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The Trinidad and Tobago General Election

11 December 2000

**Report of the
Commonwealth Observer Group**

Commonwealth Secretariat

INTRODUCTION

The presence of a Commonwealth Observer Group at Trinidad and Tobago's December 2000 General Election followed a formal request by Prime Minister Basdeo Pandy in February 2000. Once the election date (11 December 2000) had been announced, and in line with established practice, a Commonwealth Secretariat Assessment Mission visited Trinidad and Tobago in November 2000 to meet the major political parties, NGOs and others. It reported that there would be broad support for the presence of Commonwealth Observers. The Secretary-General then confirmed that he would constitute a Group.

The context for the Secretary-General's decision was set by agreement at the 1989 Commonwealth Heads of Government Meeting that an election observer facility would, on request, be available to member countries. Heads of Government re-affirmed their view in 1991, when they renewed their commitment to the promotion of democracy by adopting the Harare Commonwealth Declaration. Since then a number of Commonwealth countries have asked the Secretary-General to provide assistance in a variety of ways, including through the sending of Commonwealth Observer Groups for their elections. This was the 32nd Commonwealth Observer Group since October 1990 and the first in Trinidad and Tobago.

The Observer Group and its Terms of Reference

The Observer Group of six observers was led by The Honourable Roy MacLaren PC, a former Canadian Cabinet Minister and diplomat, and supported by five members of staff from the Commonwealth Secretariat. The Secretary-General gave the Group the following Terms of Reference:

"The Group is established by the Commonwealth Secretary-General at the request of the Government of Trinidad and Tobago. It is to observe relevant aspects of the organisation and conduct of the elections scheduled to take place on 11 December 2000, in accordance with the laws of Trinidad and Tobago. It is to consider the various factors impinging on the credibility of the electoral

process as a whole and to determine in its own judgment 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 judgment 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 Trinidad and Tobago, the Elections and Boundaries Commission, the leadership of the political parties taking part in the elections and thereafter to all Commonwealth governments”.

The establishment of the Group, its composition and its Terms of Reference were announced in a press release issued in London and Port of Spain on 29 November 2000.

Method of Work

The Group assembled in Port of Spain on 3 December 2000 and the following morning met members of the media at a Press Conference, at which the Chairperson issued an Arrival Statement and answered questions.

Over the next three days the Group was briefed by the members and staff of the Election and Boundaries Commission (EBC), representatives of political parties and non-governmental organisations and the Commonwealth Heads of Mission. Members of the Group were to seek further background from senior representatives of media organisations the following week.

On 7 December the Observers and Secretariat staff formed into six teams. Five had responsibility for different parts of Trinidad and Tobago, while that formed by the Chairperson of the Observer Group and the leader of the Commonwealth Secretariat support staff travelled widely throughout the country, including to Tobago.

Each of the six teams supplemented the Port of Spain briefings by arranging additional meetings in their areas of deployment – for instance, with Returning Officers, EBC officials, police, constituency

representatives of the political parties, local NGOs, community groups and others.

Members of the Group were able to see the closing stages of the campaign and final pre-election arrangements, familiarised themselves with the areas to be covered on polling day and sent daily reports to the Chairperson. The teams also travelled widely in their areas of deployment to ensure that as many people as possible were aware that Commonwealth Observers were present.

On polling day itself members of the Group observed voting – from the opening at 6.00 am to the closure at 6.00 pm - and the counting of votes, which both took place at the polling stations. After the counting of the votes each team followed the ballot box and the results from the count it had been observing, to the constituency centre, where it saw the Returning Officer finalise the tally for the constituency as a whole.

Prior to and on polling day itself, our teams visited all Trinidad and Tobago's 36 constituencies. On polling day, we observed voting at 347 polling stations and the count at 9 polling stations.

Members of the Group were assisted by Observation Notes and Checklists prepared by the Secretariat support staff.

We reassembled in Port of Spain on 12 December, the day after the election, for a post-deployment discussion and to prepare this report.

Having concluded its work on 15 December the Group forwarded this report to the Commonwealth Secretary-General.

CHAPTER ONE

POLITICAL BACKGROUND

Government Arrangements

Trinidad and Tobago is a unitary state, with a system of parliamentary democracy based on the Westminster model. The Head of State is a non-executive President who is elected for a term of five years by an Electoral College comprising members of the Senate and House of Representatives.

The Prime Minister is invited by the President to form a government and select a Cabinet which is answerable to a bicameral Parliament comprising the House of Representatives and a Senate. The 36 members of the House of Representatives - 34 from Trinidad and two from Tobago - are directly elected for a five-year term. The Senate, whose members are appointed by the President, has 31 members: 16 are appointed on the advice of the Prime Minister, 6 on the advice of the Leader of the Opposition and 9 independents are selected by the President from outstanding members of the community.

Tobago has an elected House of Assembly, set up in 1980, with certain limited powers and delegated responsibilities. The Tobago House of Assembly has 12 elected members, plus three appointed by the Government of Trinidad and Tobago.

Early History

The original inhabitants of Trinidad were Amerindians – Caribs and Arawaks. The island's first contact with outsiders was in 1498, during the third voyage of Christopher Columbus. In 1532 the island came under Spanish rule but was often raided by the English, Dutch and French in the seventeenth century. The plantation economy of the country was driven first by cocoa and then sugarcane production. The British captured Trinidad in 1797 and made it a Crown Colony in 1802. Tobago, which was fought over by the Europeans since 1626 was claimed by the British in 1814.

The two islands were joined together administratively in 1889 and politically in 1898. Following the abolition of slavery in 1834, the sugar plantations faced a significant labour shortage, and the

colonial authorities brought workers from Asia (primarily India, but also China) under a voluntary system of indentured labour. Many indentured workers chose to remain in the islands, and the current composition of Trinidad and Tobago reflects this ethnic makeup: of the 1.3 million population, Afro-Trinidadians number 39.5%, Indo-Trinidadians 40.3, Chinese 1.2% and Whites 0.6%. The percentage of people of mixed descent is 18.4%. The religions practiced are similarly diverse with Roman Catholics at 30%, Hindus 24%, Anglicans 11%, Muslims 6% and others 27%. Tobago has a higher percentage of people of African descent, most of whom are Christian.

