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FINAL REPORT OF THE OAS ELECTORAL OBSERVATION MISSION
TO THE GENERAL ELECTIONS IN THE COMMONWEALTH OF DOMINICA

December 18, 2009

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EXECUTIVE SUMMARY

On November 20, 2009, the Government of the Commonwealth of Dominica invited the Organization of American States to field an Electoral Observation Mission to observe the General Elections to be held on December 18, 2009. The OAS Secretary General, Jose Miguel Insulza, responded positively to this request and arranged to observe elections on the island. Not only was this the first time that the OAS observed the elections in Dominica, it was also the first time since political independence in 1978 that the country had any type of international election observation. OAS Senior Specialist Steven Griner served as Chief of Mission, assisted by Jean-Francois Ruel as Deputy Chief of Mission.

The OAS Mission to observe the General Elections in the Commonwealth of Dominica consisted of 16 observers. The Mission arrived in the Commonwealth of Dominica on December 9, 2009 and was able to observe political party rallies and other campaign activities and met with the leadership of the three main political parties and the Chief Elections Officer. The main issue of concern in this election was that Dominicans, living overseas, but legally registered, were provided transportation to return to their country to vote. Opposition parties also complained to the mission that they did not have equitable access to media, both in coverage of the political campaigns or to opportunities to air paid advertising. These issues are addressed in greater detail in the body of this report.

The remainder of the team arrived on December 16 and participated in a day of training, which included briefings by the Chief Elections Officer and the Chairman of the Electoral Commission. The observers familiarized themselves with the OAS methodology for international electoral observation and visited the polling stations to which they would be assigned for Election Day.

On Election Day, Friday December 18, observers deployed to the twenty-one constituencies of Dominica and visited 100 percent of the polling stations, witnessing firsthand the electoral preparations, voting, and counting of ballots. The observers interviewed presiding officers, poll clerks, party agents, police officers and members of the public regarding preparations and the conduct of the elections. Where the preliminary count was close, observers visited the Returning Offices where official re-counts took place and witnessed the process.

Most polling stations opened on time at 7 a.m. Where there were a few exceptions, these were generally opened by 7:10 a.m. At the opening of the poll all the necessary election materials and election officials were present. Observers noted that most people identified their polling sites quite easily. Presiding officers, poll clerks and party agents for the most part followed procedures scrupulously and professionally in accordance with Election Laws. They appeared to be well trained and impartially instructed electors on the established procedures for voting. The party agents who were present worked harmoniously with the electoral authorities throughout the day and seemed generally satisfied with the process.

Police were present and quite visible in all of the polling sites, effectively maintaining security. The environment in which citizens exercised their franchise was peaceful and without incident. The observer Mission did receive a few reports of campaigning within the 100-yard limit, but this practice was not widespread. There were no reported instances of voter intimidation or any other significant irregularities on Election Day. For its part the OAS Mission did not witness or hear reports of scuffles or confrontations. Throughout the process, the secrecy of the vote was maintained. Polls closed immediately after the last electors in line at 5 p.m. had voted and the count proceeded carefully and efficiently.

The preliminary results indicated a victory for the ruling Dominican Labour Party and its leader, Roosevelt Skerit. The results of the recount which was conducted on Saturday December 19, 2009 confirmed that the DLP had won 18 of the 21 parliamentary seats while the opposition United Workers' Party retained three. The remaining political parties and independent candidates failed to obtain parliamentary representation. Voter turnout was 58 percent. Mr. Roosevelt Skerit retained the office of Prime Minister.

The OAS Mission was able to achieve its objective of providing objective analysis of the electoral process, with thorough coverage of the island's polling sites, and maintaining dialogue with the Electoral Commission and other stakeholders, which helped facilitate communication and allay public concerns on Election Day. There are some areas in which the electoral process in the Commonwealth of Dominica could be improved and these are detailed in the conclusions and recommendations of the report below.

The OAS Mission wishes to recognize the work to those involved in the General Elections of 2009 in The Commonwealth of Dominica, including the Electoral Office and the Electoral Commission, Government officials, participating political parties and candidates, presiding officers, poll clerks and party agents, civil society groups and the many citizens who offered the members of this Mission their own perspectives on the electoral process. The Mission would also like to thank the Governments of Brazil, Canada, and the United States for providing crucial financial support and observers. In particular, the Mission wishes to recognize the peaceful, but enthusiastic participation of the citizens of the Commonwealth of Dominica on the election and on their evident commitment to the democratic process.

CHAPTER I: BACKGROUND AND NATURE OF THE MISSION

On November 20, 2009, the President of Dominica acting on the advice of the Prime Minister dissolved parliament and declared Friday December 18, 2009 as general elections day for the Commonwealth of Dominica. That same day, the Government of the Commonwealth of Dominica invited the Organization of American States to field an Electoral Observation Mission. OAS Secretary General Jose Miguel Insulza responded positively to this request and appointed Steven Griner, Senior Specialist of the Department for Electoral Cooperation and Observation to head this mission. On December 9, 2009, Secretary General Insulza signed the Agreement of Privileges and Immunities with Alternate Representative Ms. Judith-Anne Rolle; on December 11, Mr. Griner signed the Agreement of the Process of Electoral Observation with Mr. Gerald Burton, the Chairman of the Electoral Commission.

Upon their arrival, the Chief and Deputy Chief of Mission met with electoral authorities during which a variety of issues were discussed including the accuracy of the voter list, the issue of Dominicans living abroad who were provided transportation to return to their country to vote and access to the media. Observers participated in a day of training covering the OAS observer methodology, the electoral structure and process and the political context in which the elections were taking place. They were each assigned polling stations in a particular constituency and visited those constituencies the day before Election Day. There, they met with returning officers, candidates, police officers and other citizens involved in this process.

On Election Day, the observers visited each of the 249 polling stations, often returning to monitor progress and to witness firsthand the electoral preparations, voting, and counting of ballots. They recorded answers to specific questions for each polling station, such as “were all the necessary election materials present?”, on special forms, samples of which are appended to this report. They spoke firsthand with presiding officers, poll clerks, returning officers, police officers, party agents, and members of the public, building a comprehensive picture of the conduct of these Elections. Observers communicated their observations both verbally, in a Mission meeting immediately after the close and counting of the poll, and in written form. The report that follows describes their findings and outlines the Mission’s conclusions and recommendations.

The report begins with an overview of the political history of the Commonwealth of Dominica, the main political parties and other stakeholders, the voting procedure, and the legislative situation with regard to political financing. Chapter III then describes the Mission’s observations before, during and after the Elections. Chapter IV presents the Mission’s conclusions and recommendations. Appendices contain documents relevant to the Mission’s activities in the Commonwealth of Dominica.

CHAPTER II: POLITICAL SYSTEM AND ELECTORAL ORGANIZATION

A. Historical Overview

Situated between Guadeloupe to the North and Martinique to the South, the Commonwealth of Dominica is part of the Windward Islands. It has a land area of 754 square kilometers and a population of approximately 71,000 persons. The economy of the island is dependent on tourism and agriculture; construction, quarrying and light manufacturing also provide employment.

The rise of the labour movement in the 1940s provided the impetus for independence. In 1967, Dominica became an Associated State of the Commonwealth and on November 3, 1978 it received political independence from Britain. The country's first Prime Minister was Patrick John of the Dominica Labour Party (DLP), who lost a no-confidence vote only eight months later. In 1980, Dame Eugenia Charles successfully led the Dominica Freedom Party (DFP) to electoral victory, the first female to do so in the English Speaking Caribbean. Apart from the ill-fated attempt to overthrow her administration in 1981, Dominica has been politically stable. Dame Charles and the DFP retained the government until 1995 when Edison James became Prime Minister following a close electoral race which split the votes among three political parties with James's United Workers Party (UWP) holding a one-seat majority in the House of Assembly.

In 2000 a resurgent Dominica Labour Party led by Rosie Douglas defeated the UWP by one seat. The DLP formed a coalition government with its rival DFP, which had secured two seats. In October 2000, Prime Minister Douglas died suddenly and was replaced by Pierre Charles as Prime Minister. In January of 2004, Prime Minister Charles also died of an unexpected illness and a young Roosevelt Skerrit was appointed Prime Minister.

