education programme.	Photo, constituency and brief biographical information provided by member; contact details if member provides them	Sitting days noted online. Order papers available up to end of previous year. Journal online but not up-to-date. News	Parliament website describes legislative process, link to Tonga legislation website (corrupted and inactive).	Online and up-to-date in Tongan and English. Video of specific events available.	Standing and select Committees listed, no reports available	Available in Parliamentary library	Library services described, research and resources for members, and public access. Aiming to have all

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Table 7.1 (continued)

Country[a] (population)	MP's use of ICTs	Parliament structure and processes, constitution, standing orders, tours etc.	Information on MPs, affiliations, contacts	Order papers, journals and sitting days notified	Legislation (acts, bills, regs.) online	Hansard or other record online	Committees and reports	Other parliamentary papers and reports	Parliamentary library
elected members www. parliament.sb		Constitution and standing orders available online Sitting days noted online	(No party system)	(including information about sitting days) is current	Cur-rent legislation, consolidated and sessional avail on Tonga Crown Law website				parliamentary papers avail online in the long term
Vanuatu (277, 500) https:// parliament. gov.vu	PCs and standard office software, and training available for all MPs. Wi-Fi in debating chamber gives access to web site only. Tablets supplied to MPs	Political system and its history described. (English only). Role of Clerk and Speaker, and legislative process, outlined. Constitution and Standing orders available on PacLII (link is on website) but this is not stated	Members of current and past parliaments listed, with electorate and party noted, and role (ministry or committee membership). Approx 2/3 link to personal page with photo, bio and phone contact	'News' announces start of a session. No schedule for sitting days available. Order papers not available	Acts (sessional and consolidated) in English and French available on PacLII website. Titles only of Bills available on website up to 2012	Hansard (usually both English and French) available to download to end 2011. Live streaming on session days	Committees and membership provided. No reports available	Website notes limited range of documents available for public to read in library	Library's role and collections described. Email address for librarian given

[a]Only independent Pacific Island states are included here. NB: Cook Islands and Niue are self-governing states in free association with New Zealand which has responsibility for their defense and foreign affairs. FSM is in free association with the USA which is responsible for its defense. Other Pacific Island territories are not included although most do have either a parliament or a governing council. (Population data sourced from SPC website.) NB: Not all countries use the party system

legislation (Acts, Regulations and court information) it can obtain available on its website, to some extent can fill the gap in essential information available to citizens in many countries. But access to Bills before the house, sitting days and order papers are essential tools of democracy and it is disappointing to see them not more widely available on Pacific parliamentary websites.

7.2.2 Barriers to the Use of ICTs in Pacific Parliaments

As Table 7.1 shows, the use of parliamentary websites to disseminate core information recommended by the Inter-Parliamentary Union's *Guidelines* is patchy, and the lack of currency in the information provided is a signal of the difficulties PICs experience in maintaining them once launched. Effective use of technology in parliaments and the sustainability of technological innovations are all affected by the same issues. The lack of financial resources and qualified personnel, the cost of maintaining software, the need to train parliamentary staff and members, the need for local champions,[4] and the difficulties of maintaining hardware in the tropical environment of most Pacific SIDs are all challenges to be overcome. Vendor support for ICT hardware is a major issue, while having hardware which can be supported by local firms can be a factor in success even though it may come at a higher cost (Lomp 2013). Staff turnover is high (and sometimes changes dramatically with the election of a new government), positions remain vacant for lengthy periods and retraining is constantly needed (Hassall and Talifu 2015). Where technical assistance is provided through development partnerships (whether for reforming parliamentary procedures, the production of Hansard, library systems or staff in the Clerk's or Speaker's office), projects often stall when that technical assistance comes to an end, unless a commitment is made to ongoing staffing (Hassall and Talifu 2015). Funding for software or technical support can run out, so to save licensing fees open source software may be used, as in Vanuatu where the parliamentary ICT staff member uses Joomla to create a fairly comprehensive parliamentary website [which, since it is using Joomla, can be read in over 100 languages, although substantive content is only in English and French (Cullen and Hassall 2016b)].[5] Political factors may also come into play. For example, information on Nauru's website was frozen after the election of a new government in 2013 following which many expatriate staff and advisors, had their visas withdrawn or their contracts not renewed (Johnson 2015; Garrett 2016). It has since been

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[4]Even where there is a champion, maintaining momentum in making information available is a challenge. The Speaker of Papua New Guinea's House of Representatives has launched a program of Reformation, Restoration and Modernization, and has made a commitment to greater community access to information about the activities of the parliament (which has had considerable UNDP support). But despite the fact the PNG is the largest and wealthiest of the Pacific Island countries in our study there is still significant information missing from its website (such as current Bills).

[5]The Vanuatu lingua franca Bislama, is not supported by Joomla.

updated and the RonLaw database continued to hold current legislation throughout.[6]

Several reports make clear that the introduction of ICT involves considerable change in the way the business of the parliament is conducted and is most effective where it is accompanied by a substantial review of procedures, workshops on parliamentary process and democracy and a well-managed reform or strengthening program (Lomp 2013). Such ongoing training has been a major feature of some development partnerships in the region. For example, the program in Samoa began with a Legislative Needs Analysis and had a strong training component based on the identification of lack of basic ICT skills among members of the Samoan parliament. Training in ICT skills for members and parliamentary staff is a key part of ensuring that members are committed to their ongoing use, enhancing sustainability. But even with such training and support, members may opt not to make use of systems to provide them with Bills and other crucial papers (Lomp 2013). But one further element of democracy is also crucial: an informed citizenry. A commitment to democracy and the rule of law requires that citizens are vigilant and actively seek information to hold leaders accountable. Hassall's questions in his 2007 review of Pacific Islands remain as relevant today. Who drives these innovations? Is demand coming from MPs reaching out to their electors from administrators, citizens or development partners? "Website development will only be encouraged if sufficient demand for this is expressed by one or other of these actors in the democratic process, and if sufficient resources continue to be supplied for this purpose" (Hassall 2007, p. 127).

