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FINAL REPORT  
ELECTORAL OBSERVATION MISSION  
TO THE REFERENDUM ON CONSTITUTIONAL REFORM  
IN ST. VINCENT AND THE GRENADINES

NOVEMBER 25, 2009





17th St. & Constitution Avenue N.W.  
Washington, D.C. 20006  
Estados Unidos de América

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30 de marzo de 2010

Excelentísimo señor  
José Enrique Castillo Barrantes  
Embajador, Representante Permanente de Costa Rica  
ante la Organización de los Estados Americanos  
Presidente del Consejo Permanente  
Washington, D.C.

Estimado Embajador:

Tengo el honor de dirigirme a Vuestra Excelencia para solicitarle que tenga a bien disponer la distribución a los miembros del Consejo Permanente del informe de la Misión de Observación Electoral de la OEA en San Vicente y las Granadinas. En este informe se da cuenta de las actividades emprendidas por la Misión durante la observación del Referéndum sobre Reforma Constitucional, celebrado el 25 de noviembre de 2010.

Aprovecho la oportunidad para reiterar a Vuestra Excelencia las seguridades de mi más alta y distinguida consideración.

Albert R. Ramdin  
Secretario General Adjunto  
A Cargo de la Secretaría General



**ORGANIZATION OF AMERICAN STATES**

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**Secretariat for Political Affairs**

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## **EXECUTIVE SUMMARY**

In September 2009, the Government of St. Vincent and the Grenadines invited the Organization of American States to observe a national referendum to consider a new draft constitution, scheduled for November 25, 2009. This was the first such referendum in the Eastern Caribbean and thus of considerable historical significance.

The draft constitution included a provision to create a Republican form of government, replacing the Queen of England as Head of State and the Vincentian Governor-General as her representative with a national president elected by a National Assembly. It also established a Local Government system and replaced the Privy Council as the final appellate Court. For the parliament, the draft constitution introduced elements of proportional representation to complement the first-past-the-post, single-member constituencies, common in the Caribbean. It also confirmed the legality of the death penalty and defined marriage as exclusively between a man and a woman.

While initial debate on constitutional reform was bi-partisan, as the referendum date drew closer, the campaign began to break along party lines. The Government invested public money in financing a “Yes” campaign while the Opposition marshaled its forces toward securing a “No” vote.

A two-thirds vote was needed to approve the constitution. Final results declared by the Electoral Office showed that 56 percent of those voting had voted “no” and 43 percent had voted “yes”. The new constitution was thus rejected. Voter turnout was 53 percent.

The OAS Observer Mission consisted of 14 observers from 11 different countries. Mr. Steven Griner, Chief of Section of the OAS Department for Electoral Cooperation and Observation (DECO) served as Chief of Mission, with Ms. Yndira Marin, Specialist from the same department, as Deputy Chief of Mission. Observers deployed to all parts of St Vincent and the outlying islands of the Grenadines, observing each of the 225 polling Stations in the 15 constituencies of the country and often returning more than once to a polling station to observe the progress of events throughout the day. Observers witnessed firsthand the preparations for the referendum, voting, the counting of ballots and the transmission of results. The Mission also conducted a “quick count” – transmitting, immediately after the poll, the results from a predetermined sample of polling Stations to OAS Mission headquarters.

The overall impression of the OAS Mission was positive. The environment in which citizens voted was orderly and peaceful. There were no reported instances of violence or intimidation of voters at polling sites or of any other serious irregularities. Police were present in all of the polling sites, effectively maintaining security.

The polling hours for the referendum were 7 am to 5 pm. Most polling Stations had opened by 7:03 am and by 8 am all were open. In 100 percent of polling Stations, sufficient materials for the referendum, such as ballot papers, were present and presiding officers and poll clerks were at their assigned sites and followed the proper procedures carefully. Party agents representing the “Yes” campaign – generally identified by their Unity Labour Party (ULP) affiliation – and the “No” campaign – generally identified by their New Democratic Party (NDP) affiliation – were present at the opening of 90 percent of polling Stations and appeared at all polling Stations in the course of the day. On the whole, poll workers and party agents worked together harmoniously, although the Mission did receive a few complaints and allegations concerning agents’ access to polling sites. There were also, in a handful of instances, infringements of the 100-yard line, within which campaign materials, such as posters, should not be displayed.

Observers noted that most people identified their polling sites easily and the electoral authorities assisted those in doubt. Polls closed promptly at 5:00 p.m. and those in line at that time were properly permitted to vote, even where this process took a further hour or more to complete. Procedures for the close of the poll and counting of ballots were correctly followed and preliminary results were available on the evening of the day of the referendum.

While the conduct of the election was without incident, the Mission identified some aspects where the referendum process could have been improved and these are outlined in the conclusions and recommendations of the report below. As constitutional reform is being debated throughout the Caribbean, the lessons learned in St. Vincent and the Grenadines could be applicable to other countries in the region.



## **CHAPTER I. INTRODUCTION**

### **A. BACKGROUND AND NATURE OF THE MISSION**

In October 2002, the House of Assembly unanimously approved a resolution mandating a review of the 1979 Constitution and initiated the process of constitutional reform in St. Vincent and the Grenadines. At that time, the initiative enjoyed bi-partisan support, assumed a national perspective and, for the most part, remained above the daily political fray.

During this period, the OAS supported the process, providing significant resources through three “FEMCIDI” projects to support the Secretariat of the Constitutional Reform Commission, the development of educational materials, and the process of consultations with citizens of St. Vincent and the Grenadines – both at home and throughout the Diaspora.

Subsequently, on February 26, 2009, the Honourable René Baptiste, Minister responsible for Electoral Matters, requested from the OAS Department for Electoral Cooperation and Observation (DECO), technical assistance in the organization of a constitutional reform process, especially as it related to the “systems and modalities for [a constitutional] referendum.” In response, the OAS Secretary General sent Mr. John Hollins, a former Chief of Elections Ontario, who had organized a similar referendum in Canada. Mr. Hollins and a specialist from the OAS DECO met with Minister Baptiste and the Supervisor of Elections. The OAS team helped prepare a chronology of activities for the organization of the referendum and made specific recommendations regarding the role of the Electoral Department.

The draft constitution was tabled in parliament on May 28, 2009. A separate Act of Parliament, the Referendum (Alteration of the Constitution) Act No.14 of 2009 addressed the organization and conduct of the national referendum. This Act included the design of the ballot paper to be used in the referendum. On September 16, 2009, the Act was unanimously passed by the Parliament. The Representation of the People Act of 1982 provided the framework for other provisions related to the organization of the referendum. Additional regulations were tabled in Parliament in October, 2009 with the support of the Opposition.

In September 2009, the Government of St. Vincent and the Grenadines invited the OAS to observe the referendum to consider the new draft constitution, scheduled for November 25, 2009. The OAS acceded to this request and on November 8 to 11, Mr. Steven Griner, the Chief of the Mission and Ms. Yndira Marin, the Deputy Chief, traveled to the country on a preliminary visit. During that time, they met with the members of the Constitutional Review Steering Committee, members of civil society, political leaders, government officials and the electoral authorities. Also at that time, Mr. Griner signed the Agreement on the Electoral Observation Process with the Electoral Office, establishing the objectives and procedures for the observers’ activities. Shortly thereafter in Washington, D.C., OAS Secretary General Jose Miguel Insulza and the OAS Permanent Representative of St. Vincent and the Grenadines, Ambassador La Celia A. Prince, signed the Agreement of Privileges and Immunities.

