

Workshop of Commonwealth

DOMESTIC ELECTION OBSERVERS

Kingston, Jamaica
10-12 May 1999

**Report, Agenda and List of
Participants**



COMMONWEALTH SECRETARIAT

The Commonwealth Secretariat gratefully acknowledges the assistance of the Electoral Office of Jamaica and Citizens' Action for Free and Fair Elections in the organisation of this workshop, which is the second in a series on the theme *Deepening Democracy*.

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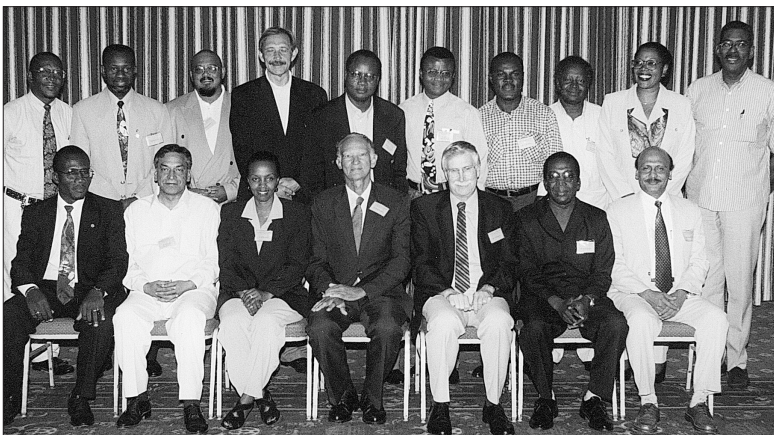
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Participants and Observers

From top left to bottom right: Rev Israel Miller, Mr Cedric Roach, Mr Derrick Marco, Mr Peter Manikas, Professor Rwekaza Mukandala, Dr Baffour Agyeman-Duah, Mr Emeka Iheme, Mr Dieudonne Kombo-Yaya, Ms Kalila Chellah-Kunda, Mr Hugh Cholmondeley, Mr Charles Danvers, Mr Mehboob Ahmed Khan, Ms Grace Githu, Dr Alfred Sangster, Mr J P Sheppard, Mr David Kangah and Mr Tarikul Ghani.

Report

Introduction and Welcome

This opening session took place at the Le Meridien Jamaica Pegasus Hotel, Kingston, in the presence of an invited audience and members of the media. Mr J P Sheppard, Director of the Political Affairs Division of the Commonwealth Secretariat, welcomed the participants, observers and guests and thanked the Electoral Office of Jamaica and Citizens' Action for Free and Fair Elections (CAFFE) for their assistance in making preparations for the workshop. He set out the purpose of the workshop and explained that it was the second in a series of Commonwealth Secretariat meetings on the theme *Deepening Democracy*.

Mr Danville Walker (Director of Elections), Mr William Chin See QC (Chairman, Electoral Advisory Committee) and Dr Alfred Sangster (Chairman, Citizens' Action for Free and Fair Elections) added their own words of welcome and wished the workshop well. Mr Chin See, who also brought greetings from the Association of Caribbean Electoral Organisations, said that his Committee's attitude to election observation was summed up in the phrase "the more eyes the better", which was why Jamaica's election legislation had been amended to allow for observers. Dr Alfred Sangster, Chairman of CAFFE, emphasised the key role of citizens' organisations as guardians of democracy. CAFFE was now well established, had good relations all-round and would have an important role between elections as well as on election day itself. Both Mr Chin See and Dr Sangster said that CAFFE had helped to reduce violence and fraud at recent elections.

Dr Hon Peter Phillips MP, Minister of Transport and Works and minister with responsibility for electoral matters in the Government of Jamaica, highlighted the commitment of all Commonwealth countries to democratic principles and practices and suggested that the role of civil society in safeguarding democracy was even more important than that of Government. He praised CAFFE for the part it had played in strengthening democracy in Jamaica and wished the workshop success.

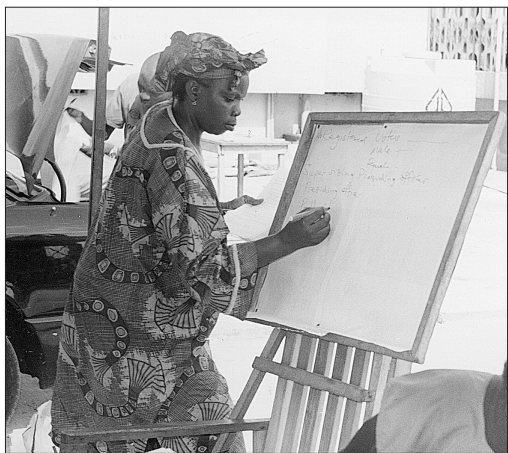
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Session One: Overview

Participants introduced themselves, described the work of their organisations and focused in particular on two themes: the purpose and effectiveness of domestic observation and observer bodies' role in the context of the overall process of democratisation.