7.2.3 Regional and Global Support for ICTs in Pacific Parliaments

A number of organizations are helping PICs develop their parliamentary processes and introduce technology to increase their effectiveness, including the Inter-Parliamentary Union (IPU), the Commonwealth Parliamentary Association (CPA) and the UNDP. These organizations, as well as the Pacific Parliaments Network, are engaged in regional networking, workshops and in-country development projects, all focused on strengthening Pacific parliaments and, inevitably, making more effective use of ICTs. Several countries (Fiji, the Federated State of Micronesia, Papua New Guinea and Samoa) have joined the IPU which is a major sponsor of the *Global Centre for ICT in Parliament.* The Centre, which describes itself as a "hub for information, research and technical assistance to parliaments in the area of ICT", is a strong advocate for the use of ICTs to progress its goal of strengthening representative institutions. It holds the biennial World e-Parliament Conference, produces the regular *World e-Parliament Report,* provides technical

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[6]http://ronlaw.gov.nr/nauru_lpms/.

assistance to some IPU members and has issued the most recent edition of the *Guidelines for Parliamentary Websites* for the IPU (2009).

The UNDP has also played a major role in the Pacific, working to strengthen the legislatures in Fiji, Solomon Islands, Samoa, Tonga, Vanuatu, Palau, Kiribati, PNG and the Republic of Marshall Islands as part of its Responsible and Accountable Institutions and its Parliamentary Development programs, often referred to as Strengthening Programs. It has a number of regional bases in Asia and the Pacific—the UNDP Regional Hub (Bangkok), the UNDP Pacific Centre (Suva) and eight in-country offices. It is also a joint partner with the Australian federal and state parliaments in a twinning program with the 12 Pacific members of the CPA, the Pacific Parliamentary Partnerships (PPP) program.[7] As part of this program the UNDP supports the Victorian State Parliament as it assists the Tuvalu Parliament develop a strategic plan, human resource strategy and assess its information technology needs (equipment is donated through the PPP Fund). The Fund has supported many IT projects in the past including the Samoan Legislative Needs Assessment and an ongoing Parliamentary Strengthening Project in Solomon Islands that began in 2001. The Solomon Islands project, which has supplied computing equipment in the past and funded Internet access, funded salaries for an additional 14 (of 71) Parliamentary staff (including an ICT officer) and supported training and an ICT Policy for the Parliament. These staff have been transferred to Solomon Islands Parliament budget as the project winds down, although the past history of such projects suggests that ongoing funding is not assured at this point. The use of ICT to produce Hansard via a fully automated system was also a focus of the UNDP Solomon Islands program. UNDP is currently actively working in Papua New Guinea and its semi-autonomous state Bougainville (which has a separate legislature), building on an earlier EU supported Open Parliament project. The project involves an ICT-assessment to assist both legislatures develop their ICT strategies and determine future ICT needs, which will then be implemented.

But in many ways, local partnerships and the commitment of Pacific neighbors to work side by side produce the most sustainable change. Under the PPP program, primarily funded by the Australian Commonwealth government, the parliament of each Australian state and territory (including the ACT[8] but not the federal parliament) has a development relationship with one or more Pacific Island parliaments,[9] bringing staff in to observe, and making in-country visits. (The New Zealand and Australian national parliaments have an overall coordinating role.) Individual

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[7]The Association of Parliamentary Libraries of Australasia also participates in this, working together in the same paired relationships (http://apla.org.au/twinning-program/).

[8]The Australian Capital Territory (ACT), a self-governing enclave similar to Washington, DC, is the home of the federal government, but has its own Legislative Assembly.

[9]The Pacific Parliamentary Partnerships program links ACT with Kiribati; NSW with Bougainville and Solomon Islands; NT with Niue; Queensland with PNG and Vanuatu; SA with Tonga and Marshall Islands; Tasmania with Samoa; Victoria with Niue and Tuvalu; WA with Cook Islands.

programs cover all aspects of governance through effective parliamentary systems and focus on capacity-building among parliamentary staff (e.g. the Clerk, Parliamentary Counsel, Hansard staff and committee secretaries) as well as elected members, such as the Speaker. The Speaker has a key role in reform programs and in the effective use of ICTs in the debating chamber and in the overall management of parliamentary services (CPA 2016).

These partnerships often include a focus on the use of ICT in creating better information management processes and dissemination. Although the PPP program is currently under review and its future uncertain, program participants and parliamentary staff (Surtees 2014) confirm that working alongside parliamentary colleagues in the region and having Pacific colleagues observe and work in Australia is the preferred mode of knowledge sharing, which "provides a sustainable model for democratic development as it is helping to build enduring relationships" (p. 4), one that better fits with the cultural values of Pacific people. And this relationship is not one way—Australian and New Zealand parliamentary staff acknowledge the value of learning from Pacific neighbors, not just how to target aid and development partnerships, but how to work with other sovereign states in the region and understand their perspective (Surtees 2014). Commitment over time is also seen as a particular virtue of the UNDP Strengthening Programs in the region, although because of the high levels of staff turnover and unstable funding throughout some of these projects, not all are sustainable after their conclusion. Australia's commitment to its Pacific neighbors and to effective governance in the region is likely to see the program continued even with any reduction in funding.

Cooperative arrangements between the New Zealand Parliament and Pacific parliaments are less formal, but equally productive. As well as its shared oversight over the PPP programs, the New Zealand Parliament has arrangements with its own dependencies, Cook Islands, Tokelau and Niue. Much of New Zealand's support is focused on legislative drafting and sharing the knowledge of the Parliamentary Counsel Office and Hansard staff, with the costs of these activities being funded by the NZAID program. The Parliamentary Counsel Office also assists in law drafting for Fiji as part of a UNDP program (see box 7.1) and has been providing law-drafting assistance to other Pacific countries, an activity regarded as "effective, efficient and sustainable" in the most recent evaluation (Schmich et al. 2015, p. 7) (NZ.PCO 2014, sect. 3.5). The New Zealand Parliamentary Counsel Office also contributes to PILON (Pacific Islands Law Officers' Network) meetings in relation to legislative drafting as well as drafting and training forums organized by the Pacific Islands Forum Secretariat. Hansard staff from the New Zealand Parliament, whose own Hansard Production System has recently been upgraded to an integrated web-based collaborative document management and publishing resulting in faster, more reliable publication of Hansard, will share this experience with Pacific countries and seek funds to assist them to deploy equivalent software.