In 2005, the Skerrit-led DLP maintained power winning 12 of the 21 parliamentary seats. The UWP won 8 while the remaining seat was won by an independent candidate. For the first time since 1970, the DFP did not obtain parliamentary representation. The DLP majority was further increased when the lone independent representative and one UWP representative switched allegiance, giving the DLP a 14 to 7 margin in parliament. Including the appointed senators, the present configuration of the parliament is 19 for the DLP and 11 for the UWP.

B. Political System and Actors

Upon independence in 1978, Dominica shed the monarchical authority represented by a Governor General, which is still common in the countries of the English speaking Caribbean. The Prime Minister and the Leader of the Opposition select a national president to serve as Head of State, who serves a five-year term of office. The current president of Dominica is His Excellency Mr. Nicholas J. O. Liverpool. He appoints the Prime Minister to serve as Head of Government. The Prime Minister is the leader of the majority party in the parliament. The leader of the party winning the next largest bloc of seats is named Leader of the Opposition. Acting on the recommendation of the Prime Minister, the President also appoints members of the Cabinet. While typically drawn from the elected members of the House of Assembly, the appointed Senators may also serve in the Cabinet.

Dominica has a Westminster parliamentary system of government. The Prime Minister and his cabinet exercise executive power while the House of Assembly is vested with legislative power. The House of Assembly can remove the Prime Minister and Cabinet on a no-confidence vote. Twenty-one (21) elected representatives and nine (9) nominated Senators comprise the unicameral House of Assembly. Each representative runs in a single-member constituency and is elected with a "first-past-the-post" plurality and serves a five-year term. The President appoints five senators nominated by Prime Minister and four nominated by the Leader of the Opposition. The judiciary exercises its authority independently of both the executive and legislative branches.

Section 56 of the Constitution of the Commonwealth of Dominica establishes two separate and independent institutions with responsibility for elections: the Constituency Boundaries Commission and the Electoral Commission. The Electoral Commission consists of five persons: a chairman appointed by the President in his own deliberate judgment; two members appointed by the President on the advice of the Prime Minister; and two members appointed by the President on the advice of the Leader of the Opposition. A Chief Elections Officer, appointed by the President after consultation with the Electoral Commission, assists the Commission in the registration of voters and the conduct of elections. The constitution stipulates, however that the Chief Elections Officer "shall not be subject to the direction and control of any other person or authority".

The Chief Elections Officer is thus empowered to administer and supervises the conduct of the elections. A returning officer in each constituency supervises the work of the presiding officer and poll clerk assigned to each polling station. The returning officers report to the Chief Elections Officer. Ms. Merina Williams served as the Chief Elections Officer for the 2009 elections and Mr. Gerald Burton served as the Chairman of the Electoral Commission.

Under the constitution and election law of the Commonwealth of Dominica, citizens over the age of eighteen are entitled to vote, as are Commonwealth citizens who have been resident in Dominica for a period of twelve months immediately before the qualifying date. The Registration of Electors Act specifically states under section 5 (1) (d) that a person is qualified to vote in a polling district provided that he "has registered in that polling district for a continuous period of at least three months immediately preceding the date of registration." The Act also

goes on to state under section 5 (3) that “where a person who is registered as an elector for a polling station has ceased to reside in that polling district he shall not on that account cease to be qualified to be registered as an elector for that polling district until he has become qualified to be registered as an elector for another polling district.” Further Section 7 of the Act specifically states that a person shall remain registered unless his name is deleted from the register of electors on the grounds of death, allowable objection to his registration or an absence from the country for a period exceeding five years.

1. Political Parties

Prior to the 2009 elections, only the governing Dominica Labour Party and the Opposition United Workers’ Party had parliamentary representation. The Dominica Freedom Party governed for 15 years, but did not have any seats in the House of Assembly. While a total number of 62 candidates registered for the elections, only the DLP contested the elections in all 21 constituencies. The opposition UWP registered 17 candidates and the Dominica Freedom Party, 11. The Dominica Progressive Party and the Peoples’ Democratic Movement fielded three and five candidates, respectively. Five independent candidates also appeared on the ballot.

a) Dominica Labour Party (DLP)

Party colour: red Party symbol: shoe

Founded in 1955 by Phyllis Shand Allfrey, the Dominica Labour Party promotes a social-democratic philosophy, is the oldest political party in Dominica, and has a tumultuous relationship, having been torn by internal schisms on several occasions. The DLP traces its roots back to the Dominica Trades Union and its association with the West Indies Labour Party. On two separate occasions, the DLP suffered the loss of its leaders with the unexpected deaths of Roosevelt (Rosie) Douglas in 2000 and Pierre Charles in 2004. Roosevelt Skerrit eventually assumed the leadership of the party and the Office of the Prime Minister.

b) United Workers' Party (UWP)

Party colour: blue Party symbol: saw

Founded in 1988 by Edison James, Julius Timothy, Norris Prevost, Dennis Lebassier and others, the United Workers' Party is a centrist political party. In December 2005 James stood down as political leader and was replaced by Attorney Earl Williams, Minister of Communications and Works in the last UWP administration. Williams resigned following allegations of improper financial conduct. In 2008, Ronald Green replaced Earl Williams as Leader of the Opposition.

c) Dominica Freedom Party (DFP)

Party colour: green Party symbol: hand

Formed in 1968 as an alternative to the DLP, the Dominica Freedom Party espoused a business-friendly, right-of-center platform. The Freedom party emerged from “Freedom Fighters” which was formed to protest the so called “Shut Your Mouth Bill” (the Seditious and Undesirable Publications Act). The DFP also included the remnants of the 1957 Dominica United People’s Party, disaffected members of LeBlanc’s Labour Party (including founder Phyllis Shand Allfrey). Dame Eugenia Charles was one of the main architects of the party, which counted on the urban educated middle class for its core support, and won its first general election in the 1980. Brian Charles succeeded her in 1993 following her resignation as political leader. In 1996 Charles Savarin assumed the leadership of the party. By 2005 the party had lost all of its seats. Nevertheless, Prime Minister Roosevelt Skerit appointed Savarin as a senator and gave him the key post of foreign minister in 2005. The current DFP leader is businesswoman Judith Pestaina.

2. Civil Society

While the Commonwealth of Dominica can boast some vibrant civil society organizations, they did not assume a visible role in the electoral process, particularly as it pertained to election observation. The Dominica Christian Council and Dominican Evangelical Association of Churches did prepare an election code of conduct, providing a set of guidelines to ensure a respectful campaign free of violence. Accepted in principle by the three traditional political parties, only the Dominica Labour Party, as well as the media association and the churches of Dominica, officially endorsed it. The Dominica Freedom Party (DFP) refused to append its signature to the November 26 document raising two concerns in particular:

1. Lack of equal access to the media. On December 9, 2009 the DFP wrote to the Government of the Commonwealth of Dominica complaining of unfair coverage by the state owned Government Information Services (GIS) which was allegedly dedicated “solely to the promotion of DLP political campaign”.
2. The use of government workers to organize the mobilization and air transportation for overseas voters.

3. International Community

Mr. Hensley Robinson, former Chief Elections Officer of Barbados, headed a nine-person CARICOM observer mission. The members of the OAS Mission met with members of the CARICOM prior to deployment.

C. Voting Procedure

A presiding officer and a poll clerk man each polling station. These election officials report to a returning officer, responsible for the electoral constituency. Members of the police are present to secure each polling station, and a party agent for each candidate contesting the election is permitted to be present to witness the conduct of the poll, as are accredited international observers.

Polls open at 7 a.m. and close at 5 p.m. Just before the opening of the poll, the presiding officer and poll clerk display the empty ballot box to all present then lock it. Each elector, on entering the polling station, approaches the presiding officer's table and states his or her name. The voters' list is checked and the name and profession of the elector, as stated on the list, is called out. A tick is placed against the name of the elector.

It is important to note that the elections' law of the Commonwealth of Dominica does not require a voter identity card. Under the law a person is allowed to vote if he or she is on the list of electors. Citizens are not required to show any form of identification to vote. To confirm the identity of the voter, however, the elector is required to state his or her occupation. However because of the small size of the constituencies in the country, party agents, presiding officers and other poll workers were usually familiar with the electors. Thus, while ensuring that any attempt to impersonate an elector could be foiled, this familiarity sometimes led to the poll staff failing to follow the procedure and require that the elector state his or her occupation as required. Moreover, in the absence of a voter identification card, specifically a picture identification card, it is quite possible that in circumstances where the staff is unfamiliar with the district and where the electors list contains two or more similar names, it would be impossible to correctly identify the voter. In that case as was observed in one polling station, the decision was taken by all present to check off the first name on the list.