The OAS Mission to observe the referendum comprised 14 observers from 11 different countries. Observers completed a day of training on their duties the day before the referendum, and made a preliminary visit to the polling sites they would be observing the following day. On Referendum Day, observers deployed to all parts of St. Vincent and the outlying islands of the Grenadines, observing each of the 225 polling Stations in the 15 constituencies of the country, visiting each at least once and often returning on more than one occasion to monitor progress. Observers recorded on special forms

their general impressions of polling and the answers to specific questions for each polling Station, such as “did the polling Station open on time?” 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 the referendum. 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 observations and outlines the Mission’s conclusions and recommendations.

The report begins with a brief overview of the political history of St. Vincent and the Grenadines, the background to the 2009 referendum on constitutional reform and the changes outlined in the proposed new constitution, and the voting procedure used for the referendum. Chapter III then describes the Mission’s observations before, during and after the referendum. Chapter IV presents the Mission’s conclusions and recommendations. Appendixes contain the financial Statement and other documents relevant to the Mission’s activities in St. Vincent and the Grenadines.

## **CHAPTER II. BACKGROUND TO THE REFERENDUM**

### **A. HISTORICAL OVERVIEW**

St. Vincent and the Grenadines comprises a cluster of islands between the Caribbean Sea and the North Atlantic Ocean, north of Trinidad and Tobago. The total land area of the islands is 389 square kilometers and the population of the islands is approximately 106,000 persons. The economy of the islands is dependent on tourism (particularly to the Grenadines), agriculture (particularly banana production) and construction. There is also a small offshore banking industry and the economy is further supported by remittances from Vincentians living abroad. The islands are vulnerable to tropical Storms, which wiped out substantial portions of crops in 1994, 1995, 2002 and 2007. Due to the global recession, economic growth slowed in 2008, following a ten-year high of nearly 7 percent in 2006. The islands have a relatively high public debt to GDP ratio of about 70 percent and unemployment (around 22 percent) and under-employment prompt many to seek work abroad, whether temporarily or permanently. Recent infrastructure projects include an international airport, which is being built under the current administration and is due for completion in 2011.

St. Vincent was originally settled around 5,000 BC by the Ciboney people, then by the Arawaks and subsequently by the Caribs. The Caribs of St. Vincent, living in the densely forested mountainous interior, were able to resist European settlement for longer than the indigenous inhabitants of any other island in the Caribbean. Granted by Charles I to the Earl of Carlisle in 1627, the islands were disputed between Britain and France but were finally ceded to Britain in 1783. The islands had a plantation economy based on slave labour, producing sugar, cotton, coffee and cocoa. As in the rest of the British Caribbean, slavery was abolished in 1834. The islands have been subject to natural disasters caused by hurricanes and volcanic eruptions. The eruption of the volcano La Soufriere in 1902 devastated the north of St. Vincent killing 2,000 people. Between 1958 and 1962, St. Vincent and the Grenadines was a separate administrative unit of the Federation of the West Indies. Internal self-government was granted in 1969 and St. Vincent and the Grenadines attained independence within the Commonwealth in 1979.

When St. Vincent and the Grenadines became an independent State in October 1979, Milton Cato of the centre-left St. Vincent Labour Party became Prime Minister. In December 1979 there was a revolt on Union Island by a group that wanted more power in the country's new government. This was followed in 1981 by a general Strike of workers protesting new industrial legislation against the background of an economic recession. In 1984, James Mitchell became Prime Minister after a victory by the centre-right New Democratic Party (NDP). Mitchell was returned to office in 1989 after his party won all of the country's 15 seats, and returned once more in 1994, though with a slimmer majority. In 1998, the NDP won 8 of the 15 seats in parliament, but obtained a minority of the popular vote. In 2000, following a proposal to increase pensions for parliamentarians, civil unrest and protests led to the Grande Anse Accords, which called for an end to the civil disturbances and for early elections, two years before these were constitutionally due. Mitchell resigned as Prime Minister in 2000 and was succeeded by his finance minister, Mr. Arnhim Eustace. In 2001 the Unity Labour Party (ULP) assumed the reins of government, having won 12 of the country's 15 seats. Mr. Ralph Gonsalves became Prime Minister and led the ULP to a second term in office in 2005, with the same margin of victory.

### **B. POLITICAL SYSTEM AND ACTORS**

St. Vincent and the Grenadines operates a parliamentary system of government on the Westminster model. Since 1979, the islands have been an independent sovereign State, but remain a member of

the British Commonwealth, and the Queen of Great Britain is the nominal Head of State; her representative in St. Vincent and the Grenadines is the Governor-General. The Parliament is a unicameral body, the House of Assembly, with 21 seats, of which 15 are elected representatives and six are appointed senators. There are fifteen constituencies and these fifteen seats in the House of Assembly are contested in General Elections: members are elected by popular vote on a “first-past-the-post” basis. The leader of the party securing the majority of seats in Parliament is named Prime Minister by the Governor-General. The leader of the party winning the next largest bloc of seats is named leader of the Opposition. The Governor-General appoints Senators, four on the advice of the Prime Minister and two on the advice of the leader of the Opposition. The parliamentary term of office is five years, although the Prime Minister may call elections at any time.

As in other English-speaking Caribbean countries, the judiciary in St. Vincent and the Grenadines is rooted in British common law. There are 11 courts in three magisterial districts. The Lower Judiciary includes the Magistracy and the Family Court, with the High Judiciary comprising of the High Court and the Court of Appeal. Appeals can be made through the Eastern Caribbean Supreme Court. The court of last resort is the Judicial Committee of the Privy Council in London.

In accordance with the Representation of the People Act of 1982, the Supervisor of Elections administers and supervises the conduct of elections and referendums through the Electoral Office and appoints polling officials. Each polling Station is manned by a Presiding Officer and a Poll Clerk, who report to the Returning Officer for that constituency. Returning Officers are in turn responsible to the Supervisor of Elections, currently Ms Sylvia Findlay Scrubb. All eligible Vincentian citizens over the age of eighteen are entitled to vote, as are Commonwealth citizens who have fulfilled a residency requirement.

There are currently two major political parties in St. Vincent and the Grenadines: the New Democratic Party (NDP) and the Unity Labour Party (ULP), which compete for seats in the House of Assembly.

### **C. HISTORICAL CONTEXT OF CONSTITUTIONAL REFORM**

The determination of the people of St. Vincent and the Grenadines to pursue constitutional reform can be traced back to the late 1960s, when the ideologies of black power and black nationalism began to infuse the national consciousness – especially among the younger, more naturally radical generation – colliding with the colonial legacy of rule from Britain by a Royal family often perceived as less than perfect. That collision was manifested most vigorously in 1972, with protests against the visit of Princess Margaret of Britain, and culminated in the late 1970s with the nation’s embrace of political independence.

With political independence came the 1979 Constitution. As was the case with other former Caribbean colonies of Britain, St. Vincent and the Grenadines did not have very much input into the crafting of its independence Constitution. Rather, it received this first package of laws and guiding principles from the colonial authorities in England. In 1979, a few months before independence, an opposition parliamentarian, Sir James Mitchell, wrote to the British Government that the draft Constitution was “unsatisfactory and [did] not provide the basis for stability in [the] country”. Though Sir James and his New Democratic Party assumed the reins of government in 1984 and remained in power for 17 years, the 1979 Constitution remained untouched until the present day.

#### **D. THE RECENT EFFORT TOWARDS CONSTITUTIONAL REFORM**

The current effort to reform the Constitution began when both the New Democratic Party (NDP) and the Unity Labour Party (ULP) included a commitment to constitutional reform in their manifestoes for the 2001 general elections.

Both parties promised consultations with nationals in the country and members of the Diaspora in order to fashion a document that was reflective of the social, cultural, political and economic realities. Accordingly, when the governing ULP signaled its readiness to embark on the process of constitutional reform, the Opposition was wholly cooperative.

