APPENDIX XIV

GENERAL ELECTIONS
TRINIDAD AND TOBAGO
Monday, 24 May 2010

REPORT OF
THE CARICOM ELECTORAL OBSERVER MISSION
I. EXECUTIVE SUMMARY

1. On 10th May 2010, the Prime Minister of the Republic of Trinidad and Tobago, the Honourable Patrick Manning wrote CARICOM Secretary General, H.E. Mr Edwin Carrington requesting him to mount a CARICOM Electoral Observer Mission to observe the General Elections on 24th May 2010.

2. On 18th of May, the Prime Minister was informed by the Secretary General that he had appointed Mr Hugh Choimondeley as Chief of Mission and Dame Billie Miller as Deputy Chief of Mission. On arrival in Port-of-Spain, courtesy calls were paid on the President of the Republic, Dr. Maxwell Richards and the Prime Minister, who both welcomed the Mission.

3. In the days that followed, meetings were held with the Chairman and members of the Elections and Boundaries Commission and the Chief Election Officer provided extensive briefings for the Mission. Additional meetings were held with representatives of political parties contesting the election and their insights and concerns were obtained while the views of members of business, special-interest and civil society organizations were also canvassed.

4. Simultaneously, the electoral observers (see Annex) drawn from CARICOM Member States as well as from the CARICOM Secretariat, studied the Representation of the People Act; examined instruction Manuals for election staff; scrutinized maps of the country’s 41 constituencies; and, refined the plans for becoming familiar with the operational requirements of their work.

5. On Election Day, security throughout the country was high and the Police Force was in a high state of readiness. During the day fifteen two-person teams of observers visited 1,102, or just over half of the country’s 2,146 Polling Stations. In many cases the modest size of classrooms housing Polling Stations created congestion during peak periods thereby preventing, in some cases, election officials from observing all aspects of the voting procedure; and, in others, created difficulties for physically-challenged voters. Notwithstanding these unfortunate irritants, the patience and orderliness of voters was truly commendable, as was the efficiency of election officials.

6. The Mission observed that Election Day activities achieved a thoroughly acceptable standard for the process of voting by 722,322 electors, or 69.45% of the list of registered voters. In these circumstances, the Mission concluded that the election was free, fair and transparent and that the results reflected the will of the voters in selecting their representatives.

7. The official results showed that for the House of Representatives, the United National Congress (UNC) received 308,541 votes or 21 seats; the People’s National Movement (PNM) received 285,354 votes or 12 seats; the Congress of the People (COP) received 108,143 votes or 6 seats; and, the Tobago Organization of the People (TOP) received 15,342 votes or 2 seats.

8. On Wednesday 26th May 2010, Mrs. Kamla Persad-Bissessar received the Oath of Office as Prime Minister of the Republic of Trinidad and Tobago becoming the first female to hold that position.
II. RECENT POLITICAL DEVELOPMENTS

9. In the General Elections on 5 November 2007, the total number of votes cast was 653,882 out of a list of 990,352 registered electors with 2,306 rejected ballots. The Peoples National Movement (PNM) formed the Government after receiving 299,813 votes representing 46% of the popular vote. The United National Congress-Alliance (UNC-A) received 195,425 votes that reflected 29.73% of the popular vote and served as the official Opposition in Parliament. The Congress of the People (COP) obtained 148,041 votes representing 22.64% of the popular vote.

10. One important feature of political party activity in the period since the 2007 General Elections was the rising discontent with various political leadership cadres. Within the government, a bitter public dispute arose between Prime Minister Patrick Manning and one of his most senior ministers, Dr. Keith Rowley. The proximate cause of this dispute was Dr. Rowley’s strongly expressed view of corruption and mismanagement within the state enterprise UDeCoTT, which was, by contrast, equally stoutly defended by Mr. Manning. Dr. Rowley was subsequently dismissed from the Cabinet, but the report of a later Commission of Inquiry into the construction sector appeared to vindicate his position.

11. For Tobago, elections for the House of Assembly took place on 19th January 2009. The size of the electorate was 42,623 as compared with of 38,608 for the 2005 election. Voter turnout was 56%. In the 2005 election, the PNM won 11 of the 12 seats with 58.02% of the valid votes cast. In 2009, the PNM won 8 seats and the Tobago Organization of the People (TOP) won 4 seats. The PNM share of the votes dropped from 58.02% to 50.25% and the opposition percentage rose from 40.41% to 48.09%. In the 2010 General Election, the TOP won both parliamentary seats held by the PNM.