The voter's right index finger is checked and, if it is free of electoral ink, the voter is given a ballot stamped with the official seal. The applicant proceeds into the voting compartment and marks the ballot, returning to the presiding officer's table with the ballot folded so that the mark is concealed. The elector shows the presiding officer the official seal. The elector must dip his or her finger in the electoral ink, after which he or she deposits the ballot in the ballot box and exits the station. The use of the ink however prevented attempts to vote more than once.

If at 5 p.m. there are any voters standing in line, they are permitted to vote, but no one who arrives after 5 p.m. is permitted to vote. At the close of the poll, in the presence of the poll clerk and the candidates or their agents, the presiding officer counts the number of voters whose names appear in the poll book as having voted, counts the spoiled ballot papers (if any) and the unused ballot papers and checks this total against the number of ballots supplied by the returning officer, to ascertain that all ballot papers are accounted for. Having completed an account of these figures, the presiding officer seals the ballot box and securely packs the election materials, which are collected by the returning officer and transported to the place where the count will be held.

The returning officer opens the ballot boxes in the presence of election officials, party agents, candidates and accredited observers, and counts the votes for each candidate, giving full opportunity to those present to examine each ballot paper, and finally displaying the empty box.

Following that exercise, and the reconciliation of the ballots, the presiding officer is required to fill in “The Preliminary Statement of the Poll” in duplicate, one of which is later conveyed to the returning officer. The returning officers use these preliminary statements to make a preliminary compilation of the number of votes cast in favor of each candidate in his constituency.

D. Political party and elections financing

The Laws of the Commonwealth of Dominica do not place any limit on the total amount that a party or a candidate is permitted to spend. There is also no provision for the public funding of parties, either directly or indirectly. The main powers of the Chief Elections Officer, in this regard, is to initiate investigations into possible acts of election fraud based largely on complaints from the public, and as outlined in the House of Assembly Elections Act Chapter 20:01 of 1951, under Part V which deals with Elections Offences.

No one can be certain as to the amount of money that is spent on elections by any party but there is a general perception that campaigning is increasingly expensive, with the widespread use of giant billboards, radio, television and internet-based advertising, and solicitation of votes by telephone, not to mention the alleged charting of flights to bring overseas residents back to Dominica to vote.

The OAS mission heard repeated claims of the use of State resources for party political purposes. Another often repeated claim was that prominent government employees were publicly campaigning for the ruling political party in violation of the rules on the participation of public servants in political activity.

CHAPTER III: MISSION ACTIVITIES AND OBSERVATIONS

A. Pre-election political situation.

In the post banana industry collapse in Dominica Prime Minister Roosevelt Skerritt sought new avenues of assistance and cooperation by ending the recognition of Taiwan and recognizing the “One China Policy” and devising links with Venezuela and Cuba, joining the Bolivarian Alternative for Latin America and the Caribbean (ALBA), making Dominica the first Caribbean country to join ALBA.

These new initiatives helped to bolster the economy in a period of the global economic crisis. While in 2009, Dominica experienced a 15 percent decrease in tourism and similar declines in remittances and direct foreign investment, the economy still grew by a comparably strong rate of one percent. Government revenues were about 7 percent higher than expected, and financing from Venezuela and China boosted capital expenditures.

During the campaign, the opposition parties alleged that chartered planes and airfares were provided to supporters of the ruling Dominica Labour Party. They also claimed that civil servants identified these potential voters and state resources were used to purchase tickets to facilitate these overseas residents to vote on Election Day.

Another claim leveled by the opposition political parties was directed at the media. Indeed the opposition political parties expressed concern over what they viewed as the perceived bias in the media coverage and their inability to purchase advertising. Of the three primary radio stations in Dominica, one private station openly supports the ruling DLP both in its coverage and its transmission of paid advertising. A second smaller radio station provides sympathetic coverage and access to the opposition UWP. The state controlled radio and television stations emphasize government activities. While access to media was a source of contention, the perceived inequalities to media access did not preclude the opposition political parties from transmitting their campaign messages to the general public.

B. Election Day

The day preceding election day, all observers completed a day of training to familiarize themselves with the electoral system of the Commonwealth of Dominica, the rules and norms governing Electoral Observation, and the districts that they would be monitoring. Observers, working alone but accompanied by a local driver, were assigned to cover the polling stations in one and sometimes two of Dominica’s twenty one constituencies. On Election Day December 18, 2009, the Mission visited 100 percent, all 249 of the polling stations, visiting each at least once and often visiting a polling site more than once to see how voting was progressing.

On the morning of Election Day, each observer arrived at a selected polling station between 6:30 and 6.45 a.m. to observe the preparations for voting, the inspection and sealing of the ballot box and other opening procedures. Throughout the day, observers circulated to different polling stations in their constituencies. For the most part members of the Mission then returned to the polling station where they had witnessed the opening, to observe the closing of the poll and the counting of the ballot.

On special forms (see Appendix VI), the observers collected information about the opening and closing of the polls and the conduct of the voting. They obtained this information through firsthand observation and through interviews with the election officials, policemen, and voters at the polling stations. Observers delivered their completed forms and a short report to the Mission rapporteur; they also gave a verbal account of their impressions to the Mission at a debriefing session following the close of poll.

C. Observer Testimony

Observers reported most polling stations opened on time. In those cases with minimal delays, the polling stations were fully functional by 7:10 a.m. Where polling stations were opened somewhat late, this was as the direct result of the presiding officer's decision to facilitate the poll staff and party agents vote. In all of the polling stations all necessary electoral materials were present. Voter lists were usually displayed outside polling stations and opening procedures were correctly followed. Voting ran smoothly from the start to the close of Election Day.

Most voters found the correct polling station without difficulty and the observers reported on the generally peaceful atmosphere of the elections. There were no reported incidents of disorder or violence. Most of the electors cast their vote in the morning so that as the day progressed, there were trickles of voters arriving to cast their ballots, resulting in long periods of inactivity at polling stations.

The lack of ID card did cause some issues in some polling stations especially for last minute registrations that were not on the primary or supplementary voter list. In the constituencies of Castle Bruce and Salybia (the Carib Reserve) at least one voter showed his registration receipt. His name did not appear on the list, though and he could not vote. Another woman was originally turned away, but it was later discovered that her name was on the supplementary list. Upon discovering the error, the polling officials called the voter and encouraged her to return to the polls. In the Constituency of Roseau North the OAS Mission received one report of the exclusion of the name of a voter on the list who insisted that his name had been on an earlier list.

A few agents challenged voters about being away from the country for longer than five years. In the Constituencies of Castle Bruce and Salybia, party agents challenged some voters for being registered in more than one constituency. The challenges were noted, but the voters were allowed to cast their ballots.

Police were visibly present in all of the polling sites, effectively maintaining security. All worked harmoniously with election officials throughout the voting and counting process.

Presiding officers, poll clerks and party agents were appropriately trained and followed procedures professionally and efficiently in accordance with Election Laws. The secrecy of the ballot was maintained as the layout of the polling stations accorded the degree of privacy required by electors and the agents were strategically seated so as afford them the opportunity to view the proceedings at the presiding officers' desks. In some instances though, agents were unable to hear clearly the information being supplied by the electors. However, many of the party agents were familiar with the voters.

Observers noted that some presiding officers were overly officious, which sometimes increased the time spent in the polling station by the elector. Instruction given to voters was impartial, and in many polling stations particularly in the rural areas, presiding officers took great care to offer instructions in both English and Creole commonly used in the country.