Box 7.1: Fiji Parliament's new state-of-the-art ICT system supports the return to democracy

When the new Fijian Parliament opened in October 2014 after a lapse of over eight years Members of Parliament and the Parliament Secretariat staff were equipped with the latest technology, making it one of the most modern parliaments in the region. Parliament met under a new Constitution which required parliament to give due consideration to each Bill before the House, obliged Ministers to provide Parliament with 'full and regular reports concerning matters for which for which they are responsible' (sec 90(4)) and Parliament to facilitate public participation in its processes (sec 72). These provisions in support of more open democracy are enhanced by the use of ICT in the new Parliament.

The United Nations Development Program (UNDP) worked throughout 2014 to provide support to the Parliament of Fiji to achieve the goals of the new constitution. The work undertaken included a needs assessment of the original parliament building, abandoned after the coup of 1987, which was to be refurbished and brought back into use to make parliament more accessible to the people and provide offices for MPs; technical assistance for the development of revised Standing Orders and laws relevant to the functioning of parliament; the development of training programs for secretariat staff and MPs; and the installation of state-of-the-art technology to support the work of parliament. Other nations in the region (New Zealand, Japan and Australia) and the European Union contributed funding and expertise; staff from the Indian Parliament provided Hansard training.

ICT equipment worth over US$893,000 (FJD$1.6m) donated by UNDP included a delegate conferencing system that enables MPs to vote electronically, a portable delegate conferencing system to enable the various Committees to engage with citizens during the public consultation process, the latest Hansard software and hardware to ensure accurate recording of the proceedings in Parliament, iPads to access order papers and documents related to each day's sitting online, desktops and laptops for Parliamentary Secretariat staff. The parliament now has an active and current website, a FaceBook page and live-streaming of the Parliament when in session.

The New Zealand Parliament and the Victorian State Parliament in Australia have both been longstanding supporters of the UNDP Parliamentary Strengthening Program, which is seen as an important cornerstone in Fiji's return to democratic rule. Since the new parliament was formed in 2014 they have been lending the expertise of their parliamentary librarians to help the Fiji Parliament develop its library, to ensure that legislators have relevant historical and legal resources to hand and are supported by a strong research team. A recent donation by UNDP, of FJD$20,000 worth of books and online resources to strengthen the library's ability to serve the interests of

democracy, is enhanced by the training provided by New Zealand and Victoria to ensure the parliamentary library remains a "crucial foundation of a well-functioning parliament."

Sources: The Interpreter (Lowry Institute), 9 October 2014, 12:10; FijiLive March 03, 2014; RadioNZ; Fiji Parliament website.

7.3   ICTs in Electoral Processes in the Pacific Islands

A sound electoral process is as important as good governance in promoting democracy, the rule of law and reducing corruption. The Pacific Islands Forum plays a major role in providing expert teams to monitor elections in the region and ensure the principles of the *Bitikawa Declaration* (PIFS 2000) are upheld. Regional monitoring by peers and colleagues is a considerable incentive for free, fair and democratic elections (PIFS 2015).

ICT has a significant role to play and has been adopted more rapidly than in many neighboring industrialized countries. Its use is mainly in the creation of electoral rolls, including the use of biometric technology as part of Biometric Voter Registration (BVR) systems and the use of SMS messaging, which suits the 2G phone systems used by the majority of the voters that candidates wish to reach in the remote rural electorates of most Pacific Island states. BVR systems store thumb prints and photographs of citizens registering and issue secure voter ID cards which must be presented at polling booths. BVR was first used in Samoa's General Election in 2006 and again in 2011 and 2016; it was used in the Fiji elections of 2014, the Solomon Islands election of 2015 and was planned for Vanuatu's 2016 election (Ligo 2013) and for Papua New Guinea's 2017 election (RadioNZ 2012). In Vanuatu the system was not ready when a snap election was called and the use of BVR is now deferred until the 2020 elections (Cullwick 2016). BVR systems play a valuable role in eliminating deceased persons (particularly in regions where registering a death is not common practice) and eliminating the problem of multiple identities in communities where one individual legitimately or otherwise bears many names. In practice, where electoral fraud is entrenched, they do not resolve all forms of electoral fraud and questions have been raised about whether the cost is justified (Haley and Zubrinich 2015a).

An investigation conducted by the European Commission—UNDP Joint Task Force on Electoral Assistance on ICT Solutions in Electoral Processes (EU-UNDP 2010) raises concerns that the introduction of ICTs into electoral processes can carry risks and often suffers from unrealistic expectations; it noted that in 2009 the UN Secretary-General had expressed concern that "… some of the poorest countries in the world have chosen some of the most expensive electoral processes and technology" (UN Secretary General 2009). The report notes that ICTs have already dramatically changed the way elections are conducted in many developing

countries and that the process, driven by demand from developing countries and pressure from the suppliers of ICT solutions (regardless of the level of preparedness to introduce such applications and despite significant cost implications) is likely to affect more emerging democracies. Trust is also a major issue: "while elections are technical processes, they are fundamentally political events. However, the true measure of an election is whether it engenders broad public confidence in the process and trust in the outcome." The report also notes the value of biometric systems in voter registration and voting operations, even considering them "the definitive solution to voter impersonation and multiple voting practices" (p. 64), but cautions that such systems must be backed up by efficient and timely matching of data from different regions, a process that adds costs and which must be supported by sanctions. Even so, the report notes, the environment in which such systems operate present additional risks (power failure, connectivity, challenging tropical environments, procurement risks, data security and adequate technical support).

By and large, Pacific countries that have implemented biometric voter registration and identification seem to have been satisfied that it reduces multiple voting and enables them to eliminate non-existent voters (PIFS 2015), a view endorsed by Transparency International's Steve Julax (ABC 2014). Lack of trust in electoral systems in the Pacific islands is based on allegations and substantial evidence of corruption (vote buying and financial rewards for political support when coalition governments are being formed), intimidation and candidates of uncertain quality (RadioNZ 2012b, 2014, 2016). Because of the cost of BVR systems development-partner funding is usually necessary to implement them (RadioNZ 2016). As is the case with the conduct of parliament, the development of democracy and the election of members of parliament according to rigorous international standards (a challenge shared at times with the most industrialized nations) is compounded by the co-existence of traditional forms of governance, relational ethics and the obligations of traditional leaders.

