

**The Dilemmas of Domestic Election Observation:
The Experience of Democracia Representativa
during the 2007 Santa Fe Provincial Elections in Argentina**

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On September 2, 2007, the Province of Santa Fe, Argentina held its provincial elections. In addition to legislative and local government positions, the highly contested and controversial process pitted two stalwarts for the governorship: former Kirchner foreign minister and Congressman Rafael Bielsa against the socialist candidate and former mayor of Rosario, Hermes Binner. The stakes were high. The Santa Fe elections were perceived as an important gauge of popular sentiments in the weeks leading up to the national elections slated for October 2007; for the socialists, Santa Fe could well become their first ever gubernatorial victory.

Concerned about widespread fraud that could deny them victory, in the run-up to the September 2 elections, Binner and the socialists demanded that the national government invite the Organization of American States (OAS) to organize a full-blown international election observation mission (MOE). However, unlike many other countries in the Americas, Argentina had never had an official policy of inviting international election monitoring missions, and both Binner and the national government failed to see eye to eye on the shape that a foreign mission would take. Therefore, the OAS did not send the requested international mission. Ironically, the Binner camp was likely unaware that Bielsa had enjoyed a close association with the OAS as chief of mission on various OAS election observation missions.

Nonetheless, in order to promote greater confidence in the electoral process, the provincial government of Santa Fe, with encouragement from federal electoral authorities, decided to invite an Argentine civic organization, Democracia Representativa (DR), to conduct a “citizen verification mission” (misión de verificación ciudadana). Although this was only the second time in Argentine history that a civic organization had been formally invited by an Argentine government to undertake such a mission, DR was well qualified for the task. It had conducted the first ever civic verification mission in the Province of San Luis just weeks prior. A number of its members were also seasoned veterans of electoral observation with the OAS and the Carter Center. Additionally, the DR Board of Directors had convened for this occasion two international experts as in situ advisers on all aspects of the Mission’s deployment and strategy.

From the start, DR encountered a series of challenging dilemmas in its efforts to conduct a verification mission. First, the civic organization received its formal invitation from the provincial government barely two weeks prior to election-day. This did not give it sufficient time to do a proper pre-election observation, in a context in which allegations abounded about irregularities in favor of Bielsa, the pro-Kirchner candidate. DR was thus obliged to weigh the costs and benefits of undertaking an incomplete verification mission. It decided to pursue the mission in the interest of advancing the important precedent of domestic election observation by civil society groups in Argentina, with the obvious

disclaimer that its ability to verify the election process was restricted solely to election-day proceedings and its immediate aftermath.

However, the most serious dilemma arose as its core team was en route from Buenos Aires to deployment in Santa Fe. They learned that Binner and his supporters had made public a series of serious accusations against the DR Verification Mission. The Mission was accused of aiding the incumbent government of Santa Fe in its alleged efforts to rig the elections in favor of Bielsa. Alluding to a recent national scandal where money had allegedly been flown into Argentina from the Chávez government in support of Cristina Fernández de Kirchner's presidential campaign, socialist spokespeople suggested to the press that the Mission's international advisers, having previously served as election observers in Venezuela, were somehow linked to Chávez. Repeated offers by the Chief of Mission to meet with the Binner campaign to explain the nature and objectives of the Mission were rejected.

Consequently, DR found itself potentially contributing unwillingly to electoral controversy, where its most important mission objective was to help foster voter confidence in the elections. It faced the tough decision whether to continue its mission, shrouded in controversy, or to withdraw. Its dilemma was compounded by the fact that in accepting the mission it had also signed a legal agreement with the provincial government.

A sector of the Mission's core team argued that objective conditions to conduct an effective observation mission were lacking. In their view, it was not possible to observe an electoral process against the active opposition of one of the major political actors. Since any public pronouncement by the Mission was likely to provoke a heated response by Binner's camp (thus causing even greater controversy), this situation effectively precluded the Mission fulfilling one of its basic functions, namely keeping the public informed about its tasks and findings. By putting the Mission under the constant threat of having its motives questioned whenever it made public statements, the Binner campaign effectively put a gag on the Mission. Under these circumstances, they argued that the Mission should withdraw.

Supporters of keeping the Mission in the field argued that in spite of Binner's opposition to the DR Mission, it was still able to fulfill its basic mandate. They also pointed out that the Mission had a binding legal agreement with the Santa Fe government. Even more so than San Luis, this was also an important precedent-building mission for Argentina's civic movement.

After much deliberation, its leaders decided to continue the Mission, albeit at a high cost in terms of its public and media relations. Whereas the Mission's initial plan had included demonstrating publicly the utility of domestic civil society-led election observations, the aforementioned situation obliged its leaders to alter drastically its public profile from high to very low. While running the Mission as planned, its members would henceforth conduct their tasks quietly, avoiding contact with the press whenever possible.

