

EXPLANATORY NOTE

This is the Report of the Commonwealth Observer Group which was present for the General and Regional Elections in Guyana, held on 28 August 2006.

The Group's report is reproduced here in the form in which it was signed by the Observers prior to their departure from Georgetown on 5 September 2006. It was transmitted to the Commonwealth Secretary-General on Friday 8 September 2006. It was then sent to the President of Guyana, the Chairman of the Guyana Elections Commission, the main political parties and Commonwealth governments. It was placed on this web-site and released to the media on Wednesday 20 September 2006. Printed copies are available from:

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Note: the page numbering shown on the Contents page refers to the pagination of the printed version.

**Guyana General and Regional Elections
28 August 2006**

**REPORT OF THE
COMMONWEALTH OBSERVER
GROUP**

Commonwealth Secretariat

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COMMONWEALTH OBSERVER GROUP**

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COMMONWEALTH OBSERVER GROUP
Guyana General and Regional Elections
28 August 2006

5 September 2006

Dear Secretary-General,

We have pleasure in submitting our report on the General and Regional Elections in Guyana, held on 28 August 2006.

As you will see from our Report, we have concluded that the conditions did exist for a free expression of will by the electors of Guyana and that the results of the General and Regional Elections reflected the wishes of the people. So far as election arrangements are concerned, we believe that the most important priorities are urgent action to reconfigure the way in which the Guyana Elections Commission is constituted and to ensure that Guyana has a totally new voters register which commands the confidence of all the people of this country.

We than you for inviting us to observe these General and Regional Elections and hope that the Commonwealth will continue to provide to Guyana all the assistance and support that it can.

Yours sincerely,

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Chairperson

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Chapter One

INTRODUCTION

This Commonwealth Observer Group was established by Commonwealth Secretary-General HE Rt Hon Don McKinnon following an invitation from the Government of Guyana and a positive report from a Commonwealth Secretariat Assessment Mission. It began work on 22 August 2006 and left Guyana on 5 September 2006.

INVITATION AND ASSESSMENT MISSION

The invitation to send observers was sent to the Secretary-General on 19 September 2005 by Dr Roger Luncheon, Head of the Presidential Secretariat. In line with normal procedure, the Secretary-General indicated his intention to send Commonwealth Observers, but that he would be unable to provide confirmation that a Group would be sent until an Assessment Mission had visited Guyana. That Assessment Mission visited from 5 to 9 December 2005. It consisted of senior Commonwealth Secretariat official Ms Juliet Solomon and an independent consultant, Mr Robert Jordan.

The purpose of the Assessment Mission was to determine whether the political parties and civil society would welcome the presence of Commonwealth Observers – in short whether there would be ‘broad support’ for Commonwealth Observers - and to obtain guarantees from the Elections Commission that Commonwealth Observers would have access to polling stations and counting centres and generally be free to pursue their mandate. In addition, Mr Jordan (an expert on voter registration arrangements) observed the initial stages of the newly introduced continuous registration process, so that the Commonwealth Secretary-General could have an independent view on how well arrangements were going.

The Assessment Mission reported to the Secretary-General that there was broad support for the presence of Commonwealth Observers and that the necessary guarantees had been given. The Commonwealth Secretary-General subsequently decided to constitute an Observer Group.

LONG-TERM AND ADVANCE OBSERVERS

Periodic visits had been made to Guyana over the years by the Secretary-General’s Special Envoy, Sir Paul Reeves, and by Commonwealth Secretariat officials.

With the election approaching, the Secretary-General decided that in addition to such diplomatic and ‘good offices’ visits by his Special Envoy and Commonwealth Secretariat staff, there also needed to be an early and specifically ‘observer’ presence on the ground well ahead of the arrival of the main Observer Group.

Following an offer of financial assistance from the Canadian International Development Agency (CIDA) the Secretary-General decided to send a Long-Term Observer to observe the process, to gather information and to assess the electoral environment. The Long-Term Observer was Ms Alison Sutherland,

seconded from the UK Local Government Association. She began work in Guyana on 1 June and was able to be present with the Commonwealth Observer Group itself in August and September. The presence of a Long-Term Observer in Guyana represented a first for the Commonwealth, which has never before sent a Long-Term Observer to any Commonwealth election.

The Commonwealth does, however, have a tradition of 'Advance Observers', who arrive around a month before the Election Day. In line with this practice two members of the Commonwealth Observer Group, Ms Beata Kasale and Ms Mersada Elcock, began work in Guyana on 4 August 2006 as the Observer Group's Advance Team, with Terms of Reference which were similar to those of the Long-Term Observer.

Ms Sutherland, Ms Kasale and Ms Elcock travelled widely throughout Guyana and tracked the electoral process as it developed. They met with members of the public, observed the preparations for the election, monitored media coverage and maintained contact with the Elections Commission, political parties, non-governmental organisations and Commonwealth and other diplomatic missions in order to gain an impression of the pre-election period.

Most members of the main Commonwealth Observer Group arrived in Georgetown on 21 August 2006 and the Group began work the following day. The Group consisted of eleven eminent Commonwealth citizens, supported by a staff team of seven from the Commonwealth Secretariat (the same numbers of observers and staff as had been present for the General and Regional Elections in 2001). The Group was led by Ratu Epeli Nailatikau, formerly Deputy Prime Minister and Speaker of the House of Representatives in the Fiji Islands. (The composition of the Group is set out in Annex One).

TERMS OF REFERENCE

The Terms of Reference for the Group were as follows:

"The Group is established by the Commonwealth Secretary-General at the request of the Government of Guyana. It is to observe relevant aspects of the organisation and conduct of the General and Regional Elections scheduled to take place on 28 August 2006, in accordance with the laws of Guyana. It is to consider the various factors impinging on the credibility of the electoral process as a whole and to determine in its own judgement whether the conditions exist for a free expression of will by the electors and if the results of the elections reflect the wishes of the people.

The Group is to act impartially and independently. It has no executive role; its function is not to supervise but to observe the process as a whole and to form a judgement accordingly. It would also be free to propose to the authorities concerned such action on institutional, procedural and other matters as would assist the holding of such elections.

The Group is to submit its report to the Commonwealth Secretary-General, who will forward it to the Government of Guyana, the Guyana Elections Commission (GECOM), the leadership of the political parties taking part in the elections and thereafter to all Commonwealth governments".

ACTIVITIES OF THE GROUP

Voting by the Disciplined Forces (police, soldiers and prison officers) took place on Monday 21 August. Since the Chairperson, three other members of the Group, the Long-Term Observer and a member of the Staff Support Team were already in Guyana and had received their accreditation from the Elections Commission they observed the voting by the Disciplined Forces in Districts Four and Six.

The Group met for the first time on Tuesday 22 August and was briefed by Elections Commission Chairman Dr Steve Surujbally, Chief Elections Officer Mr Gocool Boodoo and senior Elections Commission officials. A security briefing was given by Mr Sydney Bunbury, Deputy Commissioner of Police, and background on the elections was provided by Dr Kwadwo Afari-Gyan (Commonwealth Adviser to the Elections Commission) and Mr Stephen Beale (Joint International Technical Assessor to the Guyana Elections Commission). Further briefings then followed from the Long-Term Observer and the Advance Observers, other international observers, international organisations and the domestic election observers.

An Arrival Statement (shown at Annex Two) was issued by the Chairperson at a press conference in Georgetown on 23 August and distributed to both national and international media. In addition to reading the Arrival Statement the Chairperson said in answer to questions from the media that what he saw of the voting by the Disciplined Forces the previous day was acceptable.

Later that day the Group was briefed by six of the political parties. In the course of the third day of briefings, on Thursday 24 August, the Group received a further briefing by Chief Election Officer Mr Gocool Boodoo and met representatives of a number of non-governmental bodies (including youth and womens' groups), the Ethnic Relations Commission, organisations representing the indigenous peoples, senior figures in the media and the Heads of the three Commonwealth diplomatic missions in Georgetown.

Some of these meetings provided information and views on the electoral process, others provided background on the context in which the elections were being held. (The Group's Schedule of Engagements is at Annex Three).

On Friday 25 August 2006 the Observers deployed across the country in eight two-person teams. Three Teams were based in Georgetown to cover District Four, the most populous of the ten electoral districts (which corresponded to the Regions into which Guyana is divided for administrative purposes). There was one each in Districts Two, Three, Six, Nine and Ten. Though based in Georgetown the Chairperson of the Group personally visited three other Districts – Districts Five, Six and Ten. A press release issued to the media at the time of the Group's deployment is at Annex Four. Members of the Group were assisted during their deployment by Observation Notes and Checklists (see Annex Five).

On arrival at their base locations the Teams visited the police, election officials, political parties, civil society organisations and other observers. They also met with people on the street, to hear their views on the electoral process, travelled widely from their base locations to familiarise themselves with their areas of deployment and observed the end of the election campaign. All the Teams

sought to assess the atmosphere and to observe the final preparations for the election.

On Election Day itself – 28 August 2006 – the Teams were present at polling stations in time to observe their opening. They then visited as many polling stations as possible during the day, staying for ten to fifteen minutes at each unless the situation at that station required a longer visit. They ended by observing a closing procedure.

The Teams then observed the counting of votes at the polling stations where they had seen the closure. At the end of the count they followed the official results form – known as the Statement of Poll – to the Returning Officer at district level, in some cases concluding as late as 5.00am on the morning of 29 August. Their purpose in doing this was to check that the results figures as transmitted to the Returning Officer were exactly the same as those recorded at the polling stations where our Teams had seen the counting of votes. (These figures were shown on the four Statements of Poll from each polling station – two for the General Election and two for the Regional Election – which were sent to each Returning Officer, one of which for each election she/he sent to the National Results Control Room in Georgetown and one of which the Returning Officer used to compute the result for each election for the district as a whole).

The following day, 29 August, the Teams resumed their observation of the results process at the Returning Officer's office. When the Returning Officer had collated all the figures for the District the Teams passed the district figure on to members of the Group in Georgetown so that they could check at the National Results Control Room that these had been transmitted accurately to national level.

The Teams spent the following day, 30 August, meeting election officials, police, representatives of the political parties, civil society organisations, other observers and men and women in the street, to get their views on the whole process. Further details are given in Chapter Five.

Altogether the Commonwealth Teams saw the voting at 266 polling stations on Election Day and were present for 18 counts and at six of the ten centres at which the district results were collated.

On the basis of the assessments made by members of the Group during deployment, and by the Advance Team and the Long-Term Observer for the period prior to the Group's arrival, the Chair issued an Interim Statement on 29 August 2006 covering the key points from the pre-election period, polling day and the counting of the votes. This is shown at Annex Six.

The Observer Group Teams returned from deployment on Thursday 31 August. Over the following four days the Group prepared its report to the Secretary-General.

On Monday 4 September the Chairperson had a farewell meeting with the Chairman of the Elections Commission. The following day the Chairperson issued a Departure Statement and the Group left Guyana.

Chapter Two

POLITICAL BACKGROUND

HISTORY

The original Guiana was inhabited by semi-nomadic Amerindian tribes who lived by hunting and fishing. It was divided by European powers into Spanish Guiana (Venezuela), Portuguese Guiana (Brazil), French Guiana, Dutch Guiana (Suriname) and British Guiana (Guyana). Colonial competition for territory began with the Spanish sighting in 1499. Probably temporary Spanish or Portuguese settlements were followed by Dutch settlement, first unsuccessfully at Pomeroon, and then (in 1627) under the protection of the Dutch West India Company on the Berbice river. Despite yielding from time to time to British, French and Portuguese invasions, the Dutch kept control until 1814, when the colonies of Essequibo, Demerara and Berbice were ceded to Britain. The Europeans imported African slaves to develop their plantations, first of tobacco and later sugar, and to labour on constructing the coastal drainage system and the elegant city of Georgetown. Some slaves escaped to the forest; these so-called 'bush-blacks' eked out a living by panning for gold, hunting and subsistence agriculture.

The British administration merged the three colonies into British Guiana in 1831, but retained the Dutch administrative, legislative and legal system, whereby the country was directed by a governor, advised by councils of plantation owners. After the abolition of slavery, Indian and smaller numbers of Portuguese, Chinese and Javanese indentured labourers were brought in to work the estates.

In 1928 a legislative council, with members appointed by the British government, was established, but members were elected after extensions of the franchise in 1943 and 1945. The country was by this period among the most advanced of the British colonial territories in the region, and became the headquarters of several regional educational and political institutions. CARICOM still has its headquarters in Georgetown.

In 1953, a constitution with a bicameral legislature and ministerial system, based on elections under universal adult suffrage, was introduced. There was a general election, won by the People's Progressive Party (PPP), led by Dr Cheddi Jagan. The PPP had a large East Indian following, whereas the People's National Congress (PNC), a breakaway party formed in 1957, had its roots among Guyanese of African origin. Shortly after the 1953 elections, the UK suspended the Constitution, decided to 'mark time' in the advance towards self-government and administered the country with a government composed largely of nominated members.

When, in 1957, the UK did introduce elected members, the legislature voted for more representative government. The UK called a Constitutional Conference which was held in 1960 and provided for a new Constitution with full internal self-government. In the elections held in August 1961 under this Constitution, the PPP again gained the majority. The UK held further Constitutional Conferences in 1962 and 1963, to settle terms for independence, but ethnic

divisions prevented the leaders of Guyana's three political parties from being able to reach consensus among themselves on the terms of a Constitution; they then asked the UK to settle the matter.

The UK selected a form of proportional representation which was aimed at preventing domination by any single ethnic group. (It was also argued that, at this period of the 'Cuba crisis' with near-war between the US and USSR, the UK was under pressure to avoid allowing a socialist government to come to power in Guyana.) Despite renewed disturbances, elections were held under the PR system, and brought to power a coalition of the People's National Congress led by Forbes Burnham and The United Force (TUF).

The new government finalised independence arrangements at a further Constitutional Conference, which was boycotted by the PPP. Guyana became independent and joined the Commonwealth in May 1966, and became a republic four years later.

POST-INDEPENDENCE PERIOD

Two major political parties, the People's Progressive Party (PPP) and People's National Congress (PNC), have dominated political life in Guyana since the late fifties. The PNC, led by Forbes Burnham, allied with The United Force (TUF) in 1964 and formed the first post-independence government. In the 1970s, the PNC followed a strong socialist line and 80% of the economy was nationalised. These were years of considerable unrest and increasing economic difficulty, as debt increased and world prices for the major exports fell. The PPP, led by Dr Cheddi Jagan, remained in opposition.

The PNC remained in power until 1992 with numerous allegations of electoral malpractice and manipulation being made after each of the elections which followed that party's accession to office. Executive presidency was introduced in 1980. In 1985 Forbes Burnham died and was replaced by Desmond Hoyte.

Although both parties can claim a "cross-over" of small numbers of voters from all of the ethnic groups that make up Guyana's population, the PPP/C gathers most of its support from the Indo-Guyanese community while the PNC is largely supported by the Afro-Guyanese.

For the 1992 elections the PPP, in an attempt to broaden its appeal to non-Indo Guyanese electors and to demonstrate a break with its own political past, allied itself with a group of people from the business community and civil society under the title People's Progressive Party/Civic (PPP/Civic). From time to time, a number of small parties have risen to challenge one or the other of the larger parties. However, few have in the past succeeded in winning substantial support. Consequently, even by 1997, almost 96% of the electorate voted for either the PPP/C or the PNC.

As a consequence of intense criticisms which followed the 1985 general elections, the PNC Government led by President Desmond Hoyte instituted reform of the electoral process and relinquished control of the electoral machinery.

In 1992, the PPP/Civic won the General Elections but although international observers and others proclaimed the elections as "free and fair", a minority of the electorate remained doubtful and Georgetown witnessed a number of demonstrations.

The 1997 General Elections, which the PPP/Civic again won, also ended in allegations of irregularities and electoral malpractice, which sparked off numerous demonstrations which degenerated into violence and civil disturbance. In the wake of the violence on the streets of Georgetown CARICOM dispatched a Goodwill Mission to Guyana in January 1998. On 17 January 1998 the CARICOM Mission brokered an agreement between the PPP/C and the PNC through the signing of the Herdmanston Accord by President Janet Jagan and Leader of the PNC, Desmond Hoyte, which brought peace to the country. By this accord, the parties committed themselves to political dialogue, an external audit of the election results and constitutional reform. The purpose of the accord was to reduce conflict and bring about a level of normality. As a consequence the PPP/C government agreed to prematurely end its term in office on January 17, 2001.

The 2001 elections were again won by the PPP/C and Bharrat Jagdeo became one of the youngest Presidents in the world. In 2002, following the death of Desmond Hoyte and his succession by Robert Corbin, dialogue broke down between the main parties and violence escalated sharply. President Jagdeo requested Commonwealth Secretary-General Don McKinnon to appoint a Special Envoy to Guyana to assist in restarting the dialogue. Sir Paul Reeves, former Governor-General and Archbishop of New Zealand, was appointed as Special Envoy and, at the time of writing, had visited Guyana 12 times. The initial objective of his engagement had been to promote dialogue between the main political parties with a view to developing more inclusiveness in the political life of the country.

IMMEDIATE PRE-ELECTION PERIOD

Security situation

Guyana has a history of election-associated unrest. In recent years there has been a sharp increase in what is seen as drug-related violence. In the months before the elections a number of high profile killings occurred and these, and other incidents including death threats against the Chairman of GECOM, members of his staff and some political leaders and rumours of the stockpiling of high-powered weapons by various groups, created a climate of extreme fear and anxiety.

Political Parties

Ten political parties contested the 2006 national and regional elections.

The People's Progressive Party/Civic (PPP/C) had as its Presidential candidate Bharrat Jagdeo; for the People's National Congress Reform-One Guyana (PNCR-1G) Robert Corbin was the Presidential candidate; the Alliance for Change (AFC) had Raphael Trotman; for the Justice For All Party (JFAP) it was Chandra Narine Sharma; Guyana Action Party/Rise, Organise and Rebuild (GAP/ROAR) had Paul Hardy as the Presidential candidate and The United Force (TUF) had Manzoor Nadir as the Presidential candidate.

These six parties contested the geographic constituencies which qualified them for the national elections, thus their entitlement for a Presidential candidate.

The remaining parties were the Guyana National Congress (GNC) with Samuel Hamer as its representative; Liberal Democratic Party (LDP) with Akeem Cave; National Democratic Front party (NDF) with Joseph Bacchus and People's Republic Party (PRP) with representative Aubrey Garnett.

The PPP/C, PNCR-1G, TUF and the AFC all contested both the national and regional elections in all 10 polling districts; GAP/ROAR contested the national elections in nine geographic constituencies, the exception being District Five.

JFAP also contested nine geographical and nine regional, with the exception of District Eight.

The GNC contested in Districts Four and Five; Liberal Democrats in District Four; NDF only in District 10 and PRP in Districts Five and Seven.

Guyana politics has traditionally been dominated by the PPP and the PNC with significant smaller parties being the Working People's Alliance (WPA), GAP, ROAR and TUF. A recent development has been the emergence of the Alliance for Change (AFC) founded by three former members of the PPP/C, PNCR-1G and WPA respectively. The WPA declined to contest the 2006 elections.

Human Rights

The Constitution of Guyana guarantees fundamental rights and freedoms (Chapter Three). Democratic and political rights (such as freedom of speech, assembly and association, and the right to political participation) are guaranteed in Chapter Two. Guyana has also acceded to a number of international human rights instruments including the *International Covenant on Civil and Political Rights* (ICCPR) and the *International Covenant on Economic, Social and Cultural Rights* (ICESCR). The effect of this is that Guyana is legally bound, in the eyes of international law, to ensure to its citizens, by legislative and other means, the protection of these various rights, and not to itself (as State) directly violate those rights.

The ICCPR sets out basic 'civil and political rights' and the fundamental protections necessary for a citizen's meaningful participation in the political life of a nation. These political rights and freedoms refer to the right and opportunity to vote and to be elected in Presidential, Parliamentary and other elections in fair conditions and circumstances. They embody the basis (and conditions) for plural democracy, public campaigning, and individual or collective dissent by way of opposition. The enjoyment of these political rights and freedoms is instrumental in securing other human rights such as education, work, health and equal access to justice, and provides part of a basic framework for the successful implementation of development programmes. They also provide a basis on which the electorate may assess the performance of any political party or government in the provision of education, work, health and equal access to justice in the electoral process.

One of the major social problems in Guyana is violent crime, and its effects on economic and social development. These have been noted by diverse sectors, including the business and diplomatic communities, and prompted the Guyana Bar Association, the Private Sector Commission and the Trades Union Congress in 2002 to attempt to get the parliamentary parties to sign a joint communiqué on crime.

Human rights organisations, such as the Guyana Human Rights Association (GHRA), have repeatedly called for the government to engage the opposition in devising a formal wide-ranging national consensus to put an end to all criminal and politically-inspired violence and deal with the impunity with which criminals appear to conduct themselves, the traumatic effect on young people, and the racial animosity fuelled by all of this. The deteriorating security in the country has been a point of concern to political parties and other stakeholders in the country.

