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**REPORT ON THE ELECTORAL OBSERVATION MISSION  
TO GUYANA 2001**

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ORGANIZATION OF AMERICAN STATES  
WASHINGTON, D.C.

THE SECRETARY GENERAL

SG/UPD-682/01

September 27, 2001

Excellency:

I have the honor to address Your Excellency to transmit the report on the Electoral Observation Mission to the general elections held in Guyana on March 19, 2001, and to request that you kindly arrange for its distribution to the members of the Permanent Council.

Accept, Excellency, the renewed assurances of my highest consideration.

César Gaviria

His Excellency  
Hernán R. Castro Hernández  
Ambassador, Permanent Representative of Costa Rica  
Chair of the Permanent Council of the  
Organization of American States  
Washington, D.C.

**ORGANIZATION OF AMERICAN STATES**

**REPORT**

**ELECTORAL OBSERVATION  
MISSION TO GUYANA  
2001**

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## **ACKNOWLEDGMENTS**

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In addition, the Electoral Observation Mission expresses its appreciation to Ms. Sherron Croal and Mrs. Simone Gilkes, whose dedication, professionalism, and energy were invaluable to the efficient functioning of the Mission at its headquarters, the National Office of the General Secretariat in Guyana, and to Mr. Michael Wyllie, Director, Mrs. Fawzia Seepaul and Mr. Leon Ninvalle. Transportation was provided by the efficient services of Bassant's Taxi Company in Georgetown and by other drivers and pilots throughout the country. Finally, the Mission expresses its appreciation to the people of Guyana for their cooperation at every stage of its operations.

Thanks also are extended to the Governments of the United States and Canada for their financial assistance and support, and to those Governments and the Inter-American Development Bank (IDB) for providing personnel, who increased appreciably the number of observers available on election day. The Mission also expresses its appreciation to the Embassy of the Russian Federation in Guyana for the opportunity to work closely with a member of its staff as he made independent observations on the elections. He and OAS observers consulted often and he used OAS observation forms and materials to facilitate his observation.

## **INTRODUCTION**

### **Summary**

On March 19, 2001, the voters of Guyana elected 65 members of the National Assembly. Mr. Bharrat Jagdeo was declared the winning presidential candidate by virtue of the national list of candidates of the Peoples Progressive Party/Civic (PPP/C) having received the highest number of votes. President Jagdeo, who had succeeded to the office of president in 1999, following the resignation of President Janet Jagan, was sworn in on March 31, 2001.

On election day, the OAS fielded a team of 34 observers, including 19 from 11 member and observer states of the OAS and 14 from diplomatic missions accredited to Guyana. The observation team consisted of persons from Argentina, Barbados, Belize, Bolivia, Canada, Grenada, Haiti, Mexico, Spain, Trinidad and Tobago, and the United States. The High Commissioner of Canada to Guyana and members of his staff, the Ambassador of the United States of America to Guyana and members of the Embassy staff, and personnel from the office of the Inter-American Development Bank in Guyana, joined the OAS team on election day. A representative of the Embassy of the Russian Federation to Guyana, observing on behalf of his Government, worked independently but in coordination with the OAS observer team.

In the months before the election, an enormous amount of international resources was contributed to the preparation for elections. The OAS Mission was informed that an estimated \$5,000,000 (U.S.) was provided for an election with 440,000 eligible voters.

The OAS observed the electoral process from March 1 to April 8, 2001. Voter participation in the elections was very high, and the elections were conducted in a satisfactory manner. However, problems were found with respect to the composition of the Official List of Electors (OLE), the timely issuance of national identification cards (one of the acceptable forms of identification for voting), the designation of polling stations, the possibility of potential electors to learn their correct polling stations, and voter education. The vote count at the polling stations was disrupted by a decision of the Chairman of the Elections Commission to require them to remain open later than the legal closing time, which was not communicated in advance to the officials at the polls. The subsequent reversal of the decision also did not reach the polling stations in an orderly and timely manner, further compounding the situation.

The system for the reporting of preliminary election results did not work as had been described to the people of Guyana prior to the elections. As a result, tensions increased in the days following the elections as citizens were unable to learn of the preliminary results or the specific reasons for the delay in reporting them. Last-minute restrictions were placed on observer access to the headquarters compound of the Guyana Elections Commission, making it more difficult for observers, party officials, and reporters to see what was occurring on and after election day. Some television hosts used all of these problems as a basis for questioning the entire electoral process.

However, the OAS Mission, and other international and national observers, did not find that the problems and irregularities were the result of fraud or that the inability of some voters to cast their ballots was the result of deliberate discrimination.

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### **Invitation and Acceptance**

In a letter dated May 5, 2000, the Minister of Foreign Affairs of the Co-operative Republic of Guyana, Mr. Clement Rohee, wrote to the Secretary General of the Organization of American States (OAS), Dr. César Gaviria Trujillo, stating, "I appreciate the role which the Organization of American States has played in previous elections in Guyana," and indicating the Government's interest in possible OAS support for the conduct and monitoring of the upcoming Guyanese elections. A letter to the Secretary General dated May 9, 2000, from the Head of the Presidential Secretariat, Dr. R. F. Luncheon, M.D., expressed the same sentiments. Both letters had been transmitted through the Permanent Representative of Guyana, Dr. M. A. Odeen Ishmael. On June 30, 2000, the Secretary General responded to Ambassador Ishmael, stating, "I assure Your Excellency that the OAS will seriously consider a formal invitation to deploy an OAS Electoral Observation Mission in connection with the next general elections in Guyana."

On October 10, 2000, the Minister of Foreign Affairs wrote the Secretary General, stating, "His Excellency the President Bharrat Jagdeo has considered the well-supported calls for observers for the National Elections and has decided to invite your Organization to support an observer mission to Guyana."

### **Mission Planning**

After accepting the invitation from the Government of Guyana, the Secretary General designated Ambassador Colin Granderson of Trinidad and Tobago as the Chief of Mission. Ambassador Granderson had extensive experience as the Executive Director of the joint OAS-United Nations International Civilian Mission in Haiti (MICIVIH), a human rights monitoring mission, and as chief of OAS electoral observation missions for the 1995 presidential elections and for the 1997 partial legislative and local government elections in Haiti. He had also been Chief of Mission for the Suriname electoral observation mission of the OAS in May 2000.

The elections, originally planned for January 2001, were postponed until March 19, 2001. Ambassador Granderson, accompanied by Dr. Bruce Rickerson, Deputy Chief of Mission, traveled to Guyana to meet with government officials,

political leaders, election officials, civil society representatives, diplomats, and donors from January 22, 2001, through January 26, 2001. Mr. Christopher Healy, the logistics coordinator for the Mission, joined them and remained in Guyana to set up the headquarters office in Georgetown and prepare for the arrival of the observers.

The Deputy Chief of Mission returned to Guyana on February 26, 2001, to complete the preparations for the deployment of the Mission. However, the observers could not be deployed until the necessary agreements were signed. This took place on March 1.

### **Agreements between the Government of Guyana and the OAS**

The Minister of Foreign Affairs and the Director of the National Office of the General Secretariat of the OAS signed two agreements on March 1, 2001. The Privileges and Immunities Agreement provided immunity against judicial proceedings; established the inviolability of premises,

documents, and files; granted exemptions from internal taxation, customs duties, and foreign-currency restrictions; and ensured the right of communications and transportation, and freedom from immigration restrictions, and registration as aliens. A second agreement provided for access by the OAS observers to all phases of the electoral process, with the Government ensuring access to election sites, the Elections Commission, and election-related information.

Once the agreements were signed, the OAS observers began arriving in Guyana. They were provided with a thorough period of training, on the principles of the OAS and procedures for observing elections, Guyana's election laws and procedures, the political context, and the general situation in the country. Final planning for observer deployment was done during this period. The Elections Commission issued all observers with official identification cards. The Chief of Mission arrived in Guyana on March 15 and remained until March 24. During that time, he was able to renew contact with the Chairman and members of the Elections Commission, leaders of the political parties, Government officials, and members of civil society organizations and to meet with the heads of the other international and national observer groups.

The OAS observers were deployed in all 10 regions of Guyana on March 19, election day, during which they visited 424 polling stations, nearly 25 percent of the total number. Previously, they had carefully observed the political campaigns, the media, voter education and the preparations for polling day. Those who were in the vicinity of the special voting sites also observed the balloting by the Disciplined Forces on March 12, 2001. The observers returned to the Mission's Georgetown headquarters on March 20 and 21 and most left the country after a few additional days, which were devoted to debriefing and writing individual reports on their observations.

The core group of observers remained to monitor post-election developments, including the announcement of the results by the Guyana Elections Commission, the hearing before the Chief Justice of the Supreme Court, as well as the post-electoral climate which encompassed both peaceful demonstrations and incidents of violence. The Mission came to an end on April 8, 2001.

The Mission is most grateful to the Governments of the United States and Canada for their generous financial contributions.

## CHAPTER I. PRE-ELECTION CONTEXT

A number of events, developments and agreements would have a profound impact on the 2001 electoral process, unfolding from the closing of the polls after the December 1997 elections almost until this year's elections. Taking into account these elements is essential to an understanding of the context in which the March 19, 2001 elections were held. To begin with, the 1997 report of the OAS Electoral Observation Mission offers some insight into this background.

### **A. 1997 EOM Report**

The 1997 OAS Mission report said that "on the whole, . . .the administration of the election on December 15 was adequate, and activities at polling stations went smoothly prior to the counting of the votes." However, it further noted: "The lack of time, planning, sufficient training, and thorough 'test runs' of the system for collecting and reporting election results contributed to the confusion after the polls closed."

The report continued,

A serious breakdown of the electoral process occurred after the ballots were counted, when communication and logistical difficulties prevented the timely transmission of the preliminary and final results from polling stations to the Elections Commission. The delays resulted in various allegations and suspicions, particularly since expectations had been raised by a promise that partial returns would be announced early on election night and almost complete results by midday on the following day, Tuesday, December 16.

On the same day, the Chief of the OAS Mission and other senior Mission personnel sought an audience with the Chairman on these issues, and were referred to the Chief Elections Officer, Stanley Singh. He indicated that ballot boxes would be opened to verify contents only if there was a major discrepancy between the summary of the results in each polling station (Statement of Poll), the statement of preliminary results, and the information written down informally by party scrutineers at the end of the count. The Chief of Mission suggested to Mr. Singh that the presence of OAS observers during a verification might help to clarify the situation and give confidence to Guyanese that procedures were being followed, but was told that if the Commission needed that kind of help it would request it.

The report said that "the Chairman of the Elections Commission held a noontime news conference on Friday, December 19, in which--stating that he was using his authority under Article 177 of the Constitution--he announced that Mrs. Janet Jagan, the PPP/Civic candidate, had won the presidency by 'an unassailable lead.'" He was quoted in a *Guyana Chronicle* story on December 20 as having said "that it had clearly been established that [Mrs. Jagan] ought to be declared the President."