Box 7.2: Solomon Islands' new voter registration system
Parliamentary elections are managed by the independent Solomon Islands Electoral Commission (SIEC), chaired by the Speaker of the Parliament (who need not be a sitting MP); two other members are appointed by the Governor-General. An electoral database was launched before the parliamentary election held in November 2014. This used a biometric voter registration system commissioned by the Minister of Home Affairs, and supplied by Canadian software company, Electoral Services International. The BVR system stores a photograph and both thumbprints of all citizens registering and issues secure voter ID cards. The registration process required eligible citizens to register at a 'roving' registration center, which became the location where they were to vote. The process was regarded as highly successful, reducing the number of voter registrations by more than one third. A text

message campaign was used to inform the public about the voter registration process, about candidates, voting procedures and locations of polling stations.

The SIEC reports that approximately 85% of all eligible voters registered to vote and that a record 89.93% of those registered voted. This compares with a figure of 52.4% in the 2010 elections, although this figure is considered to be distorted by the number of multiple registrations and deceased persons on the roll before the introduction of Biometric Voter Registration. The percentage of votes rejected during counting, 0.63%, was low by international standards, an outcome attributed to the clarity of information given to voters.

However, there were several reports that not all eligible citizens were able to register during the registration period and some voters experienced difficulty in locating the polling station where they were registered. Despite these problems SIEC remains confident that the recent elections were a 'significant milestone in the management of clean and fair elections' in Solomon Islands.

Sources: SIEC (2014), Haley and Zubrinich (2015a).

With the massive increase in the use of mobile phones and limited impact of newspapers and other media, mobile telephony plays an increasing role in the electoral process in PICs. Since most people do not have access to more than 2G networks (see Chap. 5), SMS messaging is mainly used to inform voters about how to register, where to vote and who the candidates are. It is also used to send messages from candidates to voters, to notify them of meetings, solicit their vote or spread negative information about other candidates. There is some evidence that SMS messaging has also been used to intimidate voters, facilitate vote buying, distract polling officials and facilitate "block voting, where voters queuing to vote receive text messages containing a photograph of the candidate's symbol they were to mark" (Haley and Zubrinich 2015b). Mobile phones, the authors conclude, are having a profound effect on elections in the region, an effect which has some unforeseen benefits apart from the dissemination of information to voters. Both Haley and Zubrinich (2015b) and Logan (2014) report incidents of voters and official observers using smart phones to record irregularities. Logan, in particular, notes the use across Melanesia of both 'bounded' crowd-sourcing (ICT-enabled monitoring by trained observers, usually members of civil society organizations with a standard reporting mechanism) and 'unbounded' crowd-sourcing (the same communications transmitted by untrained, usually anonymous, individuals; this information can be shared with others, with traditional media outlets or transmitted to a website). This spontaneous form of electoral monitoring, Logan suggests, may bring the benefits of added scrutiny and voter engagement. Equally, she suggests, such reports can produce uneven and unregulated election observation in ways that may "reframe the conduct of the election in public discourse" and lead to increased tension in these already fraught contexts (Logan 2014).

7.4   The Use of ICT in the Justice
Sector in the Pacific Islands

Access to information about the constitution of a country, its laws and the operation
of its courts is an essential element of a modern democratic state. The second and
third principles of the World Justice Project's definition of the Rule of Law state:

2. The laws are clear, publicized, stable, and just; are applied evenly; and protect fun-
   damental rights, including the security of persons and property.
3. The process by which the laws are enacted, administered, and enforced is accessible,
   fair, and efficient.[10] (World Justice Project 2016)

Ready access to information is clearly critical to the achievement of these princi-
ples, and technology has a clear role to play in facilitating this access.

   However, law in the Pacific islands is a complex matter that can create barriers to
access to legal and judicial information. The national jurisprudence comprising the
customary, equity and common law of each Pacific country comes from many
sources, as Jennifer Corrin explains.

> These different kinds of laws originate from different sources: the constitutions, legislation,
> and subsidiary legislation enacted from outside the country reflect the views of govern-
> ments of former controlling countries [colonial powers]: the constitutions, legislation and
> subsidiary legislation enacted within the country are based on the policies of governments
> of the country; the principles of common law and equity derive from the practices of
> English people and English judges, and the unwritten customs and customary law derive
> from the usages and practices of communities within the country. (Corrin and Paterson
> 2011, p. 5)

   The constitutions of several Pacific Island countries include reference to culture
and tradition, as do judgments in some cases (Corrin and Paterson 2011, p. 5, 6) and
there have been calls across the Pacific for laws to reflect indigenous values rather
than English or French law (p. 6). Moreover, where a matter is not covered by the
law of the country, English or French common law to which citizens may not have
access, may apply. To complicate matters further 'custom law', which is recognized
in all countries in the region except Tonga (p. 41), is not well defined and there is
considerable dispute about which actions are customarily sanctioned and should
have the force of law in the country. Customary land title is one area where
advances are being made in creating information systems, but in other areas where
customary law may be applied, only court records and law reports provide any
access to information about how customary law has been interpreted. Some of these
issues are discussed below as we explore the application of ICTs to justice and court
systems in PICS.

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[10]Principles 1 and 4 are: The government and its officials and agents as well as individuals and
private entities are accountable under the law. Justice is delivered timely by competent, ethical, and
independent representatives and neutrals who are of sufficient number, have adequate resources,
and reflect the makeup of the communities they serve.

Table 7.1 indicates whether each country's parliamentary website provides access to the constitution and enacted legislation (Acts and Regulations). This same information is also provided where possible by the Pacific Legal Information Institute (PacLII), funded by the Australian government (see box 7.2); several parliamentary websites link to PacLII (although usually without any explanation as to what is on the site). PacLII has made strenuous attempts to collect as much information about each of the Pacific Island jurisdictions as it can, including substantial historical material dating back to the colonial period. For 20 PICs it collects, digitizes and publishes online as much information as it can in the form of the constitution, law reports, court decisions, decisions of tribunals and quasi-judicial bodies where available, sessional, subsidiary and consolidated legislation and any information about parliamentary process (see box 7.3). Where the information is available, PacLII also reports on legislation and court decisions related to customary law. PacLII performs an essential and critically important service in providing access to legal information in the Pacific that is otherwise inaccessible to most.

