

Report of the Commonwealth Observer Group

**GUYANA NATIONAL AND REGIONAL
ELECTIONS**

28 November 2011



COMMONWEALTH SECRETARIAT

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Commonwealth Observer Group Guyana National and Regional Elections 2011

Dear Secretary-General,

The Commonwealth Observer Group has completed the final report of its observation of Guyana's National and Regional Elections, held on 28 November 2011. The Group is pleased to submit our report to you.

The 2011 elections built on the 2006 elections, and despite some shortcomings, represented further progress for the country in strengthening its democratic processes. Notably, the elections and their aftermath were not marred by violence, and there was significant improvement in the integrity of the voters' register – addressing a major recommendation of the 2006 Commonwealth Observer Group.

Overall, the elections were credible and many of the benchmarks for democratic elections were met, even though some concerns remain, particularly in respect to aspects of the campaign, and management of the tabulation process. In the report the Group has offered a number of recommendations for further strengthening the electoral process in Guyana, including measures to ensure a more level playing field between contestants in the campaign.

The Group notes that for the first time in Guyana, the party that won the presidency did not secure a majority of seats in parliament. We hope that all political parties will seize this historic opportunity to adopt a mature and constructive approach to governing the nation.

We wish to express our gratitude for the support provided to us by the Commonwealth Secretariat staff team.

Thank you for the opportunity to participate in this important mission. We hope that our report will contribute to the continued strengthening of democracy in Guyana.

A handwritten signature in black ink, appearing to read 'Denis Marshall'.

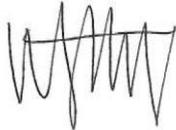
Hon Denis Marshall QSO
Chairperson



Hon Alan Ferguson



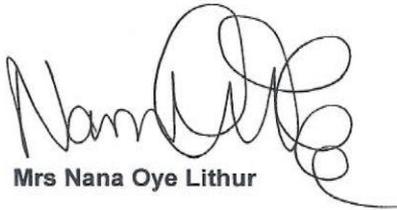
Mrs Taleya Rehman



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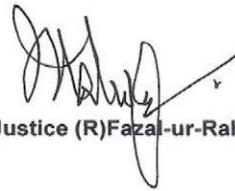
Mrs Nana Oye Lithur



Ms Catherine Musuva



Mr Dafe Akpedeye SAN



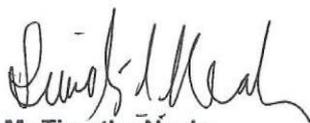
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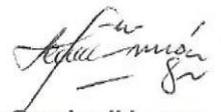
Mr Oliver Knight



Ms Adelle Zaira Roopchand



Mr Timothy Neale



Mr Goodwell Lungu

Chapter 1

Introduction

At the invitation of the Government of Guyana, the Commonwealth Secretary-General, Mr Kamallesh Sharma, constituted an Observer Group for the 28 November 2011 National and Regional Elections. In line with usual practice, the Secretary-General sent an Assessment Mission to Guyana to assess the pre-electoral environment, prior to his final decision on whether to constitute a Commonwealth Observer Group. The Assessment Mission was in the country from 22 to 27 October 2011.

The Commonwealth Observer Group for the 28 November 2011 elections was led by the Hon. Denis Marshall QSO, who is a former Secretary-General of the Commonwealth Parliamentary Association as well as a former government minister in New Zealand, and comprised thirteen eminent persons in total. The Observer Group was supported by a six-person staff team from the Commonwealth Secretariat. A full list of members is at Annex 1.

Terms of Reference

"The Group is established by the Commonwealth Secretary-General at the request of the Government of Guyana. It is to observe relevant aspects of the organisation and conduct of the elections which are scheduled to take place on 28 November 2011, in accordance with the laws of Guyana.

The Group is to consider the various factors impinging on the credibility of the electoral process as a whole. It will determine in its own judgment whether the elections have been conducted according to the standards for democratic elections to which Guyana has committed itself, with reference to national election-related legislation and relevant regional, Commonwealth and other international commitments.

The Group is to act impartially and independently and shall conduct itself according to the standards expressed in the International Declaration of Principles to which the Commonwealth is a signatory. It has no executive role; its function is not to supervise but to observe the process as a whole and to form a judgment accordingly. In its Final Report, the Group is also free to propose to the authorities concerned recommendations for change on institutional, procedural and other matters as would assist the holding of future elections.