On October 8, 2002, the House of Assembly – which included 12 seats for the ruling ULP and 3 seats for the opposition NDP – unanimously approved a resolution mandating a review of the 1979 Constitution. A 25-member Constitutional Review Commission (CRC) was accordingly established and officially inaugurated at the House of Assembly Chambers on February 10, 2003. With significant support from the OAS (US\$ 256,979), the Government provided funding to the CRC to begin two years of extensive consultations with citizens at home and overseas.

The Constitutional Review Commission submitted its final report to the House of Assembly in February 2005, with a recommendation that the CRC be allowed to engage directly with the Members of Parliament in order to further refine its proposals. The House granted the request and the CRC submitted a revised final report in September 2006.

On June 7, 2007, the House unanimously approved a motion appointing a nine-member Constitutional Review Steering Committee (CRSC), to direct the process towards the transformation of the CRC's proposals into a revised draft Constitution. Throughout the remainder of 2007 and during 2008, this new CRSC and a Committee of the Whole House sat to discuss the constitutional proposals and to determine the framework of a new Constitution. On conclusion of these consultations, a Constitution drafting team was invited to prepare the Constitution Bill, and a first draft of the proposed Constitution was read in the House of Assembly for the first time on May 28th, 2009.

Ninety days later, after further consultations with the general public and with Civil Society, the Bill was read for the second time in the House. The members of parliament approved the bill on September 3, 2009, just one month shy of seven years after the House first mandated reform of the 1979 Constitution. The passage of the Bill by the House laid the basis for the Referendum observed by the OAS Mission.

#### **E. SUMMARY OF PROPOSED CHANGES**

The Proposed Bill retained many elements of the current Constitution, with amendments made to others and some entirely new provisions introduced. Some of the principal changes contained in the proposed Constitution were as follows:

##### System of Government

1. The replacement of the monarchical system of Government (including the Queen of England and her representative, the Governor General) with a Republican form of Government, and a local, non-Executive President, elected by a National Assembly [Articles 49 – 65; 102].

2. Transformation of the House of Assembly into a National Assembly, where all members are elected through a mixed system – the traditional first-past-the-post electoral system in constituencies for the Members of Parliament, and a system of proportional representation based on a Party List of Candidates, for the Senators. This “mixed” system would have 17 elected Representatives and 10 elected Senators in a single Chamber [Article 67].
3. The power of the President, acting in his own deliberate judgment, to remove the Prime Minister from office, if the Prime Minister does not resign or advise a dissolution of Parliament within three days of the passage of a resolution of no confidence in the Government [Article 92 (5) b].

#### Democracy & Good Governance

4. Introduction of an Integrity Commission [Article 139]. The Commission’s duties were to include ‘receiving...declarations in writing of the assets, liabilities and income of members of the National Assembly [and holders of certain other public offices] and the supervision and monitoring of Standards of conduct prescribed by Parliament [for such office-holders] and the monitoring and investigating of practices and procedures which are dishonest or corrupt’.
5. Introduction of a system of Local Government [Articles 148 – 150].

#### Elections and Elected Representatives

6. The establishment of an independent Electoral and Boundaries Commission (EBC) and the appointment of an independent Chief Electoral Officer, by the President, on the advice of the EBC [Articles 94 - 96].
7. Removal of the ability of the Prime Minister to call a “snap” election. Parliament can only be dissolved and elections called upon the expiration of four years and nine months from the first sitting of Parliament after the previous dissolution [Article 92 (5) a].
8. An obligation that women comprise not less than 30 percent of the 27 candidates submitted by parties for election as Representatives and Senators [Article 21 (3)].
9. The right of Vincentian nationals with dual or multiple citizenships to be candidates for parliamentary elections [Article 69 (1) a].
10. The Stipulation that only Vincentians and citizens of OECS and CARICOM countries in the Commonwealth will be eligible as candidates for parliamentary elections. Currently, all Commonwealth citizens with one year’s residence in St. Vincent and the Grenadines are qualified to be candidates [Article 68 (a)].
11. The obligation of elected representatives to report to their constituents at least once every six months on their representational activities and to submit those reports in writing to the Speaker and orally to the National Assembly. The Speaker has the authority to “name and shame” any Representative who is in default of this obligation [Articles 87 – 88].

#### The Minority Leader

12. The renaming of the post of “Leader of the Opposition” to that of “Minority Leader” [Article 124].
13. The accrual of enhanced responsibilities to the Minority Leader, including:
  - i. Chairmanship of the Public Accounts Committee (PAC);
  - ii. Ability to formally propose to the National Assembly any matter regarding taxation, expenditure from the Consolidated Fund, or any such related financial issue of the Central Government;
  - iii. Ability to summon any public official to appear before the PAC; and
  - iv. The right to nominate or be consulted on the appointment of an array of public officials and bodies, including the President, the Parliamentary Commission (PC), and the Chairman of the Electoral and Boundaries Commission.

#### Citizen and Human Rights

14. Introduction of an Ombudsman [Article 141]. The Ombudsman “may investigate and report to the National Assembly on complaints that persons have sustained injustice as a result of a fault in administration, or maladministration, on account of any act done or omitted by any public authority”.
15. Stronger constitutional protection from deprivation of property through specifying that adequate compensation must be paid for the State’s acquisition of a person’s property, and that compensation must be paid within 12 months of the compulsory acquisition [Article 30 (1)].
16. Establishment of a Human Rights Commission [Articles 44 – 48].
17. Provision for members of Civil Society to address the National Assembly, on the request of the Prime Minister or of the Minority Leader, on matters falling within their competence [Article 78].

#### Relations with OECS and CARICOM Partners

18. Entrenchment in law of any treaty, convention or other agreement designed to strengthen Caribbean integration [Article 23].

#### Legal and Judicial Issues

19. Replacement of the Privy Council as the final appellate Court, by the Caribbean Court of Justice (CCJ).
20. A provision against “marriages of convenience” as the basis for acquiring citizenship of St. Vincent and the Grenadines [Article 242 (3)].

### Other Provisions

21. The recognition of marriage as a union between two persons of the opposite sex only [Article 17 (2)].

The new Constitution enshrined other amendments and inclusions, but these are among the more important changes.

### **F. VOTING PROCEDURE**

Voting procedure for the referendum on Constitutional Reform was similar to that for a General Election. Each polling Station was manned by a Presiding Officer and a Poll Clerk. These election officials reported to a Returning Officer, responsible for the electoral district. Members of the police were present to secure each polling Station and a party agent for the “Yes” campaign and the “No” campaign were permitted to be present to witness the conduct of the poll, in addition to accredited international observers.

Polls opened at 7 a.m. and closed at 5 p.m. Just before the opening of the poll, the presiding officer and poll clerk displayed the empty ballot box to all present, then locked it. Each elector, on entering the polling Station, was asked to declare his or her name, which the poll clerk checked against the official list of electors for that Station. If the name appeared, the presiding officer then requested the elector’s identity card or other acceptable form of identification.

If the elector produced satisfactory identification, the poll clerk entered his or her name in the poll book. The presiding officer checked the elector’s index finger for ink and, if satisfied that he or she had not already voted, issued a ballot. The presiding officer then read out the proposition on which voters in the referendum were to decide and instructed the elector impartially on voting procedure and how to fold the paper such that their vote remained secret, but the presiding officer’s initials on the back of the ballot paper could be seen. Having made his or her pencil mark in the voting booth against the ‘yes’ or ‘no’ response, the elector showed the presiding officer the initials on the folded ballot paper, dipped his or her right index finger in the electoral ink, and cast the vote into the ballot box. The poll clerk then recorded “voted” against the name of each elector who had done so.