The report made reference also to "a request in the Supreme Court of Guyana in an attempt to overturn the Chairman's announcement and prevent Mrs. Jagan from being sworn in. The request was granted, but before the writ could be delivered, Mrs. Jagan was sworn in later on Friday afternoon at the offices of the Elections Commission."

#### B. *Post-Election Situation in 1997*

The positions of the Government and the largest opposition party were strongly polarized after Mrs. Jagan became president. The Government, using the preliminary statements of international and Guyanese observers, asserted that the country should accept the results of the election. However, the People's National Congress (PNC) claimed that the results were fraudulent, and refused to accept the legitimacy of the Government. Accordingly, a legal action was filed to block the inauguration of the president and the announcement of results.

Following her issuance of orders related to the elections on the afternoon of December 19, 1997, Chief Justice Desiree Bernard made her final ruling on the first court hearing on January 12, 1998. According to an editorial in the *Stabroek News* on January 13, the Chief Justice "discharged the *orders nisi of certiorari and prohibition* she had made on December 19, 1997 against the Chairman of the Elections Commission, the Chancellor of the Judiciary and President Janet Jagan." The editorial continued, "Article 177(6) [of the Constitution], Justice Bernard explained in her 21-page judgement which she delivered against the background noise of the traffic reaching the courtroom from the Avenue of the Republic to a packed but hushed courtroom, precluded any direct challenge to the election of the person named as president in the instrument executed under the hand of the Chairman of the Elections Commission."

Violence broke out after the decision, with crowds smashing property, attacking people, especially those of East Indian ancestry, and virtually shutting down the economy. One person died in the bombing of a television station.

The Caribbean Community (CARICOM) was invited to bring the sides together and thereby, end the violence. A three-member mission composed of Sir Henry Forde, Sir Alister McIntyre, and Sir Shridath Ramphal was dispatched. After several days of discussion, the Herdmanston Accord, named for Herdmanston House in Georgetown, was signed on January 17.

#### C. *The Herdmanston Accord*

The Accord was signed by President Jagan, representing the ruling PPP/C; Mr. Hugh Desmond Hoyte, representing the PNC; and the Chairman of the CARICOM team. A Menu of Measures outlined the actions that would be taken, and a timeline for implementation went into effect, with the following provisions:

1. *Audit of the 1997 Elections*: "An urgent review of the due process of the count on and after 15 December 1997 (including the role of the Elections Commission) to be completed within three months of 17 January 1998 with a view to ascertainment of the votes cast for the respective political parties" and in the second stage an audit of systemic aspects of the electoral process, including the post-balloting phase. "The audit will be carried out under CARICOM auspices by a team proposed by the Chairman of CARICOM, after consultation with the Leaders of the political parties which participated in the 15 December 1997 elections, and agreed to by the Leaders of the PPP/Civic and the PNC."
2. *Moratorium*: "An immediate moratorium on public demonstrations and marches will be declared and implemented. The ban on these activities will be simultaneously lifted. These arrangements will subsist for a minimum period of three months from 17th January 1998."
3. *Dialogue*: "The PPP/Civic and the PNC will activate arrangements for sustained dialogue between them with a view to fostering greater harmony and confidence and resolving issues on which agreement can be reached."
4. *Constitutional Reform*: "A Constitutional Reform Commission will be established by law, with a wide mandate and a broad-based membership drawn from representatives of political parties, the Labour Movement, religious organizations, the private sector, the youth and other social partners. The Terms of Reference of the Commission and its membership will be determined by the National Assembly after a process of consultations with the political parties. It will be mandated to consult with civil society at large.

"The Commission will also be mandated to conclude its deliberations and present its report to the National Assembly within 18 months of 17 January 1998. The process for implementing the changes recommended by the Commission and approved by the National Assembly to be concluded in sufficient time to allow for post-reform general elections which will be held within 18 months after the presentation of the report of the Commission to the National Assembly.

"Among the matters to be addressed by the Constitutional Reform Commission will be measures and arrangements for the improvement of race relations in Guyana, including the contribution which equal

opportunities legislation and concepts drawn from the CARICOM Charter of Civil Society can contribute to the cause of justice, equity and progress in Guyana.”

5. *Creating a New Environment*: “The political Leaders of the PPP/Civic and the PNC will issue a joint statement confirming their commitment to the agreed process of dispute settlement and their resolve to avoid the use by or on behalf of their respective parties of language which is accusatory and which might have an inflammatory effect in the political context.”
6. *Implementation*: “For the purposes of the implementation of these measures, the PPP/Civic and the PNC will each appoint a senior representative with plenipotentiary powers for ensuring the smooth and uninterrupted translation of these agreed undertakings and arrangements into practice in a manner which supports the return of Guyana to normalcy.”
7. *CARICOM’s Continuing Role*: “The Parties also accept that the Chairman and Bureau of CARICOM will retain a continuing interest in the implementation of the measures, and remain at the disposal of both Parties in that regard.”

The provisions of the Accord were fundamental components of the environment leading up to the 2001 elections.

#### D. *CARICOM Audit of the 1997 Elections*

The mission of the CARICOM election audit team was to conduct “an urgent review of the due process of the count on and after 15 December 1997, including a review of the role of the Elections Commission.” The initial stage would involve “an examination of the processes of the count from the close of poll to the declaration of the final results of the election by the Elections Commission, the validity and authenticity of all relevant documents, and the ascertainment of the votes that were duly cast for the respective political parties.”

A second stage was to be “extended beyond matters inquired into in the first stage to include systemic aspects of the electoral process,” including “an enquiry into the electoral arrangements as planned and as actually carried out, as well as proposals for any modifications for future elections.”

The audit team reported that it had recounted the ballots in all 1,843 ballot boxes and that this effort “did not reveal any fraudulent ballots.” However, it discovered “evidence of many procedural omissions, irregularities and systemic difficulties” and “that these provided the basis for suspicion.”

*E. OAS Declaration on Guyana*

On June 3, 1998, during the twenty-eighth regular session of its General Assembly, the OAS adopted the "Declaration on Guyana" (AG/DEC. 19, XXVIII-O/98), which invited "all political parties in Guyana to accept the unequivocal results of the [CARICOM] audit; calls on all Guyanese to respect and obey the rule of law; supports the maintenance of the rule of law by the appropriate Guyanese authorities and institutions, and; urges all political parties and social forces to work in cooperation for the continued political, social, and economic development of Guyana."

*F. CARICOM Saint Lucia Statement*

A few weeks later, CARICOM held its summit in Saint Lucia. President Jagan attended in her official capacity, and Mr. Hoyte, the PNC leader, was invited to facilitate consultation with the region's political leadership. On July 3, 1998, a statement was signed by them and CARICOM to "reaffirm their commitment to the [Herdmanston] Accord, and to the implementation of its provisions as initially contemplated," including "Constitutional Reform on the basis and within the framework provided for in paragraph 4 of the Accord . . . the statement added "that it is feasible to complete the work of the Constitution Reform Commission and to have the Report submitted to the National Assembly by 16 July 1999 as originally contemplated, thereby maintaining the timetable in paragraph 4 (ii) of the Accord."

The statement also made a commitment that "the PNC will assume their seats in the National Assembly."

## **G. Constitution Reform Commission**

The Constitution Reform Commission submitted its report to the National Assembly on July 17, 1999. It also suggested specific legislative language to implement its recommendations. As stated earlier, the signers of the Herdmanston Accord had agreed that "the changes recommended by the Commission and approved by the National Assembly to be concluded in sufficient time to allow for post-reform general elections which will be held within 18 months after the presentation of the report of the Commission to the National Assembly."

## **H. European Union Needs Assessment**

In anticipation of elections, the Delegation of the European Commission to Guyana and Suriname tabled a report entitled, "Needs Assessment Mission for the Organization of General Elections in Guyana" on March 31, 2000. Excerpts are cited here because the issues that it raised significantly affected the preparations for the elections, and because it contained some insightful comments about the 2001 elections in the event that its recommendations were not fully implemented.

The Assessment's first recommendation was for "broad and intensive support for the Elections Commission, its administration and its management." The executive summary said, "With the level of mistrust and lack of confidence in electoral administration that now exists in Guyana, this [the need to institutionalize the Elections Commission and its secretariat] will in any event be necessary to meet international technical standards in a way that should be acceptable to all the Guyanese participants and to the Guyanese electorate. A high level of technical assistance is therefore recommended." It suggested that "this approach will be more expensive in the short term but if successful will lead to less need for external support in the longer term."

In addition to equipment and supplies, the Needs Assessment suggested that the Commission and its staff be provided, "with assistance in finance, legal issues, administration and logistics. Support will be available for the establishment of a public information and public relations unit and an in-house print shop. A full program of training of registration and election staff is included after the problems experienced in 1997, as is a program of voter education to explain the system and in particular the changes from 1997 that will be put in place."

The Assessment included a list of options for electoral technical assistance projects with "figures needed to ensure compliance with technical standards and the establishment of a fully sound permanent electoral machinery for the future."

According to the Assessment, one of Guyana's own pre-election commitments would be "to the electoral process itself, actively opposing violence and racial incitement, committing to accept the results of properly conducted elections, and accepting that the election process belongs not only to the parties but also to civil society and indeed to all Guyanese.

"The second [commitment] would take the form of confidence building measures. These could include the establishment of conduct for the media, the creation and

operation of consensual institutions and the addressing of issues such as the long term enablement of local government and the current perceived problem of the role of the police.”

The Needs Assessment predicted that unless Guyana undertook these commitments, “it is unlikely that the election, however well run, will lead to greater stability and inclusion in Guyana.” In addition, “The stark reality of deep lack of distrust means that the participants will judge the performance of the election by much more exacting standards than might be the case in a more relaxed atmosphere.”

Some international donors agreed to fund one or more of the projects proposed in the Needs Assessment. According to *The Stabroek News* of June 20, 2000, “With the signing of the Memorandum of Understanding, the donor community will release a projected US\$3.9 million through the Government to the Elections Commission under the condition that they [the elections] are conducted according to international standards.” The signing ceremony took place less than seven months before the projected date for national and regional elections under the Herdmanston Accord (January 17, 2001).

OAS observers were informed that, as a result of the Memorandum of Understanding between international contributors, an estimated \$5,000,000 (U.S.) was expended in Guyana to prepare for elections in which 440,000 persons were eligible to vote.

### ***I. Appointment of New Elections Commission***

Under previous election law, the mandate of the Guyana Elections Commission expired three months after an election. However, changes were adopted in mid-2000 that resulted in the appointment of a new Commission and Chairman for the 2001 elections. The new provisions ended the three-month limit on the Commission’s functioning and provided that the chairmanship would be a full-time position.

### **H. Postponement of Elections**

Because of the shortness of time between its appointment and the January 2001 date for elections that had been set in the Herdmanston Accord, the Elections Commission decided to postpone the polling until March 19, 2001.

## **CHAPTER II. ELECTION LAWS AND PRACTICES**

### **A. Who was to be elected?**

According to the amended election laws and the Constitution, the president and at least 65 members of the unicameral National Assembly are elected every five years by indirect secret ballot. The president appoints a prime minister and members of the cabinet.