In the first of these discussions it was argued that domestic observers helped to reduce the level of violence and manipulation, increased voter understanding, raised confidence in the integrity of the process and encouraged popular participation and involvement. Since election day was a citizens' day what could be more appropriate than citizens' observation? Several speakers stressed that while domestic observers should be deeply committed to democracy they must be professional and non-partisan. There was also discussion on the nature of, and impact made by, observers' reports and the terminology used: support was expressed for the use of terms such as 'acceptable', 'meaningful' and 'credible' rather than the formulation 'free and fair'.

The second theme arose from discussion on what observer bodies should do between elections and the view that in many Commonwealth countries the measures required to strengthen democracy went far beyond amendments to the electoral system. There was strong support for the position that observer bodies should continue in being between elections and be orientated around a concern to sustain the democratic process as a whole, not only those parts of it which concerned elections.

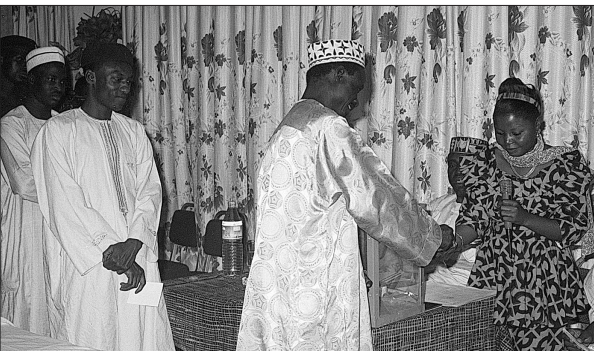


Voter education

Nigeria: a trainer from the Transition Monitoring Group leads a voter education session in Akure (top) while in Kaduna (right) colleagues participate in a simulation of polling day activities.

Session Two: Relations with the election management body

There was unanimous agreement on the importance of a good relationship with the election management body: some participants even spoke of a partnership. At the same time, it was recognised that the roles of the two bodies were different and that they should not be blurred. Domestic observers needed to protect their independence and their right to comment: at all times there needed to be some distance, or ‘creative tension’, between the two bodies. Generally it was felt that the nature of the election management body itself was the decisive factor in determining how positive the relationship might be: it would clearly be much easier where the election management body was genuinely independent.



Serious difficulties in obtaining observer accreditation from election management bodies were reported by a number of those present. Reference was made to various practical problems, but the source of such problems was usually the suspicion felt

by the officials of some election management bodies. In this context it was suggested that the Commonwealth Secretariat and other organisations which send international observers could help at the time of their invitation to observe, by using that opportunity to ask about the election management body's attitude to and treatment of domestic observers.

The third major element in the discussion concerned observers' legal status. It was suggested by a number of participants that a good relationship with the election management body did not replace the need for a suitable reference in the electoral law.

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Session Three: Voters, Parties and the Media

This session was divided into three separate discussions. During the first of these it was stressed that the voter has to be at the centre of domestic observers' concerns: the whole process existed for the voter and observer groups themselves consisted of voters. The only way to have credibility with the community was to be rooted in rather than separate from it. Reference was made by a number of speakers to voter education, not only at election time and on the mechanics of voting but continuously throughout the electoral cycle and covering wider issues with a bearing on citizen involvement in the process.

In the second segment, on the political parties, there was consensus that it was important for domestic observer organisations to keep in contact with the political parties and to have credibility with all of them. Most participants agreed that domestic observers should scrutinise the parties' conduct during the campaign period and, for instance, their compliance with any Code of Conduct. However, the workshop was divided as to whether there should be any involvement in mediation between the parties: several expressed the view that this was not the role of domestic observers, against which it was argued that groups should be flexible and that they had a responsibility to respond when called on to assist the democratic process in this way.

The final discussion, on the media, focused on ways in which domestic observers could use the media to communicate their message and on the media's role in the democratic process. There was consensus on the significance of the media and that domestic observers both needed to monitor media coverage and to speak out appropriately. It was suggested that observers should promote the adoption of codes of ethics and that they should themselves facilitate public discussion by, for instance, organising debates between the parties.