With respect to the accessibility of the polling stations, this was for the most part achieved. There were a few exceptions for example in the Constituencies of Portsmouth, Salisbury and Colihaut. So that although the majority of polling sites were fit for their purpose and the secrecy of the ballot was maintained, a few Observers encountered polling stations which were unduly cramped and where the layout could be improved to enable greater ease of access, particularly for elderly or physically challenged voters. In one polling station, cramped conditions meant that a view of the voting compartment was potentially available through a window or from a nearby polling station, although observers saw no evidence of this being abused. In Mount Rachette in the Constituency of Salisbury the polling station was in the post office was rather small and cramped and located on a steep hill. The electors were therefore compelled to stand in the narrow street, although voters were not deterred and the polling station had a fairly high voter turnout, with approximately 203 persons having voted by 4:15 p.m. In the Bioche Fisheries Complex in the constituency of Colihaut, the terrain was steep and voters had to climb a number of stairs to exercise their franchise. Here too, however, of the 277 electors on the list, some 128 persons had voted by 2:30 p.m. In Trafalgar at Font Canie in the constituency of Roseau Valley, the polling station was located in a small house which proved to be somewhat cramped.

Elderly and challenged voters were generally treated with kindness and informally prioritized in line in several polling stations. In other polling stations however, there was no special treatment for the elderly and they were forced to wait in line despite their physical discomfort. Physically challenged voters, however, were given special treatment. In many locations greater consideration could be given to the provision of ramps, seating, and facilities to expedite entry and exit for vulnerable citizens.

As a general rule the presiding officers and poll workers followed the procedure with respect to the check list on the elector. However in a few cases while the poll book was being properly marked in each polling station, it was observed that only in the early hours of the day did the

poll staff attempt to properly verify the identity of the voter. Indeed all that was required was the name of the elector. Few attempted to request the address and occupation. Some presiding officers, in verifying the identity of electors, supplied the address and occupation and the electors merely confirmed as opposed to the electors themselves providing the information. While this is understandable in the small, rural and familiar polling stations, nonetheless in the absence of a picture identification card, greater care and attention need to be paid to this area. In any event the mere presence of the voter list outside the poll, would allow the voter to 'remember' their address, occupation or even name if they forgot it, providing another opportunity for electoral fraud, but as indicated above, the small size of the Dominican community does not readily facilitate this.

The closing of the poll and the count were also, in general, procedurally correct. At the close of the polls any elector who was waiting to cast his or her ballot was allowed to vote in accordance with section thirty five (35) of the House of Assembly Act. Following the official close of the polls, the presiding officer, in the presence of the agents and other electoral officials, reconciled the ballots and tallied the votes cast.

OAS observers were everywhere welcomed with courtesy and friendliness by both election officials and members of the public. The Chief of Mission also particularly welcomed the support of the Electoral Commission and the Mission was impressed with the obvious experience and competence of the Chief Elections Officer.

A few reports were made to the OAS Observers by electors that attempts were made by agents of political parties to bribe electors. As such we received one report in the Constituency of Mahaut.

D. Post-election Process

The OAS observers remained for the re-count conducted by the Returning Officers in the constituencies the day after the elections. Preliminary results on Election Day showed that three constituencies, Roseau Central, La Plaine and Morne Jaune, were decided by five votes or fewer. OAS observers were present in these three constituencies as were the candidates and their agents. In one constituency, La Plaine, the recount reversed the outcome from the preliminary count and the Leader of the Opposition Ron Green lost his seat by two votes to the DLP candidate Petter Saint-Jean. In the remaining constituencies, the final count confirmed the outcomes of the preliminary count. In the opinion of the OAS Mission, the review of the ballots and the decision to their validity by the returning officers was conducted consistently and did not appear to prejudice or favor any particular candidate.

In the preliminary as well as the final count, though, election officers and the party agents seemed to focus more on the technicalities of the marking instead of the intention of the vote. Whether the mark on the ballot is an "X", a cross or a tick, it should not override the most important criteria: the intention of the voter.

CHAPTER IV: CONCLUSIONS AND RECOMMENDATIONS

As previously mentioned, the OAS observers visited 100 percent of the polling sites in the 21 political constituencies of the Commonwealth of Dominica, witnessing voting firsthand and interviewing presiding officers, poll clerks, party agents, police officers and members of the public regarding preparations and the conduct of the elections. The Mission was struck by the courteous and welcoming reception it received by the commitment of Dominicans to the highest standards of civility in exercising their democratic rights.

A. Conclusions

The general impressions of the electoral process were positive. In all the cases we observed, presiding officers, poll clerks and party agents were present at their assigned sites and followed procedures scrupulously and efficiently in accordance with election laws. Agents from the political parties and independent candidacies were present at each polling station and worked harmoniously with the electoral authorities throughout the day. Sufficient electoral materials were available and the necessary information for voters was made visible at the polling sites. Most polls opened promptly at 7:00 a.m. and, by 7:10 a.m., all were fully functional.

Police were present in all of the polling sites, effectively and unobtrusively maintaining security. The environment in which citizens exercised their franchise was peaceful and without incident. The observers received some reports of campaigning within the 100-yard limit, but this was not widespread. There were no reported instances of intimidation of voters or any other serious irregularities.

Presiding officers and poll clerks were well trained and impartially instructed electors on the procedures for voting. The secrecy of the vote was maintained. Observers noted that most people identified their polling sites easily and electoral authorities quickly assisted those in doubt. Polls closed promptly at 5:00 p.m. and, as at the opening, electoral officials followed procedures appropriately and expeditiously.

The campaign period was not without its controversies. The OAS Mission heard various allegations of chartered planes and airfares provided to supporters of the ruling Dominican Labour Party who are living abroad. On Election Day, the Mission received calls informing it of the arrival of a number of flights whose passengers arrived to cast their ballots. The opposition parties claimed that public servants were used to identify these potential voters and state resources were used to purchase their airfare. While the Mission cannot verify the veracity of these claims, it encourages the parties presenting the allegations to provide evidence to the appropriate authorities of Dominica for further investigation.

Another recurrent complaint of the opposition parties concerned perceived bias in media coverage and an inability to purchase advertising. Of the three primary radio stations in the country, one private station, Kairi FM, openly supported the ruling party, both in its coverage and its transmission of paid advertisement. Another private station, Q95 FM, albeit with much less national coverage, provided sympathetic coverage and access to the opposition United Workers' Party. The state-run radio and television stations emphasized government activities, but often blurred the line between its official mandate and the political campaign in the country. Despite the perceived inequities, the opposition parties were able to transmit their message to the general public, however.

As previously mentioned, the OAS observers remained for the re-count conducted by the returning officers in the constituencies the day after the elections. Preliminary results on Election Day showed that three constituencies, Roseau Central, La Plaine and Morne Jaune, were decided by five votes or fewer. OAS observers were present in these three constituencies as were the candidates and their agents. In one constituency, La Plaine, the recount reversed the outcome from the preliminary count and the Leader of the Opposition Ron Green lost his seat by two votes to the DLP candidate Petter Saint-Jean. In the remaining constituencies, the final count confirmed the outcomes of the preliminary count.

The day after the elections, the OAS Mission released a written statement with its initial observations and recommendations.

B. Recommendations

1. Dominica is one of the few remaining countries in the Caribbean without a voter identification card. In the past, both party leaders and electoral authorities have recommended issuing a card; indeed, this appears to remain an issue in which there exists a consensus that cuts across party lines. Despite an estimated population of 69,000 persons, the voter registry in Dominica contains approximately 65,000 names. While the disproportionate number can be attributed to the many Dominicans living outside the country, the list also contains names of people who have deceased or have moved out of the country and have not returned. The Mission recommends that the newly elected Government, in consultation with the Opposition and the Electoral Commission, consider the implementation of an identification card system. Providing cards to registered voters of Dominica will facilitate the complete revision and updating of the voter registry. The Mission therefore strongly recommends that voter ID cards be issued in time for the next general elections.
2. Likewise, legislation defining the appropriate use of funds to bring voters to the polls should be considered. That said, it is not uncommon for the Caribbean to have large populations living abroad and for many of these citizens to return home to vote. The legislation in Dominica requires only that a person be present in the country one time during a five-year period and have his or her name on the voters list. Any efforts to

regulate the provision of transportation to members of the Diaspora should not impede on these citizens' franchise.