12. In January 2010, elections were held for membership of executive of the United National Congress. These elections resulted in overwhelming defeat of the incumbent political leader, Mr. Basdeo Panday, by Mrs. Kamla Persad-Bissessar. These developments were subsequently followed by the formation of the People’s Partnership, a political coalition between five political parties viz., the United National Congress, the Congress of the People, the Tobago Organization of the People, the National Joint Action Committee and the Movement for Social Justice, under Mrs. Persad-Bissessar’s leadership.

13. On 8th April 2010, the eve of a no-confidence motion in the House of Representatives Prime Minister Manning advised the President of the Republic, Dr. George Maxwell Richards to dissolve Parliament, thereby paving the way for General Elections some two-and-a-half years before the constitutionally due date.
III. SCOPE OF SERVICES OF THE CARICOM ELECTORAL OBSERVER MISSION

14. In his charge to the Electoral Observer Mission, the CARICOM Secretary General set out the Scope of Services:

(i) observe the electoral process, including preparations for the start of the poll, the casting of votes, the closure of polling stations, the counting of ballots and the preparation of the Statements of Poll;

(ii) collect information on the results at the voting tables to assist the quantitative verification of the results;

(iii) collect qualitative observations regarding the voting process, comportment of the electoral officials and political actors, and on the overall electoral environment;

(iv) observe and assess the outcome of the elections and the initial immediate impact on the social and political environment; and,

(v) collaborate in the preparation of the Report of the Observer Mission to be prepared by the Chief of Mission, through the submission of the observation sheets, oral and written reports on observations and findings on the day of the elections.

IV. THE ELECTORAL PROCESS

15. In all meetings with electoral officials, representatives of contesting political parties, of business, civil society and other organizations, the Chief of Mission explained that the observers aimed to achieve two objectives. First, understanding the electoral process that set the context for the election. Second, undertaking specific observation tasks that would enable the Mission to arrive at qualitative and quantitative conclusions about the standard and quality of the election.

16. The Mission held extensive discussions with Dr. Norbert Masson, Chairman of the Elections and Boundaries Commission (EBC), members Mr. Mark Ramkerrysingh, Mr. Kenneth Lynch, Dr. Noel Kalicharan, Mr. Lewis Charles and Mr. Howard Cayenne, Chief Election Officer, Ms. Fern Narcis, Senior Legal Officer and Mr. Leslie Fitzpatrick, Communications Manager. These conversations covered a wide range of constitutional, legal, administrative, operational and other requirements for the election.

17. In providing background for the current election process, Dr. Masson noted that after receiving the Report of the earlier CARICOM Observation Mission of 5 November 2007, he dispatched copies to the Speaker of the House of Representatives. He also noted that the EBC had implemented some of the recommendations of this Mission, but had not addressed the issue of campaign financing.
18. In reporting on the EBC's state of readiness for Election Day 2010, the Chairman indicated that the voter education campaign was well underway with skits on television stations, information notices in the print media, and jingles broadcast on several radio stations. Other topics included descriptions of precincts; layout of Polling Stations; red and green lines to speed up the voting process; instructions on how to vote; use of Poll cards and other forms of identification to confirm the identity of registered voters, and, the role of Information officers at Polling Stations to assist voters.

19. Dr. Masson also disclosed that all election materials, including ballots for the various constituencies, were already in the hands of Returning Officers. Polling Stations were set to open at 6:00 a.m. on Election Day and these were designed to accommodate between 600 and 700 electors with an average of 25,000 electors in each constituency. As a final act of preparation the Chairman planned to deliver a broadcast to the nation on the day before Election Day.

20. Insofar as the information needs of the Mission were concerned, the Chief Election Officer, Mr. Howard Cayenne was designated as Liaison Officer and he provided the Mission with copies of all relevant documentation in both hard-copy and electronic form, including copies of the Representation of the People Act; composite maps of each electoral district; lists of Returning Officers and their addresses; and, copies of the Manual of Instructions for Polling Day staff. All Returning Officers had been alerted about the work of the Mission and mandatory identification cards and other official documentation would be delivered to the observers in order to facilitate their entry into Polling Stations on Election Day.