Session Four: Professionalism

The points made earlier in the discussion on the need for observer groups to be concerned with the democratic process as a whole were re-emphasised; if observer bodies were to perform such a role they needed to ensure that they were properly equipped for it. However, most of the discussion concerned observation during the period immediately before, during and after the election itself.

Participants agreed that observation should be conducted as professionally as possible. Individual observers needed to thoroughly understand election arrangements, laws and procedures. It was vital that they should be aware of what to look for, record observations accurately (in which context the design and proper use of check lists was important) and communicate their findings efficiently and rapidly to the group's co-ordinators. Training in the appropriate way to behave while observing, and how to respond in given situations, was also required. Simulations could be useful in all these respects. Observer groups needed to be well organised at national level: schedules and timing should matter just as much for domestic observers as for election management bodies, for instance.

There was consensus that knowledge, skills and organisational arrangements could all be improved through training, in which election management bodies and external donors might both have a role. The increasing sophistication of counting technology was highlighted as one area for future attention, though emphasis was placed above all on the overriding importance of investment in human skills. However, participants cautioned against the view that outsiders necessarily knew more and the perception that observer groups were not already professional: in some cases observers were more competent and better trained than election officials and their organisation and information systems more

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efficient than those of the political parties. It was recognised that donors could distort domestic observer groups' priorities. The session ended with consideration of how the Commonwealth and others might assist domestic observer groups through the preparation or co-ordination of guidelines or a manual of best practice. The usefulness of regional networks, information sharing and the exchange of materials was also endorsed.

Session Five: Impartiality and neutrality

There was agreement that in order to be credible domestic observers must ensure that they are genuinely non-partisan and are perceived as such. It was acknowledged that in a situation of transition observers are often identified with opposition to the incumbent regime and thought of as 'radicals'. Observers also had a responsibility to tell the truth about their observations, and there could be no neutrality so far as democracy itself was concerned. However, it was both essential and possible to ensure that domestic observers did not oppose or support, or identify with or against, any particular party, either directly or indirectly. They also had to try to ensure a genuinely national character, so that they were not identified with one or other ethnic, regional or other sectional interest. There was a continual need to prove the observer body worthy of trust.

Participants described various ways in which they ensured that individuals with a current and active party involvement were not selected as their observers. These included obtaining references from trusted public figures, requiring observers to sign and recite a pledge, procedures for community scrutiny of and objections to observers, the public display of lists of observers and prompt action to remove individuals from the field where bias was alleged.

Several other issues were also touched on: to what extent observers should be involved in analysing the meanings of election outcomes, whether observers should be deployed in areas where they lived and/or worked, the timing of statements and the disclosure of information,



Training

Bangladesh: officials of the Fair Election Monitoring Alliance train fellow election observers (top) and lead a voter education session (left).

whether observers should appear as witnesses in court cases after an election and whether, in an emergency and at the request of the election management body, they should perform the functions of election officials. There was unanimous agreement on the importance of being perceived by ordinary voters as fair and balanced and participants also referred to the need for accuracy at all times and for the observer body itself to demonstrate a high level of transparency and internal democracy.

Session Six: The international community

This session concentrated on the relationship between domestic and international observer groups and international assistance for the process of democratisation. The consensus on the first of these issues was that while international observation might decrease over time it

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was an important element in the electoral process at present. Transitions were not complete with the first or even the second election and the solidarity and support represented by the presence of international observers was valuable, not least because it can provide political 'space' for domestic observers. International observation should not cease after only one election.

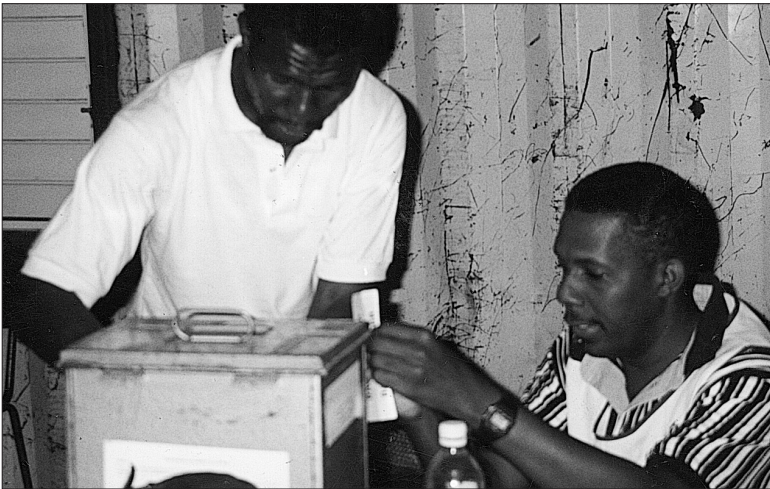
Participants gave accounts of their experience with international groups, positive and negative. Common themes to emerge included the need for international observers to be objective and genuinely independent, to send preparatory missions well in advance and in other ways prepare as thoroughly as possible, to retain a presence after election day and to ensure that their groups included not only eminent citizens but also people with appropriate technical skills. Sensitivity to the people of the host country had to be the watchword. Domestic observers should brief the international observers, there should be a comparing of notes and findings and there should be co-operation, but the groups should remain independent and statements should be prepared separately.