3. In Dominica, individual media outlets decide whether or not to cover political events and whether or not to accept paid advertising from the political parties. They can abstain from any coverage or they can decide to focus exclusively on one political party. While the opposition United Workers' Party and the Dominica Freedom Party were afforded an outlet through the Q95 radio station to voice their opinions, this opportunity was circumstantial. Current legislation does not offer any guarantees or benchmarks for access to the media. Such regulation should be considered. It could require that all media outlets provide political parties the same opportunity to purchase prime-time advertising at the same cost or it could stipulate a certain amount of free advertising. Moreover, the Media in conjunction with the Christian Council, Evangelical Association of Churches and the Electoral Commission should consider launching guidelines for responsible political and election coverage.
4. The Mission notes that there are significant disparities among the constituencies of Dominica. The largest constituency has 6,676 registered voters while the smallest has 1,520. In a single-member first-past-the post system, these population imbalances create disparities in representation. The Electoral Boundary Commission should be constituted and new boundaries should be proposed and approved before the next general elections.
5. OAS observers were present for the preliminary count, which took place on Election Day at the individual polling stations, and the final count, which took place the day after in the returning offices. OAS observers noted that presiding and returning officers evenly applied criteria for determining the validity of a marked ballot. Their decisions did not appear to favor or prejudice any particular candidate or party. However, in both counts, election officers and the party agents seemed to focus more on the technicalities of the marking instead of the intention of the vote. Whether the mark on the ballot is an "X", a cross or a tick, it should not override the most important criteria: the intention of the voter. The rules and legislation governing what constitutes a valid vote should be reviewed and made clearer in this regard.
6. The Mission observed that while the election staff was well trained, nonetheless there were variations in the timing of the use of the indelible ink. Several presiding officers required the dipping of the index finger prior to voting. This accounted for several ballots being declared as rejected as several electors used the ink to cast their ballot. Unfortunately the rather inflexible approach of the presiding officers with respect to the use of the furnished pencil to mark the ballot may well have unnecessarily disqualified voters. In a context where some elections were quite close, this may have an adverse impact on some political parties and candidates. This is particularly true of the rural areas where there is a greater degree of illiteracy.

7. Election campaigning in Dominica, as elsewhere in the Caribbean, is becoming increasingly expensive. Campaign financing represents an important priority of the Organization of American States. It has embarked on a number of initiatives on this issue and offers its good offices to reach a cross-party accord to promote transparency and accountability, which would set a high standard for the region.

APPENDICES

APPENDIX I. LETTER OF INVITATION



Government of Dominica

OFFICE OF THE PRIME MINISTER

Fax: (767) 448 4506
Tel: (767) 448 2401 Ext. 3300
Email: pmoffice@cwdom.dm

Financial Centre
Roseau
Commonwealth of Dominica

20th November, 2009

Mr. Jose Miguel Insulza
Secretary General
Organisation of American States
Washington Head Office
1889 F. Street
NW Washington D.C. 20006-449

USA

Dear Secretary General,

The Commonwealth of Dominica will be holding General Elections on Friday the 18th day of December, 2009.

In the interest of transparency and good governance the Government takes this opportunity to invite to Dominica, a team of observers from your organisation, to observe the election process.

The Government also intends to invite the Caribbean Community Secretariat (CARICOM) to send an observer mission as well.

As is normal on such occasions, the visit of the electoral observer mission would be coordinated by the Electoral Commission and the Cabinet Secretary.

We look forward to your favourable consideration of this request.

Yours sincerely,



Roosevelt Skerit

Prime Minister

cc. H.E Dr. Edward I Watty President of the Commonwealth of Dominica (Ag.)

Dr. Joseph Campbell OAS Country Representative

Mr. Gerald Burton, Chairman, Electoral Commission

Mr. Felix Gregoire, Cabinet Secretary

APPENDIX II. LETTER OF ACCEPTANCE

ORGANIZATION OF AMERICAN STATES
WASHINGTON, D.C.

THE SECRETARY GENERAL

November 25, 2009

Excellency:

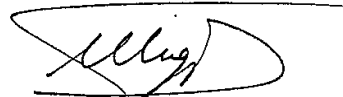
I am pleased to acknowledge receipt of your letter of November 20, 2009, inviting the Organization of American States (OAS) to the Commonwealth of Dominica to observe the December 18th General Elections. Excellency, this is the first time that the OAS has been invited to observe an electoral event in Dominica and I wish to confirm that it would be our honor to deploy such a mission.

I have instructed the Department for Electoral Cooperation and Observation (DECO) to prepare a proposal and a budget for this mission that contemplates the observation of the different facets of this important exercise and maximizes coverage of the polling stations across the country. As is customary, the size and scope of the mission will ultimately depend on the voluntary contributions received from the OAS Member and Observer States.

Should the staff of the Dominica Electoral Commission or the Cabinet Secretary have any queries regarding the preparation of our Electoral Observer Mission, they should not hesitate to contact Mr. Jean-Francois Ruel, the Senior Specialist in the DECO responsible for organizing the OAS' visit. He can be reached at: JRuel@oas.org or (202) 458-3187.

Please accept, Excellency, the assurances of my highest consideration.

Sincerely,



José Miguel Insulza

His Excellency
The Hon. Roosavelt Skerrit
Prime Minister
The Commonwealth of Dominica

cc: Amb. Albert Ramdin, Assistant Secretary General, OAS
Ms. Judith Rolle, Interim, Alternate Representative of Dominica to the OAS
Mr. Joseph Campbell, OAS Representative, Dominica

APPENDIX III. AGREEMENT ON PRIVILEGES AND IMMUNITIES

**AGREEMENT
BETWEEN
THE GOVERNMENT OF DOMINICA
AND
THE GENERAL SECRETARIAT OF THE
ORGANIZATION OF AMERICAN STATES
REGARDING
THE PRIVILEGES AND IMMUNITIES OF THE OAS OBSERVER MISSION
FOR THE 2009 GENERAL ELECTIONS IN DOMINICA**

**AGREEMENT
BETWEEN
THE GOVERNMENT OF DOMINICA
AND
THE GENERAL SECRETARIAT OF THE
ORGANIZATION OF AMERICAN STATES
REGARDING
THE PRIVILEGES AND IMMUNITIES OF THE OAS OBSERVER MISSION
FOR THE 2009 GENERAL ELECTIONS IN DOMINICA**

The Parties to this Agreement, the General Secretariat of the Organization of American States (hereinafter referred to as the "GS/OAS") and the Government of Dominica (hereinafter referred to as the "Government"),

WHEREAS:

On November 20, 2009, the Government of Dominica invited the General Secretariat of the Organization of American States (hereinafter referred to as the "OAS" or the "Organization") to observe the General Elections to be held on December 18, 2009 in Dominica;

The Secretary General of the OAS, informed the Government that he accepted the invitation to establish an Observer Mission (hereinafter referred to as the "OAS Observer Mission") for the General Elections, subject to obtaining the necessary resources to finance the establishment of the OAS Observer Mission in Dominica (hereinafter sometimes referred to as the "Mission" or the "OAS Mission");

The OAS Observer Mission will be comprised of officials of the GS/OAS and other persons contracted at GS/OAS headquarters, as well as other international observers specifically under contract to the GS/OAS for the OAS Observer Mission (hereinafter sometimes referred to as the "Members of the OAS Observer Mission" or the "Members"); and

The basic privileges and immunities enjoyed by the OAS, the GS/OAS, and its staff in Dominica are set out in the Charter of the Organization and in the Agreement

Between the Government and the GS/OAS for the Establishment and Functioning in Dominica of the Office of the GS/OAS, signed by the Parties in 1986,

NOW, THEREFORE THE PARTIES HAVE AGREED AS FOLLOWS:

CHAPTER I

PRIVILEGES AND IMMUNITIES OF THE OAS OBSERVER MISSION

ARTICLE I

The privileges and immunities of the OAS Observer Mission shall be those accorded to the OAS, to its organs, and to its Staff.

ARTICLE II

2.1. The property and effects of the OAS Observer Mission, located in any part of the territory of Dominica and in possession of any person, shall enjoy immunity against any type of judicial proceeding; save in those specific cases for which said immunity is expressly waived in writing by the Secretary General of the OAS.

2.2. However, it is understood that said waiver of immunity by the Secretary General of the OAS shall not have the effect of subjecting any such property and effects to any type of measure of execution.

ARTICLE III

3.1. The premises occupied by the OAS Observer Mission shall be inviolable.

3.2. Moreover, the property and effects of the OAS Observer Mission, in any part of the territory of Dominica and in possession of any person or entity, shall enjoy immunity against search and seizure, confiscation, expropriation and against any form of intervention, be it executive, administrative, judicial or legislative.