Civil society groups have also been calling for a broader-based more inclusive form of governance that would help Guyana move away from its long history of racially polarised politics and towards a more relevant and sustainable democratic system.

Chapter Three

THE ELECTORAL FRAMEWORK AND PREPARATIONS FOR THE ELECTIONS

THE CONSTITUTION

The President of the Cooperative Republic of Guyana is Head of State and is the nominated Presidential Candidate of the majority party in the National Assembly. The Prime Minister is the nominated Prime Ministerial candidate of the majority party in the National Assembly.

Under the Constitution (Article 70(3)) Parliament shall continue for a maximum of five years, and thereafter elections must be held within three months of the dissolution of Parliament. After the 2001 elections the National Assembly first met on 4 May 2001, the date appointed by President Jagdeo by Proclamation. This meant that the National Assembly should have dissolved at the latest by 3 May 2006, with elections held by 3 August 2006.

In the event, the Guyana Elections Commission (GECOM), the Constitutional body with responsibility for the conduct of elections, agreed on 12 April 2006 that it would not be possible to hold the General and Regional Elections by the constitutionally due date. GECOM advised the President accordingly. The Constitution was amended to provide for an extension of one month to the period within which the elections could be held. The legality of the constitutional amendment was challenged in the Guyana High Court, though the Court declined jurisdiction to hear the matter in a ruling on 22 August.

Constitutional review

Following the Herdmanston Accord, a review of the Constitution was undertaken, culminating in the Constitution (Amendment) Act 2000. Among other things, the Act provided for the establishment of a permanent Elections Commission to be responsible for the conduct and management of elections. It also validated the use of the new National Identification Card to replace the Voter Identification Card issued by GECOM.

The Herdmanston Accord also mandated the establishment of a Constitutional Reform Commission with a broad based membership drawn from representatives of political parties, the labour movement, religious organisations, private sector, youth and other social partners; and mandated to consult with civil society at large. A number of commissions and standing committees were also established, including a Standing Committee on Constitutional Reform.

THE ELECTORAL SYSTEM¹

Elections are conducted according to the Constitutional provisions, supplemented by the laws made by Parliament. The major laws among those are the

¹ Much of the information contained in this chapter was sourced from the GECOM web-site www.gecom.org.gy

Representation of the People Act (1964) which deals with all aspects of the conduct of elections and the National Registration Act (1967) which deals mainly with the preparation and revision of electoral rolls.

The current electoral system is the product of cross party agreement on constitutional reform, as catered for by the Herdmanston Accord. This witnessed the relevant parties agreeing to a reformed system which includes an element of geographic and gender representation. Previously, only 53 of the 65 members of the National Assembly were elected directly while the remaining twelve were indirectly elected.

Under the current system, which was adopted after the amending of the Constitution and the Representation of the People Act Constitution (Amendment) Act No 3 of 2000 and Election Laws (Amendment) Act No 15 2000, in November 2000, all members of the National Assembly are to be directly elected. Twenty-five to be elected from the ten geographic constituencies and the remaining forty elected from a national "top-up" list to guarantee a very high degree of proportionality. Any party contesting seats for the National Assembly must validly nominate candidates in six of the geographic constituencies or for thirteen of the twenty five constituency seats. Furthermore, a third of the candidates validly nominated must be women.

On 13 February 2001 the National Assembly further amended the Representation of the People Act, Constitution (Amendment) Act No. 1 200, and the Representation of the People (Amendment) Act 2001 to allow the National Assembly to have at least sixty five members and allow GECOM to allocate "overhang seats", if required. Overhang seats would be required if a Party wins a disproportional number of constituency seats thereby giving it an advantage over other parties. Under these circumstances, GECOM would award overhang seats to the national top-up to ensure that the advantage is removed.

The election laws are found in a number of statutes, and some of the more recent legal instruments were hard to access. GECOM's web-site includes the principal legislation, but not more recent amendments or Regulations. We feel that consolidation of the legal framework would make the legislation and understanding of it more accessible.

The System for 2006 General and Regional Elections

The system for the 2006 General and Regional Elections was the same as that for the 2001 General and Regional Elections and derived from the report of the Constitution Reform Commission and from the laws subsequently passed to amend the enabling legislation. The electoral system used for the General Election held in 2006 had the following characteristics:

Seats in the National Assembly

The total number of elected members in the National Assembly is sixty-five. Of these, twenty five members are elected directly from the geographic constituencies (which are the same as the current administrative regions and electoral districts) and forty members are drawn from the national "top-up" lists.

The distribution of the seats to be contested at the 2006 General and Regional Elections in each geographic constituency was as follows:

Region	1	2	3	4	5	6	7	8	9	10	TOTAL
Seats	2	2	3	7	2	3	2	1	1	2	25

The minimum criteria that contesting parties were required to satisfy were that:

- (a) the party must present a national top-up list with an identified Presidential candidate;
- (b) the party must contest at least 50% of the geographically determined seats (i.e. at least thirteen);
- (c) the party must contest in at least six of the ten geographic constituencies.

There are also gender minimum criteria for each geographic and national party list:

- (a) the total number of females on each contesting party's national top-up list must be at least one-third of that list;
- (b) the total number of females on any party's lists for geographic constituencies, taken together, must be at least one-third of the total of the lists, taken together, for the constituencies in which that party is contesting; and
- (c) there must be no more than 20% of the number of constituencies in which a party is contesting for which the party's geographic constituency list contains no female.

There are also rules concerning the duplication of candidates on geographic and national lists: duplication is permissible subject to the rule that a candidate can appear on only one geographic list and also on the national top-up list of a party, but if the candidate is allocated a seat based on the results in a geographic constituency that candidate cannot also be extracted from the national list, and vice versa.

Constituencies/Districts

For administrative purposes Guyana is divided into ten regions, each headed by a Chairman who presides over a Regional Democratic Council. Local communities are administered by village or city councils. For the purpose of elections the districts are converted into constituencies. These are:

- District One - Barima/Waini;
- District Two - Pomeroon/Supenaam;
- District Three - West Demerara/Essequibo Islands;

District Four	-	Demerara-Mahaica;
District Five	-	Mahaica/Berbice;
District Six	-	East Berbice/Corentyne;
District Seven	-	Cuyuni–Mazaruni;
District Eight	-	Potaro/Siparuni;
District Nine	-	Upper Takutu/Upper Essequibo
District Ten	-	Upper Demerara/Berbice.

There is considerable variation in the size and population of the Districts, and under the current system no scope for voters to express a preference for a particular candidate on the list.

Recommendations

- *political parties should be required to prioritise their list of candidates for both General and Regional Elections. This would ensure that voters know who they would be electing in a sequential order from each list of candidates and thus ensure greater transparency and accountability. In the case of the national elections, there should be a means of ascertaining the prioritisation for both the geographical constituency list and the national top-up list.*
- *constituency boundaries be reviewed with a view to having constituencies with a similar voting population size.*
- *while there is a requirement that one-third of the list of political party candidates be women this is not necessarily reflected in the candidates chosen to become members of the National or Regional Assemblies. It would be logical, fair and appropriate to require a similar percentage of the candidates chosen from the list to be women.*

THE ELECTION MANAGEMENT BODY

The Guyana Elections Commission (GECOM) is responsible for the administration and conduct of elections in Guyana.

GECOM is headed by a Chairman and six Commissioners. The Chairman is appointed by the President from a list of six names provided by the Leader of the Opposition. Of the six Commissioners, three are appointed by the President acting in his own deliberate judgment, and three members appointed by the President acting on the advice of the Leader of the Opposition, after consultation with Parliamentary opposition parties.

GECOM was established as a permanent Commission following the passage of the Constitution (Amendment) Act 2000. There is no time limit or set term of office for Commissioners. It is constitutionally obliged to act with impartiality and fairness in the execution of its duties, and as with other constitutional

commissions shall not be subject to the direction and control of any other person or authority.

GECOM sets policy for voter registration, maintenance of the voters' list and the administration of all national, regional and local government elections. GECOM's permanent secretariat implements policy and has responsibility for administering elections under the supervision of the Chief Election Officer, who also acts as the National Commissioner for Registration (who is responsible for the registration of electors and maintenance of the registers).

The Commission is responsible for the efficient functioning of the secretariat and the appointment of permanent and temporary staff. There is a permanent secretariat, so as to ensure institutional memory and capacity, and at different stages of the election process, temporary staff are appointed.

GECOM is treated as a 'budget agency' reporting to the Ministry of Finance, and is required to return unspent funds at the end of any financial year.

Because the preparation of the list of electors is based on the registration of persons, GECOM also has the responsibility of registering persons who have attained the age of fourteen and issuing them with National Identification Cards. The National Registration Act (Cap 19:08) provides for the establishment of a National Register, for the issue of identification cards and other related matters, which include the method of revision of the List of Electors.

The quorum for GECOM meetings is the Chairman and not less than four members, two each of those appointed from the President and the Opposition. If a meeting is or becomes inquorate, the meeting is adjourned for two days, when the quorum will be not less than four members including the Chairman.

The political nature of the Commission's composition created deadlock on many key issues, which caused delays and contributed significantly to the lack of trust and confidence in GECOM felt by the public.

In the lead up to the elections opposition nominated Commissioners withdrew from GECOM meetings on several occasions, so meetings became inquorate. The legality of GECOM's power to take decisions subsequently at an adjourned meeting, where only government party nominated Commissioners and the Chairman attended, was challenged by one of the opposition nominated Commissioners.

GECOM's announcement in April that it could not hold the elections by the constitutionally due date added to the controversy surrounding GECOM's state of preparedness and capability, and to the tense political stand-off.

Commissioner W H Parris tendered his resignation when the Official List of Electors was approved, citing his inability to be further associated with a process that he felt was discredited. He cited unresolved queries on the report of the Electoral Office of Jamaica (discussed below at page 20) , the handling of issues in contention regarding the Electors List, and that mere completion of display of

the Revised List of Electors is not sufficient to transmute it into the Official List of Electors.

Recommendations

- *GECOM's independence from government would be better assured if it were accountable directly to Parliament with funds directly voted by Parliament, and not under the control of a line Ministry, and that this be done in the same way as for other independent Commissions such as the Judicial Commission;*
- *the impartiality and neutrality of GECOM would be better protected if it was composed of persons who, whilst having the confidence of the political parties, were not nominated by them or appointed on their recommendation; appointments should take gender balance into account;*
- *there should be a review of the laws applicable to Guyana elections, leading to a simplified consolidation, which could be made more readily available.*

VOTER REGISTRATION

The basic right to vote is vested in the Constitution for every person who is of the age of eighteen years and over and is either a citizen of Guyana or a Commonwealth citizen domiciled and resident in Guyana. A qualifying date is set by GECOM for the attainment of eighteen years and for the 2006 elections this was 15 July 2006.

The non-resident electors' ballot is restricted to Guyanese diplomatic staff and their families.

Since the 2001 elections a framework for a continuous registration system has been introduced. The register for the 2006 elections was derived from the 2001 voters list, plus those electors who registered under the continuous registration which commenced in October 2005 and ran until February 2006. Permanent registration offices were established in all regions for the purpose of continuous registration, processing of National Identification Card applications and dealing with all matters to do with the registration of electors. Additional sub-registration offices were set up at different locations, depending on the stage of the process and the needs of the district. Registration officials programmed visits to remote communities to facilitate registration and ID card distribution.

Registration legislation requires applicants to present a birth certificate or valid passport in order to register. In a number of areas, and particularly from among the indigenous peoples, we received reports of persons who were unable to register because they did not have these documents.

The number of electors on the Official List of Electors for the 2006 elections was 492,369.

Voters List

The National Registration Act details the means by which changes can be made to the voters list. It envisages periodic enumeration of electors and a period of claims and objections prior to an election. Any consequent changes to the Preliminary Voters List need to be incorporated into a Revised Voters List, which is open to the scrutiny of the public for a period of twenty one days. Once amended the Official List of Electors is produced by GECOM.

The latest and most significant change to the Act was made by virtue of Regulation No. 5 of 2002, which came about as a result of queries over the size of the Preliminary Voters List in 2000. This regulation was later incorporated into the Elections Laws (Amendment) Act 2000 and given Constitutional protection through Constitutional (Amendment) No. 1 of 2001. This legislation provided GECOM with substantial powers to remove the names of persons who failed to be photographed for the National Identification Card from the voters list, although such names would not have been objected to through the normal process. This change radically altered the thrust of the original legislation, which required individuals to make objections to a person's entry on the Preliminary Voters List and for the objector to provide proof of their objection at a hearing.

One of the most contentious issues in the run-up to these elections has been the accuracy of the list of electors. Opposition parties consistently called for a complete re-registration exercise and 100% house-to-house verification of the

2001 list. Neither of these was done. There was much public and political debate about the verification process which was employed by GECOM, since there was no house-to-house registration.

GECOM has confirmed that there has not been a house-to-house registration since 1997. There was field verification only of new registrants and persons who had changed their addresses, and applied for a transfer.

The principal Opposition party (PNCR-1G) in particular was adamant in its demands for 'House to House Verification' (HHV) of the voters list, to ensure there were no duplicate registrants and to remove from the list of any persons who were deceased or did not reside at the address given on the 2001 OLE.

The demand that the list must be 'as clean as possible' was based in part on the fear that votes would be cast at polling stations for electors who were named on the list but had not presented themselves to vote. Questions were raised about the large size of the voters list in proportion to the total population.

In 2001 it had been recognised that the list contained many inaccuracies – people who had registered were not on the list and there was dislocation, with many people being listed as residing in the wrong electoral division. GECOM decided, after many meetings, not to undertake HHV and to rely on other confidence-building measures. The Commission was split on political lines on the issue, with Commissioners nominated through the PPP/C not supporting HHV and Commissioners nominated by opposition parties arguing for it. The Government contended that the list was examined by several independent experts after the 2001 elections and declared to be acceptable.

Claims and Objections

The Preliminary List of Electors (PLE) was published on 2 May 2006. Regulations set out the process and timetable for revisions to the list, with twenty-three days allowed for Claims for inclusion, and twenty-nine days for Objections to an entry on the PLE. In the event, the 'Claims and Objections' period was extended by twelve days following a request by the PNCR-1G, after two sub-offices in one district did not commence on time. During the period over 12,000 objections to entries on the PLE were lodged throughout the country. The great majority of these were submitted by the PNCR-1G through its local scrutineers and field workers, with the reason for objection being that the person was 'not found' when the residence was visited. Objections were determined locally at hearings by GECOM's Registration Officers.

The political temperature was high, with widely publicised reports of living people having been objected to, and on the other hand of 'known deceased' persons being on the list. GECOM's position was clear: that the law and natural justice precluded the Chief Election Officer from removing any name from the list unless there was clear proof that the person was no longer eligible, and statements from a third party were not adequate reason for removal. This required production of a death certificate in the case of a deceased elector. The PNCR-1G, in particular, was highly critical of the process and the timeframe set by GECOM for the exercise, and raised several points on the procedure adopted and adherence to regulations governing the hearings.

Revised List of Electors

The Revised List of Electors (RLE) was published and posted in each electoral district for the statutory twenty-one days, commencing on 30 June and ending on 20 July 2006. In view of criticisms, based on previous experience, of errors in the list placing voters in the wrong electoral division, this period was used by GECOM to re-check the accuracy of the list and to deal with any known duplicate registrations. The Chief Election Officer of GECOM advised the Commission that on completion of the display of the Revised List of Electors he would be ready to print and publish the Official List of Electors (OLE). This was done on July 20 2006. The Chairman advised the President of this on the morning of 21 July, and the same evening the President announced that the elections would be held on 28 August.

It appears that up to this point GECOM's operational teams had been working to a timetable that set 12 September as election day; GECOM had revised its working timetable after the Claims and Objections period had been extended, to take account of that extension. The Deputy Chief Elections Officer, responsible for operations, expressed concern that the compressed timetable would not be achievable, and that there had been no prior communication to alert those responsible for delivering the elections that the operational timetable would need adjusting. His internal memorandum on the issue got into the public domain. The operational plan was at this point compressed from 6 to 4 weeks, and GECOM staff are to be commended for achieving this without undermining the integrity of the poll.

Electoral Assistance Bureau Analysis of the Voters Lists

The domestic observer body, the Electoral Assistance Bureau (EAB) analysed both the PLE and the RLE, undertaking a computer analysis of the entire list, and a field survey of a random sample of electors from each. The EAB concluded, in respect of the PLE, that:

- 93.99 per cent (+/- 2.93 per cent) of the electors on the 2006 PLE could be accounted for, in that the named elector resided at, or had previously resided at the address given on the list. This 93.99 per cent included
 - persons reported to have moved to a new address: 14.91 per cent
 - persons reported to have migrated: 8.31 per cent
 - persons reported to have died: 2.31 per cent
- the PLE included fewer than 1,046 possible duplicates, that is under 0.22 per cent of the total number of electors (based on checking different combinations of name, address, date of birth and ID number);
- the PLE included no person under 18 years at the qualifying date (15 July 2006) and no person who had not been assigned a National ID number;
- based on a check of the random sample of 1,199 electors, 98.41 per cent (+/-2.89 per cent) of the electors in the PLE were placed in their correct divisions.

The findings on the RLE were similar to those on the PLE.²

Biometric Testing

The Electoral Office of Jamaica (EOJ) was commissioned by GECOM to analyse the database of fingerprints stored on GECOM's Master Registration Cards (MRCs), a process that would theoretically identify multiple registrants. The EOJ reported to GECOM on 20 June 2006.

The prints from all of the 509,853 MRCs were analysed. There were 725,550 prints in total, as prior to continuous registration one print was taken, and continuous registration (71,879 electors) had generated four prints per elector.

Twenty-five per cent of the prints scanned were classified as 'good'; fifty-nine per cent of the prints were classified as 'below average', 'poor' or could not be read. The EOJ said that this was not surprising given that the majority were taken some years ago in varying circumstances. If nothing else it revealed the state of the fingerprint database.

Nine hundred and forty seven MRCs showed 'almost certain' duplicate prints and prints on a further 4,427 MRCs, though of lower quality, were considered most likely to be duplicates. The results broadly matched the findings of the EAB survey on duplicate registrants. GECOM conducted an urgent investigation of the duplicates and, where they were satisfied that there was a definite duplicate on the list, the old entry was deleted.

The EOJ also cross-checked information on the MRCs with GECOM's elector database and found 26,239 mismatches, where the elector's name on the voter list did not match the name on the MRC. GECOM was able to account for discrepancies, as updated voter information (such as a change of name on marriage) had not been recorded on the MRC but on an update sheet which the EOJ had not scanned. However, the fact that the study had found this number of mismatches was in the public domain, and opposition voices demanded explanations.

The EOJ made recommendations on ways in which the quality of the database could be improved for the future. GECOM should consider these in the context of any review it may undertake into the use of biometrics for the future.

Residency

The question of whether a Guyanese citizen who is registered as an elector and is not resident in Guyana is entitled to vote was another matter of contention. Residency is a requirement for being on the national register, but not a requirement to vote once on the register. The background to the controversy was rooted in concerns that persons who were no longer resident in the country might return and sway the voting in favour of one political party, or that ballots would be fraudulently cast for electors who had migrated. Several legal opinions were commissioned, including by GECOM, who debated whether to seek a court ruling on the legal position, but in the end decided not to. Legal proceedings

² The full reports of the EAB's Analysis of the 2006 PLE and Analysis of the 2006 RLE are available on www.eabguyana.org.gy

were instituted by the PNCR-1G shortly before the publication of the OLE, and in a ruling just days before the election the Judge declined jurisdiction, on the ground that matters relating to the validity of the forthcoming elections could only be heard by a court exercising special and exclusive jurisdiction under Article 163 of the Constitution.

Recommendation:

- *a new register that commands the confidence of the people of Guyana should be prepared well ahead of the next elections; this is especially urgent since local government elections are due to be held in the near future.*

CONFIDENCE BUILDING MEASURES

On 8 August 2006 Dr Steve Surujbally, the Chairman of GECOM, held a press conference to announce a range of confidence-building measures. These were also set out in a leaflet published by GECOM as part of its public awareness campaign, entitled "Safeguards aimed at preventing multiple voting and other forms of skullduggery on election day" which covered the following measures:

- Identification of the voter
- The Use of Indelible Ink
- Party Agents
- The presence of security personnel from the Guyana Police Force
- Voter Education
- Efficient Conduct of the Polls
- Absent Voters/Deceased Electors
- Counting of Ballots at the Place of Poll
- Domestic and International Observers
- Assistance from Political Parties
- Transparent Ballot Boxes

Copies of this leaflet were seen at polling stations and GECOM offices by our teams in some Districts.