Recent History

In the 1920s, pressure increased for greater local democracy and then independence. In 1925 a new constitution brought a limited form of electoral representation to Trinidad for the first time (Tobago had had elections before), but only six of the 25 members were elected and high property and language qualifications limited the vote. This did not satisfy the growing demand for political expression, which led to the 1937 labour disturbances and an increase in the number of elected members in 1941. The British government introduced the adult franchise in 1946.

In 1950, the constitution was redrawn. It now provided for a Legislative Council of 26 members, 18 of them elected; a policy-making Executive Council of nine (five elected by the Legislative Council), and a rudimentary ministerial system. Further constitutional changes followed, and by 1959, the Legislative Council had more elected members and an elected speaker, and the ministerial system had developed into a Cabinet elected from the Legislative Council. The Governor's powers were circumscribed. He did not normally chair Cabinet meetings, and had to act in accordance with the Cabinet's advice.

These changes led to the creation of mass-based parties, most notably the People's National Movement (PNM). The party espoused a populist agenda of nationalism and economic pragmatism and secured a majority at the 1956 election to the Legislative Council. Its leader, Dr. Eric Williams, became the colony's first Chief Minister in October 1956. In 1958, Trinidad and Tobago became a co-founder of the Federation of the West Indies, but when Jamaica withdrew in 1961 Trinidad and Tobago decided to seek its independence. Constitutional talks with the UK began in 1959-60, resulting in full internal self-government and a bicameral legislature (nominated Senate and an elected House of Representatives). The

general election of 1961 was won by the PNM, which implemented the new constitution. Trinidad and Tobago became independent in August 1962.

Trinidad and Tobago and the Commonwealth

Trinidad and Tobago joined the Commonwealth on independence in 1962. It has hosted several Commonwealth Meetings and has provided members for several Commonwealth Observer Groups (COGs). It is currently a member of the High-Level Group established by the Commonwealth Heads of Government in Durban in November 1999 to review the role of the Commonwealth.

General Elections since Independence

At the general election of May 1971 the PNM won all 36 seats in the House of Representatives. In 1976 the country adopted a republican constitution, replacing Queen Elizabeth as the Head of State with a President. The PNM under Dr Eric Williams (and after his death in March 1981, George Chambers) had a long run of electoral successes. Economic conditions worsened in the early 1980s and the PNM was ousted at the December 1986 election by a coalition of opposition parties, the National Alliance for Reconstruction (NAR) led by Arthur N. R. Robinson (the current President). Drawing support from all ethnic and socio-economic groups, NAR captured 33 of the 36 seats in the House of Representatives. The NAR also won 11 of the 12 seats in the Tobago House of Assembly.

However, the NAR government was unable to retain its popularity for long. In April 1989 Basdeo Panday, leader of the United Labour Front, along with other dissidents formed a new party, the United National Congress (UNC). In July 1990, UNC elected Mr Panday as its President. The UNC (with six seats in the House of Representatives) replaced the PNM (with only three) as the principal opposition party.

In July 1990, an attempted coup was staged by a militant Muslim faction which took the then Prime Minister Arthur N. R. Robinson and five Ministers hostage for five days, provoking an outbreak of rioting and looting in the capital. The hostages were released on the promise of an amnesty. The PNM, under Patrick Manning, won the general election in December 1991 with 21 seats. The UNC came in the second place with 13 seats. The NAR won two seats in its Tobago stronghold.

In November 1995, Mr Manning called an early General Election. The results gave PNM and UNC 17 seats each while NAR retained the two seats in Tobago. The UNC and NAR formed a coalition government and PNM became the official opposition. In February 1997, UNC's position was further strengthened by the decision of two PNM members to sit as independents.

The 1999 Local Government Elections

Regional councils, whose councillors are elected every three years, administer local government affairs. The last local government elections were held in Trinidad and Tobago in July 1999. The UNC contested all the seats. It waged a high profile media campaign, emphasising the government's record in power, the shortcomings of the opposition, and the ethnic diversity of the UNC's support base. The PNM highlighted alleged government corruption, the authoritarian style of the UNC leadership and the poor state of social services.

The result of the polls showed that UNC's share of the vote, at 52%, increased only narrowly on its outcome of the 1996 election, when it gained 50% of the vote. The PNM secured 46% of the vote, up from 44% in 1996. This resulted in a total of 68 seats for the PNM (up from 63 in 1996) and 56 for the UNC (down from 61 in 1996), but power did not change hands in any of the councils. The result also showed that support for the two main political parties was evenly balanced. The election confirmed that both parties retained grass-root support for their leadership and policies. The low voter turnout (39%) was similar to previous levels. There was little evidence that either party had made inroads into the other's ethnic support base, with traditional political allegiances largely unchanged.

Political Parties

A total of four political parties would contest the 11 December 2000 General Election: the United National Congress (UNC), the People's National Movement (PNM), the National Alliance for Reconstruction (NAR) and the People's Empowerment Party (PEP). In Trinidad the contest was only between UNC and PNM. In Tobago, the PNM, NAR and PEP each took part in the election, but the UNC stayed out of the race.

The United National Congress (UNC) was formed in April 1989 when Basdeo Panday broke away from the NAR, taking with him five

other members of the United Labour Front. In 1990, the UNC became the official opposition and at the General Election the following year the UNC increased its share of seats in the House of Representatives from six to 13. At the next General Election, in 1995, UNC tied with the PNM (17 seats each) and succeeded in forming a coalition government with support from NAR, which gave it a two-seat majority in the House.