21. The Chief of Mission expressed his deep gratitude for the substantial support provided by the EBC to assist the Mission's work. He reiterated that the Mission's presence was in response to an invitation by the Prime Minister who had pointed out that the CARICOM Electoral Observer Mission would be the only delegation invited to observe the elections.

22. In order to better understand the political environment, meetings were held with representatives of political parties contesting the election including the Peoples National Movement (PNM); the Peoples Partnership comprising the United National Congress (UNC) and the Congress of the People (COP); the National Joint Action Committee (NJAC); and the New National Vision Party (NNV) as well as with the Chief Secretary of the Tobago House of Assembly and representatives of the Tobago Organization of the People.

23. Representatives of political parties were unanimous in expressing disquiet about two issues. First, the “late” arrival of the observers. Officials felt that this would result in the inability of observers to fully appreciate the context in which the election was being held. The Chief of Mission disagreed with this view. He explained that these consultations were being held precisely for the purpose of obtaining the insights and concerns of contesting political parties about the environment and the nature of the political process leading up to the election.
24. Second, there were expressions of disappointment about the non-receipt of the Report of the CARICOM Electoral Observer Mission on the 2007 General Election. The Chief of Mission explained the established protocol for the presence of electoral observers and he repeated the clarification given by the Chairman of the EBC that, after receiving this report, copies were dispatched to the Speaker of the House of Representatives.

25. All opposition political parties complained about "the blatant abuse of government resources," and were particularly vocal about what they described as the "misuse" of the electronic and print media. Reference was made to broadcasts of expensive government-sponsored advertisements on most of the country's 6 television stations, 34 radio stations and publications in the 3 daily newspapers. While all parties utilized these same outlets as a means of presenting their plans to the public, alarm was expressed about the practice of portraying the achievements of government ministries as accomplishments of the incumbent governing party.

26. According to the opposition parties, broadcast licensing agreements were abused by the incumbent party which demanded that media outlets make prime-time television slots available for the broadcast of a State of the Nation address, and a specially-packaged programme that featured an interview with the political leader of the ruling party. Complaints were also made about the use of government buses to ferry supporters to political meetings and rallies.

27. Yet another concern was described as the potential for "thuggery," violence, hostile acts and intimidation especially in marginal constituencies such as Barataria and San Juan. It was also reported that armed persons had paraded the streets of one stronghold in order to deter would-be voters from going to the polls.

28. A repeat of power outages that occurred in Tunapuna at the 2007 election was feared during this year's election when the count and tallying of votes took place. Anxiety was also expressed about the role of "mock" polling stations, a practice where tents are set up outside the boundaries of Polling Stations on Election Day, ostensibly for the purpose of providing assistance for voters who were supporters in constituencies where support was evenly divided.

29. Other illegal practices were highlighted. These included ancestral voting, voter padding and the use of cell phones to take photographs of cast ballots as proof for payment for corrupt persons who bribed voters. It was pointed out that the EBC had put in place measures requiring that voters would not be permitted to enter voting booths with cell phones on their person. Representatives of contesting political parties called on observers to pay particular attention to the conditions in the nine widely-accepted 'marginal' constituencies.

30. Representatives of the incumbent ruling party indicated that opposition parties had access to significantly more financial resources and estimated the difference in campaign spending was in the range of ten-to-one in favour of the opposition parties. Frustration was also expressed about the content of statements in the media by opposition parties which, it was claimed, had no basis in truth. These officials regretted the absence of an independent observer who would assess the role of the media in the electoral process.
31. These concerns, in large measure, were also shared by representatives of business, civil society and special-interest organizations with whom the Mission met. There was apprehension about the use of state resources in the election campaign and one allegation dealt with the use of 200 state-owned buses to transport supporters to various campaign events. Representatives of the business community were also vocal about the need for civil society to take on greater responsibilities to assist in strengthening the practice of democracy and the need was also expressed for greater advocacy and efforts in addressing the challenge of stamping out corruption at all levels of society.