In addition, technology makes available the extensive resources and online learning materials of the Pacific Judicial Development Programme (PJDP), funded by the New Zealand Ministry of Foreign Affairs and Trade and hosted on the website of the Federal Court of Australia;[11] its goal is "strengthening governance and rule of law in PICs through enhanced access to justice and professional judicial officers who act independently according to legal principles". The PJDP conducts a considerable range of judicial and court development activities in partner courts across the Pacific focused on capacity-building, backed up by its online Toolkit, reports, templates for surveys and decisions and judges' bench books. The Toolkit includes a module on public information that outlines the responsibility of the judiciary to enable access to justice, the duty of courts to ensure that the people understand what the court can and cannot do for them and how they can use the court to protect their rights. "Public Information must be provided in an easily accessible form which the public can readily understand."

Box 7.3: The crucial role of the Pacific Legal Information Institute (PacLII)

Access to legal information to promote justice and the rule of law (legislation, constitutional information, court decisions and reports of quasi-judicial bodies such as tribunals and ombudsman's offices),[12] and the right of legal information institutes to publish legal information is affirmed in the Montreal Declaration on Free Access to Law (WorldLII) 2007). Although Pacific Island countries are gradually placing legislation on their parliamentary websites, this is a slow process and the principles of democracy require

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[11]http://www.fedcourt.gov.au/pjdp/home.

[12]Cook Islands, Palau, Papua New Guinea, Samoa, Solomon Islands, Tonga, Tuvalu, and Vanuatu all have Ombudsman Offices. The role is otherwise usually filled by the Auditor General's office or the state Audit Office.

access to much more than just legislation. Other forms of legal information are a great deal harder to find. The Pacific Legal Information Institute (PacLII), supported by the Australasian Legal Information Institute (AustLII) plays a critical role in the region to ensure that, subject to the information being provided and the format in which it is provided, up-to-date legal information is made available for 20 of the 22 Pacific Island countries.[13] This is done via a reliable comprehensive website at www.paclii.org.

Although founded by the University of the South Pacific (USP)'s School of Law based in Port Vila, Vanuatu, to provide access to their own legislation and court decisions for students at the campus and across USP's eleven other regional campuses, PacLII has since broadened the scope of its publications. It now covers decisions of various tribunals, panels, ombudsman's office reports or secondary information such as court rules or bench books and is seeking to expand its collections to include law related materials such as subject specific papers and reports. It has also created an Intellectual Property Library and a Maritime Law Library. The functionality of the website, which utilizes the SINO search engine and automated 'markup' software to insert hypertext links (both developed by AustLII), enables users to search across the published material on a regional basis and by database type without conducting separate searches for each country. PacLII also includes primary sources (including the *Journal of South Pacific Law* and the *Melanesian Law Journal*) and manages the Pacific Legal Gateway, a website that organizes legal content and research resources that are relevant for the Pacific Island countries. As such the PacLII website has developed from its initial educational role to one that has become a critical pillar in the support of the Law and Justice Sector in the Pacific as a whole. The PacLII website also holds electronic versions of historic legislation from the pre-independence era[14] such as legislation related to Vanuatu from 1884 to 2014.

Source: PacLII website, Senakuraciri et al. (2015).

7.4.1 Justice Information Systems

In addition to the legislative and online searchable indexed databases of legislative and judicial information for each country available on PacLII's website, ICTs can be used to improve the administration of justice, covering everything from warrants

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[13]French Polynesia and Wallis and Futuna are not included.

[14]This includes New Hebrides Joint legislation from 1909-1973, and Western Pacific Legislation (made by the Western Pacific High Commission) as it relates to Vanuatu.

of arrest and charge sheets, prosecutions and filing of civil cases to the scheduling of cases, court case records (decisions) and law reports (significant decisions including judges' opinions, usually from a higher court). Integrating all this into one system, usually referred to as an Integrated Justice Information Management System (IJIMS, sometimes IJIS) has been a challenge even for much wealthier industrialized countries because it involves pulling together information from separate government agencies and sub-units, often described as 'silos' of information, using different types and definitions of data which must be 'harmonized' for an integrated system (Rottman et al. 2006). Expert knowledge, an excellent system architecture, consultation with potential users, (judges, clerks, lawyers and their clients) and good telecommunications systems (most IJIMS are web-based) are all critical factors in the success of these new JIMS (Rosa et al. 2013).

The role of judges, especially, can be crucial where e-court systems are being developed (Lupo and Bailey 2014). In spite of a history of judges on secondment from countries such as Australia and New Zealand (Baird 2013) bringing their own 'home-grown' systems and high expectations of technological support with them which drive such innovations (Cullen and Hassall 2016a, c), small standalone systems can only provide temporary solutions and hinder the implementation of cross-sector integrated systems. Moreover, it is important to ensure that any introduced system enhances access to justice, particularly in contexts where paper-based alternatives are not readily available and where justice can often be a protracted process.

The essential components of a Justice Information Management System usually include: a Court (or Case) Management System which includes a case registry with details of each case; a scheduling and court room management module; a document management system; an electronic filing service (for filing charges, applications and supporting documents, including affidavits); and an email notification system. Functionalities must include searchability and reporting and audit trails; electronic systems to support the judiciary (multi-media court rooms, Internet access, secure communications and collaborative workspace); a publicly searchable record of judgments and court decisions; web access to case schedules, templates and forms. A fully integrated JIMS is less easily defined, since different jurisdictions will align information systems that they have determined to be the most useful to their administration. However, often they include sentencing databases, to ensure consistency in the application of justice. In some cases, a Courts Management System will be linked to the police and the corrections/prison systems to track individuals and cases through the entire system (see box 7.4). In another example, the Solomon Islands' Courts Management System is linked to the Police Information Management System (which includes biometric data) and is scheduled to link to the Transport Management System which includes traffic offences and vehicle and driver registration. This level of integration has been possible only by the extensive centralization of systems in the country's ICT Support Unit (Cullen and Hassall 2016a).