Voters standing in line at 5pm were permitted to vote, but no-one arriving after 5 pm was entitled to do so. At the close of the poll, in the presence of the poll clerk and the agents, the presiding officer checked the poll book for the number of those who had voted, counted the spoiled ballot papers (if any) and the unused ballot papers and checked this total against the number of ballots supplied by the returning officer, to ascertain that all ballot papers were accounted for. He or she then opened the ballot box and counted the votes for each side, giving full opportunity to those present to examine each ballot paper, and finally displaying the empty box.



## **CHAPTER III. MISSION ACTIVITIES AND OBSERVATIONS**

### **A. PRE-REFERENDUM**

On their arrival, the members of the OAS Observation Mission observed that the bi-partisan process of debate on constitutional reform had given way to a more divisive political discourse in which the governing ULP was pressing citizens to vote “yes” in the referendum, while the opposition NDP was urging its supporters to vote “no”. Each party questioned the other party’s motives in proposing or opposing reform. Media attention centered on issues such as whether the government should have used large sums of public money (\$4 million EC dollars: approximately \$1.6 million U.S. dollars) to back its “yes” campaign. Debate also focused on the mechanics and details of voting, such as whether the “yes” and “no” boxes on the ballot should carry images as well as words, ostensibly to assist literacy-challenged voters. The design of the ballot, the order of the options put before the voters, and the presence of party agents in the polls detailed in the Act that mandated the referendum, were challenged in the courts. In some cases, these issues were resolved only a few days before the referendum – a matter which delayed the printing of ballot papers until just days before the poll.

Large billboards across the island either urged voters “Don’t Settle for Less, Vote Yes!” or defiantly asserted “I Voting No!”. Many members of the Vincentian public with whom members of the OAS Mission spoke, explained that they intended to vote “with” the government because they felt allegiance or gratitude to some figure within it, while many who intended to vote “no” explained that they were voting “against” the government, as a result of frustrations and complaints against the ULP leadership. Many citizens and political commentators perceived the vote primarily as an index of the popularity of the ruling ULP.

The Mission also heard complaints about the voters’ list; electoral authorities, governmental officials and political party leaders all acknowledged that the number of registered voters (98,000) was disproportionately high relative to its estimated population of 106,000 inhabitants. Before the referendum, the electoral office had initiated a registration drive that provided for new voter identification cards, including enhanced security features. Upon the arrival of the OAS Mission, only 25,000 citizens had registered for the new card and of these, only 5,000 had collected their new cards. Although the extra names on the list did not compromise the validity of the vote, turnout was probably understated as a result.

### **B. REFERENDUM DAY**

The fourteen observers completed a day of training to familiarize themselves with the electoral system of St. Vincent and the Grenadines, the rules and norms governing Electoral Observation, and the constituencies that they would be monitoring. Observers were assigned to cover the polling Stations in one or more of St. Vincent and the Grenadines’ fifteen constituencies. On November 25, 2009, the Mission visited 100 percent of the country’s 225 polling sites, including those on the outlying islands of the Southern Grenadines, visiting each at least once and often visiting a polling site more than once to compare morning and afternoon operations.

On the morning of Referendum Day, each observer arrived at a selected polling Station before 7 am to observe the inspection and sealing of the ballot box and other opening procedures. Throughout the day, observers circulated to different polling Stations in their constituencies. The teams then returned to the polling Station where they had witnessed the opening, to observe the closing of the poll, the counting of the ballot, and transmission of preliminary results. The Mission conducted a “quick count” immediately after the count was complete: transmitting results from a statistical sample of polling Stations to Mission headquarters. The “quick count” results paralleled the final results.

On special forms (see Appendix), 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 Chief of Mission and gave a verbal account of their impressions immediately following the close of poll. From this testimony, a consistent picture emerged of the conduct of polling across St. Vincent and the Grenadines.

### **C. OBSERVER TESTIMONY**

Observers reported that the majority of polling Stations were open by 7.03 am and that by 8 am all were fully functional. The necessary electoral materials were present, voter lists were displayed outside the polling Stations, and opening procedures were correctly followed. Party agents representing the “Yes” campaign – generally identified by their Unity Labour Party (ULP) affiliation – and the “No” campaign – generally identified by their New Democratic Party (NDP) affiliation – were present at the opening of 90 percent of polling stations and appeared at all polling stations in the course of the day. On the whole, poll workers and party agents worked together harmoniously, although the Mission did receive a few complaints and allegations concerning agents’ access to polling sites. Some agents complained that they were excluded from polling stations; in other cases agents of one party complained that too many agents of the other party were present at a polling site and that “indoor” and “outdoor” agents were continually consulting and changing places. There was some confusion among voters as to whether the agents were there in a party capacity or as representatives of the “yes” and “no” campaign.

Referendum Day proved peaceful, with no reported instances of violence, intimidation, or disturbance of the polling process. There were a small number of infringements of the 100-yard line, within which campaign materials, such as posters, should not be displayed. A handful of voters had difficulty in finding the correct polling station, or determining whether they were registered to vote, but these individuals were promptly assisted and, with very few exceptions, Vincentians who wished to vote were able to do so.

Police were present at all polling stations, effectively maintaining order. In one incident, at a public health centre at Rose Place in South Leeward constituency, cramped conditions led to voters cutting in on the line and there was a call for police back-up, which was not forthcoming. But this was an isolated incident and order was soon restored.

Observers reported that election officials handled their duties, on the whole, with professionalism and dedication. Some were, however, better trained and more experienced than others and there was some variation in practice between polling stations: in particular, some presiding officers read out to each voter the proposition on which they were called to vote “yes” or “no”, while others did not, and some explained how to vote (“put an X in the box, between the lines, next to the option you prefer”), while others assumed knowledge of voting procedure. However, Presiding Officers instructed voters impartially, identification checks were properly carried out, and the secrecy of the vote was maintained.

The suitability of polling Stations in terms of location, layout, and signage varied considerably. Many were fit for purpose and presented no problems for voters, but some were challenging in terms of access, especially for physically challenged and elderly voters, or inappropriate for other reasons. For instance, an observer in East Kingstown constituency reported one polling Station which appeared to occupy the living room of a private house. The homeowner did not seem to recognize the need to respect the voting process and the authority of the poll officials. On two separate occasions in the

OAS observer's presence, she entered the space reserved for the poll without regard to the voting process. On one occasion, she ushered someone through the areas to the bathroom facilities and on the second occasion, she went to the kitchen where she prepared food and drink.

In the same polling station in East Kingstown, an elderly gentleman had received instructions from the Presiding Officer and was about to enter the voting booth when a younger man announced loudly that the gentleman was his father and that he would not have understood what he had to do. The younger man then proceeded to enter the voting booth with the elderly gentleman – apparently to vote for him – without any hindrance from the poll officials. When both men exited the booth, the Presiding Officer enquired who had voted. The younger man responded that the elderly gentleman had. The Presiding Officer accepted the younger man's word without question, did not complete the form for assisted voting, placed the older gentleman's ballot in the box and allowed the younger man to cast his own ballot.

Rain and humidity made some polling stations uncomfortable for voters, election officials and observers alike, particularly where buildings were unduly small. "Hot", "sticky", "dusty", "gritty", and "insects" all appeared as comments on observer forms, particularly in Central Kingstown and North and South Central Leeward. On Union Island, Mayreau and Canouan in the Southern Grenadines, voting conditions were better, but Returning Officers noted that the materials for the referendum had not been delivered until 9 pm the evening before the referendum, causing some consternation and a late night's preparation before a very long day of work.