The Group is to submit its report to the Commonwealth Secretary-General who will forward it to the Government of Guyana, the Guyana Elections Commission, political parties and civil society organizations and thereafter to all Commonwealth Governments."

Activities

The Observer Group was present in Guyana from 21 November to 5 December 2011. During four days of briefings, the Group met with the Guyana Elections Commission (GECOM), political party representatives, civil society groups, women's groups, youth representatives, media, Commonwealth High Commissioners, other diplomats, and national and other international observer missions.

An Arrival Statement was issued on 23 November 2011 (see Annex 2). The Observer Group was deployed from 26-30 November 2011. Teams reported from eight of the ten Regions of Guyana. During deployment teams followed the close of the campaign and met with election officials, political party and civil society representatives, police as well as members of the public and other observers in their respective areas to build up a comprehensive picture of the conduct of the process.

On the basis of the Group's initial findings and observations, the Chairperson issued an Interim Statement on 30 November 2011 (Annex 3). The Group's Final Report was completed in Georgetown prior to departure and transmitted to the Commonwealth Secretary-General on 4 December 2011.

Chapter 2

POLITICAL BACKGROUND

Early History

Before the arrival of Europeans, the land which is now Guyana was inhabited by semi-nomadic Amerindian (Carib and Arawak) tribes, who named it Guiana, which means "land of many waters".

The Dutch settled in Guyana in the late 16th century, but their control ended when the British became the de facto rulers in 1796. In 1815, the colonies of Essequibo, Demerara, and Berbice were officially ceded to Great Britain at the Congress of Vienna, and in 1831, were consolidated as British Guiana.

Following slave revolts in the 18th century and the eventual abolition of slavery in 1834, thousands of indentured labourers were brought to Guyana, primarily from India but also from Portugal and China, to replace the slaves on the sugarcane plantations. The practice ceased in 1917. Many of the Afro-Guyanese former slaves moved to the towns and became the majority urban population, whereas the Indo-Guyanese remained predominantly rural. The Amerindian population remained living mostly in the country's interior.

In 1928 an appointed legislative council was established, with some extension of the franchise to elected members in 1943 and 1945.

The Transition to Independence

The first modern political party in Guyana was the People's Progressive Party (PPP), established on 1 January 1950, with Forbes Burnham, a British-educated Afro-Guyanese, as chairman; Dr. Cheddi Jagan, a U.S.-educated Indo-Guyanese, as second vice chairman; and Dr. Jagan's American-born wife, Janet Jagan, as secretary general. The PPP won the first fully popular elections permitted by the colonial government in 1953, and Dr. Jagan became leader of the national assembly. Five months later, on October 9, 1953, the British suspended the constitution and returned control to a mostly-nominated administration. These events led to a split in the PPP/C, in which Burnham broke away and founded what eventually became the People's National Congress (PNC).

Elections to the assembly were restored in 1957, and, following a 1960 Constitutional Conference introducing self-government, held again in 1961. Jagan's PPP won on both occasions.

Constitutional conferences were held in 1962-63 to finalise the terms for independence, but Guyana's political parties were unable to achieve consensus, against a background of politically inspired racial disturbances between Indo-Guyanese and Afro-Guyanese communities. At the request of the parties, the UK settled the matter by introducing a form of proportional representation aimed at preventing domination by any single ethnic group. In the December 1964 elections held under the new system, the PPP secured 46%, the PNC

41%, and new party The United Force (TUF), 12%. TUF placed its support behind the PNC, and Forbes Burnham became prime minister.

Following a further constitutional conference (boycotted by the PPP), Guyana achieved independence in May 1966, and became a republic on 23 February 1970.

The Burnham Years

From December 1964 until his death in August 1985, Forbes Burnham ruled Guyana, first as prime minister, then after the adoption of a new constitution in 1980, as executive president. In the 1970s, the PNC followed a strong socialist line and 80% of the economy was nationalised. These were years of considerable unrest and economic difficulty. Elections held during the period were claimed by many in Guyana and abroad to be fraudulent, and human rights and civil liberties were suppressed.

Post-Burnham: Political Change

Following Burnham's death in 1985, Prime Minister Hugh Desmond Hoyte acceded to the presidency and was elected to that office in December. Hoyte gradually reversed Burnham's policies, moving from state socialism and one-party control to a market economy and greater freedom of the press and assembly. The electoral process and election machinery were also reformed toward more independence and integrity.