Election to the National Assembly is based on a formula under which 25 of its members are said to represent the geographical constituencies, which coincide with the country's 10 administrative regions. The parties winning the most votes in each region compete for these seats. The rest of the seats (at least 40), called "top-up" seats, are allocated to the parties with the largest number of votes for its national list.

Candidates for president are not identified on the ballot in Guyana, but are designated by their political organization. The president is elected when the party that has designated her or him receives the most votes for its national list of candidates. A majority of the total votes cast is not required to be elected president.

### **B. *Allocations of Seats in the National Assembly***

The first step in the allocation of seats in the National Assembly is the calculation of a figure called the national quota, which is done by dividing the total number of valid votes cast nationally for all party lists by the total number of seats in the National Assembly (not less than 65). The quota represents the number of votes needed to win each seat. Then, the national quota divides each party's total number of valid votes for the entire country. This determines the number of "top-up" seats that each party will win.

The quota used for each geographical constituency is calculated by dividing the total number of valid votes cast in the geographic/polling region by the number of seats allocated by law on the basis of geography. Each party's total number of valid votes in a geographical constituency is divided by the constituency's quota to determine the total number of seats that each will receive. The total number of seats a party receives from all geographical constituencies is then subtracted from the number of seats allocated to that party based on the success of its national list. The result is the number of top-up seats that the party will receive. The top-up system is said to benefit the larger political parties, which would be

expected to receive the highest number of votes for their national lists on a countrywide basis.

The quota system places a premium on the accuracy of the OLE and of the count and tabulation of votes.

### *C. Gender and Geography*

Candidates for the 25 so-called geographic seats in the National Assembly are not required to reside in those constituencies. In 2001 the political parties did not designate which candidates would be chosen to fill the geographic seats they might win. As a result, the electors were unable to know who would represent them in the geographic seats.

The new election laws also required that one-third of the candidates on a party's national list be female. However, there is no requirement that one-third of those who actually take seats be female.

### *D. Election Laws*

Guyana's elections are governed by a large body of statutes and constitutional provisions and by procedures established by the Elections Commission and the Chief Elections Officer. After the 1997 election, a number of constitutional amendments were passed in addition to changes in the law.

The electoral system is based on the following:

- The Constitution of the Co-operative Republic of Guyana (1980), as amended
  - The National Assembly Elections Order 1980
  - The Election Laws Amendment Acts of 1991, 1996, 1997 and 2000
  - The Representation of the People Act, Chapter 1:03, as amended in 1990 and 2001
  - The Representation of the People (Amendment) Act No. 30 of 2000
  - The Election Laws (Amendment) Act No. 15 of 2000
  - The National Registration Act, as amended

The Constitution provides that anyone over the age of 18 who is a citizen of Guyana or of the Commonwealth, domiciled and resident in Guyana, and has a national identity card is entitled to vote, unless he or she is certified insane, has been adjudged to be of unsound mind, or "has been convicted by a court of any offense connected with an election that is so prescribed or has been reported guilty of such an offence by the High Court in proceedings under article 163 of the Constitution." However, parliament may empower the court to exempt a person from disqualification if it considers this just.

Under the Constitution, the president dissolves the parliament and sets a date for national and regional elections. As soon as the announcement is made, the Commissioner of Registration becomes the Chief Elections Officer.

## **E. The Guyana Elections Commission**

The powers, privileges, and authority of the Guyana Elections Commission and its chairman are set out in the Constitution, its amendments, and other acts. Other functions of the Commission are governed by the Representation of the People Act. The Constitution (Amendment) Act No. 2 of 2000 allows the national identity card to be used to identify voters. The Constitution (Amendment) (No. 3) Act No. 14 of 2000 made the Elections Commission a permanent body.

A 1995 constitutional amendment provided that the Chairman of the Elections Commission should be appointed by the president from a list of six persons submitted by the leader of the opposition after consultation with the political parties in the National Assembly to which the president does not belong. There are six members in addition to the chairman--three appointed by the president and three on the advice of the leader of the opposition after consultation with the political parties to which the president does not belong. This system is known as the Carter Formula, since it originated from recommendations made by the former United States president in 1992. In practice, three commissioners are members of the governing party, two represent the official opposition in the National Assembly, and one has traditionally been chosen to represent the other parties in the National Assembly.

## **F. Registration of Citizens and Electors**

Guyana does not have an electoral office or tribunal, as do many of the member states of the OAS. Its civil registry, called the National Register of Registrants (NRR), collects birth and death information and issues national identity cards. The Commissioner of Registration, who becomes the Chief Elections Officer when elections are announced, heads the NRR. Registration in the NRR is mandatory for all persons over the age of 14. Before each election, the voters' list is extracted from the NRR. It contains the names of all persons over 18 who meet the qualifications previously stated. The voter is responsible for informing the civil registry in the event of a change of name, residence, or other specified changes.

## **G. Political Parties and the Nomination of Candidates**

To compete for regional or geographic seats, a political party requires the support of only 150 voters from the geographic constituencies it is contesting. Standing for office at the national level requires the signatures of at least 300 voters in support of a party's national list.

In an effort to make the number of parties more manageable, the Elections Law (Amendment) Bill 2000 requires a party to compete in a minimum of six of the 10 geographic constituencies and for at least 13 of the 25 geographic seats allocated

to them. Its list must contain two more candidates than there are seats to be filled. Parties must submit at least 42 names on their national lists.

Each qualified political party or organization submits a list of candidates on nomination day to the Chief Elections Officer. The names are then reviewed and approved by the Elections Commission. After approval, the Commission publishes the party names and symbols in the government *Gazette*. The names of candidates and any combination of party lists are announced no later than 23 days before election day.

## **H. Polling Districts**

Guyana designates its 10 administrative regions as polling districts, as provided by the National Registration Order of 1980. These are also the geographic areas from which 25 seats in the National Assembly are designated. The names of the regions coincide with geographical features, in most cases the names of rivers. For example, Region IV is located between the Demerara and Mahaica rivers. The 10 polling districts are as follows:

- Region I, Barima/Waini
- Region II, Pomeroon/Supenaam
- Region III, Essequibo Islands/West Demerara
- Region IV, Demerara/Mahaica
- Region V, Mahaica/Berbice
- Region VI, East Berbice/Corentyne
- Region VII, Cuyuni/Mazaruni
- Region VIII, Potaro/Siparuni
- Region IX, Upper Takutu/Upper Essequibo
- Region X, Upper Demerara/Berbice

A Returning Officer is responsible for each of the 10 districts, which are further divided into 97 subdistricts with a Deputy Returning Officer. Each subdistrict is subdivided into a number of polling places, each with one or more polling stations. Deputy Returning Officers are responsible for between 5 and 20 polling stations.

### **CHAPTER III. ELECTORAL FRAMEWORK**

#### **A. Voter Registration and the Identification of Voters**

During 1996-97, a house-to-house enumeration was undertaken to register persons over the age of 14 by officials of the National Registration Centre. The general citizen registration was based on the Representation of the People Act, Chapter 1:03; the Election Laws (Amendment) Act No. 12 of 1996; and the National Registration Act, Chapter 19:08.

Before the 2001 elections, the Elections Commission determined that there was too little time for another enumeration between its appointment and the elections, then scheduled for January 2001; it therefore decided to base the list of eligible voters for 2001 on data that had been collected in 1996-97. Although this may have been a practical necessity, many Guyanese who had harbored suspicions about the accuracy and completeness of the 1997 list also expressed discomfort with the accuracy of the 2001 OLE before the elections got underway.

For 1997, the Elections Commission had attempted to improve public confidence in the electoral process by proposing that a new voter card be the sole acceptable form of identification. This was unanimously enacted by the National Assembly and came to be known by the well-publicized slogan "no ID card, no vote." The card had to be turned in at the polling place after the elector had voted and was intended to be reused in future elections, thereby amortizing the considerable cost.

In its preparations for 2001, the Commission was unable to use the voter identification cards, since they had been impounded as evidence in the 1998 elections petition court case and remained outdoors at the Commission's compound, sealed in ocean shipping containers. During 2000, the Commission proposed issuing new national identity cards, which could also be used to identify voters. In most cases, new photographs were needed for the new cards. Persons who had their pictures taken received a stub to confirm that they had been photographed, which was to be presented when collecting the card.

The new cards were in the process of being manufactured on January 15, 2001, when Justice Claudette Singh made her decision on the 1998 elections petition. She ruled that the 1997 election results were unconstitutional because the voter identification card had been the sole means of gaining access to the ballot.

The Elections Commission had no choice but to declare that other forms of identification besides the new national identity card would be accepted in 2001. The National Assembly then approved the Constitution (Amendment) Act No. 2 of 2000, altering Section 159 of the Constitution to allow the national identity card to be used as a form of voter identification.

On March 17, 2001, just two days before the elections, the Commission announced the other documents that would be accepted to identify voters. They included a special identification card, a valid passport or one that expired not more than five years ago, a duplicate Master Registration Card

(MRC) at the polling place, and if none of these were available, an appropriately administered Oath of Identity, in accordance with Section 8 of the Representation of the People Act, Chapter 1:03. (See *Guyana Chronicle*, March 17, 2001).

But the OAS observers reported that a considerable percentage of the population apparently continued to believe that they would need the national identity card to vote -- an indication of the effectiveness of the voter education effort in 1997, which had emphasized "no card, no vote." This misperception, and the long delay in the announcement of alternative forms of identification, confused potential electors and increased frustration when the delivery of the cards was delayed.

The Commission had announced that a copy of the MRC for each voter would be available at the polling station to avoid fraudulent voting and to double-check identities. As errors were discovered in the OLE, at least one political party demanded that persons should be able to vote if they presented the stubs that had been provided when they were photographed. The Commission refused, asserting that there was evidence that some stubs had been forged.

## **B. Official List of Electors (OLE)**

The following steps were carried out by the Elections Commission to construct the OLE prior to the 2001 elections:

1. Concerns about using the database from the 1996-97 NRR were compiled and considered. Tests were conducted to ascertain that this database was the same one used to produce the 1997 voters' list and that it remained intact and authentic.
2. The NRR was used to construct the Preliminary Voters' List (PVL) for 2001. A statistical survey was conducted to estimate the degree to which the PVL required "sanitizing" to conform to the size, composition and geographical distribution of the 2001 electorate, as projected by the Bureau of Statistics (which had estimated that approximately 92,000 of the 516,049 names on the NRR/PVL needed to be removed because of death, migration or unknown identity).
3. The PVL was made available to interested parties for suggestions as to possible defects.
4. Persons from throughout Guyana were invited to confirm or amend their registration on the PVL by having photographs taken and their MRCs reviewed (99,293 names were removed, but with new registrants the OLE reached 438,940 names).
5. The revisions were published as the Revised Voters List (RVL) and made available to stakeholders for their assessments of possible defects.
6. Twenty-one categories of defects were analyzed to see what corrective actions could be taken, including apprising election day staff (see "Statement by Guyana Elections Commission on Official List of Electors," *Guyana Chronicle*, March 11, 2001).