Participants also felt that it was time for the international community to move to a wider agenda, featuring increased technical assistance for the long-term process of democratisation and not just elections. There was discussion of the ways in which domestic observer bodies should best relate to external donors, means of avoiding the distortion of domestic priorities and the arguments for and against coalition arrangements. Several speakers argued that if domestic observer groups were to be sustainable they needed to raise more funds locally and reduce their dependence on externally generated income, even if this meant doing less. Increased use of subscriptions was endorsed.

Session Seven: The future of domestic observation

A number of points raised in earlier discussions were re-stated. The work of domestic observers needed to be seen in the wider context of the overall consolidation of democracy and domestic observer groups

should broaden their activities accordingly. Domestic observer bodies should move from ad hoc arrangements at election time to permanent - “institutionalised” - arrangements. Democracy was always vulnerable and international support was still required. The non-partisan character of domestic observer groups had to be retained at all costs. It was important that relations with election management bodies were good. The law needed to make specific provision for domestic observers. In the interests of sustainability and independence local sources of finance had to be developed.



Observation

Jamaica: an observer from Citizens' Action for Free and Fair Elections at a polling station during the 1997 General Elections.

Participants also referred to several further challenges for the future. As election management bodies adopted increasingly sophisticated technology domestic observers would need appropriate training. There was a need for attention to be paid to the field techniques of observers, so that general judgements could be backed up by reference to methods of information collection characterised by reliability and, above all, rigour. It was suggested that international and domestic observers should use

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the same standards in making their judgements on elections. Especially where legal provisions were lacking it would help domestic observers if inter-governmental bodies such as the Commonwealth could make statements in support of their work. There was a need for greater collaboration amongst domestic observer bodies. Reference was also made to the role of international assistance in acting as a catalyst for domestic action and the importance of agreement on minimum standards.

Session Eight: Conclusions

This session was almost wholly concerned with future co-operation, in particular ways of maintaining contact, sharing information and promoting co-operation. There were many ideas. It was proposed that a forum or association of Commonwealth domestic observer bodies should be established, especially since the elements of the democratic system in Commonwealth countries bore so many similarities. This would link with other international and regional bodies and promote not only information exchange but also mutual support. The possibilities for regional co-operation were canvassed, and it was suggested that the next stage of election observation might be regionally-based. There was also discussion of the possibilities for the production of a regular newsletter and use of the internet and e-mail to exchange documents and thereby improve knowledge and the quality of the global debate on democracy. A list of resource persons might be produced, Commonwealth election laws gathered together, guidelines or a code of conduct produced.

Taking a wider perspective, it was suggested that while meetings of particular groups - domestic observers, election officials etc - were useful, there was a case for a Commonwealth meeting bringing together people from all such 'sub-communities' for a general exchange of views on democratic processes and institutions. The Commonwealth Secretariat undertook to send domestic observer bodies copies of the reports of Commonwealth Election Observer Groups.

In terms of immediate action three domestic observer bodies - FEMA in Bangladesh, the Center for Democracy and Development in Ghana and



Workshop Session

The workshop was attended by representatives of domestic observer bodies from ten Commonwealth countries: they agreed to a regular exchange of information and three volunteered to act as focal points to promote regional co-ordination.

CAFFE in Jamaica - volunteered to act as focal points to promote regional co-ordination. Participants were asked to send information on their activities and related developments to the Commonwealth Secretariat in London, which would act as a central clearing house and distribute regular bulletins to Commonwealth domestic observer bodies. It was understood that there would be further reflection on all the other ideas raised, that there could be further meetings of this sort and that participants would maintain contact with each other.

The workshop concluded with expressions of thanks to the Commonwealth Secretariat, the Electoral Advisory Committee, the Electoral Office and CAFFE for their preparatory work and hospitality and to the participants for their stimulating and thought-provoking contributions. The Commonwealth Secretariat undertook to prepare a report of the meeting and to distribute it widely. It was agreed that the Secretariat and CAFFE should circulate a press release summarising the key elements in the discussion.

