

Credible Elections but a Tilted Playing Field

Introduction

The Asian Network for Free Elections (ANFREL), at the invitation of the Civil Society Organizations (CSOs) Taiwan Grassroots Alliance for Peace & Citizen Congress Watch, observed Taiwan's historic Presidential and Legislative Yuan elections in January of 2012. This mission is the third Election Observation Mission ANFREL has conducted in Taiwan and we feel fortunate to be able to bring the experience gained in 2004 & 2008 to observe once again this year.

For this year's elections, ANFREL brought a team of observers to Taiwan for a total of ten days. Observation included areas in and around Taipei as well as four separate constituencies in the areas of Chia Yi County, Chia Yi City, and Yunlin County found in the southwest and west of Taiwan. Throughout their time in the country, ANFREL's observers visited and interviewed voters, candidates and their staff, Civil Society Organizations as well as local government and election officials.

ANFREL would like to take this opportunity to first express its appreciation to the Central Election Commission (CEC) as well as City and County Election Commissions (ECs) across the country for their commendable work in holding successful elections. We hope that, in the future, election observation, whether by international or national civil society organization, will be formally recognized as integral parts of the electoral process, consistent with international developments in the field. Taiwan's democracy is the envy of many countries in the region and the country, while acknowledging that some improvements remain undone, should be confident of how far it has come and seek out the benefits that opening up the process further can bring.

A Largely Encouraging Election Process

ANFREL wishes to congratulate the people of Taiwan and all election related institutions for making this election a success in that its results largely reflect the will of the people of the country. Credit should be given for the peaceful and free nature of the campaign period, the competent management of the polling stations on Election Day, and the high turnout on January 14, 2012. Such turnout reveals that Taiwan's citizens believe two important things, one, that their vote will be accurately counted and, two, that exercising their right to choose their own government is important. Both are positive indicators for Taiwan's democracy.

The campaign period was free from the violence that had marred some previous elections. It featured very free campaigning using all manner of both traditional and modern methods to reach voters. Voting itself went smoothly and, with a turnout close to 75%, a considerable majority of the country's voters were able to exercise their rights. Election night and the period immediately following the voting period saw the election results accepted as legitimate by the country. The losing DPP party also conceded its election defeat in a timely manner consistent with a mature democracy and should be commended for doing so.

Identifying Areas for Improvement

Despite the successes above, there were nevertheless areas of concern that the ANFREL delegation wishes to comment on. These comments are made to provide constructive feedback on the process in the spirit of improving it so as to provide a vibrant democratic system worthy of the people of Taiwan.

First, several key institutions need to be strengthened and improved. We should begin by acknowledging that voters and candidates mostly expressed confidence in the CEC's management of the polling station, secrecy of the ballot, counting, etc. While this is perhaps the most central agency in the election process, other state institutions,

for example, the court system, also play important roles. ANFREL observers in both Yunlin and Chia Yi encountered distrust and anger from citizens and candidates directed at the local courts and, in at least one case, the police. With greater institutional strength, a court would be better able to respond to complaints and, also crucially, have greater legitimacy and the trust of locals. Improvements in these two metrics would leave the court, or other institutions such as the police, less likely to be criticized or politicized in the course of a campaign. Attention can and should be put to ensuring the neutrality and impartiality, both real and perceived, of all related government agencies.

Connected to the above is the issue of vote buying since many of the complaints mentioned above stemmed from original accusations of vote buying. As is always the case, specific, concrete evidence of vote buying is hard to come by. There were nevertheless enough complaints and acknowledgements from locals that vote buying remains a problem to make it seem likely that the problem persists in some areas. Reported vote buying often took the more indirect and sophisticated form of vote buying in-kind, with, for example, trips or dinners being used to curry favor with voters. It was also a general consensus that the vote buying is worse the more local the election taking place. This has been a long-term problem in Taiwan and is one that the CEC, the judicial system and some political party members continue working to correct. The admirable progress they have made should be consolidated and expanded to the areas where vote buying is most rampant.