The closing of the poll was, like the opening, smooth and without incident. Anyone in line at 5 pm was permitted to vote, even where this process took an hour or more to complete. At the count of the poll it was evident that some Presiding Officers were more experienced than others: some took painfully long over the process, while others completed it rapidly. There were also small variations in the way that different presiding officers and returning officers determined spoiled and rejected ballots, with some returning officers, for example, ruling any ballot where a voter had written words to be invalid, while others considered that, where the voter's intention was clear, the ballot was valid. The number of such disputed ballot papers was very small and not, in the Mission's view, significant to the outcome of the referendum, but greater standardization in future would be desirable. Preliminary results were issued on the evening of November 25 and final results (see appendix) were available the following day. These showed that the referendum had been rejected by a clear majority of 56 percent to 43 percent. Voter turnout was recorded as 53 percent, but given the inflated numbers on the Voters' List, this figure is likely somewhat lower than the true percentage.

## CHAPTER IV. CONCLUSIONS AND RECOMMENDATIONS

The OAS Electoral Observation Mission wishes to recognize the work of the Supervisor of Elections, Sylvia Findlay Scrubb, and of the Electoral Office, which ran the referendum at a very high standard, and of Minister René Baptiste,, who had as part of her ministerial portfolio the organization of this first-of-a-kind electoral exercise. Their experiences should serve as an important reference point for similar efforts in the Caribbean and beyond. In the spirit of constructive engagement and as is customary in reports of this nature, we offer the following conclusions and recommendations.

### CONCLUSIONS

1. Campaign financing remains an important challenge in the Caribbean. The unprecedented nature of this referendum process left a normative vacuum, which has still not been fully resolved, in particular the question of whether it was appropriate for the Government of St. Vincent and the Grenadines to utilize state resources for its “Yes” campaign, while the “No” campaign remained privately funded. A legal Act (Act No. 14. “Referendum (Alteration of the Constitution) Act” of 2009) provided for the use of State funds for all expenses incurred in bringing the alteration of the Constitution into effect. However, a “Vote No” committee , formed shortly before the Referendum, challenged the use of State resources for the “Yes” campaign. At the presentation of this report, legal process has not been concluded on this issue.
2. Political parties and movements challenged a number of issues regarding the design of the ballot, the order of the options put before the voters, and the presence of party agents in the polls, addressed in Act No.14 of 2009. One such case involved the design of the ballot and the use of symbols next to the “yes” and “no” options. The Green Party mounted a legal challenge stating that the lack of such symbols prejudiced illiterate voters. The Court ultimately dismissed the challenge, noting that it had little or no substance or bearing on the electoral processes of the Referendum. A similar motion regarding putting the two options in alphabetical order (standard during general elections) was similarly dismissed.
3. The bi-partisan process of constructive debate and mutual agreement on constitutional reform, which had progressed over many years, broke down in the run-up to the referendum. Rhetoric surrounding the referendum became politicized. Campaigning blurred the lines between party loyalty and support for the propositions entailed in the new draft constitution. Eventually, the campaign during the lead up to Referendum Day was similar in its tactics and atmosphere to a General Election campaign.
4. Electoral authorities, governmental officials and political party leaders acknowledge that the Voters’ List contains more names than it should. The current list contains nearly 98,000 while the estimated population of St. Vincent and the Grenadines numbers 106,000. It is important to mention, however, that the list includes not only persons eligible to vote currently living in the State, but all persons eligible to be registered to vote and receive an identification card. By law, these names must remain on the Voters’ Lists for up to five years.
5. Before the referendum, the electoral office had initiated a registration drive that provided for new voter identification cards, including enhanced security features. Upon the arrival of the OAS Mission, the Electoral Office had registered only 25,000 voters and distributed only 5,000 of the new cards.

6. Poll workers were generally well trained and the vote proceeded smoothly. However, greater uniformity and standardization of procedures across polling sites would be desirable. The Mission observed some variation in instructing voters. Some presiding officers read the question on the ballot paper in full and explained the voting procedure, while others made more cursory remarks. There were also small variations in the way that different presiding officers and returning officers determined spoiled and rejected ballots, with some returning officers, for example, ruling any ballot where a voter had written words to be invalid, while others considered that, where the voter's intention was clear, the ballot was valid. The number of such disputed ballot papers was tiny and this variation did not, in the view of the Mission, materially affect outcomes at any polling site, but the electoral authorities should seek greater consistency in their training of polling officials.
7. Some polling sites contained multiple polling Stations in a relatively cramped area. This made conditions crowded, especially in those areas which experienced heavy rains on Referendum Day. The nature of some polling sites also presented difficulties for access by the physically challenged and elderly.
8. Polling Stations in the outlying islands of the Southern Grenadines – Union Island, Canouan, and Mayreau – reported that election materials, such as ballot papers, were delivered late on the evening of the day proceeding Election Day, causing some anxiety to Returning Officers, who feared their late arrival and faced a long night of preparation ahead of the poll.

## RECOMMENDATIONS

1. St. Vincent and the Grenadines – indeed, any country considering the use of a referendum – should establish the legality and appropriateness of using public monies to fund one side of a campaign.
2. Political leaders and electoral authorities alike should seek to agree and to clarify each and every detail of polling procedure as early as possible.
3. Where debate is conducted in a highly politicized and partisan framework, the issues at stake in a referendum can be overshadowed by questions of party loyalty: political leaders and electoral authorities must be cognizant of the important differences between a referendum and a general election and avoid blurring the lines between them.
4. The Electoral Office should redouble its efforts to encourage citizens to apply for and collect the new registration cards before the next elections. Likewise, political parties must remain diligent in checking the Voter's List and utilizing the claims-and-objections period to identify and correct any anomalies.
5. A greater degree of uniformity, consistency, and standardization of procedures across polling sites would be desirable. In particular, Presiding Officers should receive uniform training on how to handle voter instruction, and the determination of spoiled and rejected ballots.

6. A minority of polling stations that are currently too cramped, ill-ventilated, or otherwise unsuitable for use requires improvement. The Mission recommends greater attention to the signage, location and layout of polling sites, for improved access by the physically challenged and elderly and ease of use by all voters.
7. Earlier delivery of election materials to the outlying islands of the Southern Grenadines would ease the burden on Returning Officers in that area who, on this occasion, faced an uphill task to complete their preparations late on the eve of the referendum.

## **APPENDICES**

## APPENDIX I. LETTER OF INVITATION



### MINISTRY OF URBAN DEVELOPMENT, CULTURE, LABOUR & ELECTORAL MATTERS

Exile Ship Terminal

Kingstown

St. Vincent and the Grenadines

Phone (784) 451-2180

fax (784) 451-2181

P.O. Box 2857

E-mail: urban@stvincent.gov.gd

Our Ref: CUL/003

15<sup>th</sup> September 2009

H.E. Albert Ramdin  
Assistant Secretary General  
Organisation of American States  
1700 Constitution Ave.  
Washington, D.C. 20006  
U.S.A

Dear Ambassador Ramdin:

The Government of St. Vincent and the Grenadines is pleased to inform you of its decision to hold a National referendum on Constitutional reform, which is scheduled to take place on Wednesday 25<sup>th</sup> November, 2009. You will recall that the Organisation of American States has paid a pivotal role in providing technical assistance in our preparations for this referendum, and for this we are grateful.

The Government of St. Vincent and the Grenadines also recognises the role of the OAS in this Hemisphere as a noted and trusted defender of democracy. To this end, we are pleased to invite the OAS, as a keen and impartial observer, to send a Mission to observe the referendum.

Your earliest and most positive response will greatly oblige.