Various of these points are covered elsewhere in this chapter. Regarding those which are not:

- Identification of the Voter – before an elector would be allowed to vote, she/he would be properly identified as the person she/he claimed to be;
- Indelible Ink – indelible ink would be used to mark one of the voter's fingers;
- Party Agents - political parties would be allowed to have agents at the polling stations;
- Police – a police officer would be stationed at each polling station; in addition, personnel from the Disciplined Forces would be stationed at the GECOM Headquarters and at all of GECOM's Annexes.

NOMINATIONS

The nominations of candidates for political parties took place on Wednesday 26 July 2006. Of the eleven political parties which registered to contest the elections ten were accepted after scrutiny from GECOM.

ELECTION EXPENSES

The Representation of the People Act Part XII Section 106 revised 1990 gives a limit of expenses allowed to groups of candidates before, during and after the election for the conduct and management of the election on their part.

Election expense returns and declarations under Section 108 of the Act must be made no later than the thirty-fifth day after the Declaration of the results of the election by the Chief Election Officer.

The GECOM Report on the 2001 General Elections under the Section covering the Return of Election of Expenses only spoke on the expenses of GECOM and not the groups of candidates/political parties. It appears that the Regulations are not being followed or enforced and that the current financial limit per party (based on the formula of Guy\$50,000 x the number of candidates, not exceeding 53) has not been updated since 1990.

Recommendation:

- *GECOM should seek to ensure that its report on the 2006 General and Regional Elections includes details on the campaign expenditure incurred by the political parties and candidates at these elections;*
- *that the present laws on campaign finance should be enforced, and they should be reviewed with a view to ensuring their adequacy.*

VOTER EDUCATION

At different stages of the process GECOM provided public information in the form of billboards and advertisements on television, in newspapers and on radio.

Shortly before the elections GECOM published 50,000 voter education brochures entitled "What Every Voter Must Know About Elections and Voting in Guyana", together with 100,000 flyers and leaflets for distribution. Additionally, GECOM organised caravan role playing teams which travelled throughout the regions to inform the electorate. During the elections period GECOM advertisements appeared very frequently on television and public notices relating to different elements appeared daily in the newspapers.

However, many criticised GECOM's voter education efforts as inadequate. Some residents complained that they had not received any voter information. We were not aware of any voter education materials being prepared in languages other than English.

Recommendation:

- *well before the next election GECOM should implement its 2001 recommendation which calls for a broader voter education programme incorporating general civic education. Voter education is much more than issuing material and providing information through electronic and print media; it should include a long-term civic education plan and the engagement of all civil society.*
- *GECOM should ensure that voter education materials and training for future elections are produced in the languages spoken by indigenous people.*

SELECTION AND TRAINING OF OFFICIALS

Polling day staff were recruited and selected through advertising and examination. Prior to the elections GECOM trained some 15,000 polling day staff. The initial training sessions were often to large groups of over 150. After initial assessment, further training for persons chosen as polling day staff was done in smaller groups.

GECOM had started identifying polling station staff by mid-July, and most appointments had been finalised by mid August. However, in some areas there was a shortage, in particular District Four, and some staff had become fearful after a spate of criminal activity in the country. Replacements had to be found at short notice.

A large proportion of the officials at polling station level were women and young people. GECOM aimed that polling stations should have a mix of experienced and new staff, though this was not always achieved.

PARTY AGENTS

Party agents observed different stages of the electoral preparations. Any group participating in the elections was entitled to have a scrutineer present at the Registration Office. GECOM paid a stipend to scrutineers for the party in government, and the combined Parliamentary opposition parties. In reality the second post was taken by the PNCR-1G. The paid posts were as follows: a Chief Scrutineer, a Deputy Chief Scrutineer for each District and an Assistant Chief Scrutineer in each Registration Office (with clusters of divisions having divisional scrutineers). Scrutineers were based in GECOM's registration offices, and Registration Officers were responsible for accounting for the time they spent and for payment.

In early August the President announced that for the first time the state would pay for two party agents at every polling station, one for the PPP/C and one for the combined opposition (which was taken up by PNCR-1G). This created an unlevel playing field for the smaller political parties, which had to fund their polling and counting agents from their own resources. We noted that nearly all polling stations visited by our teams had agents from the PPP/C and PNCR-1G, but the presence of agents from other parties was less widespread.

Recommendation:

- *if party agents are to be paid from public funds there should be a level playing field for all parties.*

GECOM LIASON WITH POLITICAL PARTIES AND STAKEHOLDERS

We received complaints from political parties that GECOM rarely consulted or informed them in a timely way on key issues, processes and milestones; and that they did not always receive key information in a timely manner.

There was an assumption that Commissioners reported to the political parties that nominated them, and there was an air of considerable hostility towards GECOM by the opposition, which may have contributed to infrequent official liaison with the parties.

GECOM held seminars to brief the political parties on procedures for the final stages of the process. Thereafter the political parties were responsible to ensure that their agents were well-informed and prepared for Election Day.

The Commission met the two largest political parties at the start of the elections period to discuss election day safeguards.

Recommendation:

- *GECOM should introduce regular structured liaison throughout the electoral process with the political parties and other relevant stakeholders, at Commission and Secretariat level.*

MATERIALS

The materials for elections day were generally distributed on time. We congratulate GECOM for sorting out the logistics, particularly as the time-table was compressed to meet the 28 August election day.

Translucent ballot boxes were used for the first time in Guyana elections, as a symbol of transparency.

GECOM dealt with the printing of ballot papers with extreme caution. They were printed in Canada and were escorted to Guyana under the supervision of two Election Commissioners.

Some of the Observers witnessed the packing of ballot boxes on a customised individual polling station basis at GECOM headquarters for onward transmission to the Regions for elections day. There were checks and re-checks of sensitive and non-sensitive material by all levels of officials prior to the opening of the poll. The extensive checks and balances in the system were borne out of extreme mistrust. Greater trust needs to be engendered.

Recommendation:

- *GECOM's pre-election 'checks and balances' should be independently audited, ideally by a Guyanese organisation, to see if these can be simplified without reducing the integrity of the outcome.*

SELECTION OF POLLING STATIONS

GECOM increased the number of polling stations to 1,999 for the 2006 elections to deal with problems of over-crowding and voters' inability to access polling stations.

GECOM allowed the political parties the opportunity to make representations on the suitability of polling stations, and some changes were made in response to requests by them. In some cases there were last minute changes in the location of polling stations; in some cases where owners of premises withdrew permission to use their building, and in one case where it was realised that the premises were owned by a candidate. In a few cases this led to a level of confusion for party agents and voters, who said they had not been properly informed of such decision.

Recommendation:

- *last minute changes in the selection or location of polling stations should be avoided; where these occur the political parties should be informed; and clear information and transport (where appropriate) should be made available for the voters.*

Chapter Four

THE CAMPAIGN AND THE MEDIA

THE CAMPAIGN

We observed that all political parties were able to campaign freely and that the voters were able to get the information they needed in an atmosphere which was generally free from intimidation.

Introduction

Unlike General Election campaigns of the recent past (1992, 1997 and 2001) the 2006 campaign was markedly devoid of violence or even threats of disruption and can be rated as one of the calmest, cleanest and most credible in Guyana in recent history. (The contesting parties have been listed in Chapter Two). In the lead-up to these elections the environment was tense, but calm. By most standards the incidents of political anger reported were not considerable. The most serious was a report of reporters of the state-owned media being manhandled at a political meeting of the People's National Congress Reform – One Guyana.

The need for inclusive governance was a recurring platform theme among opposition parties who also focused on the state of the economy, joblessness, combating poverty and addressing the issue of crime.

Crowd attendance at political rallies overall was reported to be somewhat low compared with other campaigns and this was ascribed to possible apathy on the part of voters and also, to some degree, fear of violence.

The parties made an effort to steer away from open campaigning on the contentious and sensitive matter of race, which is acknowledged to be the most divisive element in Guyana's society. However, there were reports that very early in the campaign racial issues came up in garnering support for their parties.

One of the interesting elements of the campaign was the debut of a new political party, the Alliance for Change (AFC), led by former members of the PPP/C, PNCR-1G and WPA. The main message of the AFC was to urge the population to vote for change – not race.

Ethnic Relations

The election environment of Guyana has been marred by a history of conflict and chaos. An Ethnic Relations Commission (ERC) was established by the Herdmanston Accord through Constitutional Amendment (No. 2) Act of 2000 on 11 August 2000. It was aimed at improving race relations, justice and equity. The Commission is empowered by the Constitution to ensure, promote and provide for an equal society in Guyana based on non-discrimination based on race.

The ERC is tasked with ensuring that the principles which inform the Racial Hostility Amendment Act of 2002 are upheld. Parties which contravene these provisions can be barred from election for five years on report from the ERC.

Party Campaigns

Most speakers focused on how they would create a better future for Guyana, a country which, though rich in mineral and natural resources, is rated amongst the poorest in the world. Since 2001 Guyana has received over 500 million US dollars in debt write-offs through the Heavily Indebted Poor Countries Initiative (HIPC)³. Strangely, this matter was not dealt with by speakers at political rallies.

Political parties encouraged their supporters to vote not on the basis of race, colour or creed, but on the policies they promised to introduce when in office.

There was no incitement to violence or hatred at the meetings we attended. However, it was reported that at the launch of the PNCR-1G campaign one speaker accused GECOM of betraying the nation and gave a broad hint of a violent reaction if things did not go as he expected. It was noticeable that speakers following him pulled back from such an extreme position and took a more moderate stand. The media did not report the charge which could have incited a backlash. This was a clear indication that the media code of conduct was being honoured.

Some party billboards and posters in Georgetown, New Amsterdam and Linden put up by the PPP/C, PNCR-1G and JFAP were defaced and some were torn down.

Parties used vehicles painted with party logos, mounted with loud speakers, to round up the party faithful and draw attention to their programmes.

The use of live musical entertainment at meetings was an interesting feature at most rallies and seemed to be designed to appeal to the youth vote. The disaffection of youth in Guyana has been the subject of much debate. Polls have indicated that a large percentage of youth feel that Guyana offers them no future and that, given the chance, they would prefer to migrate.

The PPP/C campaigned on the theme 'A Brighter Future for All'. Its campaign posters and advertisements pledged economic prosperity for Guyana, saying that the PPC/C government's plans over the next five years would be targeted at containing inflation to maintain a lower cost of living; reducing interest rates to propel private sector investment and job creation; lowering mortgage interest rates to make housing more affordable; lowering taxes to provide more disposable income to workers; implementing policies that would accelerate economic growth, generate wealth and reduce the level of poverty to enable private enterprises to flourish.

The PNCR-1G campaigned on the platform of unity, tolerance and respect for diversity. It also pledged to promote gender equality and empower women to play a larger role in national development. The party also vowed to "create a

³ Source: IMF

nation of landowners and shareholders” by launching a youth empowerment scheme by providing free land for housing to young Guyanese as well as employees of vital services such as the police, army, teachers, nurses and fire-fighters. The PNCR-1G pledged to create employment, and improve education and security in the country by modernising and building up the capacity of the Disciplined Forces. It promised to reduce the cost of utilities such as electricity and water, promote agriculture, provide loans for small businesses and micro-enterprises, develop small scale manufacturing, tourism, forestry and wood-based industries and animal husbandry.

The AFC was launched in October 2005. It campaigned on ‘A New Vision for Guyana’ – one of peace, security and opportunity – for the people of Guyana. They promised to provide jobs; give agencies and organisations more power to operate; establish a Ministry of Justice and National Security; develop a National Security strategy; establish a drug enforcement and control agency and review and consolidate all laws related to criminal law and procedure.

The Guyana Action Party – Rise, Organise And Rebuild (GAP-ROAR) vowed to fight crime and provide a safe environment for the people of Guyana. It promised to improve law and order in the country by beefing up the police force through better training. It also undertook to look into charges of corruption in the police service, extra-judicial killings, random violence and racism which have created a crisis of confidence among the public towards law enforcement officers. The party also stated that it would focus on creating an equitable distribution of development and addressing economic deprivation and injustice. It indicated the need to generate new businesses by providing financing for export and the manufacturing sectors, particularly in agro-processing, value-added forestry products and ethanol production from biomass. They pledged to strengthen economic relations with neighbouring Brazil.

The United Force (TUF), whose party slogan was ‘Highway to Happiness’, vowed to target poverty reduction, improve security and eradicate discrimination. The TUF promised to promote public-private partnerships for socio-economic development including infrastructure and technological development; tackle crime; introduce tax reform, including income tax reduction; and to abolish property tax and stamp duty for business transactions; promote enterprise development, particularly small and medium-sized enterprises; encourage the growth of the pharmaceutical industry and research and development in this field; and conduct an environmental clean-up of the country. It also pledged to enhance transparency and accountability in governance.

The Justice for All Party (JFAP) presidential candidate Chandra Narine Sharma promised to write off all private debts by low wage earners. He said: “all internal debts owed by all salaried persons in the public and private sectors will be written off. The debts will include all mortgages, hire purchases, loans and outstanding revenue and municipal taxes, light and water bills up to August 31, 2006 A multi-million-dollar package will also be made available to any public security officer who is killed in the line of duty.”

Mr Sharma also pledged to provide financial assistance to musicians, artistes, pensioners, the jobless and law enforcement officers. He planned to focus on improving agricultural production and livestock farming to enhance food

security; promote biofuel production and infrastructure development; and to improve the education sector.

Influence of incumbency

Before and during the campaign there was clear evidence that the incumbent party maximised its control of the state-owned broadcast media to get its messages across to the public and project a highly favourable image to the electorate.

The situation was commented on not only by opposing parties but also by the independent Media Monitoring Unit (set up by GECOM with the assistance of the Commonwealth Secretariat and the UNDP).

The unit made this observation in its report for July 2-25:

“With regards to the airing of GINA (Government Information Agency) programmes in both the state and private media, for example: ‘The President’s Diary’, ‘The Fact’, ‘Weekly Digest’ and ‘GINA Features’, the Unit notes with concern that though some of these programmes contain issues related to national development, others are clearly political and intended to advance the cause of the ruling party. This gives the incumbent PPP/C government an unfair advantage over other political parties. Moreover, after continuously monitoring and analysing the contents of some of these programmes, the Unit has found that they include elements of partisan political campaigning in the guise of ‘Government business’.”

Other contesting parties complained that while they did not have sufficient funding to reach voters in remote areas, the incumbent PPP/C used its ‘Cabinet Outreach’ programme to touch all corners of the country and promised funding for various activities. This concern was dismissed by the PPP/C, which argued it was the duty of the government of the day to tour districts and this had nothing to do with PPP/C campaign programmes.

There were reports that a government Minister had gone round the Amerindian communities reminding them that the new schools and other facilities which they had enjoyed in the recent past were made possible by the incumbent government. Should they fail to support the PPP/C those facilities would be withdrawn and no further assistance would be forthcoming.

GAP-ROAR stated that it was impossible for their party to match the campaign by the PPP/C as they did not have the resources. They accused the PPP/C of using the June 2006 government flood relief funds to beef up their campaign in Region Nine.

We acknowledged that the party in power normally enjoys some advantage at election time. However, state resources should not be used to give the ruling party an unfair advantage.

Role of Churches

In 2001 GECOM instituted a Code of Conduct for political parties which – it was said – was more honoured in the breach than the observance. There was an intention to revitalise this Code of Conduct in 2006 but for one reason or another this never happened. The Inter-Religious Organisation (IRO) negotiated a Peace Pact and Code of Conduct for Political Parties Contesting the 2006 General and Regional Elections which was signed by all parties with the exception of the

PNCR-1G. The objectives of the Pact were to ensure peace and public order, freedom of political campaigning, and compliance with electoral laws and regulations during the conduct of the elections (see Annex Seven).

Another initiative of the IRO was a Day of Peace in Georgetown where members went to several locations to receive pledges of peace from the public. The event was well supported. People signed a peace pledge and received peace badges.

Role of Trade Unions

Trade unions in Guyana took part in the elections, providing a basic organisation in support of certain political parties. The Guyana Agricultural Workers' Union (GAWU) was particularly active in District 3 where many of its members are workers in the sugar and rice industries.

MEDIA

The Media and the Campaign

The news media played a significant role in fostering the atmosphere for a peaceful campaign, notwithstanding some breaches of the media code of conduct.

Noticeably reduced from the airwaves was the diet of wild rumours, inflammatory statements and accusations which in the past served only to fuel flames of fear, doubt, tensions and confusion during election campaigns in the past.

We shared the concerns expressed by the Commonwealth Observer Group of the 2001 Elections about the damage that could be done to the democratic process through freewheeling news and information media and therefore welcomed the establishment of the Media Monitoring Unit and the Independent Media Refereeing Panel (selected by local journalists, see page 31).

Guyana has one radio station owned and controlled by the Government. However, there are a number of independently owned television stations with less coverage than the Government-run radio and television station.

State Media

It was drawn to our attention that NCN-TV gave the incumbent party (PPP/C) an unfair advantage in the elections. Examples included: the repeated replaying of President Jagdeo's congratulations to the Guyana team that won the Stanford 20/20 cricket tournament; the replaying of a documentary-type presentation on the President's contacts with world leaders, combined with references to his plans for Guyana's future development; and the replay of 'interviews with Presidential candidates which repeated the interview with President Jagdeo.

Voter Education

The general consensus was that the media could have played a better role in getting voter education to the public on time. However, due to the short time available between the announcement of the election date and the elections themselves, there was little time to inform the electorate of where they would be voting, particularly because there had been an increase in polling stations.

Election Advertisements

The inequitable distribution of advertisements was questioned by Stabroek News which stated that the elections were a national issue and therefore placements of public notices in the newspapers should be unbiased as was the case during the elections. Our observation was that the *Guyana Chronicle* carried most of the public notices and advertisements to the exclusion of the *Stabroek* and *Kaieteur* newspapers.

Presidential and Party Debates

There were no public debates between the contending parties. Such debates would have enabled the electorate to better assess the policies and vision of candidates.

Code of Conduct and Media Monitoring

Guyana's media organisations signed a Code of Conduct for the Media (see Annex Eight) which committed them to provide fair, balanced and accurate information, including voter education, to help deliver successful elections by enabling voters to make informed decisions at the ballot box.

The Code of Conduct also outlined the role of the media organisations to provide minimum equal shares of free air time/newspaper space in the period after Nomination Day in the lead-up to Election Day. The recommended amount would be at least five minutes of air time a week for radio and television, and a minimum of two hundred words per week for print.

An Independent Media Monitoring and Refereeing Panel (IMMRP), comprising veteran journalists Lennox Grant of Trinidad and Tobago and Wyvolyn Gager of Jamaica, was established to monitor the media's adherence to the Code of Conduct. This Panel was chosen by local journalists.

Overview

The Media Monitoring Unit (MMU) set up by GECOM produced a series of reports on the conduct of the Guyanese media. In a survey conducted between 25 July and 5 August, during the period after Nomination Day, the MMU concluded that the state-owned National Communication Network (NCN) Channel 11 which has a major share of viewership (about 80 per cent of the population) had not achieved the level of balance envisaged in the Media Code of Conduct. The MMU said it noticed that television hosts and reporters of Government Information Agency (GINA) presented their opinions rather than facts in their programmes.

NCN's Voice of Guyana radio network which broadcast on AM 560 reflected a similar imbalance in its election coverage. The MMU noted that the proportion of positive coverage outside of news between the two main parties was 3:1 in favour of the ruling party.

Election coverage on other television stations ranged from well balanced to one-sidedness, with a few in between.

GWTV Channel 2 favoured the PNCR-1G, but they gave the PPP/C ruling party a substantial on-air profile, followed by AFC and TUF.

CNS Channel 6, owned by JFAP leader C N Sharma gave extensive coverage to his political party with some coverage of PPP/C and other parties in the lead-up to the elections. But this changed positively closer to the elections.

HBTV Channel 9 was seen to back the PNCR-1G in a ratio of 10:1 in favour of the party, with negligible exposure given to AFC, PPP/C and TUF. The network's news bulletins, including Prime News coverage was reported to have improved on its coverage of political parties.

VCT Channel 28 provided significant coverage of the two major parties as well as the AFC and, to a lesser extent, the JFAP and GAP-ROAR. The network's Evening News was said to be in favour of the PNCR-1G in a 2:1 ratio compared to coverage for the ruling party.

MTV Channel 65 showed an imbalance in its overall coverage of the elections, with an 11:1 ratio in the coverage of the PPP/C in relation to the PNCR-1G. The channel's News Update programme reflected a 2.5:1 ratio in its coverage of the two parties with PPP/C receiving a majority of air time.

Television stations NTN Channel 69 and Vision Channel 46/102 gave coverage to one of the two major parties to the exclusion of almost all the others. NTN focused its coverage solely on PPP/C with a minuscule coverage of PNCR-1G, while Vision Channel 46/102 gave nearly all of this coverage to PNCR-1G, and a little coverage of PPP/C and AFC.

This trend of election coverage by the various television stations continued in the two weeks leading up to polling day, though the MMU also reported the use of inflammatory and libellous remarks on some of the partisan television stations, which was in breach of the Media Code of Conduct and journalistic principles of fair, accurate, balanced and responsible reporting.