The People's National Movement (PNM) emerged as the most significant party following the granting of the adult franchise in 1946. It led Trinidad and Tobago from internal self-government to independence in 1962. At the General Election of November 1981, PNM secured 26 seats in the House of Representatives but lost its majority at the 1986 election. In 1987, Patrick Manning was appointed leader of the parliamentary opposition. Under his leadership, PNM returned to win the 1991 election and formed the government. At the next General Election, in 1995, PNM tied with UNC on 17 seats each, but the UNC/ NAR coalition prevented it from a second term of government.

The National Alliance for Reconstruction (NAR), led by Arthur N. R. Robinson, emerged in the early 1980s, drawing support from all ethnic and socio-economic groups. NAR won a landslide victory in the December 1986 General Election, winning all but three seats in the House of Representatives. NAR also won 11 of the 12 seats in the Tobago House of Assembly. The coalition did not last long and when the United Labour Front withdrew support from the NAR in 1988 it was reduced to 27 seats in the House of Representatives. At the 1991 election NAR captured only two districts in Tobago, a result it repeated four years later.

The People's Empowerment Party (PEP) is a new party. It was inaugurated in December 1999 and is led by Deborah Moore-Miggins. The party contested the December 2000 election in Tobago but did not field any candidates in Trinidad.

CHAPTER TWO

THE LEGAL AND ADMINISTRATIVE FRAMEWORK

The Constitution

The Constitution of Trinidad and Tobago sets out the fundamental provisions of the electoral system. One of its key features is the requirement that the House of Representatives is to be elected by secret ballot. The qualifications of persons who may be nominated for such an election are contained in the Constitution. A person who is a citizen of a country other than Trinidad and Tobago who became such a citizen voluntary, or is under a declaration of allegiance to such a country, is disqualified from being elected as a member of the House of Representatives.

Elections and Boundaries Commission

The Elections and Boundaries Commission (EBC) is established under the Constitution as an independent entity to deal with the supervision and control of elections in Trinidad and Tobago (Part IV Articles 70-72 of the Constitution). The EBC has achieved widespread respect of the political parties and the public through its impartial and efficient conduct of elections. It has a chairperson and four members who are appointed by the President, after consultation with the Prime Minister and the Leader of the Opposition. Members of the EBC serve for five years and are eligible for re-appointment. Three members of the EBC constitute a quorum. The salaries and benefits of the EBC are charged to the Consolidated Fund. The EBC is mandated to carry out the registration of voters and conduct elections in every constituency. The Constitution guarantees the EBC's independence by providing that in the exercise of its functions it cannot be subject to the direction or control of any other person or authority.

The Constitution is forward looking in so far as it provides that the EBC has responsibility to review the number and boundaries of constituencies into which Trinidad and Tobago is divided. The procedure to be followed in reviewing these boundaries is set out in the Constitution. The high esteem in which political parties hold the

EBC, and its reputation for fairness and impartiality, has placed the delimitation of constituencies on a sound footing.

The Constitution states that the EBC must be provided with the staff necessary to perform its functions efficiently. The offices of the Chief Election Officer, Deputy Chief Election Officer and the Assistant Chief Election Officer function under the general direction and supervision of the EBC, which bears the ultimate responsibility for ensuring the impartiality of these officers.

We noted that the Election and Boundaries Commission itself and all its top executives – the Chief Elections Officer, his deputy and his assistant – are male. We believe that the EBC should consider how women can be introduced into the Commission itself and be given senior positions in its staff.

The Electoral Laws

The principal electoral law is the Representation of the People Act. The Act is buttressed by a detailed set of registration rules and an equally detailed set of election rules, which carry with them relevant election forms. The scheme is comprehensive, but the legal definition of residence for the purposes of registration is less than precise and has given rise to some measure of confusion (Registration Rule 66). In part, sub-clause (3) of Rule 66 provides that:

Generally, a person's place of residence is where his family is; if he is living apart from his family, with the intent to remain so apart in another place, the place of residence of such person is the other place.

This rule has come under close scrutiny at this election, because of alleged abuse of its application.

The statutory scheme provides the framework for the exercise of the franchise and the measures to ensure that preparation for, and conduct of, elections is done in a transparent and efficient manner.

The Electoral System

The Constitution provides that the balloting has to be done in accordance with the first-past-the-post system. As elsewhere, this system has not always yielded results that reflected a close

relationship between the votes cast and the seats won by the respective political parties. Although the Group was told that the disproportionate results of seats won to the number of votes cast for a given political party frequently generate complaints, there appears to be no clear demand for the existing voting system to be replaced.

CHAPTER THREE

PREPARATIONS FOR THE ELECTION

Voter Registration

Trinidad and Tobago's Representation of the People Act (ROP) regulates the qualifications to be an elector, objections to, disallowance, appeal, change of name and residence. Responsibility for registration rests with the Election and Boundaries Commission, which prepares and publishes the electoral lists annually, on July 1. While Section 16(1b) of the Act allows for 15 year olds to be registered, the qualifying age for voting is 18.

The process of registration has never been the subject of significant controversy or confusion during previous elections in Trinidad and Tobago. On this occasion, however, registration became one of the most contentious issues of the election. In October 2000, allegations were made that a number of voters had applied for across-constituency transfers based on false statements as to their place of residence. It was alleged that the voters had done so with the express intention of moving their vote to seats where the margin between the parties at the last election had been very thin.

The alleged practice was dubbed "voter padding". The EBC began an inquiry into the allegations and subsequently rejected 252 applications for transfers into marginal constituencies. They provided information on these 252 cases to the police "for such action as they might deem appropriate", along with material concerning all other transfer applications made between 1 July 2000 and the end of registration on 11 October 2000. The police subsequently made a number of arrests and laid charges against several individuals.