The Commission published an addendum to the OLE that was also provided to stakeholders in the election, both in printed form and on compact discs. On election day the final OLE with the addendum contained data on 440,185 electors.

On the basis of its tests, the Commission claimed that the OLE was 95 percent accurate, which it described as a "permissible error rate" and which was based on a sampling of voters. Field workers hired by the Commission were sent out to locate a sample of at least 300 names, each

selected from the PVL within 16 or 17 days. Many "call-backs" were required and a number of persons were determined to be "not found." (The process is described by Roy Paul, *Stabroek News*, February 28, 2001).

Given the historical climate of distrust surrounding elections in Guyana, some critics alleged that many voters had been "disenfranchised" by the "deliberate manipulation" of the OLE -- for example, persons whose names appeared on the PVL and RVL but not on the OLE, erroneous names and addresses, persons whose names appeared on lists for districts and subdistricts where they did not reside, and persons who had considerable difficulty in getting their correct addresses posted in the system if they had moved since 1997. One week after the elections, the Commission's Information Systems Department concluded, "the current manner of collecting and processing voter data is unwieldy and that alone exposes a registrant to the risk of some part of the system failing." (See *Stabroek News*, March 26, 2001).

Prior to election day, the OAS Mission saw no evidence to support the contention that there had been systematic discrimination. It is true that many prospective voters and both major parties complained of problems. The PNC was the most vocal organization decrying what it called intentional discrimination.

### **C. Disciplined Services Balloting**

In Guyana, the Disciplined Forces (the police force, the defense force and prison guards), and certain non-resident electors vote in advance of election day. This vote took place on March 12 at 46 polling stations throughout the country. The OAS Mission observed the balloting in a majority of them.

The law was changed for the 2001 elections so that the Disciplined Forces ballots would not be counted separately and the announcement of the results would not be made prior to election day. In 1997, a huge majority of the vote from the Disciplined Forces had gone to the PNC, and the advance knowledge of this outcome had been unsettling to some elements of society.

An amendment to the Representation of the People (Amendment) Act, provided that the votes of the Disciplined Forces would be counted with those of other voters at polling stations in the geographical constituencies in which their names were on the OLE. The voter placed the ballot in a blank envelope upon which the ballot clerk had written the name of the geographic region. After the polling stations closed, ballot boxes, packets and materials were forwarded to the Chief Elections Officer, who was responsible for securing them. On March 15, the envelopes containing the ballots were sorted by region so that they could be delivered to the Returning Officers in time to reach the appropriate polling stations and be counted with the other ballots by election day. Party agents and observers, including the OAS Mission, witnessed the sorting.

The Disciplined Forces voting occurred relatively smoothly. However, OAS observers, party agents and national observers noted the following:

- Ballots arrived late at some polls.

- Some polling stations had fewer than the required number of poll workers; several had only two of the five required.
- Some names were not on the OLE. Addenda to the lists were distributed as late as 1:30 p.m., so that registrants who had sought to vote earlier were excluded.
- Electors took an inordinately long time to cast their ballots. Some waited in line for three to four hours.
- Many electors had no form of identification at all, despite their membership in units of the Disciplined Forces. Polling officials sometimes handled this situation by asking a senior member of the unit to “vouch” for the elector.
- As with the public at large on election day, the vote took place before all the national ID cards had been delivered.

The problems encountered during the early voting by the Disciplined Forces should have alerted the Commission to shortcomings in the effectiveness of the preparations, permitting it to make modifications prior to March 19. The lack of proper identification was especially noteworthy. Permitting persons to vote by being “vouched for” caused at least one political party to express trepidation about the usefulness of requiring identification on March 19.

Non-resident electors include a relatively small number of ambassadors, high commissioners, members of staff, and the spouses and children of all of these. They also cast their ballots on March 12, 2001, but only for national lists.

#### **D. Polling Stations**

Before the 1997 elections, the Commission established 1,844 polling stations, in an attempt to limit the number of potential voters at each to no more than 400. Prior to the 2001 elections, it stated its desire to reduce the number of polling stations further for administrative reasons. OAS observers were told that the Commission debated the question of the number of polling stations and the number of voters assigned to each of them at length. One concern reported was with managing 1,844 or more polling stations efficiently; however, there was considerable pressure to increase the number of voting locations for the “convenience of the voters.” In some cases, OAS observers were told that a larger number of polling stations would mean that more party loyalists could be appointed to work at the polls.

In the end, 1,874 polling stations were created for 2001, and many were designated very late in the process. This resulted in a need to hire or reshuffle polling station personnel to handle the increased workload. On election day, the total number of polling stations was still not clear to the public or to observers, which made it difficult and sometimes impossible to inform voters where they should cast their ballots.

#### **E. Voting and Counting Procedures**

##### *Polling Station Officials*

According to election law, each polling station should have a presiding officer, an assistant presiding officer, a poll clerk, and a counting assistant/ballot clerk. Polling stations are required to open at 6 a.m. and close at 6 p.m. Officials are

required to remain until after the votes are counted. The political parties may send their agents, or scrutineers, to view the proceedings.

### *Voting Procedure*

Prospective voters enter the polling station one at a time and report to the poll clerk, who checks the OLE, calls out the name and registration number, and refers the elector to the assistant presiding officer, who issues the ballots. The elector goes to the booth, marks the ballot, and returns to the counting assistant/ballot clerk, who stains the voter's finger and permits the voter to place the ballots into the ballot box.

### **Oath of Identity**

Article 69 of the Constitution provides that voters may execute an Oath of Identity "where there is contained in the official list of electors, or part thereof, a name or other particulars which correspond so closely with the name or other particulars entered on the identity paper of an applicant to vote as to suggest that the entry in the official list or part thereof is intended to refer to him, the applicant shall, upon taking an oath of identity in Form 19, be deemed to be the person so named in the official list or part thereof." This system appears to be designed as a backup when names are already on the voters' list, but where there may be small errors such as an inverted order of first and last names of a person whose address is otherwise correct and who can establish proper identity.

### *Special Voting Circumstances*

A registered voter may be granted permission to vote by proxy. No elector may cast a proxy vote for more than two other people. A proxy elector must vote at the polling station where he or she is registered.

The presiding officer may allow a person who is blind or incapacitated to be accompanied by someone else who will vote as instructed by the elector. A blind or incapacitated elector who is unaccompanied may request and receive assistance from the presiding officer.

### *Counting and Returning Ballots*

The presiding officer must permit anyone who is in line at 6:00 p.m. to vote. After the doors are closed, the ballot box is unlocked and preparations are made for the counting of votes. The first task of the presiding officer is to count the numbers of used, unused, spoiled, and tendered ballots and to complete an inventory of supplies used and available. After that information is recorded, the ballot box is opened and emptied and the presiding officer distributes tally sheets and counts and records the number of ballots. At the end of the count, these materials are returned to the ballot box. The sealed, locked ballot box is then transported under police guard to the office of the regional Deputy Returning Officer or Returning Officer, as appropriate.

## **Statement of Poll**

The summary document containing the results from each polling station (the Statement of Poll) is completed at the conclusion of the count. In the past, the party representatives had to keep their own unofficial tally. Discrepancies between the information contained in the Statements of Poll and the number of votes listed by party agents led to many disputes after the 1997 elections.

A practical, low-cost solution was adopted in 2001. Carbon copies of the Statement of Poll were made for the persons present and for transmission to other levels of the electoral process. In addition, a copy was posted at the polling stations so all could see the results.

## **CHAPTER IV. POLITICAL PARTIES**

Because of the ease with which political parties may be formed in Guyana, they tend to proliferate. However, only a few succeed in winning seats in the National Assembly or in winning the presidency.

### *A. Political Organizations*

In 2001, 11 political organizations or parties participated in the elections, 7 of which also contested in 1997. Eight of them presented presidential candidates. A very brief profile of each follows.

#### **Guyana Action Party/Working People's Alliance (GAP/WPA) Symbol: Heart (of the Matter)**

The WPA was founded in 1975 as a multiracial, independent Marxist party. Walter Rodney was its best-known leader. Since his death on June 13, 1980, under circumstances that are still debated hotly in Guyana, the party has continued to offer analyses and proposals that often differ from those of the largest parties. For the 2001 elections, the WPA combined with the GAP to contest in all 10 regions. This was the first time that the GAP, formed in 1991, participated in elections. It favors racial integration and seeks to protect the rights of the Amerindian people. Paul Hardy was the presidential candidate of the alliance in 2001.

#### **Guyana Democratic Party (GDP) Symbol: House**

Asgar Ally, a former minister in the PPP/Civic government, led the GDP in 1997 and 2001. The party was formed between 1992 and 1997 after Mr. Ally resigned from his ministerial post. The GDP contested the geographical and regional elections in seven regions and presented Mr. Ally as the presidential candidate on its national list.

**Guyana National Congress (GNC) Symbol: Rice plant**

The party was led by Mr. Samuel Hamer and fielded candidates for the regional elections in Region IV, Demerara/Mahaica.

### **Justice For All Party (JFAP) Symbol: Scale**

As in the 1997 elections, JFAP's presidential candidate, Chandra Narine Sharma, led the party. Mr. Sharma is the owner of a television station in Georgetown and is a civic activist. Candidates were also presented in six regions.

### **National Democratic Front (NDF) Symbol: Factory**

Joseph Bacchus, the party's presidential candidate in the 1997 elections, led the party but did not contest for president in the 2001 elections. The NDF competed for seats in Region X, Upper Demerara/Berbice.

### **National Front Alliance (NFA) Symbol: Five-pointed star**

The NFA contested elections for the first time in 2001. Keith Scott was the presidential candidate and led the party in six regions.

### **People's National Congress/Reform (PNC/R) Symbol: Palm tree**

For the first time, the party competed under the new name PNC/Reform (PNC/R). Its presidential candidate in 2001 was former President Hugh Desmond Hoyte. Forbes Burnham had founded the party in 1955 following a split with the People's Progressive Party. On Mr. Burnham's death in 1985, Prime Minister Hoyte succeeded to the presidency, in accordance with the constitutional line of succession. The PNC lost the elections in 1992 after five consecutive terms in office, beginning in 1964. Traditionally, the PNC has received much of its support from the "Afro-Guyanese" community. The Reform component, which included a number of civic leaders, university professors, and entrepreneurs, joined the PNC in 2001.

### **People's Progressive Party/Civic (PPP/C) Symbol: Cup**

The PPP was formed in 1950 under the leadership of Dr. Cheddi Jagan. In 1953 it won the elections for the first time in the pre-independence period, but it was deposed after the Constitution was suspended. It won the next elections and maintained power until 1964, when a PNC/TUF coalition was able to form a coalition government. Before the 1992 elections, the PPP became PPP/Civic after forming an alliance with prominent businessmen and other community leaders. The PPP regained power in 1992 and was reelected in 1997. When President Cheddi Jagan died early in 1997, Mr. Samuel Hinds of Civic, the Prime Minister, succeeded him. President Jagan's widow, Janet, was the party's candidate in the December 1997 elections. Before election day, she announced that Finance Minister Bharrat Jagdeo would become president if she ever had to step down. Accordingly, Mr. Jagdeo succeeded to the presidency in 1999 upon President Jagan's resignation. This followed a brief period as Prime Minister after the resignation of Mr. Hinds, who was reappointed Prime Minister after President

Jagdeo succeeded to the presidency. Traditionally, the PPP has won a high percentage of its support from the "Indo-Guyanese" community.