ARTICLE IV

The files of the OAS Observer Mission and all of the documents pertaining thereto or in the possession of any person or entity shall be inviolable wherever they are located.

ARTICLE V

5.1 The OAS Observer Mission shall be:

a) exempt from any internal taxation, it being understood, however, that they may not claim any type of tax exemption that is in fact remuneration for public services;

b) exempt from any type of customs duty, prohibition and restriction in respect of articles and publications that they may import or export for their official use. It is understood, however, that the articles they import duty-free may be sold within Dominica only in accordance with conditions expressly agreed upon by the Parties; and

c) exempt from ordinances, regulations or moratoria of any kind. Moreover, they may have currency of any type, carry their accounts in any foreign currency and transfer their funds in foreign currency.

ARTICLE VI

The OAS Observer Mission may establish and operate in the territory of Dominica an independent radio communication system to provide an on-going communications link between the Members and the vehicles used by the Members with Mission offices and regional headquarters, such as the central office in Roseau and between the latter and the headquarters of the GS/OAS in Washington, D.C., United States of America. The Government shall provide all the technical and administrative support necessary for this to be achieved.

CHAPTER II
MEMBERS OF THE OAS OBSERVER MISSION

ARTICLE VII

The Members of the OAS Observer Mission shall be those persons who have been designated by the GS/OAS and accredited with the authorities of Dominica.

ARTICLE VIII

8.1 For the period during which the Members of the OAS Observer Mission exercise their functions and during their trips to and from Dominica, they shall enjoy the following privileges and immunities:

- a) Immunity from personal detention or arrest as well as immunity from any type of legal proceeding in respect of their actions and statements be they oral or written, done in the performance of their functions;
- b) The inviolability of all papers and documents;
- c) The right to communicate with the GS/OAS via radio, telephone, telegraph, email, satellite or other means, and to receive documents and correspondence through messengers or in sealed pouches, enjoying for that purpose the same privileges and immunities accorded to diplomatic mail, messages, and pouches;
- d) The right to utilize for their movements throughout the national territory, any means of transportation, be it by air, by water or over land;
- e) Exemption in respect of their persons and that of their spouses and children, from any type of immigration restriction and registration of aliens and any type of national service in Dominica;
- f) The same privileges accorded to the representatives of foreign governments on official mission in respect to foreign-currency restrictions;
- g) The same immunities and privileges in respect of their personal baggage as are accorded to diplomatic envoys; and
- h) Such other privileges, immunities and facilities as are compatible with the foregoing, and enjoyed by diplomatic envoys, with the exception that they shall

not enjoy any exemption from customs duties on imported merchandise (that is not part of their personal effects) or sales taxes or consumer taxes.

ARTICLE IX

The provisions contained in the preceding Article do not apply to nationals of Dominica working as local contract staff in the OAS Observer Mission, except in respect of official acts performed or statements issued in the exercise of their functions.

CHAPTER III

COOPERATION WITH THE AUTHORITIES

ARTICLE X

The OAS Observer Mission shall cooperate with the relevant authorities of Dominica to prevent any occurrence of abuse in respect of the specified privileges and immunities. Similarly, the relevant authorities shall do whatever is possible to provide the cooperation requested of them by the OAS Observer Mission.

ARTICLE XI

Without prejudice to the immunities and privileges accorded, the Members of the OAS Observer Mission shall respect the laws and regulations existing in Dominica.

ARTICLE XII

12.1 The Parties shall take any measures necessary to procure an amicable arrangement in the proper settlement of:

- a) Any disputes that may arise in contracts or other questions of private law; and
- b) Any disputes to which the OAS Observer Mission and/or any of its Members may be parties with respect to matters in which they enjoy immunity.

CHAPTER IV NATURE OF PRIVILEGES AND IMMUNITIES

ARTICLE XIII

13.1 The privileges and immunities are granted to the Members of the OAS Observer Mission in order to safeguard their independence in the exercise of their functions of observing the General Elections of Dominica, and not for personal gain or to perform activities of a political nature within the territory of Dominica.

13.2 The Secretary General of the OAS may waive the privileges and immunities of any of the Members of the OAS Observer Mission in the event that he determines, in his sole discretion, that the exercise of those privileges and immunities may obstruct the course of justice and so long as the Secretary General determines that such waiver does not prejudice the interests of the OAS or of the GS/OAS.

CHAPTER V GENERAL PROVISIONS

ARTICLE XIV

14.1 The Government recognizes the "Official Travel Document" issued by the GS/OAS as a valid and sufficient document for purposes of travel by the Members of the OAS Observer Mission who possess this document.

14.2 The Government shall issue to each Member of the OAS Observer Mission a visa to enter the country and to remain therein until the end of the OAS Observer Mission.

ARTICLE XV

The Government agrees to extend the privileges and immunities of the present Agreement to Members of the OAS Observer Mission designated by the GS/OAS, who have been accredited by the authorities of Dominica.

ARTICLE XVI

This Agreement may be amended by mutual consent in writing by the duly authorized representatives of the Parties.

ARTICLE XVII

This Agreement shall enter into force on the date of its signature and shall cease to have effect once the Members of the OAS Observer Mission have completed their mission, in accordance with the terms of the request made by the Government.

IN WITNESS WHEREOF, the undersigned, duly authorized, do hereby sign this Agreement, in duplicate, on the date and locations indicated below.

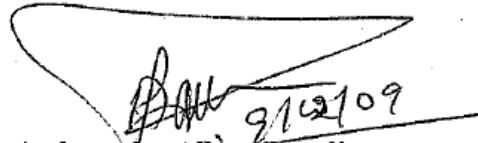
FOR THE GOVERNMENT OF
DOMINICA:



Ms. Judith Anne Rolle
Interim Representative
Permanent Mission of Dominica
to the Organization of American States
Place: Washington, D.C., U.S.A.

Date:

FOR THE GENERAL SECRETARIAT
AMERICAN STATES:



Ambassador Albert Ramdin
Assistant Secretary General
In Charge of the General Secretariat of the
Organization of American States
Place: Washington, D.C., U.S.A.

Date: 9 . DEC . 2009

APPENDIX IV. AGREEMENT ON ELECTORAL GUARANTEES

**AGREEMENT
BETWEEN
THE GENERAL SECRETARIAT OF THE
ORGANIZATION OF AMERICAN STATES
AND
THE ELECTORAL COMMISSION OF DOMINICA
ON THE ELECTORAL OBSERVATION PROCESS OF THE
2009 GENERAL ELECTIONS IN DOMINICA**

**AGREEMENT
BETWEEN
THE GENERAL SECRETARIAT OF THE
ORGANIZATION OF AMERICAN STATES
AND
THE ELECTORAL COMMISSION OF DOMINICA
ON THE ELECTORAL OBSERVATION PROCESS OF THE
2009 GENERAL ELECTIONS IN DOMINICA**

The Parties, the Electoral Commission of Dominica (hereinafter referred to as the "Electoral Commission") and the General Secretariat of the Organization of American States (hereinafter referred to as the "General Secretariat");

CONSIDERING:

THAT on the 20th day of November 2009, the Government of Dominica (hereinafter referred to as "the Government"), through its Prime Minister, invited the Secretary General of the Organization of American States (hereinafter referred to as the "Secretary General") to send an Electoral Observation Mission (hereinafter referred to as "the Mission") to Dominica for the purpose of witnessing the General Elections to be held on December 18, 2009 (hereinafter referred to as the "General Elections");

THAT in Resolution AG/RES. 991 (XIX-O/89), the General Assembly of the OAS recommended to the Secretary General that "when a member state so requests in the exercise of its sovereignty, missions should be organized and sent to said state to monitor the development, if possible at all stages, of each of its electoral processes;"

THAT Article 24 of the Inter-American Democratic Charter states in pertinent part as follows:

The electoral observation missions shall be carried out at the request of the member state concerned. To that end, the government of that state and the Secretary General shall enter into an agreement establishing the scope and coverage of the electoral observation mission in question. The

member state shall guarantee conditions of security, free access to information, and full cooperation with the electoral observation mission.