While it remains to be seen whether any of those voters brought before the courts will be found guilty of breaching the registration provisions of the Act, the arrest of some voters immediately prior to the election for offences associated with the registration process caused the parties, the media and the EBC to focus very closely on the registration procedures. In doing so, it became apparent that some long standing practices associated with registration may not have fallen within the strict letter of the law.

According to the ROP (Section 13 (d)), a person registers within the constituency in which he or she resides. Although the Act is

ambiguous in the definition of "residence" (Registration Rules 66 (2)), it does require that a person must reside for a period of two months in the constituency for which the person seeks registration. The Group were reliably informed that it is common practice in Trinidad and Tobago for people to retain their original registration at a place other than where they currently reside.

For example, many electors register and vote in the constituencies in which their mother or father reside, sometimes referred to as the ancestral voter. Others may have more than one house or apartment and choose to register at one of those locations even though they do not reside there on a continuous basis. Indeed, some prominent individuals readily admitted to being registered in places where they did not reside on a continuous basis but emphasized the practice was well known and had long been accepted by the relevant authorities

Given that it is widely regarded as acceptable for electors to be registered and their votes to be cast in places where they no longer maintain continuing residency, and the contrary requirements of the law on this point, we believe that the EBC should undertake an early review of the practices, laws and regulations relating to voter registration in order to ensure accuracy and to remove ambiguity.

The Constituencies

Under part IV Section 70 of the Constitution, Trinidad and Tobago is divided into 36 constituencies: 34 in Trinidad and 2 in Tobago.

The Elections and Boundaries Commission is charged with reviewing the number of constituencies, as well as the boundaries from time to time. The criteria for boundary delimitation as governed by 72 are:

- an electoral constituency is not to be more than 110% nor less than 90% of the total electorate divided by the number of constituencies;
- natural boundaries to be used as demarcation, such as rivers and highways;
- needs of 'sparsely' populated areas to be taken into consideration based on size and isolation.

In August 2000, boundaries of five constituencies were adjusted to reflect the above criteria of limits, 10% below and above the

average. This was due to the overall increase in registered electors in Trinidad from 804,700 in 1996 to 901,035 in August 2000. The average number of electors for each constituency increased to 26,501, resulting in a minimum and maximum permissible levels of 23,851 and 29,151 respectively. Directly affected were Arouca South, Laventille West with excesses and Port of Spain North/St Ann's West with deficits. These were adjusted accordingly from the constituencies of Arima and Caroni East. The two constituencies of Tobago were not adjusted.

At August 2000, the total electoral population of Trinidad and Tobago was 938,030. By election day, 11 December 2000, a total of 947,477 electors representing approximately 98% of voter age population, were listed on the roll. On 13 December the EBC said that 63% of those eligible had voted.

Nominations

The closing date for nominations for the 11 December election was 20 November. Under the ROP a candidate must be nominated by at least six proposers whose names appear on the electoral register. A nominee claiming party affiliation, must produce evidence of this affiliation, make a declaration of the electoral district to be contested, and among other clauses, declare that s/he is not under allegiance, obedience or adherence to any foreign power or State (Form 39, clause (g)). All candidates are required to place a deposit with the returning officer of TT\$500, which is forfeited if they receive less than one eighth of the total votes cast for all the candidates.

The requirement for a declaration in relation to allegiance became the centre of considerable attention during the campaign, as two candidates were alleged to have held dual citizenship at the time of their respective nominations. This matter had not been resolved at the time of the election, with both candidates standing and both winning their constituencies on 11 December. The opposition party has publicly declared that it would legally challenge the legitimacy of the election of the two candidates, on constitutional grounds at the soonest possible opportunity following the election.

At the close of nominations there were 79 candidates: 34 for UNC, 36 for PNM, 2 for PEP, 2 for NAR and five independents. We noted that although approximately 51% of the total voter population are women only 17 of the candidates were women, representing 13.4% of the total number of candidates. Each of the two major political parties fielded eight women candidates, while PEP fielded one. Of

the 17 female candidates 4 were elected on 11 December. For the future, we believe that the political parties should consider ways of ensuring the selection of more women candidates. We noted that one new political party, PEP, is led by a woman.

Funding of Political Parties

The Representation of the People Act (ROP) sets out a series of requirements limiting the amount any individual candidate may spend in relation to her/his campaign to TT\$50,000. While a regime of accountability is set down under Sections 44 to 59 of the RPA in respect of each candidate's funding and expenditure, it should be noted, that there is no similar requirement of accountability established for political parties. Consequently, the amounts of funding received and expended by or on behalf of political parties, although thought to be significant, is unknown. In this regard, there is an absence of transparency which is inconsistent with the principles underpinning a strong and open democratic process. Those principles include the need for effective mechanisms to provide transparency and accountability in relation to the funding of political parties.

We believe that the inconsistency in the rules regarding expenditure by candidates (which is subject to regulation) and expenditure by political parties (which is not) should be considered.

Voter Education

In our discussions with the EBC and others, it was apparent that there was no one body or organization with responsibility for voter education in its broader sense. Although the EBC provided public information immediately prior to the election on where the voter should go to vote and how she/he would be required to record their vote, there was no evidence of a wider campaign of voter education. Only one example was offered, based on an initiative of the NGO Women's Group, which was designed to inform voters on the layout and procedures they would find at a polling station. However, this material was not widely available.

Within other jurisdictions around the world, there is an increasing acceptance that voter education is an important mechanism by which the voting public can be better informed about and participate in, the electoral process. Effective voter education programmes are widely accepted as playing an important part in developing and sustaining a healthy democracy. In some countries the election

management body has been given express responsibility to develop and promulgate such information in a neutral and non-partisan way, and receives on-going funding for such programmes.

Supply of Materials

The conduct of a parliamentary election is the single largest civil logistical exercise undertaken by a nation in peace-time. The logistics associated with such an election, including the acquisition and supply of materials, requires major planning, production and delivery objectives to be met. Successfully meeting those objectives in a timely fashion is fundamental to the effective conduct of an election.