Yours truly,

  
**Hon. René M. Baptiste**  
Minister of Urban Development, Culture and  
Electoral Matters

cc: H.E. La Cella A. Prince  
Permanent Representative to the OAS



## APPENDIX II. LETTER OF ACCEPTANCE



17th St. & Constitution Avenue N.W.  
Washington, D.C. 20006  
United States of America

Organization of American States

P. 202.458.3000  
www.oas.org

Antigua and Barbuda  
Argentina  
The Bahamas  
Barbados  
Belize  
Bolivia  
Brazil  
Canada  
Chile  
Colombia  
Costa Rica  
Cuba  
Dominica  
Dominican Republic  
Ecuador  
El Salvador  
Grenada  
Guatemala  
Guyana  
Haiti  
Honduras  
Jamaica  
Mexico  
Nicaragua  
Panama  
Paraguay  
Peru  
Saint Kitts and Nevis  
Saint Lucia  
Saint Vincent and the Grenadines  
Suriname  
Trinidad and Tobago  
United States of America  
Uruguay  
Venezuela

September 23, 2009

His Excellency

Hon. Rene M. Baptiste

Minister of Urban Development, Culture and Electoral Matters  
St. Vincent and the Grenadines, W.I.

Excellency:

I have the pleasure to acknowledge receipt of your letter of September 15, 2009 in which the Government of St. Vincent and the Grenadines requests the Organization of American States (OAS) to observe the National Referendum on Constitutional Reform, scheduled for November 25, 2009. Through its observation and technical assistance efforts, the OAS remains committed to strengthening the electoral processes in the Caribbean and I am pleased to respond positively to this request.

I have instructed the Department for Electoral Cooperation and Observation of the OAS Secretariat of Political Affairs to prepare a proposal and budget that contemplates the observation of the different facets of this important exercise and maximizes coverage of the polling stations on November 25. As is customary, the size and scope of this mission will ultimately depend on the voluntary contributions received from the OAS Member and Observer States.

Should you have any questions regarding the preparation of this mission, please do not hesitate to contact Mr. Steven Griner, the Senior Specialists of the DECO who has been tasked with the preparation of this mission.

Sincerely,

Jose Miguel Insulza  
Secretary General

cc: Amb. Albert Ramdin, Assistant Secretary General, OAS  
Amb. La Celia Prince, Permanent Representative, SVG

**APPENDIX III. AGREEMENT REGARDING THE PRIVILEGES AND  
IMMUNITIES OF THE OAS OBSERVER MISSION**

**AGREEMENT  
BETWEEN  
THE GOVERNMENT OF SAINT VINCENT AND THE GRENADINES  
AND  
THE GENERAL SECRETARIAT OF THE ORGANIZATION OF AMERICAN  
STATES  
REGARDING  
THE PRIVILEGES AND IMMUNITIES OF THE OAS OBSERVER MISSION  
FOR THE 2009 NATIONAL REFERENDUM ON CONSTITUTIONAL REFORM  
IN SAINT VINCENT AND THE GRENADINES**

**AGREEMENT  
BETWEEN  
THE GOVERNMENT OF SAINT VINCENT AND THE GRENADINES  
AND  
THE GENERAL SECRETARIAT OF THE ORGANIZATION OF AMERICAN  
STATES  
REGARDING  
THE PRIVILEGES AND IMMUNITIES OF THE OAS OBSERVER MISSION  
FOR THE 2009 NATIONAL REFERENDUM ON CONSTITUTIONAL REFORM  
IN SAINT VINCENT AND THE GRENADINES**

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 Saint Vincent and the Grenadines (hereinafter referred to as the "Government"),

**WHEREAS:**

On September 15, 2009, the Government of Saint Vincent and the Grenadines invited the General Secretariat of the Organization of American States (hereinafter referred to as the "OAS" or the "Organization") to observe the National Referendum on Constitutional Reform to be held on November 25, 2009 in Saint Vincent and the Grenadines;

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 National Referendum, subject to obtaining the necessary resources to finance the establishment of the OAS Observer Mission in Saint Vincent and the Grenadines (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 Saint Vincent and the Grenadines 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 Saint Vincent and the Grenadines of the Office of the GS/OAS, signed by the Parties on September, 27, 1984,

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 the GS/OAS, to their organs, and to their staff.

#### ARTICLE II

2.1. The property and effects of the OAS Observer Mission, located in any part of the territory of Saint Vincent and the Grenadines 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 Saint Vincent and the Grenadines 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 Saint Vincent and the Grenadines 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 Saint Vincent and the Grenadines 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 Kingstown 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 Saint Vincent and the Grenadines.

#### 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 Saint Vincent and the Grenadines, 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 Saint Vincent and the Grenadines;
- 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 Saint Vincent and the Grenadines 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 Saint Vincent and the Grenadines 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 Saint Vincent and the Grenadines.

#### 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 National Referendum of Constitutional Reform of Saint Vincent and the Grenadines, and not for personal gain or to perform activities of a political nature within the territory of Saint Vincent and the Grenadines.

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 Saint Vincent and the Grenadines.

ARTICLE XVI

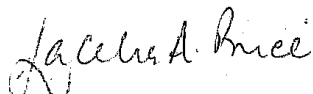
This Agreement may be amended by mutual consent in writing by the duly authorized representatives of the Parties.

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.

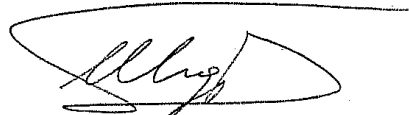
FOR THE GOVERNMENT OF  
SAINT VINCENT AND  
THE GRENADINES:



**Ambassador La Celia A. Prince**  
Permanent Mission of Saint Vincent  
and the Grenadines  
to the Organization of American States  
Place: Washington, D.C., U.S.A.

Date: 20th Nov. 2009.

FOR THE GENERAL SECRETARIAT  
OF THE ORGANIZATION OF  
AMERICAN STATES:



**José Miguel Insulza**  
Secretary General  
General Secretariat of the  
Organization of American States  
Place: Washington, D.C., U.S.A.

Date: .....

## APPENDIX IV. AGREEMENT ON THE ELECTORAL OBSERVATION PROCESS



Organización de los Estados Americanos  
Organização dos Estados Americanos  
Organisation des Etats Américains  
Organization of American States

EXECUTIVE ORDER No. 05-06 REV. 1

### ANNEX II

#### DELEGATION OF AUTHORITY

**AGREEMENT BETWEEN THE GENERAL SECRETARIAT OF THE ORGANIZATION OF AMERICAN STATES AND THE ELECTORAL DEPARTMENT OF SAINT VINCENT AND THE GRENADINES ON THE ELECTORAL OBSERVATION PROCESS BY THE OAS OBSERVER MISSION OF THE 2009 NATIONAL REFERENDUM ON CONSTITUTIONAL REFORM IN SAINT VINCENT AND THE GRENADINES**

I, Alfonso Quiñónez, Executive Secretary for Integral Development, in Charge of the General Secretariat of the Organization of American States ("OAS"), hereby authorize Mr. Steven Griner, Chief of Mission of the OAS Electoral Observation Mission to Saint Vincent and the Grenadines, to sign the above-referenced Agreement on behalf of the General Secretariat of the OAS.

This delegation of authority expires on the 26<sup>th</sup> day of November, 2009.

A handwritten signature in black ink, appearing to read 'A. Quiñónez', written over a horizontal line.