The DR learned some valuable lessons in Santa Fe that could be of interest to civic organizations performing similar tasks in the Hemisphere. First, electoral verification missions optimally should be explicitly endorsed not only by the host government but also

by all major political actors involved in the electoral process prior to launching an observation mission. Without such an endorsement, the Mission could not contribute to a climate of voter trust but instead could exacerbate existing controversy and mistrust. This requirement should be explicitly included in the legal agreement signed with the government.

Second, legal agreements with the government should explicitly recognize the autonomy of the civic organization's election mission in terms of public statements, circulation of its findings, and publication of its final report. A formal government invitation to verify an electoral process can be a double-edged sword. While a prerequisite for conducting a domestic electoral observation, as demonstrated in Santa Fe, such an invitation can also be a liability for the observing civic organization in a controversial, polarized context.

Third, civic organizations must be prepared in the worst case to abandon their mission, should they find that their presence in an electoral process could be counterproductive. If possible, such an escape clause should be incorporated into the legal text of missions negotiated with government or electoral authorities.

Fourth, civic organizations must develop criteria for accepting official invitations to organize election observation missions. Optimally, the invitation should come months in advance of election-day in order to provide a comprehensive assessment of the electoral process. Getting on the ground early is especially important in cases of controversial or polarized electoral processes.

Finally, it is wise for civic organizations engaged in election observation to pay constant attention to the perceptions that key election stakeholders, including election authorities, governments, candidates, parties, and the media, have of them and their mission. As DR learned the hard way, these stakeholders may have interests that run counter to the mission's objectives and that may include discrediting the civic organization.

In the end, DR ran a successful mission, deploying 45 volunteer observers throughout all the provincial territory. Thanks to its close monitoring of the electoral process, it was able to determine that no significant irregularities occurred on election-day. Indeed, after having seriously questioned the integrity of the electoral process, Binner won the governorship by a landslide: 48.71 percent of the vote versus Bielsa's tally of 38.78%.

Democracia Representativa survived its ordeal by fire, the wiser for the experience. How it handled these dilemmas and the lessons it learned in the process are no doubt of relevance to all civic organizations in the region engaged in national election observation. May these lessons help them, should they encounter similar challenges in their future domestic monitoring efforts.

Brief Biography of authors

Thomas Legler is a Professor of International Relations at the Universidad Iberoamericana in Mexico City. Previously he taught at Mount Allison University, the University of Victoria and the University of Toronto. A specialist on Latin American politics and development, he holds a doctorate in Political Science from Cork University. He is a member of the National System of Researchers (SNI), Level 1. Dr. Legler has an ongoing research interest in the international promotion and defense of democracy as well as comparative democratization in the Americas. He is currently working on two book projects: a collaborative research initiative on the multilateralization of democracy promotion in cross-regional perspective; and, a study commissioned by the Mexican Ministry of Foreign Relations on the evolution of Mexican involvement in multilateralism as part of a nine-volume collection to commemorate Mexico's bicentennial. He is the co-author of *Intervention without Intervening? The OAS Defense and Promotion of Democracy in the Americas* (Palgrave MacMillan 2006). His co-edited volume *Promoting Democracy in the Americas* (Johns Hopkins University Press, 2007) was nominated for the Georgetown University Leggold Book Prize. His refereed publications have appeared in *Global Governance*, *Journal of Democracy*, *Latin American Politics and Society*, *Canadian Foreign Policy*, and *Hemisphere*. Dr. Legler has observed elections with the Carter Center, the OAS, and civil society organizations in Argentina, the Dominican Republic, Ecuador, Mexico, Nicaragua, Peru, and Venezuela. He is presently collaborating in a project organized by the Centre for the Study of Queen's University to develop new tools for evaluating international democracy assistance projects.

Hector Vanolli is the current The Carter Center field representative in Venezuela. Originally a journalist in Argentina, he has extensive experience in institutional strengthening, democratization and electoral assistance. He has worked with the Organization of American States (OAS) in Washington DC for several years serving as Specialist at the Unit for the Promotion of Democracy (UPD). In that capacity, he served as Chief of Mission of the OAS Observer Mission in Nicaragua (1998); Deputy Chief of Mission in Guatemala (2001); and Special Advisor in Venezuela (2004 Recall Referendum), among other responsibilities. He has also served as General Coordinator of the project *Valores Democráticos y Gerencia Política*, an OAS special project on political party system support and development in Guatemala. He holds a Masters degree in International Relations and Communication at Boston University, and has been Fulbright and Ford Foundation scholar. As an electoral specialist he has also worked with the United Nations Electoral Division in Mexico and Mozambique. As a journalist, he has been a Fellow in the 1986 American Society of Newspapers Editors (ASNE) exchange program for outstanding journalists around the world. Among other publications, he has been co-editor of the book *Economic Reform in Latin America* (The Dryden Press, Harcourt Brace College Publishers, Fort Worth, Texas, 1997).