Radio

The state-owned National Communications Network (NCN) operates two radio stations – Voice of Guyana at AM 560 and the music channel Hot FM 98.1.

The Presidential Secretariat expressed its concern over the establishment of an illegal radio transmission on FM 98.3 weeks before the polls. The broadcasts included PNCR-1G political advertisements and allegedly anti-social exhortations to Guyanese in between its music programmes. The government tried to identify the location of the illegal transmission, which was believed to be in the Linden area. The establishment of this pirate radio station using a frequency close to NCN's Hot FM 98.1 was aimed at providing an avenue for a different political voice – that of the opposition.

Print Media

The MMU stated that the three English language daily newspapers – the *Guyana Chronicle*, *Kaieteur News* and *Stabroek News* - provided reasonable coverage of the political parties. It was noted that the state-owned *Guyana Chronicle* provided coverage for all six parties. The *Guyana Chronicle* was seen to give less negative coverage to PNCR-1G than either *Stabroek News* or *Kaieteur News*, while *Kaieteur News* gave more positive coverage to AFC than *Stabroek News*.

Overall *Stabroek News* gave more than two-thirds of its coverage to PPP/C compared to the *Guyana Chronicle*.

Political Party Advertisements

There was controversy over some political advertisements. One PPP/C advertisement, which disparaged the PNCR-1G through the use of inflammatory language, was repeatedly aired on NCN and several other television channels. It showed scenes of people from a particular ethnic group attacking buildings during previous periods of unrest in the country. With the song 'The Great Pretender' playing in the background, the voice-over said: "Everyone in Guyana remembers well the role PNC/AFC leaders played out on the streets of the city. Yet today they want you to believe they've changed their ways and can lead Guyana. Can you believe the promises of the PNC/AFC?"

The advertisement linked the leaders of PNCR-1G, Robert Corbin, and AFC, Raphael Trotman, to the rioting and looting through the use of images and accusatory words. A more judicious editorial judgement on the content of political party advertisements in line with the Media Code of Conduct should have been made by the television stations concerned to be mindful of the impact of this politically charged and provocative advertisement that could instil fear and suspicion, exacerbate racial tensions, and even incite unrest and violence.

Two television stations – VCT Channel 28, which was owned by a PNCR-1G candidate, and WRHM Channel 7 – declined to air the advertisement, citing concerns over its contents. The PPP/C accused the two stations of attempting to "muzzle the PPP/C's message to the Guyanese electorate" and said it would air the advertisement with increased frequency on other television stations.

The IMMRP said the Media Code of Conduct upheld the right of media organisations to make judgments in favour of good taste and respect for public safety and decency. They said the media organisations could refuse material likely to be hateful, ethnically offensive, or likely to promote public disorder or threaten the security of the state.

There was also a PPP/C complaint about a PNCR-1G television advertisement, involving a letter purportedly written by an Amerindian child, which triggered a response from the PNCR-1G leader about his party's inclusiveness. However, the leader went on to say that he also had Amerindian blood.

This was seen as an appeal to race which could be offensive to other ethnic groups of Guyana. It was therefore a violation of the spirit and intent of the Media Code of Conduct, the Media Refereeing Panel ruled.

Electronic communications

The political parties did not capitalise on the internet to spread their message locally and abroad, particularly to aid their efforts to reach out to the Guyanese diaspora for both political and financial support. Not all the parties contending the elections had set up a website. For the parties that did, it was noticed that some of these websites were not regularly updated.

The websites of the PPP/C at www.voteppc.com, PNCR-1G's www.guyanapnc.org and AFC's www.afcguyana.com were most informative on their political leaders

and electoral candidates and their agenda besides featuring speeches, press releases and news about their rallies.

The PPP/C website provided comprehensive information on its activities including the presidential candidate's speeches, a photo gallery of the party leader's activities, press releases and information on press conferences and videos of the press conferences. The website also posted the GECOM election results.

The PNCR-1G posted information on its Central Executive Committee members on its website and also sought new membership among web visitors. It also had a very accessible email address for correspondence.

AFC's website featured its party constitution, election candidates, besides audio-visuals, a photo gallery of its activities and election posters. The website also listed its political rallies and opinion polls conducted by the party. It also encouraged membership and donations to the AFC.

The United Force's website www.tufsite.com provided basic information on the party, its manifesto (however the hyperlink was broken, which did not allow web visitors to view the manifesto) and election candidates. The news articles were not up-to-date.

The GAP-ROAR's website www.gap-roar.org posted some basic information on its political candidates and plans.

A novel feature of the campaign was telephone canvassing. Many cellphone subscribers reported receiving messages from at least four of the contesting parties. The AFC announced that part of its strategy was for an army of 500 to 600 supporters in North America to call up electors and request their votes.

Opinion Polls

Several opinion polls were conducted in the lead-up to polling day. Results varied. For example, opinion polls conducted by the North American Teachers Association (NACTA) showed the PPP/C and AFC making gains among the electorate, with the PNCR-1G losing ground. A poll conducted on 20 August predicted that the PPP/C could garner between 43 per cent and 51 per cent support, but would still be short of an overall majority of parliamentary seats. NACTA projected a loss of seats for PPP/C and PNCR-1G at this year's elections, with the beneficiaries being the AFC and JFAP. The findings were based on a survey involving more than a thousand voters.

An opinion poll conducted by the AFC through Arcop, a Mexico-based pollster, on 16 August posited encouraging gains in popularity for the AFC, rising in percentage points from 24% on 8 August to 27% on 16 August. The other political parties were shown to have dropped in popularity, except for PPP/C which was listed as gaining 6 percentage points on 16 August from the previous week.

RECOMMENDATIONS

- *in view of the widespread allegations of the abuse of public resources by the incumbent we recommend that GECOM strictly enforces the existing rules on the use of public resources during the election campaign and ensures that the rules are adequate;*
- *before the next elections the Elections Commission and the political parties should agree a Code of Conduct on party and candidate behaviour and ensure that it is respected and legally enforced;*
- *at future General Elections there should be party and presidential debates, so that the electorate may better assess the policies and vision of candidates;*
- *the media practitioners should form a professional body to promote continuous training and skills development, to improve media ethics and thereby to enhance election coverage in the future;*
- *the establishment of a permanent authority to regulate the conduct of broadcasting media;*
- *non-State local and national radio should be allowed, to ensure that there is a plurality of voices on the airwaves and so encourage greater political debate and information on the democratic process.*

Chapter Five

POLL, COUNT AND RESULTS PROCESS

CONTEXT

The context in which these elections took place was one of apprehension and fear. There was apprehension that the election arrangements would either fall well short of international standards or be rigged or both, and that the conduct of the elections and their outcome would increase ethnic disharmony. This was accompanied by fear that there would be serious violence and, possibly, instability. As the Election Day approached the anxiety increased, especially in Georgetown.

- ***Election Arrangements***

In both 1997 and 2001 there had been problems with the organisation of the elections, especially the results process, and allegations that GECOM was biased in favour of the ruling party.

This time concern was expressed that the voters list was inflated with the names of dead people and people who were living overseas and that there would therefore be multiple voting or personation. It was said that large numbers of people might find that they were not on the voters lists and that electors might find that they had been 'misallocated' to the 'wrong' polling stations. There were predictions that there would be massive logistical problems and poor organisation; that there would be too few properly trained staff; and that the presence of one unarmed police officer at each polling station would not be sufficient to ensure order. It was also believed that during the results process there might be delays in the release of the final results, as had happened in the past, and discrepancies between the official results and those recorded by the political parties. Suspicion of GECOM was particularly intense so far as the results phase of the process was concerned.

Some of those we met made even more serious claims: that as well as being incompetent GECOM was in collusion with the ruling party to fix the outcome.

- ***Ethnic Polarisation***

Although both major parties claim to appeal to people of all racial groups, at a popular level there is a perception that the PPP/C receive much of its support from the Indo-Guyanese community; that the PNCR-1G receives much of its support from the Afro-Guyanese community; and that these two parties are identified with and serve the interests of these two separate communities. We were told that both the conduct of the elections and their outcome could increase ethnic disharmony, especially if it was felt that the winning party would govern in the interests only of its 'own' community.

So far as violence and possible instability was concerned:

- ***Disruption of the Election***

It was feared that there might be orchestrated efforts to disrupt the election arrangements in some way. The security forces were therefore on high alert. The business community, through the Private Sector Commission, had made its own parallel contingency arrangements to forestall such destructiveness, in co-operation with the police. No one quite knew what might be done to cause trouble, but no one discounted the fear⁴.

- ***Reaction to the Results***

It was further feared that while election day might be peaceful enough there would be violence – whether orchestrated or spontaneous – after the results started to come in. Visitors to the capital were told that there would be peace elsewhere in the country, but in Georgetown and the rest of District Four there could well be street protests on the part of supporters of one or more of the losing parties. These protests would be violent and they might be seriously violent. And while they might be occasioned by perceived inaccuracy, unfairness and delay in the results process, they would draw on and be fuelled by resentment after years of perceived economic, social and political marginalisation for a significant part of the population. Again, no one quite knew what would happen, but it was believed that it might well be severe – and certainly worse than the post-election violence of 2001.

It was widely agreed that much depended on the conduct of the media, the political parties and the efficiency and integrity of GECOM. The media Code of Conduct and the activities of GECOM's Media Monitoring Unit had had a gradual but perceptible effect in bringing out the best in Guyana's media. But there were fears that the media might still behave irresponsibly towards the end and exacerbate tensions between the Afro-Guyanese and Indo-Guyanese communities.

Similarly, everyone was of the view that the political parties bore a heavy responsibility. This was the time for them to show leadership and to ensure that everyone in their ranks behaved with maturity and responsibility. As for those responsible for managing the electoral process, if GECOM turned out to be seriously incompetent in its handling of the election arrangements this would add to the popular anger; and if there were grounds for believing that the election had been 'fixed' the repercussions would be even more serious. Few doubted the sincerity and integrity of the voters themselves. But the voices of those who doubted GECOM were numerous.

So it was with great foreboding that the people of Guyana approached Election Day.

⁴ Popular apprehension increased in line with the rising rate of violent crime, especially following the assassination earlier in the year of the Minister of Agriculture and the killing in early August of six people in an attack by a large group of armed men at the printing works of Guyana's best selling newspaper, *Kaieteur News*. It increased further after a bank robbery which was executed in military style some days later in New Amsterdam. These attacks in turn took place against a background of drug crime operations, the availability and use of high-powered weapons and lack of confidence in the ability and capability of the police, who were often outgunned.

VOTING

The members of the 'Disciplined Forces' – police, soldiers and prison officers – and Guyanese diplomats serving abroad, and their families, voted prior to the main election day. The diplomats and their families voted at their High Commissions and Embassies in time for their ballot papers to be returned to Georgetown for the count. Over 8,000 members of the 'Disciplined Forces' were eligible to vote at 48 specially-created 'ballot places' on the coast and a number of mobile stations in the interior on 21 August, a week earlier than the rest of the electorate. Everyone else – the vast majority - was due to vote on Monday 28 August (which was declared a public holiday), at some 1,999 polling stations around the country.

Two two-person teams of Commonwealth Observers were present for the Disciplined Forces voting, in Districts Four and Six. All our eight two-person teams were present on the main voting day, 28 August 2006, when each observed an opening of at least one polling station, then visited as many stations as possible and saw a closing at 6.00pm. Three of these Teams were based in Districts Four and one each in Districts Two, Three, Six, Nine and Ten.

Voting by Non-Resident Electors

The only non-resident Guyanese entitled to vote in these elections were diplomats and their families serving abroad. We were not able to observe this part of the process.

Disciplined Forces Voting

Members of our Group who were present found the Disciplined Forces voting to have been conducted to an acceptable standard. However, in some places there was confusion as to whether or not the ballot papers would be stamped on the back that day. GECOM indicated that they would not: they would be stamped when mixed with ordinary ballot papers prior to the count on 28 August. We understood that some voters were deterred from voting when they realised that the ballots would not be stamped that day. It was also apparent later, when the Disciplined Forces ballot papers were mixed with the ballot papers cast on 28 August, that many had been folded incorrectly.

Both points highlight the importance of voter education.

Recommendation:

- *we recommend that there should be more thorough and extensive voter education amongst the members of the Disciplined Forces in future – including an explanation of why the procedures are as they are – so that voters are fully informed of polling arrangements.*

Voting on 28 August

The polling stations were due to be open from 6.00am to 6.00pm. They were usually in schools or community buildings, although several were in private premises. Voters could check the Official List of Electors outside before entering the station. One unarmed police officer was assigned to each station. Party agents and domestic and international observers were allowed to be present. At polling places where there was more than one polling station an 'information poll clerk' was present near the entrance to direct voters to the appropriate station. The number of polling stations had been increased from 1,894 in 2001 to 1,999 for these elections, in an effort to facilitate the voter by reducing the distance to the polling station. This brought the number of registered voters per polling station to less than 450, in many cases far fewer.

Various problems were noted in our Interim Statement (see Annex Six) and some of these are referred to again beneath. Generally, however, our observations of the voting phase were positive.

- **Voting Procedure**

On entering the station the voter showed her/his National Identification Card or passport to the first of the five officials, who checked against the voters list to ensure that the voter's name appeared there. A second official would then check the Registration Record (which bore a photograph of the elector and various other details) against the name, photograph and number shown on the ID card. Her/his name and number were then called out for the benefit of the party agents and the voter's name marked off the voters list. The Assistant Presiding Officer would then make a further check, mark the Registration Folio list and inspect the voter's finger for signs of indelible ink (which would indicate that she/he had already voted). Assuming all was correct the APO would then write the elector's serial number on the counter-foil of the ballot paper.

The voter would then be issued with a ballot paper (which should have been stamped on the back with the official mark, a six-digit number chosen at random at the opening of the station) and be shown how it should be folded⁵. The voter went to a screened voting compartment and marked the ballot paper twice (once for the General Election and once for the Regional Election). She/he would then fold the ballot paper so as to conceal the votes, but allow the official mark at the back to be seen, show the official mark to the Presiding Officer and fold the paper once more. She/he would then be required to simultaneously have her/his right index finger dipped up to the first joint in indelible ink while using the other hand to deposit the ballot paper in the ballot box. The voter then left the polling station by a different door.

In cases where voters did not have their National Identification Cards or passports the procedure was for them to be interviewed by the Presiding Officer who would allow them to vote once satisfied with their identity and that her/his name was on the list. They would also have to swear an

⁵ The ballot paper was divided by a horizontal perforated line into two ballot papers for two election – one at the top for the National Assembly Elections and one at the bottom for the Regional Democratic Council Elections. Voters were allowed to vote for only one list of candidates on each ballot paper.

oath. A “blind or incapacitated elector” could be accompanied into the voting compartment by the Presiding Officer, a friend or a relative who would be allowed to mark the ballot paper as directed by the elector. Friends or relatives were required to swear an oath.

Polling stations were due to close at 6.00pm. Where necessary the police officer stood at the end of the voters’ queue; only those who were in the queue at that point were allowed to vote before the Presiding Officer declared the station closed and locked the doors.

- **Assessment of Voting Process and Procedures**

The voting was conducted in a peaceful, orderly and transparent manner and the environment at the polling station was conducive to the exercise of their democratic rights by the voters. We noted that the polling station layout generally ensured the secrecy of the ballot and that, while some voters had to wait for several hours before they could vote, in general voters were dealt with quite rapidly: although it was slow at the beginning the process speeded up after some time.

Generally the polling staff followed the procedures. However, there were some variations, some of them serious. In some polling stations voters were issued with ballot papers without their fingers having been checked for the indelible ink, while in others the wrong finger was checked. In one polling station, in District Four, a Presiding Officer was dismissed after allowing a number of people to vote, even though they were not on the list.

We noted that in at least one District the Elections Commission put together a team of officials whose task was to respond rapidly to problems as they arose. A similar arrangement had been made in the same district during the Disciplined Forces voting and the team was able to intervene immediately when difficulties arose. We commend this ‘fast reaction team’ concept and recommend that it be adopted throughout the country next time.

- **Opening and Closing of the Poll**

All the polling stations at which we were present opened on time, and all opening procedures were properly implemented. Similarly, the procedures for closing the poll were observed. None of our Teams came across electors in the queue at 6.00pm, the time at which stations were due to close – so the Presiding Officers simply declared the stations closed.

- **The Voters**

Voter behaviour was good, most voters appeared to understand the voting system and where we were present the vast majority of voters expressed themselves satisfied with the way in which the voting had been managed. We were impressed with the large numbers of women who came out to vote and we found neither evidence of discrimination against women voters nor any attempt to prevent their participation in the electoral process. We noted that the majority of those who voted did so by early

afternoon: at many stations there were no voters for some time prior to the closure.

- **The Parties**

We noted that some campaign messages continued to be broadcast on television on election day, a major breach of the Media Code of Conduct. Our Teams also observed party campaign literature on display that day within the 200 yard limit⁶.

- **The Voters List**

We observed some instances where voters were not allowed to cast their vote because their names were not on the list. Some of the names were alleged to have been left off the Official List of Electors even though their names appeared in the Preliminary List of Electors. In other cases the voters had registered and were on the list but had gone to the wrong polling stations. However, the vast majority of those who had registered and came to the polling station to vote were able to find their names on the list and were therefore able to vote.

We noted that although there were complaints that some did not receive copies, it was the Elections Commission's policy to provide party agents and domestic observers with copies of the voters list. We commend this, and the decision to include in the Registration Record used by the polling station officials the photographs of those on the list. In view of the high level of distrust this was a valuable additional means of determining the identity of the electors.

We noted that some voters' names were added to the list by hand – for instance, in the case of those presenting certificates of employment (which permitted electors to vote at a polling station other than their own, where for instance they were working as a polling station official).

Recommendation:

that procedures be changed for the future to avoid the writing of additional names on the register on election day and the dangers that come with this. Any additional names should be recorded on a separate list.

- **The Ballot Paper**

The ballot papers for the General and Regional Elections were printed as one sheet, with a perforation so that they could be separated before the count. This made the ballot paper long and made it difficult to fold before it was placed in the ballot box. We noted that a number of voters had difficulty folding the ballot paper and had to be assisted by polling station officials, sometimes inadvertently revealing their voting intention in the process. The process of separating the General and Regional sections before the count also delayed the counting process later.

⁶ Within 200 yards of the polling station it was unlawful to "annoy, molest or otherwise interfere with an elector who is about to vote or who has completed voting". Canvassing by political parties and others was also prohibited inside the limit.

Recommendation:

that the Elections Commission consider printing the ballot papers as separate documents for future General and Regional Elections.

▪ **The Polling Stations**

The increase in the number of polling stations was a positive development. However, we noted that some voters were not aware of the location of the newly created polling stations at which they were supposed to vote.

Recommendation:

that greater efforts be made to inform voters of the location of their polling stations.

We also noted that some stations were in totally unsuitable buildings: some stations were very small and cramped and one, in District Four, was flooded for much of the day. A significant number of polling stations were housed in two-storey buildings, which made access difficult for the elderly and the physically-challenged.

Recommendation:

that the Elections Commission review the selection of polling stations to ensure that facilities are appropriate and that the elderly, those with disabilities and electors living along the rivers have access. This should be an item on the agenda of the regular structured liaison which we hope will be established after the elections in order to facilitate liaison between GECOM, the political parties and other relevant stakeholders;

we recommend that GECOM should as far as possible avoid the use of private premises as polling stations.

Finally, we noticed that signage was not always clear, that in some places voter education material was not available at the station itself and that at several polling stations pictures of the incumbent (and contesting) President were on display.

Recommendation:

that more voter education material should be on display at polling places, that the signage be improved and that extra efforts should be made to ensure that the photographs of the Presidential or other candidates do not remain on display in polling places.

▪ **Polling Station Staff, Party Agents, Security and Domestic Observers**

The polling station staff and the domestic observers performed their duties in a way which suggested that they had had appropriate training. However, it was a very long day and the same officials had to count the votes after the station closed.

Recommendation:

at future elections arrangements should be made to ensure that polling station staff are able to rest during the course of the day, without interrupting the polling.

We noted that not all political parties were represented by party agents, though the two main parties and, to a lesser extent, the Alliance for Change, were.

Some party agents were a disappointment: they did not seem to us to have been well trained. We found the security officers to be effective while being discreet and unintrusive. The polling staff, the party agents, the domestic observers and the security personnel were all friendly and helpful to the electors – which helped to create a positive atmosphere at the polling stations - and we noted that many of them were young women.

Two political parties and the domestic observers of EAB complained that some of their agents and observers had been denied access to polling stations. In the case of the agents the issue was whether they needed a letter of accreditation from their party and in the case of the EAB whether they needed a letter from EAB headquarters. According to the procedures, both the domestic observers and the agents (see page ten of the *Manual for Presiding Officers*) clearly did. Nevertheless, the Chairman of the Elections Commission stated at a mid-morning press conference that the agents would be admitted to stations as long as they had their accreditation badge.