Electoral observation missions shall be carried out in accordance with the principles and norms of the OAS. The Organization shall ensure that these missions are effective and independent and shall provide them with the necessary resources for that purpose. They shall be conducted in an objective, impartial, and transparent manner and with the appropriate technical expertise; and

THAT the Secretary General responded affirmatively to the Government's request to send the Mission with the objective of observing the General Elections of 2009;

WHEREFORE, THE PARTIES AGREE AS FOLLOWS:

First: Guarantees

a) The Electoral Commission guarantees the Mission access to all facilities for the adequate fulfillment of the observation of the elections in 2009 until conclusion of the General Elections process in Dominica, in conformity with the laws and standards of Dominica and the terms of this Agreement.

b) The Electoral Commission, on the day of and after the day of the elections, shall guarantee the Mission access to all polling stations and other locations and facilities related to the election until the official count is tabulated nationally and the General Elections process is concluded.

c) The Electoral Commission shall guarantee the Mission complete access to the locations in which the process of counting and tabulating votes will take place both before and during this process.

d) The Electoral Commission shall guarantee the Mission access to all electoral bodies responsible for vote counting and tabulation. Similarly, the Electoral Commission shall permit the Mission to conduct any evaluations deemed necessary by the Mission of the voting system and of the communications utilized to transmit electoral results. At the same time, the Electoral Commission shall guarantee the Mission complete

access to the complaints process and quality controls that occur before and after the electoral process that are of interest to the Mission.

e) The Electoral Commission further guarantees the Mission access to all polling stations and other bodies throughout the national territory of Dominica. Upon request of the Mission, the Electoral Commission guarantees to make available by the end of the voting process and, before the closing of the polling stations, copies of all documents printed electronically.

Second: Information

a) The Electoral Commission will furnish the Mission with all information referring to the organization, direction and supervision of the electoral process. The Mission may request of the Electoral Commission such additional information as is necessary for the exercise of the Mission's functions, and the Electoral Commission shall promptly furnish all such information.

b) The Mission may inform the Electoral Commission about any irregularities and/or interference, which the Mission might observe or of which the Mission might learn. Similarly, the Mission may request that the Electoral Commission provide any information regarding the measures which the Electoral Commission will take in relation to such irregularities, and the Electoral Commission shall promptly furnish all such information.

c) The Electoral Commission shall provide the Mission with information related to the electoral list and other electoral data referring to the same. Similarly, the Electoral Commission shall provide all other information relative to the computer systems used on Election Day, and shall offer demonstrations of the systems' operation to the Mission.

Third: General Provisions

a) The Secretary General will designate a Chief of Mission, to represent the Mission and its members before the Electoral Commission and before the Government.

b) The GS/OAS will communicate to the Chair of the Electoral Commission the names of the persons who will comprise the Mission, who will be duly identified.

c) The Mission will act impartially, objectively and independently in the fulfillment of its mandate.

d) The General Secretariat will send to the Chair of the Electoral Commission a copy of the final report of the Electoral Observation Mission following the General Elections in Dominica.

e) The Electoral Commission will make known and disseminate the contents of this Agreement among all electoral bodies and among all personnel involved in the electoral process.

Fourth: Privileges and Immunities

Nothing in this Agreement shall be construed as an express or implied waiver of the privileges and immunities of the OAS, its Organs, its personnel and its assets under the Charter of the Organization; under the Agreement Between the Government and the General Secretariat for the Establishment and Functioning in Dominica of the Office of the General Secretariat, signed by the Parties in 1986; and under the Agreement between the Government and the General Secretariat Regarding the Privileges and Immunities of the OAS Observer Mission for the 2009 General Elections in Dominica, signed by the Parties on the 9th day of December 2009; or under international law.

Fifth: Resolution of controversies

The Parties shall attempt to resolve through direct negotiations any disputes arising in relation to the interpretation and/or implementation of this Agreement. If the negotiations do not result in the resolution of the dispute, the matter shall be submitted to a dispute resolution procedure mutually agreed to by the duly authorized representatives of the Parties.

Sixth: Amendments

Amendments to this Agreement shall be made in writing and signed by the duly authorized representatives of the Parties and attached hereto.

Seventh: Entry into Force and Termination

This Agreement shall enter into force on the date and upon the signature of then duly authorized representatives of the Parties. This Agreement shall remain in force until the Mission has concluded its observation mission of the December 18, 2009 General Elections.

This Agreement may be terminated by either Party with or without cause. Termination must be effected by means of no less than five days' written notice to the other Party.

IN WITNESS WHEREOF the undersigned, being duly authorized, have signed this Agreement in duplicate on the date and locations indicated below.

FOR THE GENERAL SECRETARIAT
OF THE ORGANIZATION OF
AMERICAN STATES:



Steven Griner
Chief of Mission
OAS General Secretariat
Roseau, Dominica
Date: December 14, 2009

FOR THE ELECTORAL COMMISSION OF
DOMINICA:



Gerald D. Burton
Chairman
Electoral Commission of Dominica
Roseau, Dominica
Date: December 14, 2009

APPENDIX V. LIST OF OBSERVERS

**ELECTORAL OBSERVATION MISSION
GENERAL ELECTIONS IN DOMINICA
December 18, 2009**

LIST OF OBSERVERS			
	Name	Country	Position
1	Steven Griner	USA	Chief of Mission
2	Pablo Gutiérrez	Chile	Director DECO
3	Jean-Francois Ruel	Canada	Deputy Chief
4	Rosa Serpa	Colombia	Financial Official
5	Cynthia Barrow-Giles	Saint Lucia	Rapporteur
6	Adam Blackwell	Canada	International Observer
7	Paul Spencer	Antigua and Barbuda	International Observer
8	Melene Glynn	Trinidad and Tobago	International Observer
9	David Ryan Seckinger	USA	International Observer
10	Katalina Montaña	Colombia	International Observer
11	Riyad Insanally	Guyana	International Observer
12	Takeese Gilpin	Jamaica	International Observer
13	David Alvarez	Chile	International Observer
14	Marcela Garzon	Colombia	International Observer
15	Dan Carruthers	United Kingdom	International Observer
16	Gilly Metzgen	United Kingdom	International Observer

APPENDIX VI. FORMS COMPLETED BY OBSERVERS

FORM 1: OPENING OF THE POLLING CENTER/STATION

NAME OF OBSERVER: _____

CONSTITUENCY: _____

POLLING DISTRICT: _____

NAME/LOCATION OF POLLING CENTER: _____

POLLING STATION NUMBER: _____

Arrived: _____ Departed: _____ Total time of observation: _____

Number of voters on the voter list: _____

Number of ballots cast while observer was at the polling station: _____

OPENING:

1. Did the Presiding Officer ensure that all required signs and notices including Official List of Electors or part thereof, Notice of Poll, and Directions for Voting were placed outside the Polling Station prior to the Opening of the Poll? Yes _____ No _____
2. Did the Polling Station open at 7: 00 a.m.? Yes _____ No _____
If not, at what time did it open? _____
3. Did the presiding officer, poll clerk and agents make the declaration of secrecy before the opening of the poll? Yes _____ No _____
4. Were all electoral officials present? Yes _____ No _____
If not, who was absent? Presiding Officer ____ Poll Clerk ____ Stand-by Clerk ____
5. Indicate political party agents that were present:
DLP _____ UWP _____ DFP _____ IND _____ Others _____
6. Were procedures generally followed in opening the polling station? Yes ____ No ____

FORM 2: OBSERVATION OF VOTING (One per polling station)

NAME OF OBSERVER: _____

CONSTITUENCY: _____

POLLING DISTRICT: _____

NAME/LOCATION OF POLLING CENTER: _____

POLLING STATION NUMBER: _____

Arrived: _____ Departed: _____ Total time of observation: _____

1. Were all the electoral materials available? Yes _____ No _____

If not, what materials were missing?

- a. Ballot papers _____
- b. Ink _____
- c. Copies of the register of electors _____
- d. Ballot box _____
- e. Poll Box _____
- f. Other _____

2. Were the Presiding Officer and Poll Clerk present? Yes _____ No _____

If not, state who was absent and why? (Use reverse side of form)

3. Was a police officer present at the polling station? Yes _____ No _____

4. Were party agents present at polling site? Yes _____ No _____

If not, which party **was not** present?

DLP _____ UWP _____ DFP _____ IND _____ Others _____

5. Was the secrecy of vote maintained? Yes _____ No _____

If not, explain on reverse side.