Box 7.4: Vanuatu's Justice Information Management System

In January 2016, the Vanuatu Chief Justice Vincent Lunabek opened the 2016 judicial year with a report on 2015 in which Vanuatu had implemented a new Court Management System that he expected would enable judges and magistrates to run their caseloads more effectively, and "increase the transparency of where each and every case is up to". The project, part of the Australian funded Vanuatu Law and Justice Partnership Stretem Rod Blong Jastis Program is focused on a high quality and sustainable Justice and Police sector to support Vanuatu's development objectives.

The Vanuatu system, based on the Lexis VisualFiles system, will be used for the Supreme Courts and Magistrates' Courts of Vanuatu replacing most existing manual processes. It will be used for assigning and scheduling cases and producing orders and judgments; it includes a document management repository where users can draft, view and save documents and emails; it delivers a wide number of reports, including cases and financial information and it will eventually include Arrest Warrants and Notices of Conference. Currently covering Courts and the State Law Office, it is being extended to include the State Prosecutor's Office and the Public Prosecutor's and Ombudsman's Offices.

A Police Information Management System installed by Brisbane-based IMA partially replaces the earlier Saperion based CRIMs system already linked to the Government's HR and Finance systems and will support new functions: capturing incidents, managing investigations, recording criminal history. The system will be available to all Vanuatu police throughout country and is regarded as "a major step for the sector as a whole". It will also be linked to the Offender Management System being developed locally (using Saperion) and Corrections' existing Document Management System and Financial system. This will allow tracking of convicted criminals, holding basic data on each individual, when they are due for parole, the terms of parole etc.* As Correctional Services develops more community sentencing and rehabilitation programs the system will include data on such initiatives, which will form the basis of a full reporting system. The three systems, when integrated into an IJIMS, will provide a new standard of reporting and accountability and enable better use of resources through the linking of case data and management with budgeting across the sector.

*Decisions of the Vanuatu Community Parole Board are available on the PacLII website from 2012, to enable the Board "to record its decisions in writing, maintain a register of its decisions and to make its decisions available as a matter of public record" as required by the Correctional Services Act 2006 (Sect. 58(g)).

Sources: Vanuatu Law and Justice Partnership Stretem Rod Blong Jastis Program (http://www.mjcs.gov.vu/images/stretem_rod/SRBJ_Progress_Report_Jan-June_2015_Final.pdf), Vanuatu Daily Post, Ministry of Justice and Community Services Newsletter, Lexis/Nexis, Cullen and Hassall (2016b).

Despite many of these initiatives, it is still not easy to access justice information in most PICs. Information about the Fijian Justice system is available on the Judiciary Fiji website (information is provided about each court and scheduled hearings); sitting dates and cases being heard by the Cook Islands High Court (Land Division) are prominent on the website of the Cook Islands Ministry of Justice (disputes over land titles are a major issue in Cook Islands, as noted below) but little else is available online. This highlights the role of the invaluable PacLII website and its extensive collection of Pacific court and tribunal decisions and its "awareness, advocacy and training role" (PacLII website).

7.5 Land Information

In countries where the majority of inhabitants have little wealth beyond the land owned by their village or kinship group, reliable, accessible information about land tenure is crucial and essential to their basic human rights. It is also a critical development issue. The potential conflict between customary land title in the Pacific and introduced concepts of land ownership, primarily freehold ownership, has been exacerbated over the years by considerable uncertainty over customary land tenure and collective ownership (Corrin and Paterson 2011, pp. 272–77). Customary boundaries and ownership are dependent on local landmarks and oral histories and frequently contested (p. 273). While customary ownership is still recognized and customary authorities may be used to resolve land disputes, some PICs have attempted to deal with land rights through the introduced court system. This is made more complex by some of the decisions concerning the registration of land during the colonial era made by administrators with little understanding of customary land tenure and succession (Corrin and Paterson 2011, p. 273; Crocombe 1987). In the post-colonial era registration of land and procedures for challenging past decisions have become more urgent. All PICs now have legislation outlining the procedures for determining land ownership and land rights, and increasingly are requiring agencies to maintain records of 'land titles', leases and ownership. In many countries, therefore, considerable effort has been made in recent years to create reliable databases with this information—a timely endeavor given that such land ownership information can now be tied to a geographical information system (GIS) that uniquely identifies the land in question. It is also timely, given the opening up of many Pacific countries to business interests which seek to purchase or lease land for business premises or to exploit local resources (such as forestry).

Electronic land registers are now underway or in use in Samoa, Solomon Islands, Papua New Guinea, Fiji and Vanuatu; an example of the value of such initiatives is indicated by Kwapena's report on how Papua New Guinea's Revised Incorporated Land Groups (ILG) Registration System and the New Voluntary Customary Land Registration (VCLR) System are empowering customary landowners to give economic value to their land (Kwapena 2014). In many other countries, GIS systems showing land use (but not title) are being developed; the PALARIS national

geographic information system in Palau (Palau 2010) and the Cook Islands' use of its GIS which records data about geographical environments, roads, rivers, water quality, land use and population data (Cullen and Hassall 2016c, p. 28) show the value of combining GIS with other data. Cook Islands is also considering digitizing its land titles database, but a barrier to doing so is the high level of concern about the quality of the data that the process would expose and the potential for disputes, due to the inappropriate method used by the Cook Islands Land Court in assigning title in the early 20th century. Samoa's SOLA system and the value derived from it is another example (see box 7.5).