- **Materials and logistics**

The polling stations we observed seemed to have the necessary election materials throughout the voting process. Overall, we found that the GECOM logistical arrangements worked well.

- **Election Day Holiday**

We consider that the declaration of the election day as a public holiday sent a good sign to the electorate of Guyana, underscoring the importance of the electoral process in a democratic country by enabling the participation of all eligible members of the working population.

Recommendation:

the practice of declaring election day as a public holiday should be continued in future elections.

- **Proxy Voting**

We were concerned to find that in some cases lists of proxy voters were neither delivered to, nor displayed in, polling stations until later on election day. We also heard of instances where voters had been turned away from the polling stations on the morning of polling day, unable to exercise a proxy vote.

Recommendation:

the proxy voting lists should be available to all political parties and in each district at least four days before the elections, in line with the regulations; and they should be on display at the commencement of the poll.

THE COUNT

There were three sets of ballot papers: those cast abroad by Guyanese diplomats and their families, those cast by Disciplined Forces personnel on 21 August and those cast on 28 August. All were due to be counted on the night of 28 August.

Counting of Ballot Papers Cast by Non-Resident Electors

The ballot papers cast by 'non-resident electors' in Guyana's diplomatic missions overseas were returned to Guyana in time for election day and delivered to the Returning Officers for the districts in which the electors had been registered. They were then counted along with the rest of the ballot papers for that district.

Counting of Disciplined Forces Ballot Papers

The ballots cast during the voting by members of the Disciplined Forces on 21 August were stored by GECOM, transported to Georgetown and then sorted by District. The boxes for each District were then sent to the District Returning Officers, who each sent them to one or more polling stations in her/his district, to be mixed with the ballots cast there on 28 August and then counted with those ballots. The location of these polling stations was gazetted. This mixing procedure was first adopted in 2001 because at the 1997 election, when the ballots were not mixed, it became known for which parties the Disciplined Forces had voted.

Counting on 28 August

The counting of the votes cast on 28 August took place at the polling stations themselves. Each of our Teams observed this at the polling stations where they had seen the closure. They took down the results as recorded on the Statements of Poll and tracked the Statements from the count to the district level.

We said in our Interim Statement that the count was thorough and transparent. However, some counts were slow – sometimes because the officials were being painstaking and careful, sometimes because they were very tired (having been on duty since before 5.00am that morning), sometimes because they were inexperienced, and sometimes because of the paperwork involved: the filling of various forms and the sealing of envelopes after the count often took longer than the counting of the votes themselves. Frequently, the slowness of the process was due to a mixture of all these factors.

- **Counting Procedure**

Following the declaration by the Presiding Officer that the polling station was closed the voting aperture on the ballot box was sealed, the paperwork completed, the furniture re-arranged and the count began. The prescribed procedure was as follows.

Spoilt, tendered and unused ballot papers would be counted first, after which the seals on the ballot boxes would be broken and the contents of the ballot box emptied onto the table. The ballots would then be counted into batches of twenty-five, sorted into ballot papers for the General and for the Regional Elections and then sorted again according to the list for which the votes had been cast.

In each case the Presiding Officer would unfold the ballot paper, call out the name of the party for which the vote had been cast and show both sides of the paper to all present. The ballot papers would then be counted by party, with questionable ballots marked as such and rejected ballots placed in a separate pile.

At the end the Presiding Officer would complete the Statement of Poll, showing the number of votes cast for each party and other key statistical information. This process was then repeated for the Regional Elections. Copies of the Statements of Poll were then prepared for the agents and observers, who each signed. The Presiding Officer would then supervise the packing up of the materials, with the used and unused ballot papers and other key items sealed into the ballot box. At the end of the process the agents and observers would be given copies of the Statements of Poll and the Statements would be posted outside the building used for the count. The sealed ballot box, Statements of Poll and other electoral materials would then be delivered to the next level.

At least, that was how it was meant to be. In practice, the procedures varied from place to place. In some stations officials followed the procedures to the letter, in others the stages of the process were sometimes completed in a different order. However, the variations, while regrettable, were not such as to seriously undermine the integrity of the process.

In assessing our observation of the counts we noted that:

- **Facilities**

The counts were held in the polling stations, so the points noted above concerning the cramped conditions in some of the stations applied equally to the count. At the counts we noticed one further factor: that because there was often more than one count in a centre (for instance, in several neighbouring classrooms) there was sometimes a great deal of noise, making it difficult to hear properly. The situation was worse where several polling stations were located within a single large room.

Recommendation:

in future there should be adequate separation between polling stations.

- **Disciplined Forces Ballots**

We were concerned that the disciplined forces ballot papers (which were mixed in with 'normal' ballot papers at the counts) arrived so late at some polling stations – at one count the whole process was delayed for an hour until they had arrived, at another for two and at a third for three hours.

We also noted at one count that because the Disciplined Forces ballot papers had been folded in a different way from the 'normal' papers it was possible to identify them.

- **Rejected Ballots**

We were pleased to note that in most cases the Presiding Officers gave reasons for rejecting a particular ballot paper and consulted the party agents.

- **Training**

It was clear to us that some counting staff were not sufficiently aware of the procedures, and some Presiding Officers were not good managers. In general the staff appeared to have been much better trained for the polling than they were for the counting.

Recommendation:

the training given to counting officials should be improved for next time.

- **Results**

We noted that there was often no formal announcement of the polling station results by the Presiding Officers. Statements of Poll were invariably posted outside polling stations in line with procedure.

Recommendation:

the Elections Commission investigate further ways of publicising the results of individual counts, including their transmission on national/local television and radio.

TRANSMISSION OF RESULTS

Following the completion of each polling station count the Statements of Poll completed by the Presiding Officers and signed by the party agents were passed on to the Deputy Returning Officers, who were responsible for forwarding two Statements of Poll for each election to the Returning Officer. Priority was supposed to be given to this transfer process – with the completion of the paperwork and packing up of the station being done after the Statements had gone off to the next level. In fact the despatch of the Statements usually came only after the paperwork had all been done and the station packed up.

For each election one of the Statements of Poll was sent by the Returning Officer directly to GECOM in Georgetown, while one was used in the process of compiling the result for the District as a whole.

Meanwhile, the ballot boxes (containing various materials from the count, including the ballot papers) were transferred, under the supervision of the Deputy Returning Officers and under police security, to the Returning Officer's office.

Arrangements varied. Usually the Deputy Returning Officer would collect Statements of Poll for clusters of stations. Sometimes, however, a Supervisor

would be involved. In some instances the Deputy Returning Officers collected both the Statements of Poll and the ballot boxes at the same time and made one delivery to the Returning Officer's office. In other cases the Deputy Returning Officers delivered the Statements of Poll first, and then returned for the ballot boxes; or they were delivered directly, under police escort, to the Returning Officer's office. In still other cases the Presiding Officers delivered the boxes and the statements to the Deputy Returning Officer.

Delays and confusion

Many polling stations experienced delays in the transmission of results at the end of the count. There was also some confusion as to whether top copies of the Statement of Poll (i.e. those with the original signatures) were required, or whether the carbon copies would suffice. Frequently, the Presiding Officers waited for a few hours before the Statements of Poll were collected by the Deputy Returning Officers. These initial delays appear to have been caused by a number of factors, including confusion on the part of some Presiding Officers about the process and the fact that polling stations concluded their counts at different times. Each Deputy Returning Officer had responsibility for collecting Statements of Poll from around ten polling stations. In some instances, they had quite a large area to cover between polling stations.

In the next stage of transmission (from the Returning Officers to GECOM in Georgetown), there were generally much longer delays of several hours. In a few instances members of the Group noted that Returning Officers had to await the arrival of police escorts from Georgetown. In other cases, delays were due to errors made by Presiding Officers who had sealed their Statements of Poll inside their ballot boxes or failed to provide sufficient Statements of Poll or sent them to the wrong place.

More significantly, the delays appear to have resulted from the fact that Statements of Poll were not dispatched to GECOM headquarters until after the lengthy collation process was completed. There appears to be no good reason for this, particularly since GECOM does its own collation and checking process based on the Statements of Poll (see below). We believe that in future greater emphasis should be placed on expediting the dispatch of the Statements of Poll.

Staffing

Some staff were competent, which resulted in an efficient transmission operation with minimal delays. On the other hand, members of the Group observed some evidence of inexperience, insufficient training and incompetence.

Overall Assessment

Six of our Teams followed the Statements of Poll from the polling station Presiding Officers to the Returning Officers to test the accuracy of the results transmission process, with one tracking two polling station results. So we had seven opportunities to test the process. In each case we found that the results figures which left the count at the polling station matched those that were delivered to the Returning Officer. There had been no interference or manipulation during the process of transmission.

We were more concerned with the Statements of Poll than with the materials, but where we were able to check we found that the ballot papers and other

materials were transferred with adequate security and stored securely at the Returning Officer's office in containers under the protection of the police. Party agents were allowed to be present for the transfer and at the District collation centre itself, although they were usually absent.

Any assessment of the efficiency of the results transmission process needs to allow for the vast expanse and the geography of the country, the limited infrastructure and the need for river as well as road and air transport. The experience of the General and Regional Elections in 2001 also needs to be borne in mind. Then, eager to ensure the most rapid transmission of the results, the Guyana Elections Commission relied on telephone communication. However, the strain on the mobile telephone network was so great that the system crashed. Hence the Elections Commission's emphasis this time on the physical transmission of the Statements.

Having said this, the reliance on a hand delivery system of the hard copy of the Statement of Poll is not particularly efficient. The process could be made more efficient by devising a safe electronic means of transmission for future elections. This would speed up the process as well as reduce the risks of relying on a hand delivery process.

COLLATION

As noted above, the collation of the results at district level took place at the Returning Officer's office. There were several stages and the process was labour intensive. The Deputy Returning Officers, in the case of certain districts under the supervision of the Supervisors, were responsible for collating data from all polling stations under their jurisdiction into a summary of results. These summaries then became the basis for sub-district summaries which comprised results data from all Deputy Returning Officers (numbering up to 57 in one district). These sub-district summaries were then collated into district summaries. The various stages of collating and checking data were done manually with the final results being processed electronically.

Evaluation

The district collation process was cumbersome and time consuming. It also involved some duplication. In at least two districts, the process was not well organised, indeed quite chaotic. The quality of staff responsible for the collation process varied. Many were young and inexperienced, but demonstrated a commendable degree of enthusiasm and dedication. In some districts, especially those with large numbers of registered voters, there were too few staff to deal with the task of collating and checking results. As the hours passed and the night wore on, there were no replacements or change of shift. Staff fatigue increased the risks of mistakes. While some errors were made in the transfer of data these were usually picked up through the checking process.

Recommendation:

arrangements be made to introduce fresh teams of staff to the Returning Officer's office during the collation of the district results.

While complex and time consuming, the collation process was intended to avoid errors and ensure accurate results. Multiple verification and checks were to this extent commendable especially as they were motivated by a desire to improve confidence and trust in the integrity of the count. However, there is scope for simplifying the process for the future without compromising these checks and balances or the overall aim of accuracy.

We were concerned to note that except in one district, where two party agents were present to witness the process, political parties were not usually present in the Returning Officer's office to witness the collation. Political parties are entitled to be present at the collation stage and we urge them to exercise this right in future, in the interest of transparency in the results process. Indeed, agents are allowed to be present at all stages and were very often not present at the other stages of the post-count process either.

Recommendation:

at future elections political parties should ensure that their agents are present to observe all parts of the transmission and collation process (at the Deputy Returning Officer, Returning Officer and national levels) and that the Elections Commission should do as much as it can to facilitate this.

NATIONAL RESULTS CONTROL ROOM

While one of the Statements of Poll from each polling station was used by the Returning Officer to help her/him compute the district result for each election – General and Regional – another, again one for each election, was sent directly from each Returning Officer to the GECOM National Results Control Room in Georgetown.

The Statements of Poll were dispatched by hand. On receipt they were opened and logged in by Elections Commission staff. Two or more members of the Elections Commission then checked and logged them again and signed them. They were then photocopied for the operations file, passed on to another section for verification and checking, scanned and entered into an electronic data base. This database was the basis for the progress reports and the final results tally televised nationally.

Once the results were confirmed at the National Results Centre they were passed on to the Elections Commission's Media Centre at the Le Meridien Pegasus Hotel at regular intervals and broadcast by means of a live feed to any television channel that wanted them. Periodically press conferences were held here, at first by the Chairman of the Elections Commission Dr Surujbally and then by the Chief Election Officer, Mr Gocool Boodoo.

We paid visits to the National Results Control Room around the clock, in order to observe the process of entering the results into the computer system.

Again there were some problems. Statements of Poll had sometimes been put in ballot boxes. Sometimes arithmetical and other errors had been made or mistakes had been made in the documentation, and the Returning Officer had to

be asked to deal with the matter before the results could be entered into the national database.

By the evening of Wednesday 30 August all but approximately 150 Statements of Poll had been received by GECOM, verified and entered into the computerised results system. The following evening, Thursday 31 August, Chief Election Officer Mr Gocool Boodoo declared the national results at the GECOM Media Centre at the Pegasus Hotel.

Declaration of Results

Following the end of the count at each polling station Presiding Officers were required to declare the results and post these outside the polling station. At District level results were declared by Returning Officers. We noted that some Returning Officers believed that they required endorsement at national level before announcing the results: this added to the time taken to complete the process.

The final official national results announcements were made by the Chief Election Officer in Georgetown. These comprised summary results for each district in the General and Regional Elections, overall tallies for each political party, and calculations of seat distribution based on the PR system.

This process took time. Sometimes this was due to the fastidious verification process, which involved multiple checks. We noted that announcements were staggered and partial due to the fact that they depended on the completion of the checking process. This caused a degree of public concern, especially in view of problems caused by such delays in past elections.

An effort was made to keep the public informed by televising result updates. However, this could only be as fast as the release of the results by GECOM, and the results shown were totals by party for each district. We believe that in future it would be helpful to show the results for individual polling stations or at least the sub-districts. This would allay rumours, speculation and distrust.

OBSERVERS

We should put on record that once we were accredited the members of the Commonwealth Observer Group were allowed to go wherever and to see whatever we wanted.

Members of our Group worked closely with other international observers to ensure that the overall observer effort was maximised. There were 123 observers under the auspices of the Organisation of American States (OAS), a mixture of some 60 or so OAS observers and staff from diplomatic missions in Georgetown. There were also a number of Caricom observers, two assessors from the European Commission and an eleven-person 'presence' from the Carter Center.

GECOM accredited four bodies as domestic observers – the Electoral Assistance Bureau, Guyana Bar Association, Guyana Public Service Union and the Private Sector Commission. The EAB acted as an 'umbrella' for the domestic observer bodies and had approximately 1,400 observers at polling stations on Election

Day, with a late surge of volunteers following advertisements in the media and mass text messaging. Many young people acted as domestic observers.

The presence of domestic observers on such a scale is important at a number of levels – as a check against fraud, as an independent guarantee of the integrity of the process and symbolically, as an indication of the engagement of civil society. We found the EAB observers to be well-trained and professional and hope that EAB will be able to have even more extensive coverage next time.

APPREHENSION AND FEAR

At the beginning of this chapter we noted that the context in which these elections took place was one of apprehension and fear. Gradually, however, both began to lift.

For the most part the arrangements for the voting worked well. So far as the apprehensions that were expressed prior to polling day are concerned, we have no evidence of multiple voting; the great majority of those who wanted to vote found that they were on the list at the polling stations; while there were some shortcomings GECOM's logistics and organisational arrangements generally worked; there were enough polling station staff and they were well trained; as things turned out one unarmed police officer at each polling station was adequate for the task.

The results process was time-consuming and as we have indicated above there are ways in which it can be made more efficient. However, the main concern must be for accuracy and the overall integrity of the process. So far as accuracy is concerned, our own small sample showed that the figures were transmitted accurately from the polling station to the Returning Officer and then from the Returning Officer to the National Results Control Room; and while there were irregularities in a number of places these were not such as to significantly affect the outcome.

In neither the voting nor the results process was there any evidence of any systematic or large-scale attempt to rig the process and fix the outcome. On the contrary, there was a great deal of evidence that this was a credible exercise.

So far as violence and possible instability was concerned, there was no violent or other major disruption of the election arrangements, and there was no violence in the immediate aftermath of the results. The front page of the *Guyana Chronicle* of 29 August said it all: 'peaceful poll surprise'. The media continued to behave in a responsible manner and the political parties showed the necessary leadership.

That leaves one major area of apprehension from the list rehearsed at the beginning of this chapter: the concern that the conduct of the elections and their outcome could increase ethnic disharmony. It is too difficult and probably too early for anyone to be able to say how the outcome will affect ethnic harmony and it is probably not the role of observers to speculate. Much will depend on the way in which the new Government governs and whether it is and is perceived to be inclusive and intent on governing in the interests of all the people of Guyana. What is clear, and undoubtedly a matter on which observers can comment, is that the way in which the General and Regional Elections were

conducted did not exacerbate ethnic disharmony. That can only help in the months and years to come.

Chapter Six

CONCLUSIONS AND RECOMMENDATIONS

The Terms of Reference which have been given to us by the Secretary-General ask the Observer Group to:

- consider the various factors impinging on the credibility of the electoral process as a whole;
- determine in its own judgment whether the conditions existed for a free expression of will by the electors; and to
- determine whether the results of the election reflected the wishes of the people.

We have now considered the various factors impinging on the credibility of the electoral process as a whole and are of the view that the conditions did exist for a free expression of will by the electors and that the results of the elections reflected the wishes of the people.

The Commonwealth Observer Group has had a presence on the ground in Guyana for almost three months, because we were preceded by a Long-Term Observer and an Advance Team of two members of our Group.

We have therefore been able to have first-hand reports on the development of the process and the electoral environment over some time before our own arrival. We have noted from those reports that the background to these elections was one of increasing violence - much of it due to crime – but that the week prior to Election Day was relatively peaceful. We were able to note for ourselves that the voting, counting and results process took place in conditions of calm. We welcome this, in itself and because peace and calm are basic preconditions for a successful election process.

Another important feature of the pre-election process was the relative balance, fairness and responsibility in media reporting and the increasing adherence of the media to the Code of Conduct, which the media had itself been instrumental in developing. The media has also played a commendable role in stimulating a 'national conversation' on election issues. All this has had a still wider significance: we believe that the maturity shown by the media in the run-up to - and after – Election Day has influenced the whole tone of this election for the better. We congratulate all involved.

We were able to see part of the campaign for ourselves and conclude from these direct observations and the reports from our Long-Term and Advance colleagues that the parties have been able to contest freely and that the voters have been able to get the information they need in an atmosphere which was generally free from intimidation.

These three elements together formed an important part of the 'electoral environment'. However, the poll, count and results process remain at the centre of the process.

In our Interim Statement we recorded the view that generally our observations of the voting phase were positive and that up to the point at which we released that Statement – noon on 29 August, the day after the election – the process had gone well.

As can be seen from Chapter Five of this report the counting of the votes was transparent, though often slow. The rest of the results process – the transmission of the results from the count, the collation process at the district level and the processing and verification of the district results at national level – was also time-consuming and could, in our view, be more efficient. Our own tracking of the results showed, however, that the results which left the count at the polling station matched those that were delivered to the Returning Officer and that those which went from the Returning Officer to national level matched those announced in Georgetown by the Chief Election Officer.

As with the voting phase, there were shortcomings in the results process, which we have described in Chapter Five and concerning which we have a number of recommendations, but they were not such as to undermine the overall integrity and credibility of the exercise.

Overall, we believe that GECOM did a good job and should be commended. If we were to highlight one feature as an illustration of that it would be the constant flow of information which it provided during the results process by means of regular press briefings and a regularly up-dated results screen. This was fed to all television channels and broadcast live and continuously on at least one. This helped to reduce tension and uncertainty during the all-important results process. We also note that the final announcement of the national results was a day earlier than in 2001.

That leaves the matter of the voters' register, which had been a major point of disagreement between the main political parties in the years prior to this election. We were satisfied that the vast majority of those who had registered and came to the polling stations to vote on Election Day were able to find their names on the list and were therefore able to vote. There are wider issues, however. There is evidence to support the view that the voters register was inflated, and there is evidence to support the view that the various audits undertaken by outsiders over the last five years should be sufficient to reassure critics. However, the present situation – where much of the population distrusts the register – is neither satisfactory nor sustainable.

That is why we recommend below that Guyana needs a totally new register which commands the confidence of all the people of this country. We believe that this matter and reconfiguring the way in which the Elections Commission is constituted are the two most important issues before the Government, GECOM, political parties and the people of Guyana so far as the election arrangements are concerned. It is our view that now that the 2006 General and Regional Elections have been held no time must be lost in tackling them, particularly with the prospect of local government elections being held in the near future.