### **Rise, Organize and Rebuild (ROAR) Symbol: Rampant jaguar inside map of Guyana**

ROAR was a new party for the 2001 elections, led by its presidential candidate, Ravindra Dev. The party contested geographic seats in six regions and regional seats in five. ROAR presented a platform called "The Blueprint," aimed at encouraging racial integration, improving education, creating more jobs and investment opportunities, and improving safety and security. ROAR was strongly critical of the PPP/Civic government during the elections, claiming that it had lost opportunities to lead boldly.

### **The United Force (TUF) Symbol: Sun**

TUF has its origins in the early 1960s, when businessman Peter D'Aguiar founded it. It is best known for its coalition government with the PNC after the 1964 elections in which it won seven seats. Manzoor Nadir is the present leader and was its presidential candidate in both 1997 and 2001. The party also presented candidates for the geographical and regional elections in all 10 regions. Over the years, the party has shown strength in the hinterlands, with Amerindian voters.

### **People's Republican Party (PRP) Symbol: Lamp**

The PRP contested elections for the first time in 2001 under the leadership of Aubrey Garnett. The party participated in the geographic and regional elections in Regions V and IX, Mahaica-Berbice and Upper Takutu-Upper Essequibo, respectively.

## **CHAPTER V. THE PRE-ELECTION PERIOD**

***During the two months between the date of elections that had been set by the Herdmanston Accord (January 17, 2001) and the rescheduled date of March 19, several developments occurred that affected attitudes toward the elections, and their conduct.***

### ***A. Ruling, Consequential Order on 1998 Election Petition***

On January 15, 2001, Justice Claudette Singh issued findings of fact on the elections petition that had been filed on behalf of a PNC supporter early in 1998. Ten days later, she issued a consequential order that, in effect, was the penalty phase of the proceedings. Her findings evaluated several issues that had been considered during the trial, on the basis of the testimony and evidence that had been

heard during a period of almost three years, in order to determine whether they were serious enough to justify overturning the 1997 election results. In each instance, she found that irregularities or violations of the law had occurred, but that it was not possible to conclude that they had been sufficiently severe to overturn the results of the elections. However, she commented after considering each of them that any bystander or person who had heard the evidence would be suspicious about their impact on the election results.

In another section of her findings, however, the Justice ruled that the 1997 elections had been unconstitutional, and therefore null and void, because of the requirement that the voter identification card be the sole means of identifying potential voters, even though the legislation requiring sole use of the voter identification card had been adopted unanimously by the National Assembly in 1997. Justice Singh made her finding on the grounds that the right to vote was so fundamental and so deeply embedded in the Constitution that, in her opinion, mandating only one form of identification would have required the adoption of a constitutional amendment.

Ten days later, on January 25, 2001, Justice Singh ruled that the Government could remain in power, but would have to limit its functions. In addition, she ruled that the National Assembly could sit, but should limit itself to legislative matters required for the March 19 elections. Finally, she ruled that, although the Government could remain in power until elections, these had to be held by March 31, 2001.

These findings were hotly debated during the period of the OAS exploratory mission. Some political figures, who had complained that the two major elements of the Herdmanston timetable should be completed before elections, advocated the formation of a national front or coalition government to provide additional time for constitutional changes. However, this suggestion, which did not find much support, was essentially considered moot after the March 31 deadline had been set by Justice Singh.

## **B. The Political Campaign**

The OAS observers reported that, although party rallies were well attended, the overall enthusiasm for the election appeared less than might have been anticipated. There were fewer campaign signs and posters on utility poles and not as many billboards as had been seen in 1997. Campaign T-shirts, flags, and other accoutrements were also decidedly less visible.

OAS observers were present at a number of political rallies and meetings, many of which were well attended, noisy, and aimed at traditional supporters. There were, regrettably, several incidents of violence.

There was no debate among the presidential candidates of the largest parties. It appeared to the observers that many voters would have welcomed such a debate, with or without candidates from other parties.

## **C. Media Coverage**

A unit of the Elections Commission and the independent Electoral Assistance Bureau (EAB) conducted much of the media monitoring during the pre- and post-election period. They generally found that the Government-controlled newspaper, the

*Chronicle*, Guyana Television, and radio stations (all of which are state-controlled) tended to be favorable to the governing party.

There was a great deal of discussion of the role of so-called talk shows that appeared on television. The formats of these programs differed widely. Some combined commentary, often for hours at a time, interspersed with answering telephone calls. Others relied on discussion panels, which would also take calls. Some television stations appeared to be heavily favorable to one or the other of the political parties.

Relatively few programs were devoted to increasing voter participation or education. Many hosts seized every opportunity to criticize the conduct of the elections and the election administrators, and to vilify candidates they disliked. As reported by media monitors, several television hosts were quick to create or embellish rumors about conspiracies that they alleged were being hatched to thwart the will of the people. These included allegations about the use of computers, about the role of non-Guyanese political consultants, about intentional manipulation of the voters' list so as to place one ethnic group or political party at a disadvantage, and about how problems were being deliberately created to disrupt the distribution of national identity cards.

The media rarely investigated the truthfulness of rumors or patent falsehoods. For example, when it was reported that a cabinetmaker had made "phony ballot boxes" in Parika (Region III), the story ran unchallenged for several days. Eventually the Chairman of the Elections Commission said the reports were not factual. However, no one raised the point that neither the actual ballot boxes nor those that had been used during the training of poll personnel were made of wood. The story continued to circulate, with the implication that a fraud was under way.

#### *D. Pre-election Violence*

There were sporadic incidents of pre-election violence. One "talk show host" was arrested twice before election day when he led a crowd near the Elections Commission's complex. After his first arrest, he was taken to the Brickdam Police Station and his followers arrived shortly afterwards, expressing concern for his treatment. During the evening, tires and utility polls were burned and some passersby were beaten. The police intervened and used tear gas and shotguns to disperse the crowds.

Before the elections, the fear of post-election violence was constantly expressed. OAS observers were told that neither of the two major parties, which both asserted that they were going to win, would accept defeat gracefully. Pre-election violence, however, had not been anticipated in Guyana and was quite unsettling. This early incident caused Mission managers to increase their vigilance for the safety of the observers and for staff at Mission headquarters.

#### **E. Voter Education**

The OAS observers saw little evidence of pre-election voter education for potential electors. A videotape was played frequently on television to teach voters about polling-station procedures. However, efforts to explain the changes that had been made in election law and procedure appeared to be relatively ineffective. Some major changes in the law were adopted as little as one month before the election. In addition, the Commission made very late decisions on the location of polling stations and the acceptable forms of alternative identification.

As a result of the late adoption of the changes, the Mission heard many Guyanese speculate that perhaps nobody in the country had a full understanding of the new electoral system. There was a widespread feeling that the voters lacked the fundamental information they would need to participate knowledgeably in the electoral process.

#### *F. Voter Registration*

Observers heard representatives from the two largest political parties express alarm and allege that persons from certain areas or persons whose surnames identified them with a particular ethnic community were being intentionally purged from the OLE. Some blamed purported changes in the ethnic composition of the staff at the Elections Commission. At times, it was alleged that the best managers and corporate memories of the institution had been removed capriciously; at others, the OAS was told that persons who were said to have managed questionable elections in the past still controlled the process. There was, however, generally high praise for Chairman Singh across the political spectrum. But the level of distrust was such that this did not prevent rumors from circulating that vital matters were being manipulated without his knowledge.

The outcome of the numerous disputes about the accuracy of the OLE was a reduction of 4.6 percent in the number of eligible electors from 1997 to 2001. The 21,184 names that did not reappear on the voters' list in 2001 were the result of decisions taken by the Elections Commission following numerous, lengthy discussions with the political parties. Some of the political parties had alleged that the 1997 voters' list had been unjustifiably large, but as the Commission proposed reductions in the size of the list, both parties insisted that they had more accurate counts and that the reductions were too large. Both of the larger political parties also asserted that its adherents were being removed in a discriminatory way, resulting in a benefit to opponents.

As a result, none of the political parties was satisfied with the names that were included in the OLE. They were also dissatisfied with the process used to adjust the number of eligible voters downward.

#### *Table 1*

COMPARISON OF REGISTERED VOTERS BY REGION, 1997 AND 2001  
ELECTIONS

| Polling District |                                 | Registered Voters, 1997 | Registered Voters, 2001 | Difference (+/-) |
|------------------|---------------------------------|-------------------------|-------------------------|------------------|
| No.              | Name                            |                         |                         |                  |
| I                | Barima/Waini                    | 12,374                  | 11, 473                 | -901             |
| II               | Pomeroon/Supenaam               | 27,498                  | 26, 234                 | -1,264           |
| III              | Essequibo Islands/West Demerara | 62,490                  | 61, 020                 | -1,470           |
| IV               | Demerara/Mahaica                | 200,277                 | 193, 582                | -6,695           |
| V                | Mahaica/Berbice                 | 32,020                  | 30, 699                 | -1,321           |
| VI               | East Berbice/Corentyne          | 79,129                  | 72, 649                 | -6,480           |
| VII              | Cuyuni/Mazaruni                 | 10,726                  | 9, 497                  | -1,229           |
| VIII             | Potaro/Siparuni                 | 4,863                   | 4, 371                  | -492             |
| IX               | Upper Takutu/Upper Essequibo    | 8,628                   | 8, 757                  | + 129            |
| X                | Upper Demerara/Berbice          | 23,364                  | 21, 903                 | -1,461           |
|                  | <b>Total</b>                    | <b>461,369</b>          | <b>440, 185</b>         | <b>-21,184</b>   |

#### G. *Attitudes toward International Election Observers*

A large number of international election observers came to Guyana before election day. Some arrived virtually on the eve of the vote, one mission had been present for six months, and the OAS was in the country for several weeks.

One of the consequences of Justice Singh's findings that pointed out irregularities during the 1997 elections was that a few media figures questioned the usefulness of international observers. They claimed that the observer groups in 1997 should have seen the irregularities that had been revealed during the three-year elections petition case. Some characterized the 1997 observers as adopting pro-government attitudes, as being lax, or as declaring too quickly that they had seen no fraud. The criticism of observers was sporadic, but it did not impede the work of OAS and other international observers, nor did it appear to color the attitude of voters and political parties and their candidates towards the observers.

It must also be stated that the OAS observation team never felt that they were hindered in their work or endangered by virtue of their affiliation with the Organization. Many reported very favorable comments and general cooperation during their observation rounds.