32. Reference was also made of an initiative by the Chamber of Commerce to establish a Debates Commission in preparation for elections by the original constitutionally due date in 2012. In responding to the current election date, the Commission was activated and efforts were made to organize a series of debates. While the People's Partnership agreed to participate, the incumbent ruling political party had declined the invitation.

33. The Chief of Mission observed that these issues held serious implications not only for fairness and transparency during the electoral process, but also for the quality of the election. Further, it was observed that these matters pointed to the desirability for future discussions between all parties about the revision of existing campaign financing and other relevant laws. In responding to these concerns, as well as the advantages of incumbency and misuse of state resources, the Chief of Mission undertook to raise these matters with the Chief Election Officer. Additionally, with respect to fears about the likelihood of acts of violence and intimidation, these issues would be brought to the urgent attention of the Commissioner of Police.

V. ELECTION DAY

34. The Mission's mandate required "[o]bservation of the electoral process, including preparations for the start of the poll, the casting of votes, the closure of Polling Stations, the counting of ballots and the preparation of the Statements of Poll."

35. In preparing for their tasks on Election Day, observers were assigned to two-person teams and, together with selected drivers and security personnel knowledgeable about the geography, studied composite maps of their assigned constituencies and planned the most efficient routes of travel that would enable visits to the maximum numbers of Polling Stations. Observers were in possession of cell phones that, as the need arose, enabled immediate contact with every other observer, as well as with the Chief and Deputy Chief of Mission.

36. On the day before Election Day, fifteen teams set off to traverse their chosen routes in order to become fully familiar with conditions on the ground. Though time-consuming, this exercise proved invaluable as each team was made aware of the attendant logistical and other demands of their tasks.
37. On Election Day itself observers were deployed in all of the country’s 41 constituencies and which accommodated a total of 2,146 Polling Stations. Given the country’s geography, Election Day tasks began well before Polling Stations opened at 6:00 a.m. Observers were present to view the opening of the poll at 15 Polling Stations. They returned to most of these Polling Stations to witness the close of poll, the counting of ballots, the tallying of results and the preparation of Statements of Poll.

38. During the course of the day, procedures for voting were observed in 1,102 Polling Stations, or just over half of the total number of Polling Stations and periodic status reports were communicated to the Chief and Deputy Chief of Mission. As expected, media interest in the work of the observers was extremely high and the Mission held two well-attended press conferences, one shortly after the observers arrived and the other, immediately after official results of the election were declared.
VI. CONCLUSIONS AND RECOMMENDATIONS

39. On Election Day a persistent and recurring problem was the cramped conditions in most Polling Stations, many of which were located in classrooms of school buildings. Easy access by physically-challenged voters was hampered and problematic in these conditions. In general, these classrooms were too small and many of them accommodated two Polling Stations. This limitation of space caused congestion during peak periods and contributed to the inability of officials to see each other and observe all aspects of the voting process.

40. Several Polling Stations had only one door for entry and exit, while others were located above ground level. To some extent, internal management of Polling Stations was negatively affected by these difficulties. However, notwithstanding the above, the vast majority of Polling Stations were extremely well managed.

41. Information officers were positioned at the entrances of Polling Places in order to guide voters to their respective Polling Stations. This feature was one of the recommendations by the CARICOM observers who witnessed the 2007 General Election and the voting process was greatly facilitated by the work of these officers. Another Election Day feature was the Poll card as a means of providing voters with advance information and which constituted an additional tool for reconciling the count. However, since these cards were distributed through the mail only a few days before the election, most voters did not receive their Poll cards in enough time. The EBC might consider undertaking a cost-benefit analysis of this feature since existing measures for speedy processing of registered voters were found to be more than adequate.

42. Two lines were established for voters at Polling Stations: a green line for voters who possessed Identification and Poll cards and a red line for voters who did not have this documentation to hand, but whose names were on the Electoral Register. These electors were permitted to vote after the relevant oaths were administered by a Poll clerk and the statement signed by the voter or his or her representative. This system worked well and few instances of undue delay were observed when voters were unable to present their Poll cards.

43. There were several cases of insufficient scrutiny with respect to the inspection of fingers for inking. Given the critical nature of this exercise in guaranteeing the integrity of the poll, the EBC might wish to consider providing generic training in this aspect of the voting process. The need for similar scrutiny was observed with respect to the initialising of ballot papers before delivery to voters. Several deputy Presiding Officers were observed pre-initialing ballot papers during slow periods as part of their preparation for busy periods. There were many instances of inadequate signage at Polling Stations, and frequently the List of Electors was not displayed. There were also a few reports of a lack of total privacy when voters were in the polling booths.