In conclusion, we congratulate the people of Guyana for their evident commitment to the democratic process and their cool heads at a time of tension.

Equally, we commend the leadership of the political parties for putting the needs of the country first.

When we arrived in Guyana we issued an Arrival Statement in which we said that “we hope the elections will be conducted in an atmosphere of calm”. We are delighted that they were. There was no violent or other major disruption of the election arrangements, and there was no violence in the immediate aftermath of the results.

The importance of this cannot be exaggerated. It has lifted the spirits of the people of Guyana and shown that it is possible to have an election in Guyana without uproar, injury and loss of life.

Yet post-election tranquillity can be all too temporary. Conditions of calm can actually be dangerous if they encourage complacency. And they must never be confused with the long-lasting peace that comes only when difficult issues have been tackled and permanent solutions put in place.

We trust that the discussion on constitutional, governance and electoral reforms will now be taken forward to the stage of implementation. We are sure that action will be taken to address inequality and social exclusion. We hope that the people of Guyana will use their present opportunity to build an approach to politics which unites rather than divides, includes rather than excludes and which builds a sense of collective confidence rather than fear and suspicion. Most of all, to echo the report of the 2001 Commonwealth Observer Group, we urge the people of this country to make a renewed effort to find ways of transcending Guyana’s still largely ethnic politics.

We wish the people of this country well – and urgency – as they set out on those tasks. The whole Commonwealth will be with them, and we are sure that the Secretary-General will provide all the assistance and support that he can.

RECOMMENDATIONS

We have two major recommendations for urgent action:

- **Elections Commission** - that the way in which the Elections Commission is constituted should be reconfigured. At present it consists, in effect, of nominees of the political parties. Experience has shown that such a structure does not work. Instead, the Commission should consist of persons who, while they have the confidence of the political parties, are independent of them. Members of the Commission should neither be appointed by nor responsible to the parties, but should owe their loyalties only to the needs of Guyana and its Elections Commission. Appointments should also be balanced by gender.

- **New Register** - Guyana should have a totally new register which commands the confidence of all the people of this country, given that much of the population distrusts the present voters register. This is especially urgent since local government elections are due to be held in the near future.

In the course of this report we have also made a number of further recommendations:

THE ELECTORAL FRAMEWORK AND PREPARATIONS FOR THE ELECTION

- **Party Lists** - political parties should be required to prioritise their list of candidates for both General and Regional Elections. This would ensure that voters know who they would be electing in a sequential order from each list of candidates and thus ensure greater transparency and accountability. In the case of the national elections, there should be a means of ascertaining the prioritisation for both the geographical constituency list and the national top-up list.
- **Constituency Boundaries** – constituency boundaries be reviewed with a view to having constituencies with a similar voting population size.
- **Women Candidates** – while there is a requirement that one-third of the list of political party candidates be women this is not necessarily reflected in the candidates chosen to become members of the National or Regional Assemblies. It would be logical, fair and appropriate to require a similar percentage of the candidates chosen from the list to be women.
- **Independence of GECOM** – GECOM's independence from government would be better assured if it were accountable directly to Parliament with funds directly voted by Parliament, and not under the control of a line Ministry, and that this be done in the same way as for other independent commissions such as the Judicial Commission.
- **Election Laws** – there should be a review of the laws applicable to the Guyana Elections leading to a simplified consolidation, which could be made more readily available;
- **Campaign Finance** –
 - GECOM should seek to ensure that its report on the 2006 General and Regional Elections includes details on the campaign expenditure incurred by the political parties and candidates at these elections;
 - the present laws on campaign finance should be enforced, and they should be reviewed with a view to ensuring their adequacy;

- **Voter and Civic Education** –
 - well before the next election GECOM should implement its 2001 recommendation which calls for a broader voter education programme incorporating general civic education. Voter education is much more than issuing material and providing information through electronic and print media; it should include a long-term civic education plan and the engagement of all civil society;
 - GECOM should ensure that voter education materials and training for future elections are produced in the languages spoken by indigenous people;
 - GECOM should ensure that there is more thorough and extensive voter education amongst the members of the Disciplined Forces in future – including an explanation of why the procedures are as they are – so that voters are fully informed of polling arrangements.
- **Party Agents** – if party agents are to be paid from public funds there should be a level playing field for all parties.
- **GECOM Liaison with Political Parties** – GECOM should introduce regular structured liaison throughout the electoral process with the political parties and other relevant stakeholders, at Commission and Secretariat level.
- **GECOM ‘Checks and Balances’** – GECOM’s pre-election ‘checks and balances’ should be independently audited, ideally by a Guyanese organisation, to see if these can be simplified without reducing the integrity of the outcome.
- **Location of Polling Stations** - last minute changes in the selection or location of polling stations should be avoided; where these occur the political parties should be informed; and clear information and transport should be made available for the voters.

THE CAMPAIGN AND MEDIA

- **Incumbency** – in view of the widespread allegations of the abuse of public resources by the incumbent we recommend that GECOM strictly enforces the existing rules on the use of public resources during the election campaign and ensures that the rules are adequate;
- **Code of Conduct** – before the next elections the Elections Commission and the political parties should agree a Code of Conduct on party and candidate behaviour and ensure that it is respected and legally enforced;
- **Presidential and Party Debates** – at future General Elections there should be party and presidential debates, so that the electorate may better assess the policies and vision of candidates;

- **Media Professional Body** - that the media practitioners should form a professional body to promote continuous training and skills development, to improve media ethics and thereby to enhance election coverage in the future;
- **Media Authority** - the establishment of a permanent authority to regulate the conduct of broadcasting media;
- **Radio** - non-State local and national radio should be allowed, to ensure that there is a plurality of voices on the airwaves and so encourage greater political debate and information on the democratic process.

VOTING

- **The Voters List** - procedures be changed for the future to avoid the writing of additional names on the register on election day and the dangers that come with this: any additional names should be recorded on a separate list;
- **The Ballot Paper** - the Elections Commission consider printing the ballot papers as separate documents for future General and Regional Elections;
- **Polling Stations** –
 - greater efforts be made to inform voters of the location of their polling stations;
 - the Elections Commission review the selection of polling stations to ensure that facilities are appropriate and that the elderly, those with disabilities and electors living along rivers have access;
 - the Elections Commission should as far as possible avoid the use of private premises as polling stations;
 - more voter education material should be on display at polling places, that the signage be improved and that extra efforts should be made to ensure that the photographs of the Presidential or other candidates do not remain on display in polling places.
- **Polling Station Staff** – at future elections arrangements should be made to ensure that polling station staff are able to rest during the course of the day, without interrupting the polling;
- **Election Day Holiday** – the practice of declaring election day as a public holiday should be continued in future elections;
- **Proxy Voting** – the proxy voting lists should be available to all political parties and in each district at least four days before the elections, in line with the regulations, and that they should be on display at the commencement of the poll.

THE POLL, COUNT AND RESULTS PROCESS

- **Facilities** - in future there should be adequate separation between polling stations.
- **Training** – the training given to counting officials should be improved for next time.
- **Results** – the Elections Commission investigate further ways of publicising the results of individual counts, including their transmission on national/local television and radio.
- **Presence of Agents** – at future elections political parties should ensure that their agents are present to observe all parts of the transmission and collation process (at the Deputy Returning Officer, Returning Officer and national levels) and that the Elections Commission should do as much as it can to facilitate this.
- **Fresh Staff** - arrangements be made to introduce fresh teams of staff to the Returning Officer's office during the collation of the district results.

ACKNOWLEDGEMENTS

We are indebted to many organisations and individuals for their assistance to us during our visit to Guyana. In particular we wish to thank the Elections Commission, the police, the political parties, non-governmental organisations, Commonwealth High Commissioners and others who briefed us in Georgetown before we were deployed. We also acknowledge the assistance of the other international observers and the domestic observers of the Electoral Assistance Bureau, with whom we worked closely in the field in order to maximise the effectiveness of the overall observation effort.

We appreciate the assistance of the Long-Term Observer, Mr Alison Sutherland, and thank the Commonwealth Secretariat support staff, who worked around the clock with unflinching enthusiasm and with ability of the highest order. We must also thank our drivers for their professionalism, hard work and local knowledge: without them it would have been impossible for us to undertake the task the Secretary-General set for us.

In conclusion, we wish to express our appreciation to Commonwealth Secretary-General Don McKinnon for giving us the opportunity to serve the Commonwealth in the promotion and consolidation of democracy in Guyana.

ANNEXES

Annex One

COMPOSITION OF THE COMMONWEALTH OBSERVER GROUP

Ratu Epeli Nailatikau – Chairperson (Fiji Islands)

Ratu Epeli Nailatikau was Deputy Prime Minister and Minister for Fijian Affairs in the Interim and Caretaker Governments of the Fiji Islands, from 2000 to 2001. Following the General Election of 2001 he was elected as Speaker of the House of Representatives in the Parliament of Fiji Islands, where he served until June 2006. In 2004 he was appointed UNAIDS Special Representative for the Pacific. He was previously Permanent Secretary in the Ministry of Foreign Affairs, and prior to that held a number of posts in the Fiji Islands diplomatic service. In 1998 he was appointed Roving Ambassador/High Commissioner to the Pacific, with special responsibilities for the Peacekeeping Force in Bougainville, Papua New Guinea. From 1988 to 1996 he served as Ambassador to the United Kingdom, and was concurrently accredited to Denmark, Egypt, Germany, the Holy See and Israel. From 1982 to 1987 Ratu Epeli was Commander of the Royal Fiji Military Forces. Ratu Epeli was leader of the joint Commonwealth-Pacific Islands Forum Expert Team which was present in May 2004 for the elections in the Autonomous Region of Bougainville, Papua New Guinea.

Mr Martinho Chachia (Mozambique)

Mr Martinho Chachia has been the Manager of the Elections and Political Processes (EPP) Department at the Electoral Institute of Southern Africa (EISA) since 2005. He oversees the implementation of the department's programmes including the design, coordination and deployment of regional observer missions. Before joining EISA in 2003 Mr Chachia worked with the UN mission in Angola as Special Assistant to the Representative of the Secretary-General of the United Nations and later as human rights officer. He published a number of articles on Southern African issues. Since joining EISA, Mr Chachia has conducted training for party agents in Mozambique for the local elections. He has also trained regional election reporters and members of the South African parliament on election observation. Since 2003 Mr Chachia has coordinated EISA regional observer missions to a number of elections in the SADC region. His elections observation experience includes observation of elections in Swaziland, South Africa, Malawi, Namibia, Zanzibar, Mauritius, Somaliland and the Democratic Republic of Congo.

Mr Tony Colman (United Kingdom)

Mr Colman was MP for Putney in the United Kingdom House of Commons from 1997 to 2005 and a member of the International Development Select Committee. He was Leader of the London Borough of Merton from 1991 to 1997 and Vice-Chair of the Association of London Authorities. From 1981 to 1990 he was a Director of the Burton Group plc (Burtons, Debenhams etc), having co-founded Top Shop in 1969. He was a senior manager with United Africa Co Ltd in East and West Africa from 1964 to 1969. He is currently a Director of

AfricaPractice Ltd and is on the advisory board of the African Venture Capital Association.

Mr Dayananda Dissanayake (Sri Lanka)

Mr Dissanayake has been Commissioner of Elections since 1995 and has been responsible for conducting seven island-wide one day national elections and five island-wide provincial and local elections during his tenure. He has served 31 years in Sri Lanka's Department of Elections, having joined in 1975 after serving five years in the Provincial Administration of the Sri Lanka Administrative Service. Mr Dissanayake has been a member of the Executive Board of the Association of Asian Election Authorities since its inauguration in 1998. He was a Commonwealth Observer in South Africa in 1994, in Guyana in 2001 and in Cameroon in 2004 and has represented Sri Lanka at many international conferences.

Mrs Mersada A Elcock (Barbados)

Mrs Mersada Elcock is a former Chief Electoral Officer of Barbados. She had responsibility for the overall management of the electoral system and the national registration system, and was the Chief Executive Officer for the Electoral and Boundaries Commission. Her duties included the administration of house-to-house enumeration programmes, the conduct of elections, and the demarcation of constituency boundaries. At present she is an elections consultant and has undertaken assignments advising on the administration, preparation and conduct of elections, as well as being a member of election observation missions.

Dr 'Atu Emberson-Bain (Fiji Islands)

'Atu Emberson-Bain was appointed to the Senate of Fiji Islands by the Prime Minister in 1999, a position she held until the 2000 coup. Following the 2001 General Election she was re-appointed by the Leader of the Opposition and has just completed a second five-year term. She is a founder member and Vice-President of the Fiji Labour Party; a former academic/lecturer in sociology at the University of the South Pacific; and a published author and consultant on development, gender and labour issues in the Pacific, including the social impact of mining. She is also a documentary film-maker, with films on ethnic tensions, peace-building and conditions in the fisheries, mining and sex industries.

Ms Beata Kasale (Botswana)

Ms Beata Kasale is the publisher and co-owner of *The Voice* newspaper, which in July 2005 became the best-selling newspaper in Botswana, and has more than twenty years experience as a journalist. She is currently the local trainer for the Maisha Yetu Botswana programme for the International Women's Media Foundation (IWMMF). The goal of the project is to enhance the quality and consistency of media coverage of HIV/AIDs, tuberculosis and malaria in Africa through accurate and relevant media messages. She has published a children's book, *The Treasure in the Garden*, with Heinemann UK. Ms Kasale works with an indigenous group, the San/Bushmen of Botswana, who have taken the

Botswana government to court in a bid to be re-located to their ancestral land in the Central Kalahari Game Reserve.

Harry Mayers (Barbados)

Mr Mayers has been a journalist for 40 years. He has worked with Reuters in the Caribbean and London and was the first general manager of the now defunct Caribbean News Agency (CANA). Mr Mayers is currently editor of the Barbados Business Authority, published by the Nation Publishing Company. He served as an Independent Media Referee during the General and Regional Elections in Guyana in 2001.

Senator Ike Nwachukwu GCMG (Nigeria)

Senator Nwachukwu is Chairman of the Santon Group Incorporated and was Foreign Minister of the Federal Republic of Nigeria from 1986 to 1989 and again from 1990 to 1993. From 1986 to 1987 Senator Nwachukwu was Minister of Employment, Labour and Productivity. During his period in the Senate, from 1999 to 2003, Senator Nwachukwu was Chairman of the Senate Committee on Intergovernmental Affairs and Chairman of the Senate Committee on Power and Steel. Senator Nwachukwu joined the Nigerian army in 1963 and held a number of senior positions, including General Officer Commanding, First Mechanised Division; Adjutant-General; Provost Marshal; Commandant, School of Infantry; and Adjutant, Nigerian Defence Academy. He was Military Governor of Iwo State from 1983 to 1985 and was the Presidential candidate for the National Democratic Party in the 2003 Presidential and National Assembly Elections. He was a member of the Commonwealth Ministerial Committee on the Dismantlement of Apartheid in South Africa and has published a number of books and articles on strategy and economic diplomacy. Senator Nwachukwu is a Commander of the Federal Republic of Nigeria (CFR, Nigeria) and has also been awarded the Knight Grand Cross of the Most Distinguished Order of St Michael and St George (GCMG, United Kingdom); Grand Master of the National Order of the Southern Cross (Argentina); Grand Cruz de la Order dei Merito Civil de Espana (GCMC, Spain); and Commander of the Order of Mono (COM, Republic of Togo) and the Great Merit Cross with Star (GMCS, Federal Republic of Germany).

Mr Andrew S Trawen MBE (Papua New Guinea)

Mr Andrew S Trawen is the Electoral Commissioner of Papua New Guinea, having been appointed in January 2005 for a six year term. He was acting Electoral Commissioner from August 2002 and prior to that served as Deputy Electoral Commissioner for 11 years. Mr Trawen has served the PNG Electoral Commission in various positions for 32 years. He is also the Chairman of PNG Electoral Boundaries Commission, which reviews and sets the boundaries of the electorates in Papua New Guinea, and is also a member of the Integrity of Political Parties and Candidates Commission.

Mr Alberto Vellos (Belize)

Mr Alberto Vellos is a member of the Commonwealth Regional Youth Caucus, representing Belize. In this capacity he works in partnership with the

Commonwealth Youth Programme Caribbean Centre to foster youth development and promote youth participation. Mr Vellos works as an Information Officer at the Belize Press Office. He has had over five years work experience in journalism as a reporter and as assistant to the Editor at the *Belize Times* newspaper.

Staff Support Team

Ms Juliet Solomon (Team Leader)
Mr Christopher Child
Mr Jarvis Matiya
Ms Geraldine Goh
Ms Zippy Ojago
Ms Akua Yeboah

Long-Term Observer

Ms Alison Sutherland

Annex Two

ARRIVAL STATEMENT

ARRIVAL STATEMENT BY RATU EPELI NAILATIKAU CHAIRPERSON, COMMONWEALTH OBSERVER GROUP 23 August 2006

We are all pleased to be here in Guyana for these General and Regional Elections. Most of us arrived only the day before yesterday, so we have not been here long. But we have already been impressed by the friendliness of the welcome we have received and the hospitality of your people.

As you know, the Commonwealth Secretary-General - HE Rt Hon Don McKinnon - has sent us in response to an invitation from your Government.

Following receipt of the invitation a Commonwealth Secretariat Assessment Mission visited Guyana, in line with usual practice. It reported to the Secretary-General that there would be broad support from the political parties for the presence of Commonwealth Observers and that they would have access to all parts of the electoral process.

We have been preceded not only by that Assessment Mission, but also by former Commonwealth Secretariat official Lach Fergusson and then by a Long-Term Observer, Ms Alison Sutherland, who arrived in June and, after a short break, is with us again now.

Two of our members - Ms Beata Kasale and Ms Mersada Elcock - have formed a further 'Advance Team', and have been here since 4 August. So we have had a presence on the ground for some time, getting a sense of the electoral environment. This means that in addition to making our own observations in the next week we will be able to also have reports from our colleagues covering the months up to election day.

Now the full Observer Group is here. In addition to having the reports of our colleagues, as I have just described, we will be briefed in Georgetown by several of the political parties, a number of non-governmental organisations and Commonwealth High Commissioners.

We have already had briefings from the Elections Commission, the police, domestic election observers and other international observers. Our briefings finish on Thursday and we will deploy around the country on Friday.

We will see the end of the immediate pre-election period and aim to get an impression of the campaign. On election day we will visit as many polling stations as we can. Then we will see the counting of the votes and observe the results process. On our return to Georgetown we will write our report and sign it before we leave Guyana on 5 September.

Our report will then go to the Commonwealth Secretary-General, who will in turn forward it to the Government, the Elections Commission, the leadership of all the political parties and then to all Commonwealth governments. The report will be made publicly available, here and throughout the Commonwealth.

We will, of course, abide by the laws of this country. We will travel extensively, consult widely and take every opportunity to see the process for ourselves. We look forward to meeting as many people as possible. We will co-operate closely with other international and domestic election observers to ensure that we maximise our coverage.

We will be neutral, impartial, objective and independent. We cannot visit every polling station or be present everywhere. But we can and will attempt to take a representative sample of the process, so that we can arrive at a broad overview.

Each of us has been selected by the Commonwealth Secretary-General to participate in our individual capacities, but we represent the whole Commonwealth. However, we are independent of our governments and any organisations to which we belong. Our concern is purely with the electoral process and its credibility. Our Terms of Reference from the Commonwealth Secretary-General are:

- to consider the various factors impinging on the credibility of the electoral process as a whole;
- to assess whether, in our own judgement, the conditions exist for a free expression of will by the electors; and
- to determine if the results of the elections reflect the wishes of the people.

We do not expect to issue any statements between now and election day. However, we are likely to produce an 'Interim Statement' after the voting but before the results process is completed. We are also likely to make a 'Departure Statement' when we leave. We will let you know when these are ready.

We look forward to the task the Secretary-General has given us. We hope that the elections will be conducted in an atmosphere of calm. And we wish you all well as you make the final preparations for next Monday.

END

Georgetown
23 August 2006

Annex Three

SCHEDULE OF ENGAGEMENTS IN GEORGETOWN

TUESDAY 22 AUGUST

Guyana Elections Commission and Police

Elections Commission Chairman Dr Steve Surujbally, Chief Election Officer Mr Gocool Boodoo and colleagues, followed by security briefing presented by Mr Sydney Bunbury, Deputy Commissioner, Guyana Police.

Briefing by Dr Afari-Gyan and Mr Beale

Dr Kwadwo Afari-Gyan (Commonwealth Advisor, GECOM) and Mr Stephen Beale (Joint International Technical Assessor, GECOM)

Briefings by Long-Term and Advance Observers:

Ms Alison Sutherland (Long Term Observer), Ms Beata Kasale and Ms Mersada Elcock (Advance Observers)

Other International Organisations: United Nations Resident Co-ordinator HE Mr Youssef Mahmoud and representatives of the Organisation of American States (Mr Steve Griner), Caricom Observers (Mr Hensley Robinson and Ambassador Leslie), Carter Center (Mr Jason Forrester), the European Commission Assessors (Mr Graham Elson and Mr Michel Paternotre). Mr Michael D Thomas (Chargé d’Affaires, US Embassy) and colleagues from the Embassy were also present.