Different, but related to the issue of vote buying, is ANFREL's concern about campaign finance expenditures. Campaigns, by both parties, were clearly very expensive, a fact made evident by the amount of signs, rallies, and mass media political ads present before the election. From even the short period observed by ANFREL, it seemed likely that campaign spending would likely exceed campaign finance limits which exist but which have not been effectively implemented or enforced. Perhaps as problematic as this general excessive spending is the widely held assumption that one party has a permanent wealth and resource advantage that provides them a built-in advantage in the process. This is unfortunately difficult to prove because of the aforementioned lack of a true and accurate auditing/enforcement process on campaign finance.

On these points, ANFREL would like to see the CEC, Ministry of Justice, other government oversight bodies, as well as Civil Society Organizations, make an effort to accurately measure campaign spending and party wealth so as to ensure a more level campaign playing field. Where necessary, campaign finance laws should be strengthened and elaborated on. Even where there is no violation of campaign finance law, such uneven resources can result in an unhealthy democratic culture and an uneven playing field that harms the election's fairness. Only through a coordinated effort on this issue can these agencies effectively enforce the law and make Taiwan's elections not only more transparent but also more fair.

Related to the issue of a level playing field is the role and performance of the media. The media environment was commendably open and free, but was often regrettably compromised and partisan. ANFREL's team observed how one could detect the political affiliation of a particular media outlet almost immediately thanks to preferential treatment of a particular party or candidate. Such media bias was witnessed on both sides of the political divide. The media must decide, and the public and CSOs must demand, that they take their journalistic ethics more seriously. A stable, mature democracy needs an independent media without which Taiwan's democracy will suffer and the political polarization evident in some areas will grow. In addition to media bias in general, the team received complaints that one party controlled or was affiliated with a greater number of media outlets and could therefore guarantee a larger quantity of preferential media coverage. Such systemic imbalances have a negative impact on the development of the Fourth Estate and Taiwan's democracy as a whole.

ANFREL discovered a disappointing number of independent local observers at polling stations both during and after voting. We believe that Taiwan should work to instill a culture of election observation to increase the public's feeling of ownership and the transparency of the elections. To further this, ANFREL would like to see more of an

open and welcoming posture from Taiwan and the CEC in regards to election observation.

Observation, both domestic and international, should be encouraged and welcomed by the CEC and related organizations through a codified policy of recognizing, and encouraging election observers for every election. Further, national civil society organizations could be engaged to observe across the country in partnership with the CEC. Realizing this is somewhat beyond the CEC's traditional portfolio, ANFREL believes that it is important enough that the CEC or another relevant government body should nevertheless explore possibilities for such activities with local CSOs in the future.

Related to the above, we believe that Taiwan Civil Society has an opportunity to assume a larger role in the election process. ANFREL is thankful and fortunate to have the support that it did for this EOM but, that said, we believe there is still a greater, more substantial role to be played by Civil Society in strengthening and representing the public interest on issues like electoral reform and activities such as election observation.

Finally, our team found several minor issues that, if left unchecked, could lead to problems in the future:

- While the current system is acceptable, international standards regarding translucent boxes, opaque voting booth curtains, and the like should be heeded in the future when purchasing new materials.
- Counting was at times too rushed and somewhat disorderly because of the hurry PS officials likely felt in having to count two or three boxes of ballots simultaneously. The method and timing of counting itself should be part of polling station workers' training so that, by alternating the counting and marking systematically, party agents and observers will be able to observe the counting, marking, and tabulation one by one.
- Many, if not most, Police and officers on duty during the election were unable to vote on Election Day. No accommodation was made for them to vote at Polling Stations where they were not registered. In the future, allowing them to add their names at the end of the voter list would prevent the disenfranchisement of so many public servants.

ANFREL would like to commend Taiwan on its fundamentally positive election that seemed to result in a generally accurate representation of public opinion. From the freeness of the campaign period, to the high turnout, to the quick acceptance of the election's results by both sides, this Election is another substantial step for Taiwan to consolidate its democracy and ensure that it remains a democratic leader in the region.

Finally, ANFREL wishes to express its gratitude for the invitation and support we received from Taiwan Grassroots Alliance for Peace & Citizen Congress Watch throughout the course of our mission. In addition, we would to express our gratitude to the Taiwan Foundation for Democracy (TFD) for a grant to support a portion of the mission's expenses. We look forward to returning to Taiwan in the future and strengthening ties with the country and with our local partners here.

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