In the case of Trinidad and Tobago, the EBC demonstrated its clear capacity to plan successfully the production and delivery of the requisite materials, including ballot papers, which contributed significantly to the efficient and effective conduct of the election. Other than minor instances which were quickly remedied, there were no reported delays or interruptions to the voting process at any of the 614 polling stations as a result of the non-supply or non-availability of materials.

Training

The EBC organises training for its staff and election and registration officers, the main focus of which is on election and registration procedures, including specific election processes. Skilled persons from outside sometimes supplement the training staff of the EBC. To complement its training programmes the EBC publishes handbooks for each category of election officers, and for candidates and election agents. To be selected as presiding officers and roving officials candidates must achieving 80 or more marks in a special examination (while those achieving 70-80 marks may be placed on the reserve list).

CHAPTER FOUR

THE CAMPAIGN AND MEDIA

The election campaign officially ended at midnight on Sunday, 10 December. When the Group arrived in Port of Spain on 3 December it was well underway. It was widely believed that the election would be very close and considerable attention was therefore paid to the campaign in general and, in particular, campaigning in the five 'marginals', constituencies where the majorities at the last election had been relatively slim.

Campaign Style

The political parties were able to campaign freely. But on both sides the campaign was highly personalised and there was concern at the intensity of the personal attacks. Much of the UNC campaign was devoted to denigrating PNM leader Patrick Manning, while the personality and integrity of UNC leader Basdeo Pandy was a principal focus of the PNM campaign. Those we met made clear that the tone was much more aggressive than at previous elections, with the widespread use of "attack" advertising. Concern was also expressed at attempts towards the end of the campaign to scare voters, as part of an effort to dissuade them from voting for particular candidates: referring to some advertisements at the end of the campaign some even spoke of intimidation.

It was noted that Codes of Conduct are in use in other countries. Such documents represent an agreement among the political parties on the limits to and the nature of election campaigning. While election management bodies sometimes impose these, at their best they are a voluntary exercise in self-regulation. No such mechanism is in use in Trinidad and Tobago. In view of the style of much of this campaign we believe that it may be worthwhile for the political parties to consider experience elsewhere and whether agreement on such a mechanism might be helpful here prior to the next election.

Campaign Methods

The political parties exploited to the full the opportunities for the use of 'free time' on the broadcast media: this is discussed on pages 21 to 22. However, paid advertisements on national television,

radio and in the newspapers played an even more important part in this campaign. The commercial break time on the broadcast media was saturated with campaign broadcasts and the newspapers carried page after page of campaign advertising. Production values were high, and clearly a great deal of money had been spent on both sides to ensure that the parties' message was presented as professionally as possible.

We noted that the UNC accounted for much more of the advertising - in both the broadcast media and the press - than did the PNM, no doubt reflecting their greater resources. As an example, on the final day of the campaign the balance of press advertising in two of the main Sunday newspapers was as follows:

	<i>Sunday Express</i>	<i>Sunday Guardian</i>
<i>Full Page</i>		
UNC	20	11
PNM	5	6
<i>Strip Advertisements</i>		
UNC	22	24
PNM	0	0

The UNC's 'Keith and Daphne' television advertisements – a spoof soap opera series featuring the arguments between the UNC-supporting Daphne and her PNM-inclined husband – captured the imagination of thousands of television viewers.

Both main parties produced printed posters and banners (though these were less evident in rural areas) and considerable effort was put into the organisation of political rallies. Members of the Group were able to observe a number of such events: they were lively and festive occasions and in some cases highly sophisticated, with just as much attention paid to 'production values' as in the broadcast media advertising. We also noted that on certain days of the week the political parties could buy time to have their rallies broadcast by television and radio.

Two days before election day the two main parties held final political rallies in locations which were close to each other. The group observed both sets of supporters being transported along the same route to their rally locations without intimidation from either side. Although it was less easy for us to observe, we were reliably

informed that the parties also made extensive use of small meetings at the “cottage” level.

Campaign Issues

The UNC campaigned on their record in office, contrasting their performance since 1995 both with the PNM's record in the previous five years and their promises now. Although other themes made an appearance – one slogan asked the voter to consider whether she/he was better off now than five years ago – the UNC's main campaign motif was “you've come too far to turn back now!” The party stressed the improvements that had been made in such areas as jobs, pensions and education and pledged to continue these policies if re-elected for a second term.

Although the PNM also put forward detailed proposals in key policy areas – for instance, to improve productivity and reduce unemployment – and highlighted their achievements whilst in power up to 1995 at the core of their appeal at this election was the issue of trust. Their own main slogan, repeated in every television and newspaper advertisement, was the description of the PNM as “the party you can trust”. In parallel, many of the PNM's advertisements focused on the reasons not to trust the UNC and the importance of honesty and integrity in public life.

In Tobago all three parties contesting there - the NAR, PNM and PEP – focussed on issues which related to the special needs of the island. There was a particular focus on land ownership, transport, health, the rights of the fishermen and the constitutional relationship between Tobago and Trinidad.

It should be noted that two aspects of the election process became major issues in the campaign. Both the main parties produced advertisements saying that because they would be taking legal action against particular candidates after the election any vote for these candidates would be wasted. Meanwhile, against a background of police investigations into and criminal charges concerning alleged ‘voter padding’ in certain of the marginal constituencies PNM media advertising featured reminders to voters that criminal penalties could be imposed on any voter who falsely affirmed that they resided in (and therefore could vote in) a particular constituency. The UNC countered by urging voters not to feel intimidated in the exercise of their civic responsibility.

The Group noted that prior to the election an NGO – the Network of NGOs for the Advancement of Women – prepared a manifesto which

it brought to the attention of all political parties. It also conducted a series of workshops and produced some voter education material for women. However, gender issues did not feature in the campaign.