Domestic Observers: Private Sector Commission (Chairman Mr Norman McLean, President Mr Gerry Gouveia, Vice-Chair Mr Michael Correia and Mr Kit Nascimento) and Bar Association (Mr Teni Housty and Ms Emily Dodson).

WEDNESDAY 23 AUGUST

Arrival Press Conference

People’s Progressive Party/Civic: General-Secretary Mr Donald Ramotar and colleague

People’s National Congress/Reform – One Guyana: Chief Scrutineer Mr Joseph Hamilton and colleagues

Domestic Observers: Electoral Assistance Bureau (Chair, Father Malcolm Rodrigues)

Alliance for Change: Ms Chantelle Smith (Chief Executive) and colleagues

GAP/ROAR: Mr Overall Franklin (Co-ordinator)

The United Force: Mr Dennis Lee (member, Executive Committee)

Justice for All Party: Leader and Presidential candidate Mr C N Sharma

Chair's Reception

THURSDAY 24 AUGUST

Elections Commission: Chief Elections Officer Mr Gocool Boodoo

Non-Governmental Organisations: representatives of Guyana Human Rights Association (Co-President Mr Mike McCormack), Guyana Bar Association (Mr Randolph Kirton and Mr Kashir Khan), Inter-Religious Organisation (Mr Ronald P McGarrell), Youth Challenge Guyana (Ms Eve Patrick), Guybernet (Chairman Mr Trevor Benn, Vice-Chairperson Ms Geeta Sooklall, Ms Verwyn Jervis and Mr Wayne Lewis) and Mr Eric Phillips (Common Ground).

Ethnic Relations Commission: Commissioners Mr John Willems and Ms Carol Duncan and staff members Ms Beverley Alert and Ms Yvonne Langevine

Media: Mr Tim Neale (Commonwealth Media Advisor to GECOM), Mr Lennox Grant and Ms Wyvolyn Gager (members, Independent Refereeing Panel), Mr David de Caries (Editor-in-Chief, *Stabroek News*), Mr Martin Goolsarran (Programme Manager, NCN Television) and Mr Enrico Woolford (Editor/Owner, Capitol News)

Indigenous People's Organisations: Guyanese Organisation of Indigenous Peoples (Mr Allan Leow)

Women's Organisations: Women Across Difference (Director, Ms Hazel Halley-Burnett) and Red Thread (Ms Jocelyn Dow)

Representatives of High Commissions: HE Mr Ayinash Gupta (Indian High Commissioner), Mr Charles Court (High Commissioner Designate, Canada), Mr Mark Mostovac (Chargé d'Affaires, Canada) and HE Mr Fraser Wheeler (High Commissioner, UK).

Deployment Briefing

Annex Four

DEPLOYMENT PRESS RELEASE

News Release

COMMONWEALTH OBSERVERS DEPLOYED 25 August 2006

Commonwealth Observers deployed today and will be based in the Districts as follows. Chairman Ratu Epeli Nailatakau will visit several locations from his base in Georgetown.

CHAIR'S TEAM

Ratu Epeli Nailatikau
Ms Juliet Solomon

DISTRICT TWO

Mr Dayananda Dissanayake
Mr Alberto Vellos

DISTRICT THREE

Mr Martin Chachiu
Mr Tony Colman

DISTRICT FOUR

Mr Andrew Trawen
Ms Geraldine Goh

Mr Harry Mayers
Ms Alison Sutherland

DISTRICT SIX

Dr 'Atu Emberson-Bain
Mrs Zippy Ojago

DISTRICT NINE

Ms Beata Kasale
Ms Mersada Elcock

DISTRICT TEN

Senator Ike Nwachukwu
Mr Jarvis Matiya

Observer Group Chairperson Ratu Epeli Nailatakau said:

"Today we spread across the country to see the end of the campaign, the final preparations for election day, and then the voting and the results process. We intend to meet as many people as we can, to see as much as we can and generally to get as full an impression of the process as possible.

When we have seen all this we will consider the various factors impinging on the credibility of the electoral process as a whole, assess whether, in our judgement, the conditions exist for a free expression of will by the electors and determine if the results of the elections reflect the wishes of the people".

Annex Five

OBSERVATION NOTES AND CHECKLISTS

OBSERVATION NOTES FOR VOTING AND RESULTS PROCESSES

PART A

The Observers may focus particular attention on the following aspects of the conduct of the election:

THE CAMPAIGN

1. Balance of TV/radio election coverage and extent and nature of access by party and other candidates.
2. Print media: nature of coverage and extent of access by the political parties
3. The tone and content of material put out by the candidates, access to printing facilities
4. The conduct of political meetings/rallies (permits for public meetings?)
5. The conduct of house-to-house canvassing of voters.
6. Nature, scale and effectiveness of GECOM and other voter education on radio and television, in the print media and by other methods.
7. Activities/measures to encourage the participation of women, breakdown of candidates by gender.
8. Access to funds and sources of funds
9. Evidence of the abuse of the advantages of incumbency (use of public resources, civil servants etc for party purposes)
10. Election violence/malpractices (corruption etc): potential and actual
11. What are candidates saying about gender/womens' issues?

THE POLL

1. The location and set-up of polling stations
2. Distances travelled by voters to polling stations, particularly in rural areas.
3. The procedure followed at the opening of the poll, including voter identification.
4. The length of time voters wait to cast their votes: especially the old, and pregnant and breast-feeding women.
5. The adequacy or otherwise of facilities at polling stations and their state of readiness.
6. Availability of adequate supplies, e.g. ballot papers, official stamps, stamp pads etc and, in rural areas especially, lighting facilities
7. The performance of electoral officials at the polling stations visited
8. The procedures in place to ensure proper security of ballot papers, ballot boxes and official seals
9. Arrangements to facilitate voting by women
10. The steps taken to ensure that the secrecy of the ballot is assured.
11. The general atmosphere at the polling stations visited.
12. Access of party agents and domestic observers to polling stations
13. Measures put in place for voters who require assistance to vote.
14. Measures put in place to assist voters with disabilities to vote in secret.
15. Whether the ballot boxes are properly sealed at the start and end of the voting, and their security ensured.

THE COUNT

1. Transport arrangements for the boxes, documentation and other material
2. Were the seals inspected before boxes were opened?
3. The process of reconciling the number of people who voted with the number of ballots in the boxes

4. How were rejected ballots treated?
5. The facilities for party agents and their representatives to witness and verify the count and overall transparency: do they sign the Statements of Poll, are they given a copy?
6. Access by domestic and international observers: are they given a copy?
7. The conduct of election officers: do they follow procedures, do they put up the results at the station after the count?

PART B

Questions that may be put and which you may ask yourself:

1. Was the Voters' Register compiled in a satisfactory way? Were people missed out? Were the names of dead people or "phantom voters" included? Was there a complaint about a 'phantom voter' voting?
2. Who are the election officials? How were they chosen? Are voters confident that they will be impartial?
3. Is the person in the street satisfied with arrangements? Will he/she vote? If not, is he/she afraid to do so? Were there any attempts to discourage/encourage the participation of women and were they effective?
4. Have all parties been able to campaign freely? Has the campaign been free of intimidation etc? Have all parties had full access to the mass media?
5. Is there freedom to advertise and distribute posters, leaflets etc? Is there potential for - or actual - violence/manipulation/intimidation?

ON POLLING DAYS

1. Before polling starts, are the ballot boxes empty? Are they properly sealed? Are all procedures being adhered to?
2. Are all the parties/candidates represented at polling stations? Are they satisfied with the process?
3. Are the voters apparently voting freely? Are they enthusiastic? Do they talk freely? Do they exhibit signs of fear or intimidation?
4. Do voters understand the procedures properly? If not, are the procedures being explained fully and impartially? Are attempts being made to suggest how voters should vote?

5. Does the turnout indicate that women are participating in sufficient numbers?
6. How long are voters waiting to vote? If a long time, are some leaving the station?
7. Will all parties be represented at the polling stations throughout voting and the count? Are agents adequately trained and vigilant?
8. Will domestic and international observers have free access to all stages of the process?
9. Is the security effective/oppressive/intrusive?
10. Were the proper procedures followed at the end of the day? What happens to the ballot boxes and other materials? Are the moved/stored securely?

THE COUNT

1. Are the sealing, transport and security arrangements in order? Are the boxes kept safe until opened? Are all parties present when they are opened?
2. Does the number of used ballot papers tally with the record of those who voted?
3. Are the papers counted properly? Are counting agents present? Are they satisfied with the procedures of the count?
4. Are the proper procedures followed for declaring votes as invalid?
6. How is the result posted/announced?

THE RESULTS PROCESS

1. Is the Statement of Poll faithfully transmitted from the polling station to the Deputy Returning Officer and then to the Returning Officer?
 2. Are party agents allowed access, and do they complain?
 3. Are the stipulated procedures for the transmission of the results followed?
-

COMMONWEALTH OBSERVER GROUP
Guyana General and Regional Elections
28 August 2006

CHECKLIST FOR POLLING STATION VISITS

Team Member(s):

Polling Station:

Time of Arrival/Departure:

Voters in Queue: Rate of Processing:

Voters on Register: Votes cast:

1. Set up prior to Poll

Orderly? In line with procedure? Any voter education material displayed?

2. Opening of Poll

On time?	Yes/no?
Procedures followed?	Yes/no
All materials?	Yes/no
Queues?	Yes/no?
Details:	

3 Party Agents

Present – please specify which and indicate sex

↑
↑
↑
↑
↑

Domestic observers
International observers

Others: please state

4. Register

State of the register? Are voters names easily found?
Any voters turned away? How many? Why?
Please identify by sex.
Are parties/agents complaining?
Details:

5. **Polling Station Layout and Facilities** Good? Adequate? Poor?
6. **Polling Staff** Adequate? Efficient? Satisfactory? Poor?
Please indicate sex of staff
7. **Security Presence** Police present? Active? Passive?
Discreet? Intrusive? Oppressive?
Other security forces present? Comments?
8. **Complaints by Party Agents** Any complaints? Yes/No?
Details:

If complaints, were they dealt with/resolved?
By whom?
9. **Complaints by Voters** Yes/No Details:

If complaints, were they dealt with/resolved?
By whom? Please indicate sex of complainants.
10. **Presence of unauthorised persons** Yes/No Details:
11. **Atmosphere at Station?** Orderly? Tense? Chaotic?
12. **Secrecy of Ballot** Assured? Poor? Uncertain? Assisted voters
(if for how many)? Please explain:
13. **Voting**
- (a) Personation attempts alleged: Yes/No
Details:

- (b) Multiple voting attempts alleged: Yes/No
Details:
- (c) Ineligible allowed to vote? Yes/No
- (d) Women deterred from voting: Yes/No
Details:
- (e) Is the voting procedure being followed? Yes/No
- (f) Is the correct procedure being followed for marking finger with indelible ink? Yes/No
- (g) Are procedures being followed re assisted and incapacitated voters? Yes/No
- (h) Speed of processing?
- (i) Estimated length of time voters in polling queues?
- 14. 200 Metre Limit** – is it being observed Yes/No
- 15. Numbers** - any voting by person not on register?
- any voting without ID?
- estimated percentage of women voters in queue?
- 16. Closing of Poll** On time? Numbers still in queue and how long to process?
How many hours did voting continue? Any voters turned away at closing: why? Adequate seals applied?
Procedure followed? Yes/No
- 17. Agents** – are the party agents satisfied with closure, sealing, security, transport arrangements Yes/No
- 18. Other Remarks**

COMMONWEALTH OBSERVER GROUP
Guyana General and Regional Elections
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THE COUNTING OF VOTES

1. The Count

Time count started?	
Are procedures observed?	Yes/No
Opening of ballot boxes?	Yes/No
Breaking of seals?	Yes/No
Counting of votes?	Yes/No

Detail:

Are police present?	Yes/No
Who else is present?	
Invalid votes: how dealt with?	

Indicate any inappropriate behaviour:

2. Party Agents

Are party agents present?	Yes/No
Which parties?	

í
í
í
í
í
í

Others: please state

Are there any major challenges to the Presiding Officer's rulings?

Do the party agents have any complaints or comments?

Name of agent:
Party:
Substance of complaint

3. **Statement of Poll** Is a copy of this given to all Party Agents?
Are the results displayed at the polling station?
Any fabrication alleged at this point?
Do any of the agents object? If so why?
4. **Transmission of results** (a) how are the results transmitted to the Deputy Returning Officer and Returning Officer?

(b) What happens to the ballot papers at the end of the count?

(c) Was the transportation process observed?
6. **Fairness overall** Good? Acceptable? Questionable?
7. **Adherence to the rules, speed, accuracy and transparency**

Is the procedure in line with that stipulated by Elections Commission? If not please explain:

Are the officials efficient and well-trained?

How long does the count take?

Does it seem to be accurate?

Is it transparent?
8. **Other Comments**

COMMONWEALTH OBSERVER GROUP
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COLLATION OF RESULTS

First by Deputy Returning Officer for Sub-District and then by Returning Officer for District as a whole:

- 1. Who is present?**
Election officials?
Candidates/election agents?
Domestic/international observers?
Security officers?
Others? Please state:

- 2. Are procedures followed?**
Does the official in charge act in line with the procedures? Yes/No?
If no please give detail:

Are there any major challenges to his/her announcements?
If so please explain:

- 3. Transmission of results?**
Are the results from the count at which you were present conveyed accurately to sub-district and the results from the sub-district conveyed accurately to district level? Yes/No? If not please explain:

- 4. Adherence to the rules, speed, accuracy and transparency**
Is the procedure in line with that stipulated by the Elections Commission?
If not please explain:

Are the officials efficient and well-trained?
How long does the process take?
Does it seem to be accurate?
Is it transparent?
How are valid/invalid votes dealt with?

- 5. Overall, is the process fair and in line with stipulated procedures?**

- 6. Was the collation process:**

↑ well organised
↑ unsatisfactory
↑ chaotic

Annex Six

INTERIM STATEMENT

INTERIM STATEMENT BY RATU EPELI NAILATIKAU Chairperson Commonwealth Observer Group 29 August 2006

"The Commonwealth Observer Group has had a presence on the ground in Guyana for almost three months, because although the main Group arrived only a week ago we were preceded by a Long-Term Observer and an Advance Team.

During those three months violence and the fear of violence has increased; fortunately, however, the week prior to Election Day was relatively peaceful. The media has not always been balanced in its reporting, yet the media's adherence to the Code of Conduct improved as time went on. Despite some incidents of 'hate-speech' the political parties were generally able to campaign freely.

On Election Day itself, our eight Teams were present for the opening of polling stations in six districts. They then visited as many other stations as possible, observed the counting of the votes and tracked the polling station results through to the Returning Officer, to determine whether the results were transmitted accurately. In Georgetown our observers have been present at GECOM's national results centre to observe the final stages of the process.

There were some problems during the voting. Two political parties and the domestic observers of EAB complained that some of their agents and observers had been denied access to polling stations. Even though they had duly registered, a number of voters had to go from polling station to polling station before they could find their names on the voters list. In some stations copies of the voters list were not available for agents. Some voters had to wait for several hours before they could vote. Facilities for those with disabilities were sometimes poor. Fingers were not always checked for indelible ink, and there were other variations in procedure. We noted that some campaign messages continued to be broadcast on television, a major breach of the media Code of Conduct. Some polling stations were very small and cramped.

Generally, however, our observations of the voting phase were positive. We are aware of the disagreements between the parties concerning voter registration, which had dominated the years prior to the elections. On the day it seemed to us that the register was reasonably reliable. Where we were present, the voting took place in secret and in conditions of calm, and there were few security problems. Most voters were able to find their names on the list of electors and appeared to understand the voting system. Generally, stations opened on time and had the necessary staff and materials. In most cases, procedures were properly followed, the

stations were well organised, the atmosphere was good and the staff were well-trained, helpful and efficient. We were pleased to see that large numbers of women voted. Where we were present the vast majority of voters expressed themselves satisfied with the way in which the voting had been managed.

Our teams found that the count at the polling stations was thorough and transparent. The polling station results our Observers tracked were transmitted accurately to the Returning Officer. To this point the results process has gone well.

The Commonwealth Observer Group is not yet in a position to evaluate the entire process, because that process is not yet complete. We will do that in our report to the Commonwealth Secretary-General, which we will write and sign in Georgetown before we depart on 5 September. We hope to be able to provide some key points of our assessment in a further statement before we leave. However, with so much of the process completed, we believe that we should also express an interim view now.

Our interim view is that, so far, the process has gone well. While there have been shortcomings, these have not been such as to undermine the overall integrity and credibility of the exercise. For the future there will need to be a fundamental re-think in some areas – not least, the way in which the Elections Commission itself is constituted. For the present we congratulate the voters and GECOM on the effort they have put in and wish them well for the remainder of the process.

If any of the parties feel aggrieved and wish to challenge the results they should follow the procedures laid down in law.

In conclusion, I appeal to all the people of this country to continue to be calm and to allow the process to be completed in conditions of peace, so that Guyana can go forward”.

12.00 noon
Tuesday, 29 August 2006

Note to Editors

The Commonwealth Observer Group, consisting of 18 eminent persons and support staff, has been in Guyana since 22 August. On Friday 25 August the members of the Group deployed to their base locations around the country. The Commonwealth’s two-person teams met electors and observed the end of the campaign, the final preparations for election day and the poll, count and results process in six of the ten Districts, covering the areas where most of the electors live. Three of our eight two-person Teams were based in District Four, while there was one each in Districts Two, Three, Six, Nine and Ten. Though based in Georgetown the Chairperson of the Group personally visited three other Districts.

For further information contact Ms Geraldine Goh on +592-609-6485.

Annex Seven

INTER-RELIGIOUS ORGANISATION PEACE PACT AND CODE OF CONDUCT

PEACE PACT AND CODE OF CONDUCT For Political Parties Contesting the 2006 General and Regional Elections

Peace and public order, freedom of political campaigning, verification and compliance with electoral laws and regulations are essential to the conduct of free, fair and credible elections and the ready acceptance of results. In furtherance of these objectives, we, the leadership of the political parties of Guyana:

1. Affirm our belief in the sanctity of human life and abhor taking human life or the violation of the person of anyone because of that person's political allegiance.
2. Declare our opposition to and rejection of the use of violence and intimidation by any of our members or supporters as a means of expressing political support or furthering political objectives.
3. Denounce the procurement, possession or distribution of weapons or ammunition of any sort by our members or supporters for use in political activity.
4. Affirm our commitment to non-violent relations between the members and supporters of all political parties.
5. Repudiate any action by our members or supporters calculated to provoke, threaten or intimidate the members and supporters of any other party.
6. Recognize and respect the rights of each party, its members and supporters to express and demonstrate their political views and to conduct lawful, non-violent activities in support of their objectives.
7. Agree that we will only offer support to candidates who manifest the highest moral standards and who have not been convicted of any serious crime.

In the belief that the manner in which an Election is conducted is crucial to the well-being of Guyana and to its functioning as a democracy, We the leadership of the Political Parties contesting the 2006 General and Regional Elections, will urge our candidates, agents and supporters to contribute positively to a peaceful political atmosphere in which our respective policies and programmes for Guyana's future development will be the dominant feature of our campaigns. In this regard, we solemnly declare that:

I. LAWS, RULES AND PROCEDURES

We will act in accordance with all existing laws, rules and procedures governing the election practices.

We, our candidates, agents, members, supporters will avoid all illegal and corrupt practices.

We will insist that our candidates and agents avoid making speeches or statements that promote racial or ethnic tension by using stereotypes and other language to denigrate citizens or groups through derogatory references to race, gender, religious belief or cultural practice.

We will urge our candidates and supporters to respect the rights of others and, in particular, the right to freedom of speech and the right to hold and express contrary views.

II. A PEACEFUL CAMPAIGN AND RESPECT FOR OTHERS

We will contribute in everyway to the goal of peaceful election process and hereby undertake to:

1. Forbid the use of threats, harassment or tendency to violence that might cause disruption whether at political rallies or elsewhere, or any other form of intimidatory behaviour.
11. Forbid the use of abusive, slanderous or threatening language, or language to incite people of one group to violence against any person, member or members of any other group.
- III. Forbid the publication of any pamphlet, poster, cartoons or other material containing matters which can offend or incite people to cause public disorder.
- IV Forbid our candidates, members or supporters from all acts of interference with rallies, meetings, gatherings or processions of other parties.
- V. Forbid all actions aimed at defacing, destroying or damaging any poster, notice or other campaign materials of other political parties.

III. RESPECT FOR THE INTEGRITY OF THE ELECTION PROCESS

We, together with our candidates, agents, workers and supporters will cooperate with, and give support to, the Electoral Commission, its officials and officers in the proper execution of their functions and duties and we will refrain from attacks, threats or other improper treatment of these officials during the campaign.