#### H. **Liaison with Other Electoral Observation Missions**

There was an extremely high and generally effective level of coordination between the OAS and other international electoral observation missions. This was both a necessity and a virtue. It was a necessity because there were several independent observation missions, and it made sense to do everything practical to avoid a duplication of effort. The OAS Mission management team maintained continuous dialogue with the observers from the European Union, the Commonwealth, CARICOM, and the Carter Center. The Mission also collaborated closely with the so-called long-term observers, whose deployment had been provided for in the Memorandum of Understanding signed between the Government and some international donors as a result of the European Union's Needs Assessment.

Cooperation was a virtue not only because the tension and complexity of the elections made frequent consultation and communications imperative, but also because it increased the opportunities for information sharing. Weekly meetings of the heads of the observer groups soon increased to several times a week. OAS Mission headquarters became the preferred venue. The meetings were informal, and often lasted for more than an hour.

One observer group appeared to enjoy greater access to information from the electoral authorities. After requests from the others, including the OAS, weekly meetings with the chairman of the Elections Commission were opened up to include the leadership of all the teams.

The cooperation among the groups of international observers was effective, and increased as election day approached. It became almost constant during the period before the announcement of results, and during the hearing before the Chief Justice. Each group brought strengths to the observation process, and Guyana benefited by having several independent teams of observers. In the regions, as in the Georgetown area, the various observer missions coordinated the deployment of the observers on election day amongst themselves. For example, in Region III, when the OAS Mission discovered that the islands in the estuary of the Essequibo River had not been assigned to covered on election day by any international observers, the OAS reassigned an observer so as to cover that area. Accordingly, an OAS observer made a number of trips by motorboat before and on that day to view preparations for, and the conduct of, the elections. Her observations enriched the OAS report on the elections and were able to supply the other electoral observation missions with a fuller picture of election-related activities.

## **CHAPTER VI. ELECTION DAY**

### **A. Introduction**

The OAS Mission gathered part of its information on election day by having its observers complete forms that were adapted to the laws and practices of Guyana, but which also incorporated the practical experience of previous election observation missions. Observers are required to verify and record the conduct of the opening and organization of polling stations, the voting processes throughout the day, the closing of the polls, the vote counting, and the transmission of results to the Deputy Returning Officers or Returning Officers, as appropriate.

On March 19, the Mission deployed 34 observers in all 10 regions. Their deployment routes were based on the need to report comprehensively on the elections and, as mentioned above, were coordinated as closely as practicable with other international observer groups to minimize duplication of effort. In most cases, except when geographic challenges were so great that it was not possible to return to the starting point and still observe a significant number of the polling stations in the assigned area, an observer was present at a polling station when it opened and returned for the closing and the vote count. The OAS observers visited 424 polling stations -- nearly 25 percent of the total, representing over a quarter of the voter population.

**Table 2**

**REGISTERED VOTERS, NUMBER OF POLLING STATIONS AND  
DEPLOYMENT OF OAS OBSERVERS ON ELECTION DAY, BY REGION**

| Polling District |                                 | Registered Voters | No. Observers |
|------------------|---------------------------------|-------------------|---------------|
| No.              | Name                            |                   |               |
| I                | Barima/Waini                    | 11, 473           | 1             |
| II               | Pomeroon/Supenaam               | 26, 234           | 2             |
| III              | Essequibo Islands/West Demerara | 61, 020           | 3             |
| IV               | Demerara/Mahaica                | 193, 582          | 17            |
| V                | Mahaica/Berbice                 | 30, 699           | 3             |
| VI               | East Berbice/Corentyne          | 72, 649           | 3             |
| VII              | Cuyuni/Mazaruni                 | 9, 497            | 1             |
| VIII             | Potaro/Siparuni                 | 4, 371            | 1             |
| IX               | Upper Takutu/Upper Essequibo    | 8, 757            | 1             |
| X                | Upper Demerara/Berbice          | 21, 903           | 2             |
|                  | <b>Total</b>                    | <b>440, 185</b>   | <b>34</b>     |

*B. Election Day Proceedings*

The Mission reported that the elections proceeded fairly well. However, the observers found a number of shortcomings and irregularities that were especially noticeable in the more populous areas, particularly in Region IV (Demerara-Mahaica). These did not appear to have disrupted the conduct at the polls before the hour for closing. In polling stations where weaknesses in the training of officials were evident, the Elections Commission was usually able to supply the needed advice or assistance, so that the poll workers' performance improved during the course of the day. Among polling officials, party agents, and electors, there was a good level of tolerance, cooperation, and respect.

In some localities, especially in Region IV, many people did not know where to vote. At times, they were told that their name did not appear on the list of electors for the polling station. Frequently, the poll workers were unable to tell them where they were registered or how they could find out. As a result, a number of voters wandered around in increasing frustration, looking for answers or the right polling station. Potential voters who had been turned away from several places frequently told OAS observers that they were going to go home or to work.

*C. Organization and Opening of Polling Stations*

At approximately 5:00 a.m., OAS observers were present to view the organization and the opening of 33 polling stations. Selected observations may be summarized as follows:

- Polling officials were present before 6:00 a.m. at 95 percent of the polling stations.
- As required by law, a police officer or other security agent was present prior to the opening.
- The full complement of five officials was not always present at the opening; however, their absences did not appear to affect voting procedures significantly.
- Ballot boxes were observed to be empty, sealed as instructed, and appropriately placed before the opening of the polls.
- By and large, the required materials were provided; however, there were reports of some missing forms, insufficient numbers of some forms, missing addenda to the OLE, shortages of indelible ink, envelopes, and other materials.
- The polling officials did not count the blank ballots in the ballot books prior to the opening in the presence of party agents and observers, as required by law. Observers were told that the counting of blank ballots and the checking of the materials had been done the day before, when the election materials were delivered. However, some observers who had been present when the materials were delivered to the Returning Officers reported incidents of tension, conflict, and confusion. One observer described the atmosphere as a "fish market," in which people were

shouting instructions, questions, or complaints at each other, and that the distribution of materials appeared rather chaotic. This lack of organization may have accounted for missing materials, such as copies of MRCs at some polling stations.

- Polling officials created a unique identification number for each polling station, for security purposes. This was done by writing numbers from 0 to 9 on blank slips of paper, which were placed "in a hat." Polling officials or observers each drew a number, which was recorded and replaced it in the hat. After six digits had been drawn, the sequence became the identification number for that polling station. An adjustable rubber stamp was set with the number and used to identify all materials and each ballot. This procedure was employed to prevent the post-election mix-up of ballots from different polling stations and districts that had occurred in 1997. (The polling officials initially seemed unclear about how to go about this, but there were manuals to assist them).
- The proper forms for the opening of the polls were signed.
- In 30 of the polling stations observed at opening, the day's voting began at 6:00 a.m.; however, three others experienced delays due to a shortage or the late arrival of materials.

Guyanese voters tend to vote early. As a consequence, any delay or hitch in procedures quickly produced a lengthy queue as the heat of the day increased. Observers noted that electors were relatively tolerant of the wait, although many who had intended to vote before going to work were delayed significantly.

In 1997, the OAS and other observer teams had been able to obtain forms with which its local staff and drivers could vote at any polling station, for their convenience. In 2001, two written requests for this arrangement to the chairman of the Election Commission brought no response. As a result, Mission personnel changed their times of reporting to work so that they could go to the polls.

#### *D. Voting*

Most polling station officials demonstrated an acceptable level of competence and understanding of the voting process. Their training seemed adequate for routine voting situations. The Elections Commission had produced several manuals; provided training, including the use of videos and role playing; and distributed a list of the most common questions it anticipated would be asked and issues it expected to be raised on election day, with correct procedures to address them. The OAS observers reported that the majority of the officials were careful to check the identity of voters; announce their names clearly; mark the names off the list; check fingers for ink and ink them after ballots were marked; stamp the security number on both the national and the regional ballots; and offer impartial explanations on how to vote.

Party agents (scrutineers) were present at all the polling stations visited by the OAS Mission team. Most of them represented the two largest political organizations-PPP/Civic and PNC/Reform-with occasional representatives of GAP/WPA, ROAR, TUF, and other parties. Neither overt campaigning nor voter

intimidation was observed or reported. The party agents had been provided with copies of the OLE for the polling station to which they were assigned to help validate the voters. In addition, national observers from the EAB were present at many polling stations.

The polling stations were located in schools, health centers, union halls, community centers, private homes, clubs and commercial establishments -- spaces that were usually large enough to accommodate voters and provide for the security of the ballot box and the secrecy of the vote. Some anomalies were reported:

- At the beginning of the day, the voter lines were inordinately long. Observers reported that even three hours after the opening of the polls, some lines exceeded 200 people.
- Confusion existed among electors who arrived at a location that had several polling stations and no one outside to provide directions. Some stood in line for a long time before learning that they should have been in a different one. According to the regular procedures, polling stations were supposed to have an official to provide this information, but they were not always present.
- Some prospective voters arrived to find that their names were not on the copy of the OLE at that polling station. Officials frequently did not have the information necessary to help them find the right one. Quite a few voters came to the location where they had picked up their national identity cards, only to learn that not all of them were assigned to vote there. Polling officials could not tell them where to find the correct polling station. An undetermined number gave up without voting.
- There was confusion about the addenda to the OLE. One addendum was published just before election day and posted on the door of the appropriate polling station. A second was distributed at various times on election day. Sometimes a voter who was not on the list was asked to return later in the day. In one case, cross-checking the addenda with the previously published OLE, an OAS observer reported the same name with the same address but a different occupation on the OLE and on an addendum. Officials at the polling stations did not seem to understand the purpose of the addenda.
- Generally, officials followed the procedures required by law, but in a few instances the Mission reported that holders of national identity cards whose names did not appear on the OLE were allowed to vote.
- OAS observers also reported a higher than expected use of the Oath of Identity. The frequency of its use seemed to indicate an effort to let as many people as possible vote. Sometimes oaths were given to people who had already brought acceptable forms of identification. The administration of oaths added to delays.
- The observers also noted that, in certain polling stations, voter assistance for the blind or incapacitated appeared to be overzealous. It seemed as if a political party might have organized this process, and it was unclear whether the voter's actual intent was being respected.
- In addition to the non-response from the Elections Commission regarding certificates to allow the Mission's Guyanese staff to vote at a polling station other than where they reside, a similar problem arose on election

day with respect to polling station officials and/or party agents assigned to work at a polling station where they were not on the OLE had not received the certificates they would need to vote there. At least one polling station allowed its workers to go to their own polls to vote; at others some were not able to cast their ballots at all. Several agents and officials were visibly distraught over this problem, since they were offering their time as a service and had been promised that they could vote.

In cases where the security of the process was threatened, supplemental officers from the Disciplined Forces usually responded rapidly.

#### *E. Closing of Polling Stations and Vote Counting*

At the time of closing at 6:00 p.m., OAS observers were present at 27 polling stations. The presiding officer in most of them declared that the polls were closed, as called for by law, without incident. Officials then proceeded to complete and sign the required forms and began the count.