Media

The vigour of Trinidad and Tobago's democracy is illustrated by the vitality of its media. Notwithstanding the country's multi-ethnic make-up, its lingua-franca is English. The people have the benefit of five newspapers, two television stations and as many as eighteen radio stations, a high ratio for a population of an estimated 1.3 million. There is, therefore, no poverty in the dissemination of information.

Relations between the media and the political parties have not always been good. The UNC has had a number of confrontations with the media and its difficult relationship with the press was acknowledged in a Memorandum signed by the party Secretary-General and submitted to the Commonwealth Observer Group. Similarly, the state owned broadcasting company has been criticized by the opposition PNM for alleged partiality.

However, we found that the Trinidad and Tobago media provided a fair and reasonably impartial platform to inform voters both about the conduct of the campaign and the issues before them. In our opinion the media gave adequate and reasonably well balanced coverage to the issues and the parties. They played a valuable role in informing the people of Trinidad and Tobago about the General Election campaign. There was a serious effort to encourage debate and ensure that all sides were given a fair hearing.

The media provided space in newspapers and on the airwaves to all shades of political opinion. They interviewed candidates and discussed election issues. Opinion surveys and the cut and thrust of the campaign were widely reported. However, we felt that in-depth coverage of the campaign policies and issues – such as crime, the economy etc – was not as extensive as it might have been.

In the course of the campaign we met a wide cross section of the media, both in the private and public sector. They informed us of their methods of reporting the campaign (see the Trinidad *Guardian* 'Guidelines for Coverage'). All were anxious to demonstrate that they were giving a fair hearing to all the political parties. State television, TTT, explained the absence of opposition candidates on their programmes by saying that the PNM had a policy to turn down

such invitations. The privately owned Channel 6 provided wide coverage of all aspects of the campaign and politicians were heard from across the spectrum. We found a similar pattern in radio and the print media. However when broadcasts of rallies and speeches of candidates had been paid for to be aired, none of the broadcast media made clear in each case that the coverage was sponsored and effectively a paid advertisement.

On polling day radio and TV stations provided the initial results to an expectant audience nationwide. It would be helpful if the EBC made better arrangements for the media on election day. Although in some centres the media were allowed to sit in the same room as the Returning Officer in others we saw media personnel having to collect the final results from outside the constituency centre, and facilities were often poor. The situation could easily be improved with a uniform policy to facilitate media coverage of the results process. In this context we noted that the political parties have now provided for a separate enclosure for the media covering their rallies. We hope the EBC might consider some arrangement along these lines.

CHAPTER FIVE

THE POLL AND COUNT

The Poll

Trinidad and Tobago's 614 polling stations were due to open at 6.00 am on Monday 11 December¹. Our teams were therefore present by 5.45 am to watch the procedures prior to the start of voting.

Presiding Officers had collected the essential items of equipment (including the ballot papers) the previous Saturday and Sunday and they and their staff had arrived early on the morning of Monday 11 December to set up the station. By 5.45 am most of the preparations had been made, the staff and party agents were seated at their tables and a small queue of voters had formed. In most cases it remained only for the Presiding Officer to check on the arrangements, to display the empty ballot box to the party agents, lock it and finally to announce that the station was open. Wherever we were present the polling stations opened on time and the correct procedures were followed.

Having seen the opening we then went on to make unannounced short visits to as many polling stations as possible, meeting the voters, election officials and party agents and observing the conduct of the poll to see whether the prescribed process was being followed. Although our deployment plan was such that coverage of the 'marginal' seats was ensured we also saw the process elsewhere.

The voting procedure was straightforward. Red and green arrows on the ground indicated two queues – one for voters with their identity cards, the other for those without and those who were visually impaired or incapacitated.

Those in the first queue showed their ID to the election official and either presented their poll card – a slip of paper sent to each elector in advance of polling day, indicating where the voter should vote –

¹ Some voting had taken place over the previous five days: those in the category of 'Special Voters' (e.g. police, election officials and others whose election day duties would take them away from their polling station on election day itself) and who were listed in advance were able to cast their ballot at the offices of Returning Officers and other designated places between 5 and 10 December.

or (if she/he had not received or had lost it) collected a copy. The voter's name was found on the Voters' List, the name and number called out so that the party agents could mark their own lists, the Voters' List marked by the official and the voter asked to sign their poll card.

The voter was then instructed in where and how to mark the ballot paper (at this election, for the first time, the voter would use a small pre-inked machine to make the 'x') and how to fold it. The voter's fingers were checked for signs of indelible ink (which would indicate that she/he had already voted). If there were no such signs the signature of the issuing official and the number of the polling station were written on the back of the ballot paper, while the voter's polling card number was written on the ballot paper counter-foil. Then the ballot paper itself was issued to the voter.

She/he then took the ballot paper to the voting booth, returned with the properly folded paper and showed the official at the ballot box the side bearing the issuing official's signature. The voter then inserted her/his index finger in the red indelible ink and was allowed to put the ballot into the grey steel ballot box. At this point the polling card was also surrendered and placed by the official into a further, wooden box. That completed the procedure and the voter was then free to leave.

Where the voter did not have her/his ID card or it had expired she/he was required to swear an oath. In cases where the voter's name was not on the Voters' List a large binder - containing duplicates of the original registration forms and the voters' photographs - was consulted and, if the relevant record was there, the voter was allowed to vote. Those who were incapacitated or visually impaired could be accompanied into the voting booth by a companion - who again had to swear an oath - or by the Presiding Officer. If they wished visually impaired voters could use a 'template' enabling them to feel the position of the spaces on the ballot paper next to each candidate.

Although some voters were turned away because their names appeared neither on the Voters' List nor in the binder they were relatively few in number. In some cases they were advised to check at other polling stations in the area, in others they were referred to the constituency EBC office. However, they were not always able to find out where to vote. We noted that the special EBC 'hotline' telephone lines were very often congested - and in any case not all voters had ready access to a telephone.