Alfonso Quiñónez  
Executive Secretary for Integral Development  
In Charge of the General Secretariat

**AGREEMENT  
BETWEEN  
THE GENERAL SECRETARIAT OF THE ORGANIZATION OF AMERICAN  
STATES  
AND  
THE ELECTORAL DEPARTMENT OF SAINT VINCENT AND THE  
GRENADINES  
ON THE ELECTORAL OBSERVATION PROCESS BY THE OAS OBSERVER  
MISSION OF THE 2009 NATIONAL REFERENDUM ON CONSTITUTIONAL  
REFORM IN SAINT VINCENT AND THE GRENADINES**

**AGREEMENT  
BETWEEN  
THE GENERAL SECRETARIAT OF THE ORGANIZATION OF AMERICAN  
STATES  
AND  
THE ELECTORAL DEPARTMENT OF SAINT VINCENT AND THE  
GRENADINES  
ON THE ELECTORAL OBSERVATION PROCESS BY THE OAS OBSERVER  
MISSION OF THE 2009 NATIONAL REFERENDUM ON CONSTITUTIONAL  
REFORM IN SAINT VINCENT AND THE GRENADINES**

The Parties, the Electoral Department of Saint Vincent and the Grenadines (hereinafter referred to as the "Electoral Department") and the General Secretariat of the Organization of American States (hereinafter referred to as the "General Secretariat");

***CONSIDERING:***

THAT on the 15<sup>th</sup> day of September 2009, the Government of Saint Vincent and the Grenadines (hereinafter referred to as "the Government"), through its Minister of Urban Development, Culture and Electoral Matters, 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 Saint Vincent and the Grenadines for the purpose of witnessing the National Referendum on Constitutional Reform to be held on November 25, 2009 (hereinafter referred to as the "National Referendum");

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 National Referendum of 2009;

**WHEREFORE, THE PARTIES AGREE AS FOLLOWS:**

**First: Guarantees**

a) The Electoral Department guarantees the Mission access to all facilities for the adequate fulfillment of the observation of the referendum in 2009 until conclusion of the National Referendum process in Saint Vincent and the Grenadines, in conformity with the relevant laws and standards of Saint Vincent and the Grenadines and the terms of this Agreement.

b) The Electoral Department, on the day of and after the day of the referendum, shall guarantee the Mission access to all polling stations and other locations and facilities related to the referendum until the official count is tabulated nationally and the National Referendum process is concluded.

c) The Electoral Department 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 Department shall guarantee the Mission access to all electoral bodies responsible for vote counting and tabulation. Similarly, the Electoral Department 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 Department 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 Department further guarantees the Mission access to all polling stations and other bodies throughout the national territory of Saint Vincent and the Grenadines. Upon request of the Mission, the Electoral Department 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 Department 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 Department such additional information as is necessary for the exercise of the Mission's functions, and the Electoral Department shall promptly furnish all such information.

b) The Mission may inform the Electoral Department 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 Department provide any information regarding the measures which the Electoral Department will take in relation to such irregularities, and the Electoral Department shall promptly furnish all such information.

c) The Electoral Department shall provide the Mission with information related to the electoral list and other electoral data referring to the same. Similarly, the Electoral Department shall provide all other information relative to the computer systems used on the day of the referendum, 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 Department and before the Government.

b) The GS/OAS will communicate to the leadership of the Electoral Department 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 leadership of the Electoral Department a copy of the final report of the Electoral Observation Mission following the National Referendum in Saint Vincent and the Grenadines.

e) The Electoral Department 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 General Secretariat, 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 Saint Vincent and the Grenadines of the Office of the General Secretariat, signed by the Parties on September, 27, 1984; and under the Agreement between the Government and the General Secretariat Regarding the Privileges and Immunities of the OAS Observer Mission for the 2009 National Referendum on Constitutional Reform in Saint Vincent and the Grenadines, signed by the Parties on the 9th day of November, 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.

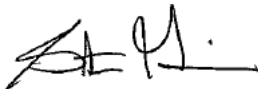
**Seventh: Entry into Force and Termination**

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 November 25, 2009 National Referendum.

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.

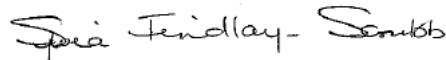
FOR THE GENERAL SECRETARIAT  
OF THE ORGANIZATION OF  
AMERICAN STATES:



Steven Griner  
Chief of Mission  
OAS General Secretariat  
Kingstown, Saint Vincent and the  
Grenadines

Date: 9/11/09

FOR THE ELECTORAL DEPARTMENT OF  
SAINT VINCENT AND THE  
GRENADINES:



Sylvia Findlay-Scrubb  
Supervisor of Elections  
Electoral Department of  
Saint Vincent and the Grenadines  
Kingstown, Saint Vincent and the  
Grenadines

Date: 9th November, 2009



## APPENDIX V. OBSERVATION FORMS



**Organization of  
American States**

ELECTORAL OBSERVATION MISSION  
SAINT VINCENT AND THE GRENADINES  
REFERENDUM ON CONSTITUTIONAL REFORM  
NOVEMBER 25, 2009

**OBSERVATION FORM 1 –**  
**OPENING OF THE POLLING STATION**  
(Assigned Polling Station)

NAME OF OBSERVER: \_\_\_\_\_

CONSTITUENCY: \_\_\_\_\_

TOWN/VILLAGE: \_\_\_\_\_

POLLING STATION LOCATION/ADDRESS: \_\_\_\_\_

POLLING STATION NUMBER: \_\_\_\_\_

Arrived: \_\_\_\_\_ Departed: \_\_\_\_\_ Total time of observation: \_\_\_\_\_

Number of voters on the Voter's List: \_\_\_\_\_

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

**OPENING**

1. Were all the electoral materials available? Yes: \_\_\_\_\_ No: \_\_\_\_\_

If not, what materials were missing?

- |                                     |                     |
|-------------------------------------|---------------------|
| a. Ballot papers _____              | b. Ink _____        |
| c. Copies of the Voter's List _____ | d. Ballot box _____ |
| e. Other (Please specify) _____     |                     |

2. Did the Presiding Officer ensure that all required signs and notices including Official Voter's List, Notice of Poll, and Directions for Voting were placed outside the polling station prior to the opening of the polling station?

Yes: \_\_\_\_\_ No: \_\_\_\_\_

3. Did the polling station open at 7: 00 a.m.?

Yes: \_\_\_\_\_ No: \_\_\_\_\_

If not at what time did it open? \_\_\_\_\_



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4. Did the Presiding Officer, Poll Clerks and Political Party Agents make the declaration of secrecy before the opening of the polling station?

Yes: \_\_\_\_\_ No: \_\_\_\_\_

5. Were all electoral officials present?

Yes: \_\_\_\_\_ No: \_\_\_\_\_

If not, who was absent?

Presiding Officer: \_\_\_\_\_ Poll Clerk: \_\_\_\_\_

6. Were Political Party Agents present at polling site?

Yes: \_\_\_\_\_ No: \_\_\_\_\_

7. Indicate Political Party Agents that were present.

ULP: \_\_\_\_\_ NDP: \_\_\_\_\_

Green Party: \_\_\_\_\_

8. Were procedures generally followed in opening the polling station?

Yes: \_\_\_\_\_ No: \_\_\_\_\_

9. Were there other observers present (National or International)?

Yes: \_\_\_\_\_ No: \_\_\_\_\_

Which ones?

National Monitoring and Consultative Mechanism (NMCM): \_\_\_\_\_

CARICOM: \_\_\_\_\_ OECS: \_\_\_\_\_



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**OBSERVATION FORM 2 –**

**VOTING PROCESS**

(Assigned Polling Station)

NAME OF OBSERVER: \_\_\_\_\_

CONSTITUENCY: \_\_\_\_\_

TOWN/VILLAGE: \_\_\_\_\_

POLLING STATION LOCATION/ADDRESS: \_\_\_\_\_

POLLING STATION NUMBER: \_\_\_\_\_

Arrived: \_\_\_\_\_ Departed: \_\_\_\_\_ Total time of observation: \_\_\_\_\_

Number of voters on the Voter's List: \_\_\_\_\_

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

1. Were all the electoral materials available? Yes: \_\_\_\_\_ No: \_\_\_\_\_

If not, what materials were missing?

a. Ballot papers \_\_\_\_\_

b. Ink \_\_\_\_\_

c. Copies of the Voter's List \_\_\_\_\_

d. Ballot box \_\_\_\_\_

e. Other (Please specify) \_\_\_\_\_

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 Political Party Agents present at polling site? Yes: \_\_\_\_\_ No: \_\_\_\_\_

5. Indicate Political Party Agents that were present.

ULP: \_\_\_\_\_

NDP: \_\_\_\_\_

Green Party: \_\_\_\_\_



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6. Was the secrecy of vote maintained?