44. At one of the Polling places, the Polling division was split into four Polling Stations. One of these accommodated voters in the alphabet range between G and M. It was observed that electors were allowed to vote outside of this alphabet range.
45. Our observers raised this issue with the Presiding Officer. She explained that while several electors who were not in the alphabet range for her station, they did cast their ballots in her Polling Station. She further explained that her station had access to the full list of electors for the Polling Division, hence the reason for the occurrence. She quickly pointed out that not only were the other Polling Stations informed, but they were also asked to delete the relevant names from their list.

46. We found that this type of occurrence could result in abuse of the process. Considering that several Polling Divisions had been split into many Polling Stations, electors' names will appear on the voters list in several Polling Stations. In these circumstances, we recommend that for future elections, the EBC should only use the disaggregated List of Electors for the Polling Station concerned. In other words, only the alphabet range for each station should be utilized at that particular Polling Station.

47. In general, observers were extremely impressed by the high levels of efficiency, dedication, competence and helpfulness displayed by Returning Officers, Presiding Officers and other election and security officials. We were thoroughly satisfied that the efforts of all demonstrated high standards of performance. The Chief Election Officer, his staff and the electoral officials at all Polling Stations were meticulous and displayed exemplary dedication in performing their functions while party agents maintained a watchful eye on proceedings. Voters, sometimes in congested situations, showed patience and good humour as they turned out in large numbers to exercise their right to vote.

48. The electoral process was characterized by what many described as exponential increases in campaign financing by all contesting political parties. Huge amounts were spent with the country's television stations as professional marketing techniques were utilized in targeting messages to the voting public. Supporters attended political rallies in their thousands and participated in spectacular events that merged speeches and addresses with music and other entertainment vehicles aimed at energizing voters.

49. Professional marketing techniques, new information technologies, the Internet and social networking websites were all combined and employed in the effort to stimulate voter interest and this enabled candidates to interact with constituents in real time. These significant developments have set an agenda for future discussions by all stake-holders on the ultimate need for transparency and fairness throughout the electoral process. They also speak to the need for collective reflection by the EBC and contesting political parties on the full range of ethical and other questions such as setting fixed dates for elections; campaign financing; the advantages of incumbency; the use of referenda; and, the formulation of voluntary Codes of Conduct for self-regulation of the electronic and print media.
50. By far, the over-arching issue was what many have described as “the advantages of incumbency.” On one hand, opposition political parties felt they were competing against the State with the use of public resources to finance programmes and advertisements that benefited the ruling party. On the other hand, representatives of the ruling party, while not defending the benefits of incumbency during election campaigns, claimed that, for this election, there was a ten-to-one campaign financing advantage in favour of opposition parties.

51. These contrasting positions point to the need for political parties engaged in future election contests to re-examine existing campaign financing regulations with the objective of achieving greater fairness and transparency. It is recommended that research be undertaken about the experiences of countries such as India, Kenya, Israel, Australia and others with respect to the formulation of protocols and laws regulating the use of state resources throughout the electoral process.

52. As we toured the country, meeting with representatives of the contesting political parties, election officials and citizens from all walks of life, we found a determination to ensure that the process of voting remained a foundation for their unwavering commitment to the democratic process. We found overwhelming evidence that the citizens of Trinidad and Tobago were justly proud of their democracy and wished fervently for the existence of a more even playing field for future election contests.

53. We received no complaints from any contesting political party about the conduct of electoral officials. Overall, we were satisfied that the election took place in a calm and peaceful atmosphere. Voters were able to cast their ballots freely; the secrecy of the ballot was assured; and, in the places where we observed, the count was both transparent and correct. In these circumstances, we have concluded that these conditions allowed for a free expression of will by the voters of Trinidad and Tobago.

Port-of-Spain
Trinidad and Tobago
May 26, 2010

Hugh Cholmondeley
Chief of Mission
CARICOM Electoral Observer Mission
CARICOM ELECTORAL OBSERVER MISSION
Trinidad and Tobago General Elections
24th May 2010

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