On 5 October 1992, a new National Assembly and regional councils were elected in the first Guyanese polls since 1964 to be internationally recognised as free and fair. The PPP-Civic (PPP/C) coalition won the election and Jagan became president again on 9 October 1992. A minority of the electorate did not accept the result and some demonstrations followed the election.

When President Jagan died in March 1997, Prime Minister Samuel Hinds replaced him in accordance with constitutional provisions. President Jagan's widow, Janet Jagan, was elected president in national elections held in December 1997. However, the opposition PNC refused to accept the declared results, claiming electoral malpractice. Increasingly violent demonstrations followed. These only ceased when, in mid-January 1998, the Caribbean Community (CARICOM) brokered an agreement between the PPP/C and PNC, the Herdmanston Accord. The Accord provided that CARICOM would undertake an audit of the election results, a broad-based Constitutional Reform Commission would be established to report to the National Assembly within 18 months, and there would be new elections after presentation of the report.

The CARICOM team reported that, although the management of the count left much to be desired, the results of its audit varied only marginally from the final results declared by the Chief Elections Officer. The PNC remained dissatisfied, however, and violent demonstrations broke out again. A settlement was finally reached in July 1998, under which the PNC agreed to take its seats in the National Assembly.

President Janet Jagan resigned after suffering a mild heart attack in August 1999 and was succeeded by Finance Minister Bharrat Jagdeo as President.

The Constitutional Reform Commission's proposals were enacted in 2000 and 2001. These included reforms to the electoral system to provide for a fully elected national assembly, through a combination of geographic representation and national seats, as well as

mandatory inclusion of women candidates. The reforms also established a permanent election commission, and introduced new national identity cards.

An early general election was held in March 2001 and won by the ruling PPP/C, allowing Jagdeo to retain the presidency. Voter turnout was nearly 90%. Although the election result was assessed by international observers to reflect the will of the people, in the weeks following the elections opposition supporters mounted violent demonstrations disputing the accuracy of the poll. In response to the ongoing unrest, in April 2001 President Jagdeo and opposition leader Hoyte initiated a dialogue among parliamentarians and civil society on further constitutional and electoral reform. However, this dialogue broke down in March 2002 over differences between PPP/C and the renamed PNC–Reform (PNC-R), about the implementation of what had been agreed.

The deadlock continued until late August 2002 when, at the government's request, the Commonwealth Secretary-General appointed a special envoy, former Governor-General of New Zealand Sir Paul Reeves, to facilitate resumption of dialogue between the opposing parties. During 2003 constructive dialogue proceeded between Jagdeo and the new opposition leader, Robert Corbin. Political tension eased, and opposition members returned to parliament. However, during 2004, the dialogue process wavered and the opposition's parliamentary boycott was resumed for some time, before it returned to attending parliament on a selective basis.

The 2006 Elections

Ten parties contested the national and regional elections held in August 2006. President Jagdeo's PPP/C was returned to power, with 36 seats and 54.6% of the votes, while PNC-R became the main opposition with 22 seats and 34% of the votes. The newly constituted Alliance for Change (AFC) won five seats, Guyana Action Party/Rise Organize and Rebuild (GAP/ROAR) one, and TUF one.

The Commonwealth Observer Group and other international observers reported that the results reflected the wishes of the people, and lauded the absence of election-related violence for the first time in more than 20 years, as well as improvements to the integrity of the electoral process. The Commonwealth Observer Group's report offered a number of recommendations for further strengthening the electoral process, highlighting in particular the need to de-politicise the composition of GECOM, and to produce a new voters' register.

Political Contestants for the 2011 Elections

Having completed the two terms constitutionally permitted to a president, President Jagdeo was ineligible for re-election. In the lead-up to the 2011 elections, PPP/C General Secretary Donald Ramotar was nominated as the party's presidential candidate.

Following talks over some months about a possible merger between the opposition parties, the PNC-R formed a coalition in mid-2011 with four other parties including GAP/ROAR and WPA, under the name "A Partnership for National Unity" (APNU). APNU chose former army officer Mr David Granger of PNC-R as its presidential candidate. Five further parties joined the Partnership in the lead-up to the election, resulting in an eventual coalition of ten groups.