> **Box 7.5: Samoa's Land Registration and land use system**
>
> Samoa was the first country to trial the United Nations new software *Solutions for Open Land Administration* (SOLA), open source software developed by the UN Food and Agriculture Organization (FAO) to make computerized cadastral mapping and registration systems more affordable and sustainable for developing countries. The Samoa Ministry of Natural Resources and Environment (MNRE) has been working with Computer Services Ltd and the FAO (as donor) to customize and install the SOLA system. Although more than 80% of the land is held in customary ownership outside the land title registration system, transactions affecting the remaining 20% of freehold and government land have to date been managed using two separate computerized systems based on commercial software and dependent on overseas software support. SOLA integrates both title registration and cadastral mapping functions in an open source solution.
>
> The Land Registration System (LRS) held by the Samoan Ministry of Justice and Courts Administration is also being migrated to an open source environment as part of the same project; it includes the digitization of fragile historic records of the Samoa Land and Titles Court which contain a wealth of information about family genealogy, matai[15] title holders and ownership of customary land. The new system will preserve all Land and Titles Court records in fully indexed electronic form and enable backup copies to be created in the event that the images on paper fade or documents themselves are destroyed. As well as improving access by the public to these important heritage documents, the combined databases will provide MNRE staff with title registration linked to cadastral information, including land ownership, tenure, precise location, dimensions and area and the value of individual parcels of land, via a GIS viewer. Additional benefits from this project include not only a digital archive of scanned registration documents, but also the development of local expertise capable of supporting and enhancing the

[15]Matai are Samoan chiefs responsible for the administration of the extended family and village and the maintenance of traditional customs. The Samoan matai title system includes many levels and roles, such as orator, and these traditional titles are often used before a holder's given name and surname.

open source system. The introduction of publicly available information on
land registration is one of the key ways to reduce corrupt and non-transparent
land management practices and provide better access to justice: "the SOLA
project promotes affordable IT-systems that enable improvements in trans-
parency and equity of governance" (McLaren 2013).

Sources: Samoa Law and Justice Sector (2013), FAO (2012).

7.6   Government Record-Keeping Strengthens Democracy

An equally important part of the democratic process, and essential for government
accountability, is government record-keeping and archiving of government records,
a function managed or overseen by appointed government archivists in nearly all
Pacific countries. Most also have a national archive where such records are trans-
ferred; the majority have some form of Archives Act ensuring the safe-keeping of
government records and assigning authority in that matter to the Government
Archivist. ICTs have an important role to play in helping to preserve, index and
make such records available in a context where the very existence of government
records is threatened. Archives[16] "by their very nature are unique both as individual
documents and as document[s] in context. Lost archives are irreplaceable, any loss is
final, and in most cases reconstruction is impossible", noted Joan Van Albada,
Secretary General of the International Council on Archives in 2001 (Teygeler 2001).
Government records do not signify only constitutional documents and parliamentary
papers (although government archives may hold these along with other institutional
records) but rather the unique records created by the functions of all government
agencies, as well as Cabinet papers, records from the Prime Minister's or Premier's
department and the papers of individual ministers and members of parliament.

Many barriers in the Pacific islands prevent a national archive from collecting all
such papers. There is no long standing convention of preserving written records in
the oral traditions of the Pacific. History is passed down in song, narrative and other
art forms. Government archivists can therefore struggle to persuade government
agencies not only to maintain adequate records of their activities and house them
securely, but appraise and select records that should be passed to a national archive
for long term preservation. In addition, for much of their recent recorded histories,
Pacific Island countries were subject to colonial rule and do not 'own' the gov-
ernment archives of that time, although many are acquiring copies, sometimes in

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[16]The ISO defines records as "information created, received, and maintained as evidence and
information by an organization or person, in pursuance of legal obligations or in the transaction of
business." Archives refers to both records and materials that are appraised to have archival value in
addition to the physical place where archival materials and records are stored (United Nations
2016).

electronic format (see, for example, information about digitization of historic archives of Samoa and Solomon Islands below). In addition, given the threat to their indigenous cultures and the availability of new technologies capable of creating a record of these, the modern Pacific Island states are especially motivated to create and retain records of their traditional culture, often requiring their national archival institutions to record traditional customs and culture (using audio-visual technologies). It is common to find the national archives part of the same institution as the agency responsible for cultural heritage and their work closely aligned with the cultural preservation mission.

PICs archivists face several additional challenges. Where government resources are very limited it is hard to get adequate budgets allocated to record-keeping and archiving. The environment, most obviously, the moist tropical climate and inadequate housing of records (both the buildings and the storage materials used), is hostile to the preservation of paper records, which can be affected by heat, dirt, fungi, insects and even small animals and birds (Teygeler 2001). Lack of trained staff and other aspects of the island environment (cyclones, earthquakes and tsunamis, for example) also threaten both records and archives. In the contemporary era, the collection, care and retention of electronic records (produced as a normal part of the daily business of government agencies), are even harder to manage; statutory authorization is usually required to give legal recognition to them and validate electronic contracts and signatures, and to provide for data security through encryption. Agencies (and politicians responsible for them), unfamiliar with standard professional practice in the management of records and archives, may have concerns about security and the safe transfer of electronic records. When the management of electronic records becomes too difficult many agencies, as happens still in some industrialized nations, simply print them and treat them as paper records. And, as in industrialized nations, increasing use of email and social media for government communications creates an even greater problem for record-keeping and archiving.

However, despite these challenges, government records and archives in Pacific Island countries are starting to get the attention they urgently need. Archives in many of the larger PICs are housed in purpose-built facilities, often funded by aid agencies as part of a larger archives project (Cullen and Hassall 2016b), although even in these new premises air conditioning can often be used for only part of the day and humidity control is rarely affordable. Papua New Guinea has a large collection of over 100,000 items including pre-independence records and private papers of former leaders, and is digitizing the Department of Agriculture and Livestock land use records to allow the originals to be transferred to the National Archive (Papua New Guinea 2016). Archives Acts in most PICs date from the 1980s or early 1990s (Tonga and Federated States of Micronesia lack such Acts); this legislation has sometimes been updated in the past decade, usually to cover electronic records and strengthen the authority of the institution. A survey carried out in 2003 by the Pacific Branch of the International Council on Archives (PARBICA) as part of a training needs assessment (Millar 2003) provides some information about the legal status of government archives and records management

in PICs, as does the website. The survey data still gives a reasonably accurate picture of the situation in most PICs and often shows a range of other cultural activities and artifacts that a 'national archives' might be expected to collect and preserve.