There were usually five officials inside the polling station – two to process the two queues, one to instruct the voter on the use of the ballot paper and apply the indelible ink, one with the ballot box and the Presiding Officer. In most places we noted with approval that the Presiding Officer was not immersed in any specific task, but was free to supervise the process and to provide assistance wherever it was most needed. We noted that most of the election officials were women.

Where there was more than one polling station there was often a sixth official, seated at the entrance: this was the Information Officer who, armed with a copy of the Voters' List, was able to direct voters to the appropriate station and tell them before they got inside whether they were on the List.

The parties were each entitled to one agent - known in Trinidad and Tobago as polling agents: nearly everywhere we found a full complement, each provided with a copy of the Voters' List for that station. Further party officials were often to be found at the perimeter of the polling station, again with copies of the Voters' List. There was a police officer at every polling station, sometimes inside and sometimes armed, but never threatening. Inside the polling station agents and officials alike sat behind clearly marked desks.

Finally, we noted that the parties were allowed to have arrangements at each station checked from time to time by specified officials. The EBC itself also employed two or more officials per constituency to 'roam' around the stations checking on arrangements and visits were also made by EBC 'liaison officers' whose job was to supervise two or more constituencies.

The stations themselves were usually schools. They were well identified and the signage was good. Their layout generally ensured a smooth flow of voters from table to table. We saw purpose made polling booths in very few stations – usually blackboards, screens, cupboards or other items of furniture were used – but everywhere the secrecy of the ballot was complete.

The stations closed at 6.00 pm, although those in the queue at that point were allowed to vote. The closure procedure was followed properly.

Campaigning was not allowed on polling day. Although we heard enough complaints to suggest that compliance with this rule was not universal we did not ourselves observe any breaches. Indeed,

we noted that even party constituency offices took down their banners and posters for the day.

As for our own ability to observe the process, the EBC had provided us in advance with badges and letters of accreditation. Presiding Officers were aware that we might visit and were both correct and helpful. On polling day, as earlier in the process, we were able to speak to whoever we wanted, go wherever we wanted to go and see whatever aspects of the process we wished to see so long as we did not infringe the secrecy of the ballot. There were no other international or domestic election observers.

In some places there were too many party representatives at the perimeter of the polling station, in others they were too near to the polling station, though in only one case could this be reasonably construed as intimidating. Wheelchair access was not always available. In one place the oath was not administered to all of those voters who arrived without valid ID cards.

However, with these few exceptions our impressions were wholly positive. There was a generally good turnout – on 13 December the EBC said that 63% of those eligible had voted - except in Tobago, where more significance seems to be attached to the island's own local elections. Everywhere the voters were orderly, patient and good humoured.

The officials were well-trained, helpful (especially to the old and those with disabilities), efficient and professional. The election day materials were available in the right places and the right quantities and the polling stations themselves were well-organised, calm and orderly.

The party agents inside the polling stations performed their role diligently and often co-operated with each other in a friendly manner. Security measures at polling stations were adequate. The police were observed to be a helpful presence.

We were alert for signs that women's participation in the polling process was being impeded but observed none: on the contrary, the process was 'gender-friendly'.

With about 500 voters per polling station the stations were close to the people, so voters generally did not have far to walk.

The overall design of the voting process was effective - we were especially impressed by the 'red-line' arrangement to speed access for visually impaired and physically incapacitated voters.

Above all, in almost every respect the procedures seemed to have been followed scrupulously. As we would say later in our Interim Statement, we saw no evidence of organised irregularities. We came across only one complaint from party agents (both parties complained to us in a station where the voters' names and numbers were not being called out, a matter which was subsequently corrected) and only one suspected case of serious malpractice (a possible case of personation).

The conduct of the poll was in many ways an object lesson in how it should be done.

One major observation remains to be made. Prior to polling day it had been predicted that in the wake of the 'vote-padding' controversy there would be a considerable number of challenges to individual voters by party agents, on the grounds that although the voter might be registered to vote at that particular polling station she/he did not actually meet the residence qualifications (i.e. live in the constituency).

In such cases the stipulated procedure would have been for the voter in question to take the appropriate oath and vote. Subsequently action could be taken against the voter if it was found that she/he did not actually meet the residence qualifications.

Whatever such challenges might yield by way of action against individual voters it was feared that, especially in the marginal seats where such challenges might be expected to be more frequent, the smooth operation of the polling stations would be disrupted and – faced with a long wait and a possible challenge – many qualified voters might well not vote.

In the event, we came across only two instances of voters being challenged on the grounds that they might not meet the residence qualification, and the operations of the polling stations were not disrupted. We do not believe that the fear of the impact of an organised process of challenge dissuaded many voters from going to the polling stations: certainly the evidence as the day went on should have been such as to reassure even the most anxious of voters.

The Count

The ballot papers were counted at the polling stations immediately after the end of voting at 6.00 pm (or later if there were still voters in the queue)².

The voting materials were packed away, tables re-arranged and, in the presence of the party agents the Presiding Officer and the polling station officials carefully stored and recorded the number of the unused ballot papers. The Presiding Officer then opened the ballot box, tipped the papers onto a table and demonstrated that the box was empty.

The Presiding Officer then unfolded the papers, holding them up one by one for all to see and calling out the name of the candidate against whose name each vote had been cast. When there was uncertainty as to the voter's intention everyone was consulted prior to the Presiding Officer making a final determination.

The polling station officials and party agents were each equipped with record sheets to take down each ballot as it was announced and from time to time the Presiding Officer would stop to ensure that all the records agreed. At the end of the process the totals were announced to those present: we noted that there were very few spoilt ballots.

Then the polling cards were counted (to ensure that they came to the same number as the total of ballot papers cast), the ballot papers placed into the ballot box again and the box sealed and locked. Each agent signed the official Statement of Result and was provided with her/his own copy.