Agenda

MONDAY 10 MAY

Introduction and Welcome

Mr J P Sheppard

Director, Political Affairs
Division, Commonwealth
Secretariat

Mr Danville Walker

Director of Elections, Electoral
Office of Jamaica

Dr Alfred Sangster

Chairman, Citizens' Action for
Free and Fair Elections

Mr William Chin See QC

Chairman, Electoral Advisory
Committee and Association of
Caribbean Electoral
Organisations

Dr Hon Peter Phillips MP

Minister of Transport and
Works and minister with
responsibility for electoral
matters, Government of Jamaica

Session One: Overview

Introduced by Mr David Kangah

Session Two: Relations with the election management body

Introduced by Mr Mehboob
Ahmed Khan

Session Three: Voters, Parties and the Media

Introduced by Mr Tarikul
Ghani, Dr Alfred Sangster and
Mr Hugh Cholmondeley

TUESDAY 11 MAY

Session Four: Professionalism

Introduced by Mr Derrick Marco

Session Five: Impartiality and neutrality

Introduced by Professor Rwekaza
S Mukandala

WEDNESDAY 12 MAY

Session Six: The international community

Introduced by Mr Emeka Iheme

Session Seven: The future of domestic observation

Introduced by Dr Baffour
Agyeman-Duah

Session Eight: Conclusions

Workshop Sessions were chaired alternately by Dr Sangster
and Mr Sheppard

Participants

Bangladesh	Mr Tarikul Ghani Executive Director, Fair Election Monitoring Alliance
Ghana	Dr Baffour Agyeman-Duah Associate Executive Director, Center for Democracy and Development
Guyana	Mr Hugh Cholmondeley Former Chairman, Electoral Assistance Bureau
Jamaica	Dr Alfred Sangster Chairman, Citizens' Action for Free and Fair Elections Ms Georgia Simpson Operations Manager, Citizens' Action for Free and Fair Elections
Kenya	Ms Grace Githu Executive Director, Institute for Education in Democracy
Nigeria	Mr Emeka Iheme Co-ordinator, Transition Monitoring Group
Pakistan	Mr Mehboob Ahmed Khan Legal Officer, Human Rights Commission of Pakistan
South Africa	Mr Derrick Marco National Observation Co-ordinator, South African Civil Society Observation Coalition

Participants

Tanzania	Professor Rwekaza S Mukandala Chairman, Tanzania Election Monitoring Committee
Zambia	Ms Kalila Chellah-Kunda Executive Director, Foundation for Democratic Process
Resource Person	Mr David Kangah Deputy Chairman (Operations), Electoral Commission of Ghana
Observers	Rt Rev Archbishop Samuel Carter Vice-Chairman of the Board, CAFFE Mr William Chin See QC Chairman, Electoral Advisory Committee (Jamaica) and Association of Caribbean Electoral Organisations Mr Charles Danvers Assistant Director (Field Operations), Electoral Office of Jamaica Mr Dieudonne Kombo-Yaya Chief, Electoral Unit, Political Department, Organisation of African Unity Mr Peter Manikas Senior Associate, National Democratic Institute for International Affairs

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Dr John Maxwell
Board Member, CAFFE

Rev Israel Miller
Board Member, CAFFE

Ms Joan Neil
Director, Jamaica Office, Organisation of American
States

Ms Rebecca Reichert
Senior Program Assistant
International Foundation for Election Systems

Mr Cedric Roach
Co-ordinator (Westmoreland), CAFFE

**Commonwealth
Secretariat** Mr J P Sheppard
Director, Political Affairs Division

Mr Christopher Child
Chief Programme Officer, Political Affairs Division

Ms Zippy Ojago
Administrative Assistant, Political Affairs Division

**Liaison and
Assistance** Electoral Office of Jamaica: Mr Neville Graham
Citizens' Action for Free and Fair Elections: Ms
Georgia Simpson

Deepening Democracy

This was the second in a series of Commonwealth Secretariat workshops on the theme *Deepening Democracy*. Launching the series in March 1998 Commonwealth Secretary-General Chief Emeka Anyaoku described the objective as being to “assist member countries in their efforts to make democracy as real and deep as possible”.

There will be six workshops in the series. The first – on *The Role of the Opposition* – was held in London in June 1998, in co-operation with the Commonwealth Parliamentary Association and with financial support from the British Government. The other four will consider *Gender and Democracy*, *Broadcasting and Democracy*, *Money and Democratic Politics* and *Accountability, Scrutiny and Oversight*.

For more information on these and other Commonwealth Secretariat activities to promote democracy contact:

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