The Alliance for Change (AFC) declined to join the APNU coalition, declaring long-standing leader Khemraj Ramjattan as its presidential nominee. The United Force (TUF) also chose

to contest the elections in its own right – following a court dispute over leadership of the party, Peter Persaud was ultimately nominated as its candidate for President.

One new party, the East Berbice Development Association (EBDA), registered to contest for seats in one regional council, but did not field candidates in the national poll.

Local Government Elections

Local elections have not been held in Guyana since 1994, due to political disagreement and ensuing parliamentary stalemate over elements of local government reform including revised electoral boundaries, funding provisions, and mandates for local councils. The Guyana Elections Commission (GECOM) has stated that it is ready for local polls, but this will depend on the ability of the new parliament to pass the necessary legal provisions for local elections.

Guyana and the Commonwealth

The Commonwealth has a history of engagement with Guyana, particularly with regard to the conduct and management of elections. As noted above, the Commonwealth supported political dialogue and reform in Guyana under the auspices of the late Sir Paul Reeves, and also provided technical support for the drafting of the media code of conduct that was widely credited as instrumental in maintaining the peace during the 2006 election. The Commonwealth has previously observed Guyana's national elections in 1992, 1997, 2001 and 2006.

The Commonwealth provided technical support to GECOM during the preparations for the 2011 election including the training of staff and the deployment of technical experts. GECOM is an active participant in the Commonwealth Election Network.

Guyana hosts the Caribbean Regional Centre of the Commonwealth Youth Programme, and the Commonwealth supports the development of Guyana in a range of sectors through the Commonwealth Fund for Technical Assistance.

Chapter 3

THE ELECTORAL FRAMEWORK AND ELECTION ADMINISTRATION

Background and Electoral System

The President of Guyana is Head of State and is the nominated Presidential candidate of the majority party in the National Assembly. The Prime Minister is appointed by the President from among elected members of the Assembly.

The 65-member National Assembly serves for a maximum term of five years. Twenty five members are elected from the country's 10 Regions on a party list system. Each of the ten Regions has between one and seven seats. The distribution of seats per Region is as follows:

Region	1	2	3	4	5	6	7	8	9	10
Seats	2	2	3	7	2	3	2	1	1	2

The number of voters per each seat in each Region is as follows:

Region	Registered Voters	Seats	Voters per Seat
1	9,738	2	4,869 voters / seat
2	27,178	2	13,589
3	69,363	3	23,121
4	213,147	7	30,449
5	32,807	2	16,403
6	75,199	3	25,066
7	9,598	2	4,799
8	4,197	1	4,197
9	10,204	1	10,204
10	24,065	2	12,032

The remaining 40 members are elected from national top-up lists, which are allocated to parties on a proportional basis reflecting their overall share of the vote¹. Party lists are not in any specific order, which means that parties can allocate their allotted seats to whichever candidates they choose.

There is also a possibility for "over-hang" seats, whereby to ensure a higher level of proportionality GECOM can allocate additional seats if the distribution after the allocation of seats at the constituency and national levels is not proportional.

¹ The proportional allocation of seats at both the constituency and national levels is done using the Method of Largest Remainder and utilising the Hare Quota.

International and Regional Commitments and National Legal Framework

Guyana has signed or agreed to a wide range of regional and international commitments and instruments relating to human rights and the conduct of elections. These include:

- Affirmation of Commonwealth Values and Principles (2009)
- Inter-American Democratic Charter (2001)
- Convention on the Elimination of All Forms of Discrimination Against Women (1979)
- International Covenant on Civil and Political Rights (1966)
- International Convention on the Elimination of All Forms of Racial Discrimination (1965)
- Universal Declaration of Human Rights (1948)

The Constitution of Guyana guarantees fundamental rights and freedoms, including freedom of expression, assembly, association and participation in elections.

The key documents providing the legal and regulatory framework for the conduct of the elections are:

- Political Party Code of Conduct (2011)
- Media Code of Conduct (2010)
- The Constitution of Guyana (1996, as amended)
- National Registration Act (1967)
- Representation of the People Act (1964, as amended)

The Guyana Elections Commission (GECOM)

The Guyana Elections Commission (GECOM) is responsible for voter registration, the administration and conduct of elections, and the issuing of instructions to ensure compliance with the Act.