However, during the 6:00 p.m. radio and television news programs, there were reports that the Chairman of the Commission had decided that the polls should remain open beyond that time. Neither polling officials nor observers had been given previous notification and as a result there were no procedures for dealing with such a situation. The count was interrupted in more than 90 percent of the polling stations observed by the OAS.

In some areas, officials were informed of the extension of time by the office of the Deputy Returning Officer or Returning Officer. At others, *bona fide* representatives of the Elections Commission, impersonators of official representatives, and party representatives visited the polling stations to make the announcement. Confusion was rampant.

The OAS Mission headquarters received three reports of potentially serious situations resulting from the extension of the poll closing time:

- At 5:30 p.m., the observer in Region V telephoned the Deputy Chief of Mission to report that a crowd estimated at 200 persons had gathered at a polling station. Some were carrying signs or shouting that if the polls did not remain open they would storm the polling stations and stop the count.
- At another polling station observed by the OAS, an official of PNC/Reform announced that the time for voting would be extended and gave instructions that all who wanted to vote could do so, regardless of whether their names were on the OLE. When challenged by an OAS observer he recognized, the official reversed himself.
- Since it was after 6:00 p.m. when the polling stations received notice of the extension, many had already been closed for a few minutes and were forced to reopen. In a number of cases, the ballot boxes had already been

properly sealed, and the polling stations had to conjure up procedures to reopen them without jeopardizing the sanctity of the ballots. In some cases, the presiding officer refused to reopen the sealed box and proceeded with the count, because reopening was considered contrary to law and no procedures had been communicated as to the proper procedures for re-opening a sealed box.

- It was also completely unclear how long the polls were to remain open. Some polling stations announced that they would remain open for one hour, others said indefinitely.
- An OAS observer who sought information heard on the car radio that the Commission's director of communications had announced that "polls would remain open until further announcement." Some polling stations remained open until about 9:00 p.m.
- Attempts to reach the Commission for corroboration of the extended hours proved futile because of telephone gridlock, as numerous presiding officers also sought clarification. Many appeared to have received no training in the use of the cellphones they had been given. Some OAS observers showed these polling officials how to use them or let the official use their own.
- In a few cases, angry citizens rushed the polling stations, demanding either to vote or that the station be reopened. The observer in Region III phoned the Deputy Chief of Mission a few minutes after 6:00 p.m. to report that people were waving pieces of metal pipe menacingly and threatening the polling station. The Deputy Chief of Mission also received a call from a representative of another international observation group that "one of your observers is being held hostage" at the Rama Krishna School in a Georgetown neighborhood (Region IV). The Chief of Mission immediately went to the location to investigate. However, by the time he arrived, the police had dispersed the crowd and made some arrests, thereby defusing the situation.
- OAS observers noted that few voters came to vote during the extension.
- At about 6:20 p.m., the full Commission met and reversed the decision of the Chairman to allow the polls to remain open. For the second time in a few minutes, the problem of informing the polling stations arose.

The reasons for deciding to extend the polling were never fully explained. The timing was disruptive. The hasty reversal of the original decision, which had not been made by consensus of the Elections Commission, compounded the situation. As to the spontaneity of the demonstrations, the incident reported from Region V strongly hinted that there may have been a planned, coordinated effort to keep the polls open and that this plan had been set in motion before the Chairman made his decision.

The observers reported that, once the polling stations had finally closed, officials conducted the count in a transparent manner. First, the national and regional portions of the perforated ballots were separated. It was observed that, if officials had not stamped the security number on the ballot at the time of voting as required, the presiding officer did so when separating the ballots. Presiding officers held up each ballot, announcing the party that was checked. Officials, party agents, and observers recorded the vote by placing a tally mark on a form that had been distributed previously. These procedures required a great deal of

time, even though there were few disagreements on the final tallies. OAS observers noted that ballots were questioned in fewer than five of the polling stations observed, and the incidence of rejected ballots at the polling station was reported to be very low. Some counting procedures required six to eight hours to complete from the legal closing time. Thus, all the officials present would have been working for 17 to 20 hours from the time the materials were picked up on the morning of election day until the end of the count.

In all the polling stations observed by the OAS Mission, the officials and party agents were present, and all signed the required forms and envelopes containing election materials at the conclusion of the count.

Four sets of four Statements of Poll (16 in total) were stamped with the identification number and signed by all polling officials and party agents. (In some polling stations, observers were also invited to sign them.) Copies of the Statements of Poll were then provided to party agents, posted on the doors to the polling stations, and sent with the ballot boxes to the Deputy Returning Officer/Returning Officer. This procedure was meant to eliminate the changing of results that was alleged to have occurred in 1997. The law prohibits the removal or alteration of any posted Statement of Poll.

All the materials, including the ballot boxes and the Statements of Poll, were then transported to the office of the Deputy Returning Officer/Returning Officer, accompanied by polling officers, party agents, international observers, and security agents (police). The Returning Officers were required to hold the materials for safekeeping and subsequent shipment to the Elections Commission.

The law required that the tallying of the Statements of Poll at the district level should be done in the presence of party agents and announced in that public session. The Commission planned to have Deputy Returning Officers/Returning Officers communicate the preliminary results when batches of five Statements of Poll had been tallied.

In general, the vote was conducted satisfactorily and, up until the announcement of the extension of the voting hours, in an atmosphere largely devoid of tension and violence. Where irregularities and procedural shortcomings occurred, they did not appear to have a serious effect on the outcome. The shortness of time allotted to the preparation of the elections could have been a major factor in the weaknesses observed. The overall effect of the extension of time on the election was difficult to assess, but apparently few people voted during the extended period.

### **Irregularities/Untoward Events**

Many of the irregularities that occurred on election day seemed to emanate from two main problems, both raised prior to March 19, that persisted past election

day: These concerned the national identity card and the OLE. Political parties, in particular the PNC/Reform and GAP/WPA presented complaints about both to the OAS Mission before and during election day. These political organizations indicated that an unspecified number of electors who had their national identity cards or proof of registration did not appear on the OLE and were therefore denied a ballot. The number of persons affected is difficult to determine because some cases turned out to be dislocations or transfers to other polling stations and not necessarily the result of omissions. In some cases, people failed to vote because they would have had to travel too far from their residence.

In conclusion, although the election day activities can be said to have been largely satisfactory, there existed concerns that can be summarized as follows:

- Not all election materials available at all polling stations in sufficient quantities.
- Failure to account for materials in public before the opening of the poll, as required by law.
- Lack of training and information for dealing with apparent data-entry errors, (e.g., that potential electors could find their names in a copy of the OLE at the Office of the Deputy Returning Officer that contained information on all the polling stations in a particular area).
- Inordinate numbers of Oaths of Identity.
- Failure to provide enough "Certificates to Vote" for poll workers in areas outside their polling stations.
- Stamping of ballots not in accordance with the law.
- Ambiguities and differences in procedures resulting from the announcement of closing time extension.
- Lack of effective communications system, of training in the use of cellular phones, and sufficient anticipation of voter questions.
- Problems with permission to allow persons to vote where they were not registered.
- Tallying the Statements of Poll at the Deputy Returning Officer's location.

## **CHAPTER VII. TABULATION AND ANNOUNCEMENT OF RESULTS**

As in 1997, the days after the closing of the polls were marked by events that were crucial to the electoral process. This period covered the collection and transmission of results by the regional Returning Officers; the compilation, tabulation and reporting of preliminary results, and the announcement of official election results.

### *A. Restriction of Access to Elections Commission Compound*

The Elections Commission had issued an identification card to all international election observers, containing the name, affiliation, and other information. This photo identity card represented the authentication of the observers' credentials and permitted them to observe the electoral process.

A few days before the election, OAS observers began hearing rumors that the Commission might require an additional identification card to gain access to its office compound. However, since no mention of this eventuality was made when the Chief of Mission met with the Chairman of the Commission, the OAS team did not believe the rumors.

Just before election day, the OAS Mission was informed that members of another international observer group had been turned away from the compound, even though they wore the official identification cards that had previously given them access. The Mission learned informally that a second photo identification card would in fact be required for entry. The Mission never received any notice in writing of this change in policy, nor was it consulted in advance of the decision.

The Chief of Mission immediately wrote to the Chairman of the Elections Commission, quoting one of the agreements that the OAS and the Government had signed, which established that the Commission's identification card was sufficient to identify the observers. Given the short time before election day and the importance of access to the Commission's compound during this crucial period, the Chief of Mission complied with the procedure instead of waiting for a reply. These new identity cards were produced quickly for some designated observers based in Georgetown.

The Mission was told informally that the Chief Elections Officer and the Commission had expressed concern about being overrun by election observers and other interested parties during the post-election period.

The effect of the new procedure was restrictive, as observers had to negotiate their way into the critical areas of the Electoral Commission complex. It should be recalled that the Mission had also been obliged to negotiate for entry to the most crucial areas in 1997, largely without success at that time.

## **B. Preliminary Results**

Before the elections, the Commission publicly stated that some unofficial election results would be available on election night and that complete unofficial, preliminary results would be announced two days after the vote. To accomplish this, it explained, a system had been created to facilitate the collection and tabulation of the counts from the 10 regions and their expeditious transmission to the Commission complex.

After the ballot boxes were transported to the office of the Returning Officer or, where appropriate, through the offices of Deputy Returning Officers, the Returning Officer tabulated the votes by totaling the information received from the presiding officers and recorded on the Statement of Poll. The Commission explained that the Returning Officers would be communicating frequently with the Chief Elections Officer in Georgetown and that the partial results would be entered into computers. The computer program was described as capable of carrying out a

running tabulation of results as a percentage of the polling stations of a region. Before the election, the Commission had also explained that the preliminary results would be transmitted securely and displayed on a large screen in its Media Center at the Tower Hotel.

In practice, the system collapsed. It appeared to the OAS observers that this was caused by problems of communicating, inputting, and outputting data. The OAS team learned that some presiding officers or Deputy Returning Officers were directly communicating results to Georgetown, rather than waiting for the Returning Officers to do so. This resulted in a larger volume of data reaching Georgetown in a more confusing format.

OAS observers reported that the computer terminals at the Commission complex were sometimes not staffed or being used to input the data that were being received: information was being reported, but not processed. The Mission was also told that there had been insufficient trial runs of this system. In addition, observers were told that some of the persons hired to input data were not well trained, or that they had gone home because they were hungry or tired.

For days, Guyanese citizens were unable to learn the preliminary results. When they switched on their televisions, they discovered that only a small amount of election information had been posted, and that it was not being updated very often. At the Media Center, responses to questions from the press were frequently vague and the spokesman sometimes deferred his answers, saying that he would have to check with the Chief Elections Officer or the Commission.

The breakdown of the reporting system, without adequate explanation of what was happening, fueled suspicions and reminded people of previous elections, including 1997, when results had also been reported slowly. Some media figures attributed the delays to an intentional strategy to alter the election results and deny the will of the people. It is important to note that no hard evidence was cited.