FORM 2: OBSERVATION OF VOTING (One per polling station)

6. Did the Presiding Officer and Poll Clerk follow the proper voting procedures?
Yes _____ No _____
7. Was the identity of the voters properly checked? Yes _____ No _____
8. Did the Presiding Officer and Poll Clerk provide impartial instructions to the voter?
Yes _____ No _____
If not, explain on reverse side of form.
9. Did the observer notice any campaign materials (posters, stickers, photos) or activities within the polling station or any other campaigning on Election Day?
Yes _____ No _____
10. Did the observer notice or receive any information about incidents and/or irregularities in or near the polling station? If so, explain on reverse side.
Yes _____ No _____
11. Did the observer notice or receive any information about intimidation of voters?
Yes _____ No _____
12. Were there CARICOM observers present? Yes _____ No _____
13. Was proper assistance given to physically challenged Voters?
Yes _____ No _____ Not observed _____
14. What is your overall assessment of the voting process?
Good – No significant problems _____
Minor problems – Not sufficient to affect outcome _____
Major problems – May affect results _____

FORM 3: CLOSING OF THE POLLING CENTER/STATION

NAME OF OBSERVER: _____

CONSTITUENCY: _____

POLLING DISTRICT: _____

NAME/LOCATION OF POLLING CENTER: _____

POLLING STATION NUMBER: _____

Arrived: _____ Departed: _____ Total time of observation: _____

Number of voters on the voter list: _____ Number of ballots cast: _____

1. Did the polling station close on time at 5:00 p.m.? Yes _____ No _____

2. Were there voters in line at 5:00 p.m.? Yes _____ No _____

If yes, were they allowed to vote? Yes _____ No _____

3. Were closing procedures followed? Yes _____ No _____

If not, explain on reverse side of form.

4. Were police officers present at the closure of the poll? Yes _____ No _____

5. Were agents of parties present in the polling station at the closing of the poll?

Yes _____ No _____

Please add comments (including any incidents at the closure of the poll) on the reverse side of this form.

APPENDIX VII. PRESS RELEASES

Roseau, Dominica
December 17, 2009

OAS ELECTORAL OBSERVATION MISSION PRESS STATEMENT

For the first time in the history of the Commonwealth of Dominica, the Organization of American States (OAS) will field a mission to observe the general elections, scheduled for tomorrow, December 18, 2009.

The OAS Mission consists of 16 observers who come from ten member and observer countries of the Organization. The Chief and the Deputy Chief of Mission arrived last week and have met with political parties and candidates, electoral authorities, governmental officials, civil society and members of the media. The remainder of the mission arrived on Wednesday, December 16 and have spent Thursday morning in a training session covering OAS observer methodology, the electoral process of Dominica and logistical aspects of the mission. On Election Day, the observers will visit all of the 249 polling stations in the country and will gather information about the opening and closing of the polls and the conduct of the voting itself. The Chief of Mission will report the Mission's initial findings the day after elections.

Following the precepts of the Declaration of Principles for International Election Observation, the OAS Mission will provide a written report of its observations and recommendations concerning the electoral process in Dominica.

Tomorrow is an important day for Dominican democracy. Voting is both a right and a civic duty. It is the hope of the OAS Mission that the citizens of the Commonwealth of Dominica will go to the polls and cast their ballots as their consciences dictate.

Roseau, Dominica
December 19, 2009

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For the General Elections of December 18, 2009, the Organization of American States deployed a mission of 16 persons, who observed voting in the 21 constituencies of Dominica. The observers visited 100 percent of the polling sites, witnessing voting firsthand and interviewing presiding officers, poll clerks, party agents, police officers and members of the public regarding preparations and the conduct of the elections. This was the first OAS electoral observation mission in Dominica and we were struck by the courteous and welcoming reception we received everywhere we went and by the commitment of Dominicans to the highest standards of civility in exercising their democratic rights.

Our general impressions of the electoral process in Dominica were extremely positive. In all the cases we observed, presiding officers, poll clerks and party agents were present at their assigned sites and followed procedures scrupulously and efficiently in accordance with election laws. Agents from the political parties and independent candidacies were present at each polling station and worked harmoniously with the electoral authorities throughout the day. Sufficient electoral materials were available and the necessary information for voters was made visible at the polling sites. Most polls opened promptly at 7:00 a.m. and, by 7:10 a.m., all were fully functional.

Police were present in all of the polling sites, effectively and unobtrusively maintaining security. The environment in which citizens exercised their franchise was peaceful and without incident. The observers received some reports of campaigning within the 100-yard limit, but this was not widespread. There were no reported instances of intimidation of voters or any other serious irregularities.

Presiding officers and poll clerks were well trained and impartially instructed electors on the procedures for voting. The secrecy of the vote was maintained. Observers noted that most people identified their polling sites easily and electoral authorities quickly assisted those in doubt. Polls closed promptly at 5:00 p.m. and, as at the opening, electoral officials followed procedures appropriately and expeditiously.

As is customary, the OAS Electoral Observation Mission in Dominica wishes to make some recommendations. While the final observations will be presented in more detail in the final, written report, I would like to take this opportunity to mention some of the more important points now.

1. Dominica remains one of the few countries in the Caribbean without a voter registration card. Members of the ruling and opposition political parties and the

Electoral Commission have made such a recommendation in the past. In fact, a voter identity card appears to be an issue in which there exists a consensus that cuts across party lines. The Mission recommends that the newly elected Government, in consultation with the Opposition and the Electoral Commission, consider the implementation of an identification card system. Providing cards to registered voters of Dominica will allow for the complete revision of the voter registry, which by almost any measure is bloated.

2. During the electoral campaign, the OAS Mission heard various allegations of chartered planes and airfares provided to supporters of the ruling Dominican Labour Party who are living abroad. On Election Day, the Mission received many calls informing it of the arrival of a number of flights whose passengers arrived to cast their ballots. While the Mission cannot verify the veracity of these claims, it encourages the parties presenting the allegations to provide evidence to the appropriate authorities of Dominica for further investigation. Likewise, legislation defining the appropriate use of funds to bring voters to the polls should be considered.

It is not uncommon for the Caribbean to have large populations living abroad and for many of these citizens to return home to vote. The legislation in Dominica requires only that a person be present in the country one time during a five-year period and have his or her name on the voters list. Any efforts to regulate the providing of transportation to members of the Diaspora should not impede on these citizens' right to vote.

3. Election campaigning in Dominica, as elsewhere in the Caribbean, is becoming increasingly expensive, especially given the reliance on electronic media. The possibility of reaching a cross-party accord on campaign financing that promotes transparency and accountability would set a high standard for the region.
4. Another recurrent complaint of the opposition parties concerned perceived bias in media coverage and an inability to purchase advertising. Again, the current legislation in Dominica does not provide any benchmarks for access to the media. This legislation could require that all media outlets provide political parties the same opportunity to purchase prime-time advertising at the same cost or it could stipulate a certain amount of free advertising.
5. The Mission met with members of the Christian Council and the Evangelical Association of Churches who worked to present a code of conduct for candidates and political parties. The Mission commends the effort, but is disappointed that the parties could not agree to the terms of this code. Civil society, be it these organizations or others, should assume greater responsibilities in supporting the electoral process, such as mounting a national observation mission or monitoring the media to provide an objective analysis of the coverage of the political campaigns.

6. There are significant disparities among the constituencies of Dominica. The largest constituency has 6,676 registered voters while the smallest has 1,520. In a single-member, first-past-the post system, such as that in Dominica, these imbalances in populations create disparities in representation. The Electoral Boundary Commission should be constituted and new boundaries should be proposed and approved before the next general elections.

Since its arrival, the OAS Mission has observed that the people of Dominica have continuously demonstrated civility toward their fellow citizens and respect for the democratic values enshrined in this country's political process.

The OAS Mission wishes to congratulate and thank those involved in the General Elections of 2009 in the Commonwealth of Dominica, including the Chief Elections Officer, Ms. Merina Williams and her staff as well as Mr. Gerald Burton, Chairman of the Electoral Commission and the other members of the Commission. It would like to recognize the commitment and professionalism of the many other government officials, political party leaders and candidates, presiding officers, poll clerks and party agents and, of course, the citizens of the Commonwealth of Dominica.

A final report with more detailed observations will be presented before the member countries of the OAS Permanent Council. This report will be made available to the public through the Internet at the OAS website <http://www.oas.org>.