The process was straightforward and relatively fast: some counts were over by 7.30 pm, many by 9.00 pm and almost all by 10.30 pm. Nevertheless, by the end the staff were often very tired, having conducted both the polling station operations over the previous twelve hours and the count, as well as preparing for the poll during the preceding days.

Once all the materials had been packed away in accordance with the prescribed procedure the ballot box and the official Statement of Result form were taken by the Presiding Officer and her/his staff under police guard to the constituency centre, the form delivered to the Returning Officer and the materials securely stored.

² The ballot papers from the Special Voting process were added to the papers at one specified counting centre. There was a special (and transparent) procedure for the counting of these votes

At some constituency centres the results were displayed outside the constituency centre, so that the media and members of the public were able to see each of the results as they came in and instantly be able to assess the wider picture. Large numbers of police were present, both to ensure the security of the centre and its contents and good order on the streets outside.

Some elements in the process surprised us. We noted that in several places there was no official announcement of the final result at the constituency centre once all the ballot boxes and Statements were in; although protected by police the cars used to transport the Presiding Officer, boxes, results form, staff and police were almost always the private cars of one of the election staff; and in some places the party agents did not attend to the counting arrangements as thoroughly as they had to the voting. Indeed, in one station at which we were present the Presiding Officer had to invite the party agents to scrutinise the process more diligently. At another the agents did not wish to accompany the ballot papers and Statement of Result to the constituency centre. We also noted that there was some slight variation in the interpretation and implementation of the counting procedures.

However, none of this detracts from our positive assessment of the counting and collation process. Wherever we were present the counting at the polling stations and the collation of the polling station results at the constituency centres were conducted in line with procedure. The counting process was particularly transparent – everything was done in full view of the party agents. Security at both the count and the constituency centre was good. And the whole process was relatively rapid.

The effectiveness of the counting and constituency collation process was a fitting culmination to the day.

CHAPTER SIX

SUMMARY OF CONCLUSIONS AND RECOMMENDATIONS

Conclusions

The main conclusions we have reached are that:

- the conditions existed for a free expression of will by the voters of Trinidad and Tobago: where we observed the process the atmosphere was peaceful, the voters were able to cast their votes freely and the secrecy of the ballot was assured;
- the results of the election reflected the wishes of the people: the stipulated counting and tallying procedures were followed and the processes for both were fair and transparent;
- the Elections and Boundaries Commission's polling day arrangements were admirable and compare well with others in the Commonwealth.

Prior to election day:

- the political parties were able to organise effectively and campaign openly, there was freedom of association and assembly and the legal framework provided for a 'level playing field';
- the media reported freely and responsibly, represented a wide range of views, fostered debate, helped to provide information to the electors and operated in a legal and administrative context that allowed for a commendable degree of press freedom.

On election day:

- the voters turned out in large numbers - on 13 December the EBC said that 63% of those eligible had voted - and contributed to the calm of the day by their orderliness, patience and good humour;

- the EBC's arrangements worked well: the overall design of the voting and counting arrangements was good and the procedures were implemented with efficiency and transparency – the stations opened and closed on time, the staff were well-trained and professional, the materials were available, almost everywhere stations operated in line with procedure and the voters were treated with courtesy and respect: we especially commend the arrangements for the visually impaired and other incapacitated voters, although in some stations improved arrangements were needed for wheelchair access;
- security measures at polling stations were adequate. The police were observed to be helpful.
- the party agents were diligent and their parties generally conducted themselves responsibly, thereby making an important contribution to the success of the election.

Overall, the conduct of the election clearly demonstrates the depth of Trinidad and Tobago's democratic culture.

Finally, we have recorded elsewhere in this report the action taken by the EBC and the police concerning alleged 'voter padding' in certain constituencies and the allegations that at least two candidates made false declarations during the nominations process. One of the political parties has said that it will take legal action in the latter case, in which case this matter will be determined by the courts. So far as the 'voter-padding' issue is concerned, we note that this is still subject to police investigation and court action.

Recommendations

Our recommendations are that:

- given that it is widely regarded as acceptable for electors to be registered and their votes to be cast in places where they no longer maintain continuing residency, and the contrary requirements of the law on this point, the EBC should undertake an early review of the practices, laws and regulations relating to voter registration in order to ensure accuracy and to remove ambiguity;
- the EBC should strengthen its voter education activities - both concerning the voter registration process and election

arrangements - and organise civic education programmes to promote understanding of democratic principles and practices, especially among the young;

- the inconsistency in the rules regarding expenditure by candidates (which is subject to regulation) and expenditure by political parties (which is not) should be considered;
- it may be worthwhile for the political parties to consider experience elsewhere with voluntary Codes of Conduct for political campaigning and whether agreement on such a mechanism might be helpful in Trinidad and Tobago prior to the next election;
- the political parties should consider ways of ensuring the selection of more women candidates;
- the EBC should consider how women can be introduced into the Commission itself and be given senior positions in its staff.

Acknowledgements

We would like to thank the people of Trinidad and Tobago for the warm welcome extended to the Commonwealth Observer Group. All those whom we met during the course of our stay shared with us their perceptions in an open and candid manner.

We particularly appreciate the assistance given to our Group by the Chairman of the Election and Boundaries Commission (EBC) Mr Oswald Wilson and his colleague Commissioners, the Chief Election Officer Mr Howard Cayenne and other officials of the EBC, representatives of the political parties, non-governmental organisations, the media, the Heads of Commonwealth Missions in Port of Spain and the many others who met and briefed us. We also express our special thanks to the police and the polling staff who helped us during our observation of the election.

Finally, we wish to express our deep condolences to the family, friends and colleagues of Sir Isaac Hiyatali, the late Chairman of the EBC, who died in the week before the General Election. We know that he was well loved and that he will be greatly missed.

**THE REPORT OF THE COMMONWEALTH OBSERVER GROUP ON
THE TRINIDAD AND TOBAGO GENERAL ELECTION
11 DECEMBER 2000**

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