The Vanuatu National Archives, for example, are housed in a purpose-built National Library and Archives building within the Vanuatu Cultural Centre Complex (funded by AusAid and completed in 2013). The National Archives of the Cook Islands (NACI) was established in 1974 and has been a division of the Ministry of Cultural Development (MOCD) since 1991. The Public Records Act of 1984 which conferred statutory responsibilities on NACI and empowers the Archivist to collect and store government archives also requires NACI to collect and preserve cultural artifacts and oral traditions of the country. In the Northern Mariana Islands, the national archives are held in the country's tertiary institution, the Northern Marianas College, and contain parliamentary records. In Tonga, which is a hereditary constitutional monarchy, the Tonga Traditions Committee has responsibility for the Palace records, cultural artifacts and buildings and some archives, but not government activities. Tonga does not have a national archives repository per se, although there is a strong system of government record-keeping and archiving and management of electronic government records (PARBICA 2014).

7.6.1   Regional Support Facilitates Better Government Record-Keeping

The Pacific Regional Branch of the International Council on Archives (PARBICA) plays a major role in supporting the professional care of government records and archives to the Pacific; much of the training it offers makes use of new communications technologies as well as providing advice on the use of ICTs in records management. The PARBICA website has a strong focus on knowledge sharing, the promotion of regional workshops and conferences in which participants are encouraged to start applying the PARBICA Record-keeping for Good Governance Toolkit specifically aimed at Pacific countries, and the Digitisation, Disaster Preparedness and Conservation resources on the PARBICA website. The Toolkit includes needs assessment, the development of a model record-keeping policy and plans for most record-keeping activities, including categories of files and titles, appraisal and disposal, digital record-keeping strategy, the basics of digital record-keeping, managing email and scanning paper records to a digital file. The Model Record-keeping policy provides a template for Pacific countries to use when drafting policy that was developed with local input from Pacific archivists and records managers and recognizes some of their challenges. The section on tailoring the template to local needs, which was developed by groups of Pacific archivists (PARBICA, n.d.) reflects local conditions with a strong focus on sustainable strategies. Virtually all Pacific Island archivists are involved in PARBICA in some

way and have benefited from the training PARBICA offers through its annual
conferences and regional workshops, as well as the online training resources,
although progress towards full implementation of the recommended policies and
practices is limited by the resources available.

In addition to this activity, digitization projects, supported by PARBICA and
donors (Australia and New Zealand and sometimes former colonial powers) are
underway in many Pacific Islands' archives; these projects included digitization and
retrospective cataloguing of paper records that have been sent to the archives for
storage and the digitization of colonial records held in-country or elsewhere.
Samoa, for example, is funded by the Federal Republic of Germany to digitize
records of the German administration of Samoa from 1900 to 1914, assisted by
Archives New Zealand (Cullen and Hassall 2016d) and Solomon Islands is
self-funding the digitization of 8000 records in the archives of the British Solomon
Islands Protectorate, also with the assistance of Archives New Zealand, creating an
electronic Finding Aid while doing so (Cullen and Hassall 2016a).

7.7   Conclusion

Although the adoption of ICT in the core institutions of democracy in Pacific Island
states is piecemeal and sometimes uncoordinated, the degree of regional coopera-
tion ensures that progress towards the overall objective—to make institutions more
effective and efficient and to make information more readily available to citizens—
is being made. Full implementation of the technologies used by industrialized
Pacific nations to support the rule of law, democracy and manage the parliamentary,
electoral and justice systems is beyond their resources, but in most PICs the benefits
of new ICT applications and better access to information about parliament, legis-
lation, the electoral process and the justice system is evident. Further progress is
dependent on budgets being stretched to include the ongoing maintenance of ICT
systems and ICT support, on funding from development partners and regional
programs based on collaboration and knowledge sharing. New communications
technologies are assisting with training and access to knowledge, while the avail-
ability of news media on the Internet strengthens the role of the 'Fourth estate' in
drawing political concerns to the attention of the people. The role of the Pacific
Islands Forum in asserting the importance of good governance and democratic
values, the committed relationships with Australian and New Zealand parliamentary
staff, the role of organizations such as PacLII and PARBICA demonstrate what can
be achieved by working towards a common shared goal. The Pacific aid model of
mutual understanding, focused on sustainable development and based on regional
resources and collaboration, has been described as 'high value, low cost' (MFAT
2015). Where resources are limited, it is the only way forward.

Admittedly, the current state of 'e-democracy' in the Pacific Islands represents
what could be called a 'minimalist', traditional, representative version of
ICT-enabled democracy, which is a long way from the vision articulated by

Chadwick and May (2003) of a 'renewal of democracy' through e-government and citizen participation, or the 'participatory democracy' that Clift (2004) argued ICT's would bring. But it is a significant development, even though the eventual form of e-democracy that will emerge in the region is not yet clear. Models of democratic parliamentary practice and open and accountable government that can incorporate customary forms of governance in Pacific Island states are slowly emerging, and despite their short histories as modern democratic states and the lack of resources to fund new systems, the examples above show that the use of ICTs in support of democracy and justice in Pacific Island countries is having an impact. Where ICTs are well used, democracy is well served.

A program of ongoing regional and international support, along with regular regional meetings, relationships and reporting, helps maintain commitment and knowledge; and it motivates individuals and countries to keep the core mission of enhancing democracy and citizens' access to information through new technologies to the fore. Moreover, the use of ICTs to inform people has clear benefits in countries with dispersed and rural populations. Although the greatest early gains are to some extent confined to the urban centers of Pacific countries, where 3G and 4G phone networks are available, and the flow of information is limited, over time access to information helps build demand. Through SMS messaging, news is more rapidly passed to more remote areas, spread through NGOs and civil society. The opportunity for participation in national politics, to know and understand what is going on, also helps build demand for information, creating what could be described as a virtuous circle. Building public participation over the long term may answer the questions put by Hassall and lead to a more robust form of 'e-democracy'. Demand from the people will encourage the further development of parliamentary websites, access to information about their MPs and the legislative process, access to land data and to the justice system and encourage more openness among politicians. The free flow of information is at the heart of parliamentary democracy and the rule of law. The collaborative, knowledge sharing model that reflects this principle and which pervades this aspect of e-government in the Pacific, is an effective and sustainable model for development.

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