We will ensure that our candidates, agents and supporters refrain from interfering in any way with the polling and counting proceedings and avoid all attempts to spread false rumours about election activities.

We will urge our candidates, agents and supporters not to cause damage in any way to any premise in which polling places are located or to remove, deface or damage any election materials.

IV. COOPERATION WITH POLICE, MILITARY AND SECURITY AUTHORITIES

We will show respect for, and give support to, the law enforcement, military and security authorities in the proper discharge of their duties during the campaign, voting and declaration of results periods. We agree that unhelpful behaviour by parties and candidates towards these authorities should be avoided.

V. COMMITMENT TO IMPLEMENTATION

We agree that effective implementation of this Code by all Parties contesting the General and Regional Elections will significantly enhance the prospects for a free and fair election and we pledge ourselves to undertake, abide by and act according to its spirit, intent and letter. Accordingly, we will issue instructions to our candidates, agents, members and supporters directing them to observe this Peace Pact and Code of Conduct and we pledge to take such other steps as may be necessary to ensure that its principles and practices are widely disseminated and followed.

VI. ACCEPTANCE OF VALID ELECTIONS

Upon the Declaration of the Results by the Elections Commission to the satisfaction of the majority of the political parties, accredited observers and invited international visitors, the losing parties and candidates will show graciousness and magnanimity in their acceptance of the elections results and the winning party will pledge itself to govern in the interests of all Guyanese.

VII. VERIFICATION AND COMPLIANCE

We agree that a system of verification is necessary to ensure compliance with this Peace Pact and Code of Conduct and will serve to build confidence, enhance credibility and develop trust among all Parties contesting the General and Regional Elections.

Accordingly, we agree to institute a system of self-verification as well as support and encourage other cooperative systems of verification as may be necessary to detect and deter any potential or actual act/s of non-compliance and we agree to issue and support public statements of condemnation with regard to such act/s or violations.

PLEDGE

We pledge to one another and to the Guyanese people to uphold and defend the Constitution of Guyana.

To honour our National Pledge

To work assiduously to promote harmony and peace among members and supporters of all Parties

To eliminate politically motivated and all other forms of violence

And to encourage and demonstrate love, forgiveness and peaceful coexistence as we strive to develop our Native Land.

Annex Eight

CODE OF CONDUCT FOR THE MEDIA

CODE OF CONDUCT FOR THE MEDIA For Reporting and Coverage of Guyana Elections 2006 FOR OWNERS, PUBLISHERS, EDITORS & JOURNALISTS INCLUDING ASSOCIATED GUIDELINES

I. Preamble

Given the desirability for a fair, peaceful and well-regulated election and the avoidance of the aggravation of ethnic tension and unnecessary political discord, ensuring that voters make an informed choice,

We agree and accept that a Code of Conduct for the Media - taken to mean newspapers and radio and television stations - generally respected and observed, will contribute to the holding of a free and fair election, ensuring the success of this democratic process.

We agree and accept to subscribe to, and, to the best of our ability, *to comply with* this Code of Conduct and to take all reasonable steps to ensure its observance.

We accept to subscribe to, this Code of Conduct on the clear and unqualified understanding that the government or any of its agencies and the Elections Commission, will not impose or seek to impose any prior restraint or censorship on any publication by the media.

II. The Code of Conduct

- A. **Common duty.** The media recognize that, whether state or privately run, they exist to serve all the people of Guyana and to provide balanced and accurate information including voter education to help deliver successful elections by enabling voters to make informed decisions at the ballot box.
- B. **Maintaining a stable society and journalistic integrity.** The Media in its coverage and reporting of the elections during the period of campaigning agree:
- 1) to refrain from the publishing or broadcasting of any matter with the potential for, or likelihood of promoting or inciting racial hatred, bias or contempt or any matter with the potential for, or likelihood of, promoting or causing public disorder, posing or becoming a threat to the security of the nation.
 - 2) Where normal democratic editorial principles demand the reporting of such events;

a. the accuracy and authenticity of the report must be confirmed by at least 2 (two) independent sources;

b. extreme caution must be taken in the preparation of the report in the choice of pictures and words in order to avoid exacerbating the likelihood of incitement. Gratuitous publication of gruesome detail or inflammatory language for sensational purposes is unacceptable;

c. Media organisations may not censor, or edit any material or materials submitted by political parties, or their agents, for either free, or paid for, publication in newspapers or broadcast on radio or television stations. However, media organizations observing the law and exercising editorial judgment in favour of good taste and a respect for public safety and decency should refuse any material submitted by political parties, or their agents, likely to be hateful, ethnically offensive, to promote public disorder or threaten the security of the State. In all cases of such refusal, the concerned political party must be immediately informed of the reasons for rejection, and, assuming that time permits, the concerned party, or its agent, must be given the opportunity to modify the rejected material in order to conform to acceptable legal, moral and other standards.

- 3) to make crystal clear in editorials and/or analytical articles or commentaries its total rejection of hate speech.
- 4) to refrain from ridiculing, stigmatizing or demonizing people on any grounds including gender, race, class, ethnicity, language, religion, age, place of origin, sexual orientation and physical or mental ability;

This requirement includes the avoidance of ethnic or religious abuse by readers, listeners or viewers in letters columns or feedback programmes or during live or recorded broadcasts. Proper editorial, presentation and production control skills and techniques must be used to minimize the possibility of incitement caused by allowing democratic free speech to lapse into the promotion of hatred and violence. The media accept that they must share responsibility for the consequences of failure to introduce and exercise proper control methods in this crucial area.

- 5) to hold themselves independent and free of any, or all, political control and direction;
- 6) to hold themselves independent and free of any, or all, control and direction from any of the political parties officially registered to contest the elections;
- 7) to hold themselves free of any, or all, control and direction from any individual, group, or organization representing or promoting the special interests of any of the political parties officially registered to contest the elections.

C. Journalistic professionalism. The Media in the exercise of their constitutional right of free expression, and in recognition of their consequential social responsibility to the society which they serve, will at all times endeavour to:

- 1) provide a truthful, comprehensive, accurate, balanced and fair account of events in a context which gives them meaning;
- 2) serve as a forum for the exchange of public comment, opinion, discussion and criticism in a fundamentally fair, balanced and reasonable manner to promote principles of tolerance and respect for human dignity;
- 3) offer an accurate and valid picture of the constituent groups, organizations and parties contesting the elections and of the society in general;
- 4) present and clarify, as far as possible, the goals and values of the constituent groups, organizations and parties contesting the elections and of the society in general;
- 5) refrain from wearing any political party paraphernalia when reporting on the election campaign;
- 6) refrain from taking any individual inducement from a political party candidate or politician;
- 7) refrain from offering any promises to a politician or candidate with regard to the content of any political report

D. Fairness and Balance. The Media, in accepting the principle of “fair and balanced” reporting in pursuit of the truth, recognize that:

- 1) No story is fair, if it omits facts of major importance or significance and is therefore incomplete;
- 2) No story is fair, if it includes essentially irrelevant information, rumor or unsubstantiated statements at the expense of significant facts;
- 3) No story is fair, if it consciously or unconsciously misleads or even deceives the reader, listener or viewer.
- 4) No balance exists in a series of political interviews if any party is favoured in the degree of probing questioning. Giving an “easy ride” selectively is unfair.

E. Accuracy and thoroughness. The Media, in accepting the principle of “accuracy and balance” in reporting, particularly during periods of campaigning for elections, acknowledge that these two main characteristics, accuracy and balance, seek to distinguish good journalism

from bad, and journalism from propaganda. From this perspective, we accept that:

- 1) Accuracy requires the verification (to the fullest extent possible) and presentation of all facts that are pertinent and necessary to understand a particular event or issue, even if some of the facts conflict with a journalist's, or a broadcaster's particular beliefs and feelings.
- 2) Good journalism involves positive news gathering, not just waiting for it to arrive in the "In" tray. To that end, the media accepts the need to make a determined effort to draw in information about the activities of smaller, poorer parties in order to provide the readers, listeners and viewers with the full range of voting options open to them.
- 3) Balance, or impartiality, requires the presentation of all the main points of view or interpretations of an event or an issue, regardless of whether the journalist, reporter, broadcaster, editor or the audience agrees with these views, enabling voters to make an informed choice.
- 4) News and comment must be clearly identified to avoid confusion amongst readers, viewers and listeners.
- 5) Political activities of media functionaries and the likelihood of charges of bias. Media organizations agree that individual owners, full-time staff members, part-time employees or other individuals contracted to write, produce or present articles, scripts, programmes, commentaries or other material intended for public dissemination and who (a) are publicly identified as candidates for election to Parliament; or, (b) hold office in a political party, are likely to be open to charges of bias. Accordingly, media organizations agree that such individuals will, in the performance of their functions, refrain from using their programmes for the purpose of promoting political objectives during the period beginning with the date of signature of this media Code of Conduct and ending the day after the results of elections will have been declared. Since there is currently no law preventing the ownership of a media house by a party or a candidate, such publications or broadcasting stations/channels need to be especially sure to make clear what is news and what is political comment.

F. Full information. The Media further acknowledge that both these ingredients — accuracy and balance — are necessary for citizens to gain a full and realistic picture of the issues during election campaigns, as well as of the world around them. Democracy, which requires the active participation of informed citizens, depends on journalists and broadcasters to keep citizens informed about major issues.

G. The sins of omission. The Media accept that omitting relevant facts and points of view from the reporting of major issues of public interest inevitably distorts the view of reality a journalist, reporter or broadcaster presents and so misleads and misinforms the public.

H. The result of distortion. The Media acknowledge that the deliberate distortion of reality so as to lead the public to a particular understanding

of events and issues, without regard for reality can poison the processes of democracy.

I. Management support for reporters. The media recognize the need for management support for the independence and integrity of the journalists

- 1) Media managers and editors agree to support journalists in resisting outside pressure that might seek to censor or distort accurate, unbiased reporting.
- 2) Internally, managers and editors agree to provide a forum to respond to any journalists' concerns if they feel that they are subject to censorship.
- 3) Managers and editors recognize that without such internal dialogue, there is a likelihood of self-censorship to the detriment of accurate and balanced reporting and news writing.
- 4) Media houses recognize their duty to provide training support for young journalists new to election reporting and to seek support from outside where necessary. This should be an ongoing process at all times between elections. Media support the idea that this code should be included in the Journalism Courses at the University of Guyana.

J. Equitable share of election coverage. The State and Private Media acknowledge the obligation, in the interest of even-handed treatment for all political parties, to provide an equitable share of election coverage, to all registered parties. In this context:

- 1) Minimum equal share of free time/space. In the period *after* Nomination Day, the media agree to make available an equal amount of free space and time for all political parties that have met the legal criteria for contesting the election. This would amount to a minimum equal allocation of time /space per party of 5 minutes per week in the case of radio and TV and 200 words per week in the case of print. Print and broadcast media will make available at their convenience, free of charge, their technical facilities such as layout and printing, basic studio, audio and video recordings for the production and presentation of articles and programmes, but not including the provision of editing, talent, or outside production or broadcast facilities, or reproduction and distribution for use of any other media organization.
- 2) Equal access to Paid Political Advertising. Media organizations acknowledge their obligation to provide equal access and opportunity to all political parties without discrimination, to purchase on equal terms space in newspapers and time on radio and television stations to promote their respective views during the period of electioneering. In this regard, the media will make available to contesting political parties full information about space and time availability for advertising and their published advertising rates to be available to all public relations firms, advertising agencies and the proposed Independent Elections Media Monitoring and Refereeing Panel to be established for the purpose of monitoring adherence to the Code of Conduct and these Guidelines.

- 3) News Reports and Current Affairs Programmes. All media organizations agree that news reports and current affairs programmes may, at any time, subject to the Media Code of Conduct, deal with any issue, cause, organization or individual. However, given the large number of contesting parties, coverage of election campaign events and other related issues will be limited by the capacity of media organizations to assign staff for these activities. The allocation of free and paid-for time and space for political parties to present their views in the media is a response to this constraint. Editorial judgments therefore continue to rest solely with the respective organizations. These judgments aim to subscribe to the highest principles of impartiality, fairness and integrity, always separating fact from inference in matters of political and other controversy and supported by eye-witnessed and attributable official statements and other sources to corroborate facts in particular stories.
- 4) Aiming for equitable overall coverage. While acknowledging these professional considerations, the media accepts the need to provide over the period of campaigning, equitable coverage in all election-related news reports and articles. This balance cannot necessarily be achieved over each day but should be apparent over each week. The media will aim to ensure that the activities and declared policies of each party (proportionate to its size and prominence) are presented to the electorate to enable them to make their choice at the ballot box.
- 5) Use of official events for electioneering purposes. Should such occasions occur, the media has little if any direct control over them. However, when calculating their own level of equitable balance between parties, editors will take any electioneering element of these events into account.

K. Opinion polls. Opinion polls need very careful handling. The media recognize that inaccurate, unprofessional, sometimes deliberately false opinion polls give a totally distorted view of the truth of public opinion or voting intentions.

- 1) The publication of them without investigation of their accuracy is the antithesis of good journalism. The media recognize the need to discover the date, location, financial backing and methodology of such surveys, including the organisation or person commissioning the poll and the organisation conducting the survey, the number of persons interviewed, the questions asked and the margin of error. Only when satisfied with the validity of the poll should it be published giving those facts along with the poll results itself.
- 2) We understand that because of the problems with such polls, many countries ban them altogether during election periods, but we choose to trust the judgment of our profession.

L. Dealing with complaints. The media recognize the need to respond promptly to complaints of mistakes in election coverage

- 1) The media undertakes to respond promptly and responsibly with any complaints received in respect to reports published or broadcast and containing errors of fact, and where, in their opinion, these are justified to

publish or broadcast appropriate corrections. Obviously a media house cannot respond to anonymous complaints.

- 2) In certain circumstances it may be appropriate to provide the opportunity to reply. In any case, if a correction or an opportunity to reply is thought necessary by the editor or media manager, the media agree that it be placed in an equally prominent position to the original error.
- 3) All complaints received will be passed for information and assessment to the GECOM Media Monitoring Unit and the Independent Refereeing Panel.

M. Coverage on Polling Day. Media organizations agree that no coverage of any activity by the political parties shall take place for a period to begin 24 (twenty-four) hours prior to the opening of Polling Stations on the day of Polling. This ban will continue to the close of Polling Stations.

N. Publication of Results. Media recognizes the great importance of the speedy and accurate broadcasting and publication of results. Without this there is inevitably the risk of public disquiet and suspicion which could result in violence. The media will therefore cooperate with GECOM to develop an effective system for announcing the results at the earliest possible time.

O. The Monitoring of Media Performance. The media recognize the requirement to maintain complete records of election coverage so as to be constantly aware of the degree of balance being achieved. Each media house is prepared, if asked, to make those records available to the official Media Monitoring Unit at GECOM.

In addition to the agreement to conduct continuous self-monitoring, media organizations would welcome the establishment, as in 2001, of an Independent Refereeing Panel for the overall purpose of being a point of reference for the submission of complaints about performance in the reporting and coverage of events during the election campaign.

Media organizations however agreed that the terms of reference, functions and structure as well as the articulation of sanctions and other measures aimed at improving performance should be formulated by those media organizations which have signed this Media Code of Conduct.

The 2001 Media Code of Conduct was examined on Saturday, 10th December 2005 at the 'Guyana Media Code of Conduct for 2006 Elections Workshop' at Cara Lodge, Quamina Street, Georgetown. The workshop was attended by Aneka Edwards, Cecil Griffith, Allan Outridge, Duane Fowler, Martin Goolsarran, Vishham Ramsaywack, Michael Gordon, Steve Narine, Michella Au, Cohn Smith, Glenn Lall, Gwen Evelyn, Donald Ramotar, Nills Campbell, Roy Babel, Au Majeed, Julia Johnson, Adam Harris, David DeGroot, David DeCaires, Pat Dial, Kwame McCoy, Leroy Adolphus, Michael McCornack, Joseph Hamilton, Fazil Jameer, Beverly Alert, Evan Persaud, Chandra Narine Sharma, Clement David, Prem Misir, Enrico Woolford, Sherwood Lowe, Michelle Nurse, Sharief Khan.

The media Code of Conduct for reporting and coverage of Guyana Elections 2006 was agreed to on 7th January 2006 at at Le Meridien Pegasus, Old Seawall Road, Georgetown, and signed by the following media practitioners: Adam Harris (Prime News), Anthony Vieira (VCT Ch. 28), Brahma Prasad (NTN Ch. 18/69), Brahma Prasad for Anand Persaud (NTN Ch. 18/69), Cecil Griffith (Host- One on One, NCN), Chandra Narine Sharma (CNS Ch. 6), Cheryl Sampson (New Nation), Chris Seohprashad (RCA- TV Ch.8), Clem David (CNS Ch.6), Cohn Smith (Catholic Standard), D. Eve Blackman (HBTV Ch. 9), David deCaires (Stabroek News), David deGroot (Mirror W/E Paper), Denis Chabrol (AFP), Duane Fowler (GPA), Enrico Woolford (Capitol News), Evan Persaud (MTV Ch. 14/65), Glenn Lall (Kaieteur News), Grantley Wairond (HBTV Ch. 9), Gwen Evelyn (Kaieteur News), Julia Johnson (GPA), Kamini Persaud (MTV Ch. 14/65), Kim Chung (New Nation, PNC/R), Kwame McCoy (Host- Square Talk, NTN), Leroy Adoiphus (GWTV Ch. 2 News), Martin Goolsarran (NCN), Michael Gordon (NCN), Michelle Nurse (GNNL/GPA), Miranda LaRose (Stabroek News), Nigel Blackman (HBTV Ch. 9), Nigel Fraser (HOP TV Ch. 16/67), Nills Campbell (VCT Ch. 28 Evening News), Omar Farouk (HGP TV Ch. 16/67), Romel Roopnarine (MTV Ch. 14/65), Roy Babel (VCT Ch. 28 Evening News), Savitree Singh (CNS TV Ch. 6), Shanta Gobardhan (GINA), Sharief Khan (Guyana Chronicle).

Annex Nine

DEPARTURE STATEMENT

DEPARTURE STATEMENT BY RATU EPELI NAILATIKAU CHAIRPERSON OF THE COMMONWEALTH OBSERVER GROUP Georgetown, 5 September 2006

We have now completed our Report to the Secretary-General on the General and Regional Elections in Guyana. It will be sent to him tomorrow and will be made public shortly.

We will be leaving Guyana today. I therefore wish to make this 'Departure Statement' on behalf of the Group.

Our Interim Statement gave the Commonwealth Observer Group's view of the electoral process in Guyana as at noon on 29 August 2006. We said there that our observations of the voting phase were positive and that up to that point the process had gone well.

We have now considered the results process. Based on our own tracking of the results from the count to the final declaration, we believe that there was no interference or manipulation during that process of transmission. However, while we recognise that the final announcement of the national results was a day earlier than in 2001 the results process was time-consuming and in our view could have been more efficient.

As for our evaluation of the process as a whole, we believe that at these General and Regional Elections the conditions existed for a free expression of will by the electors and that the results reflected the wishes of the people. Overall, we believe that GECOM did a good job and should be commended. We congratulate the people of Guyana for their commitment to the democratic process and for their cool heads at a time of tension. And we commend the political parties for putting the needs of the nation first.

The two most important issues before the Government, GECOM, the political parties and the people of Guyana so far as the election arrangements are concerned are now to reconfigure the way in which the Elections Commission is constituted and to ensure that Guyana has a totally new voters register which commands the confidence of all the people of this country.

Taking a wider view, we urge that the discussion on constitutional, governance and electoral reforms now be taken forward to the stage of implementation. We are sure that action will be taken to address inequality and social exclusion. We hope that the people of Guyana will use their present opportunity to build an approach to politics which unites rather than divides, includes rather than excludes and which builds a sense of collective confidence rather than fear and suspicion. Most of all, to echo the report of the 2001 Commonwealth Observer Group, we urge the people of this country to make a renewed effort to find ways of transcending Guyana's still largely ethnic politics.

We wish the people of this country well – and urgency – as you set out on those tasks. The Commonwealth will be with you, and we are sure that the Commonwealth Secretary-General will provide all the assistance and support that he can.

Georgetown, 5 September 2006

- **Code of Conduct for International Election Observers**

The members of this Commonwealth Observer Group signed the *Code of Conduct for International Election Observers*. This and the *Declaration of Principles for International Election Observation* have been agreed by a number of organisations which sponsor international election observation to ensure that such observation is undertaken in line with the highest standards of professionalism and integrity. The Commonwealth Secretariat has endorsed both.

Copies of these documents may be obtained from the Democracy Section, Political Affairs Division, Commonwealth Secretariat, Marlborough House, Pall Mall, London SW1Y 5HX, United Kingdom, or the Commonwealth Secretariat web-site, which is www.thecommonwealth.org