On the other hand, election officials were not countering the media assertions or public suspicions with hard evidence of their own. Before the election, some media figures had declared that any use of computers invited electoral manipulation. When the results were delayed, their assertion gained strength in some quarters. The Chief of Mission and other OAS observers noted that the computers at the Elections Commission compound had been all but abandoned in favor of manual tabulation shortly after the polls had closed. This decision had apparently been made at about the same time that some persons in the electronic media were insisting on tabulation by hand. Thus, the limitations on access to the Commission's compound, and its reticence to explain the delay, combined to worsen public perceptions. In view of the restrictions that had been placed on access to the Commission's headquarters, the Mission was not surprised that election officials did not tell nor show political parties and reporters that they were tabulating by hand.

### **C. Announcement of Results**

At 4:30 a.m. on Friday, March 23, the Chairman of the Elections Commission, after obtaining the assent of all Commission members, announced the official results

to a virtually deserted Media Center. He announced that the People's Progressive Party (PPP/Civic) had received enough votes for its national list of candidates for President Bharrat Jagdeo to be elected president.

#### **D. Aftermath of the Announcement**

Within hours of the announcement, Mr. Joseph Hamilton, a PNC activist, filed requests for several orders to be granted in an *ex parte* hearing before the Chief Justice of the Supreme Court, Desiree Bernard. The Hamilton legal team asserted that the Chairman of the Elections Commission had improperly announced the results and that certain provisions of law had been violated in the tabulation of results. The hearing began later on the same day.

### **CHAPTER VIII. SUPREME COURT HEARING AND OUTCOME**

#### **A. Hearing in the Supreme Court**

The Hamilton motion sought orders from the Supreme Court of Guyana: (1) to prevent the Chairman of the Elections Commission from declaring Mr. Jagdeo president; (2) to quash the decision by the Chief Elections Officer to declare the election results final because "there was no Public Declaration of Results. . . in accordance with the Representation of the People Act"; (3) to prevent the Chancellor of the Judiciary from swearing in Mr. Jagdeo.

OAS observers attended the entire hearing, which was conducted over a five-day period, beginning on March 23. Many Guyanese thought that the hearing could overturn the result of the election. Crowds gathered outside the High Court, chanting and singing loudly. On several occasions, the Chief Justice was forced to order a brief recess because those in court could not hear or be heard over the din. On several occasions, members of the crowd broke away to smash property and rob persons and stores in the central business district.

On one occasion, law-enforcement officials confronted the crowd, firing shotgun pellets. Several people, including a schoolboy in uniform, were wounded. OAS observers, who were able to step out of the crowded courtroom during recesses, witnessed the commotion from a high porch.

The Chief Justice was troubled by the version of the events in the courtroom that was being presented by certain television personalities. At one point in the midst of the hearing, she summoned to her chambers one of the better-known talk show hosts, who had been arrested twice before the elections.

On Saturday, March 31, the Chief Justice ruled that the procedures that had been used by the Elections Commission to declare President Jagdeo the winner were legal. However, she also ruled that the law required Returning Officers to announce results for each region at a public meeting at which representatives of the political parties would be present and that this provision of the law had not been carried out.

*B. Inauguration of President Jagdeo*

Later that afternoon, President Bharrat Jagdeo was sworn into office at the Umana Yana, a large, thatched-roofed structure built in the Amerindian style. The Mission was present at the event.

*C. Fires and Death*

Before the Mission left Guyana, it witnessed several incidents of destruction. A fire that erupted in a large furniture store, destroying it, spread quickly to adjacent businesses and homes in a main shopping area of Georgetown. Many curious onlookers gathered to watch the fire brigades attempt to extinguish the flames. Shooting broke out. One onlooker, Donna McKinnon, a street vendor and the mother of seven children, was later found mortally wounded under discarded sheets of metal. She died on the way to the hospital. At the time of writing, the investigation of the fires and the death had not been completed.

## **CHAPTER IX. CONCLUSIONS AND RECOMMENDATIONS**

*A. Introduction*

A considerable number of people in Guyana strongly believed that they had been denied their right to vote and that deliberate efforts had been made to "disenfranchise" them. However, in general, despite the irregularities and procedural shortcomings observed, the Mission found that the conduct of the elections was satisfactory. The OAS team did not uncover fraudulent behavior or practices by election administrators that would have denied the franchise. Nor did the Mission see any efforts to manipulate results or deny the will of the people. Other international and domestic observers made similar findings.

The Mission was struck by the strong similarities between the 1997 elections and those in 2001.

There were many weaknesses in the administration of the 2001 elections despite the determined efforts made by election administrators to strengthen the process. However, it is possible that the outcome of even a flawless election would have been questioned in the climate of distrust that pervaded the 2001 general elections. The Guyana experience in 2001 indicates that extensive pre-electoral technical assistance is not sufficient in itself to build the climate of trust necessary when mutual suspicion abounds.

***B. Timing of the Elections***

The Herdmanston Accord anticipated that Guyana would adopt fundamental constitutional reforms by mid-1999. Had this occurred, there would have been a period of adjustment of some 18 months before the general elections, originally scheduled for early 2001. However, the political imperatives of the larger parties militated against a transition period to familiarize institutions and citizens with the changes in electoral procedure; this was not considered a sufficient reason to postpone the elections. In the final analysis, that possibility became moot after Justice Claudette Singh's ruling on the 1998 elections petition.

The scheduling of the elections early in 2001 dramatically shortened the time available to strengthen the administration of elections and build trust. The extent to which the shortness of time was the key factor in the elections may never be ascertained.

### *C. 1997 Recommendations*

Before offering suggestions based on its experience in 2001, the Mission considers it advisable to recall the recommendations that the OAS observation team made following the 1997 elections, and to report their status in 2001.

"The terms of the members and the Chairman of the Guyana Elections Commission expire three months after each election. While some members have later been reappointed, there is still a break in service that can cause a lack of continuity in the body. The Mission suggests that making the Elections Commission a permanent body could strengthen it substantially."

*This change was adopted prior to the 2001 elections.*

"The Mission also recommends that consideration be given to making the post of Chairman of the Commission, whose qualifications are outlined in Guyanese law, a full-time position."

*This change was adopted prior to the 2001 elections.*

"Under current law, the National Registration Center (NRC) and the Commissioner of Registration are required to perform many of the duties of the Commission, particularly in the period between elections. The NRC manages Guyana's civil registry year round and administers the registration of citizens and voters. Once an election date is announced, the Commissioner of Registration becomes the Chief Elections Officer. The Mission recommends that consideration be given to undertaking programs to strengthen, modernize, and professionalize the National Registration Center and its functions."

*This recommendation was not implemented before the 2001 elections.*

"Given the difficulties experienced by the Elections Commission in some key aspects of the administration of the elections, the Mission recommends that consideration be given to an independent top-to-bottom review of the organization, management structure, duties, and responsibilities of the Commission and its staff

(including the National Registration Center and the Commissioner of Registration). This should include an evaluation of the training needs for election administration.”

*This recommendation was not implemented before the 2001 elections.*

“The Government of Guyana should consider the establishment of a modern computerized civil registry and database that can be easily updated through the years.”

*Given the unfamiliarity with computers in elections and the lack of confidence in their use that were so obviously displayed during the 2001 elections, sufficient time would have to be allowed to build trust in the accuracy of the data and in their management and processing.*

These last three recommendations remain valid for future elections.

#### **D. Recommendations Following the 2001 Elections**

The Mission respectfully offers the following recommendations for consideration:

1. Transparency in attitude and practice on the part of election administrators can provide at least a partial antidote for the deep distrust of elections in Guyana that was visible again in 2001. The Mission regards this not as a “public relations campaign,” but as a culture and a way of doing business. In 2001, the Commission made some movement towards transparency. However, the efforts taken by the Commission or the Chief Elections Officer to restrict access to electoral installations after the balloting and the silence or defensiveness that sometimes followed legitimate questions evidence the need for a more transparent approach. The Mission realizes the importance of physical security for employees of the Elections Commission and the need to protect important documents and records, but it suggests that there is a balance that permits complete transparency and fulfills security requirements.
2. Transparency of the electoral process and access are vital prerequisites for the effective functioning of international and local observer groups. Impediments to access such as non-compliance with the letter and the spirit of international agreements concluded between the authorities and observation missions like that of the OAS should be avoided at all costs.
3. The Mission is of the view that statutory arrangements or timely decisions regarding the number and location of polling stations would have alleviated many problems experienced by potential voters during the 2001 elections. Similarly, the early release of guidelines or of information on the procedures for addressing omissions of voters’ names from the lists of voters at polling stations would have been immensely helpful.
4. The Mission recognizes that elections in Guyana make enormous demands on available human resources. Poll workers are basically civic-minded

volunteers of whom much is demanded. Recruiting, training, and addressing the legitimate concerns of nearly 10,000 poll workers is a major challenge. The possibility of reducing the number of these workers, without sacrificing the needs of voters, should be considered before the next elections.

5. The high voter turnout demonstrates that people are fully aware of the importance of fulfilling their civic duty. Despite the troubling history of elections, they continue to believe that their will can be reflected in electoral outcomes. However, the continuing reality of electoral administration does not appear to be changing perceptibly. Greater efforts must be made to improve the administration of elections and thereby reduce the number of difficulties, procedural shortcomings, and irregularities that create suspicion and undermine the credibility of the process. These efforts should begin immediately, to allow the maximum possible time for their implementation prior to the next elections.
6. Voter education in 2001 was difficult because key elements of the new election law were adopted so late. Having a period of learning and adjustment before new constitutional and legal changes must be tested at the polling place, as suggested in the Herdmanston Accord, makes considerable sense. In 2001, the voters of Guyana cannot be blamed for not knowing the law or procedure, and it is easy to understand why the effective campaign that emphasized the centrality of the voter identification card in 1997 remained in the minds of many. The Mission recommends that substantive steps be taken well in advance of elections to educate potential electors on the efforts that are being undertaken to strengthen the efficiency and accessibility of the electoral system.
7. The elections have produced calls for restrictions on, or the punishment of, certain television stations and talk-show hosts in view of highly inflammatory statements that were frequently made before and after the election. The media must develop and apply higher professional and ethical standards in keeping with their civic and didactic responsibilities and purveyors of information, opinion, and knowledge. This would include a greater zeal in searching out the truth of allegations before publishing or airing them.
8. In view of the controversies that surrounded the preparation of the OLE and the widespread suspicion that the results were not accurate, the organization and conduct of a credible national census should be considered, in order more accurately to be able to extract the list of eligible voters.
9. Once again in 2001, the Elections Commission made a number of late decisions and announcements, including the delayed closing of polling stations. Such decisions are extremely disruptive and do damage to the credibility of the process. They should be avoided at all costs.

10. Legal and constitutional changes in Guyana had been made in the direction of geographic constituencies in addition to voting for national lists. However, the political parties did not make available the names of persons who would fill those geographic posts in the National Assembly in advance of the election. The Mission believes that, at a minimum, voters deserve to know who will fill the geographic positions in the National Assembly, should their party win seats at the regional level.

ANNEXES IN HARD COPY ONLY