Yes: \_\_\_\_\_ No: \_\_\_\_\_

If not, explain on reverse side.

7. Did the Presiding Officer and Poll Clerks follow the proper voting procedures?

Yes: \_\_\_\_\_ No: \_\_\_\_\_

8. Was the identity of the voters properly checked?

Yes: \_\_\_\_\_ No: \_\_\_\_\_

9. Did the Presiding Officer and Poll Clerks provide impartial instructions to the voter?

Yes: \_\_\_\_\_ No: \_\_\_\_\_ If not, explain on reverse side of form.

10. Did the observer notice any campaign materials (posters, stickers, photos) or activities within the polling station or any other campaigning on the Day of the Referendum?

Yes: \_\_\_\_\_ No: \_\_\_\_\_

11. 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: \_\_\_\_\_

12. Did the observer notice or receive any information regarding intimidation of voters?

Yes: \_\_\_\_\_ No: \_\_\_\_\_

13. Were there other observers present (National or International)?

Yes: \_\_\_\_\_ No: \_\_\_\_\_

Which ones?

National Monitoring and Consultative Mechanism (NMCM): \_\_\_\_\_

CARICOM: \_\_\_\_\_

OECS: \_\_\_\_\_



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14. Was proper assistance given to physically challenged voters?

Yes: \_\_\_\_\_ No: \_\_\_\_\_ Not observed: \_\_\_\_\_

15. 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.



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**OBSERVATION FORM 3 –**  
**CLOSING OF THE POLLING STATION**  
(Assigned Polling Station)

NAME OF OBSERVER: \_\_\_\_\_

CONSTITUENCY: \_\_\_\_\_

TOWN/VILLAGE: \_\_\_\_\_

POLLING STATION LOCATION/ADDRESS: \_\_\_\_\_

POLLING STATION NUMBER: \_\_\_\_\_

Arrived: \_\_\_\_\_ Departed: \_\_\_\_\_

Total time of observation: \_\_\_\_\_

Number of voters on the Voter's List: \_\_\_\_\_

Number of total 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 close of the poll? Yes: \_\_\_\_\_ No: \_\_\_\_\_

5. Were Political Party Agents present at the close of the poll?

Yes: \_\_\_\_\_ No: \_\_\_\_\_

6. Indicate political party agents that were present at the closing of the poll?

ULP: \_\_\_\_\_

NDP: \_\_\_\_\_

Green Party: \_\_\_\_\_



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**7. Were there other observers present (National or International)?**

Yes: \_\_\_\_\_ No: \_\_\_\_\_

Which ones?

National Monitoring and Consultative Mechanism (NMCM): \_\_\_\_\_

CARICOM: \_\_\_\_\_

OECS: \_\_\_\_\_

Please add comments (including any incidents at the closing of the polling station) on the reverse side of this form.



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**OBSERVATION FORM 4 –  
VOTING PROCESS**

(Other Polling Stations Visited During the Day – One per Polling Station Visited)

NAME OF OBSERVER: \_\_\_\_\_

CONSTITUENCY: \_\_\_\_\_

TOWN/VILLAGE: \_\_\_\_\_

POLLING STATION LOCATION/ADDRESS: \_\_\_\_\_

POLLING STATION NUMBER: \_\_\_\_\_

Arrived: \_\_\_\_\_ Departed: \_\_\_\_\_ Total time of observation: \_\_\_\_\_

Number of voters on the Voter's List: \_\_\_\_\_

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

1. Were all the electoral materials available? Yes: \_\_\_\_\_ No: \_\_\_\_\_

If not, what materials were missing?

a. Ballot papers \_\_\_\_\_

b. Ink \_\_\_\_\_

c. Copies of the Voter's List \_\_\_\_\_

d. Ballot box \_\_\_\_\_

e. Other (Please specify) \_\_\_\_\_

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 Political Party Agents present at polling site? Yes: \_\_\_\_\_ No: \_\_\_\_\_

5. Indicate Political Party Agents that were present.

ULP: \_\_\_\_\_

NDP: \_\_\_\_\_

Green Party: \_\_\_\_\_





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6. Was the secrecy of vote maintained?

Yes: \_\_\_\_\_ No: \_\_\_\_\_

If not, explain on reverse side.

7. Did the Presiding Officer and Poll Clerks follow the proper voting procedures?

Yes: \_\_\_\_\_ No: \_\_\_\_\_

8. Was the identity of the voters properly checked?

Yes: \_\_\_\_\_ No: \_\_\_\_\_

9. Did the Presiding Officer and Poll Clerks provide impartial instructions to the voter?

Yes: \_\_\_\_\_ No: \_\_\_\_\_ If not, explain on reverse side of form.

10. Did the observer notice any campaign materials (posters, stickers, photos) or activities within the polling station or any other campaigning on the Day of the Referendum?

Yes: \_\_\_\_\_ No: \_\_\_\_\_

11. 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: \_\_\_\_\_

12. Did the observer notice or receive any information regarding intimidation of voters?

Yes: \_\_\_\_\_ No: \_\_\_\_\_

13. Were there other observers present (National or International)?

Yes: \_\_\_\_\_ No: \_\_\_\_\_

Which ones?

National Monitoring and Consultative Mechanism (NMCM): \_\_\_\_\_

CARICOM: \_\_\_\_\_

OECS: \_\_\_\_\_



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**14. Was proper assistance given to physically challenged voters?**

Yes: \_\_\_\_\_ No: \_\_\_\_\_ Not observed: \_\_\_\_\_

**15. 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.

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CONSTITUENCY: \_\_\_\_\_ DATE: \_\_\_\_\_

OBSERVER: \_\_\_\_\_ TIME: \_\_\_\_\_

PLACE COMPLAINT WAS FILED: \_\_\_\_\_

## COMPLAINT BROUGHT AGAINST:

Political Party

Individual or Organization

Government Body

Address of Association or Individual Complained Against

Name and Signature of the Complainant

## Date of Occurrence: \_\_\_\_\_

[illegible]

## APPENDIX VI. LIST OF OBSERVERS



Organization of  
American States

**ELECTORAL OBSERVATION MISSION  
SAINT VINCENT AND THE GRENADINES  
REFERENDUM ON CONSTITUTIONAL REFORM  
NOVEMBER 25, 2009**

	<b>NAME</b>	<b>RESPONSIBILITY</b>	<b>NATIONALITY</b>	<b>GENDER</b>
1	Steven Griner	Chief of Mission	United States of America	M
2	Yndira Marin	Deputy Chief of Mission	Venezuela	F
3	Cristina Gutierrez	Financial Officer	Bolivia	F
4	Chris Healy	Logistics Officer	Suriname	M
5	Sara Lodge	Rapporteur	United Kingdom	F
6	Katalina Montaña	Political Analyst	Colombia	F
7	Lorena Perez	International Observer	Dominican Republic	F
8	Alexis Amsterdam	International Observer	Guyana	F
9	Carlos Rodriguez	International Observer	Venezuela	M
10	Francis McBarnette	International Observer	Trinidad and Tobago	M
11	Sherry Tross	International Observer	St. Kitts and Nevis	F
12	Jelena Cukic	International Observer	Serbia	F
13	Jamal Al-Mussawi	International Observer	United States of America	M
14	Melene Glynn	International Observer	Trinidad and Tobago	F