GECOM is headed by a Chairperson and six Commissioners. GECOM is a permanent body and there is no provision for a time limit that Commissioners are to serve. The Chairperson shall be a person who holds, has held or is qualified to hold the office of Judge of the High Court or the Court of Appeal, or any other fit and proper person. The Chairperson is appointed by the President from a list of six persons, who are not unacceptable to the President, submitted by the Leader of the Opposition after consultation with opposition parties represented in the National Assembly.

In addition to the Chairperson, the Constitution also provides for the appointment of six members of the Commission. Three members are appointed by the President, acting in his/her own judgement and a further three are appointed by the President acting on the advice of the Leader of the Opposition after consultation with opposition parties represented in the National Assembly.

In the current Commission Dr Steve Surujbally is the Chairperson. The members are: Mr Moen McDoom, Dr Keshav Mangal, Mr Mohamood Shaw, Mr Vincent Alexander, Mr Charles Corbin and Mr Robert Williams.

GECOM sets policy for voter registration, maintenance of the voters' list and the administration of all national, regional and local government elections within the legislative

framework, whilst there is also a permanent Elections Secretariat to implement the policy under the supervision of the Chief Election Officer (CEO). The CEO leads a team comprising a mixture of permanent and temporary staff for the purpose of voter registration and the conduct of elections.

A Returning Officer is appointed by GECOM for each of the ten Regions. Each Returning Officer is supported by a series of Deputy Returning Officers. GECOM appoints Returning Officers from among its experienced staff and other qualified persons. The position is not full-time, with persons appointed to the position for a period of approximately three months. Criteria for selection are qualifications and experience and also geographic proximity.

Neither the Chair nor any of the six Commissioners are women and only one of the ten Returning Officers was a woman. However, the majority of polling station staff was female.

Voter Eligibility and Voter Registration

To be eligible as a voter one must be a citizen of Guyana and at least 18 years of age. Commonwealth citizens resident in Guyana for a period of at least a year are also eligible to vote.

Following the 2006 elections a decision was taken to conduct a brand new voter registration exercise. A door-to-door registration was conducted from January to July 2008, with party scrutineers able to follow GECOM officials. Later, a period of continuous registration was conducted from September to December 2010.

The registration exercises included persons aged 14 and over. For the purpose of identification of voters the key source documents were a birth certificate or a passport. The registration also captured biometric information in the form of fingerprints and a photo. From the registration, a brand new form of National ID Card was produced and later distributed (see below).

From the cumulative results of these two exercises a Preliminary List of Electors was produced and a four week public verification exercise was provided for during which claims and objections against the list could be made. Over 22,000 such adjustments were made and a Revised List of Electors was published. Following claims that some persons were still excluded, a further ten day period of claims and objections was provided for in July-August 2011. Following this, an Official List of Electors was published and all names were kept on a national registration database. The List is also available on the GECOM website.

The total number of registered voters was 475,496. All registered persons received a National ID Card. Up to the time of the election, some 33,000 were uncollected.

Party and Candidate Eligibility and Nomination

In order to be eligible to contest the national election political parties must contest at least 13 of the 25 Regional-level seats and at least six of the ten constituencies. At least one-third of each party's overall number of candidates must be female. But there is no stipulation on the order of the list. Thus, political parties will decide which candidates will take up the seats that they win in the election, with no requirement for women's representation or to respect the list order at all.

Each party has to present a national top-up list, with an identified Presidential candidate, in addition to the Regional-level lists. The number of candidates on each list must be two more than the number of seats available, be it for the national list or Regional lists. Each candidate must be a citizen of Guyana and be at least 18 years of age.

Election Offences and Election Petitions

The Representation of the People Act identifies a series of illegal practices and election offences. These include illegal payments, employment and hiring; illegal practices, such as disorderly behaviour at an election meeting, false statements and illegal expenditure; corrupt practices, such as treating, bribery, personation and undue influence; and election offences, such as illegal voting, intimidation, and causing racial or ethnic violence. Each offence is punishable by a range of fines and/or prison sentences, which are prescribed in the Act.

According to the National Assembly (Validity of Elections) Act, a petition against the results of the election can be filed up to 28 days from the announcement of the final result.

Codes of Conduct for Political Parties and Media

The electoral framework was supplemented by two voluntary codes of conduct: Code of Conduct for Political Parties (2011) and Code of Conduct for the Media (2010).

The parties' Code was, for the first time in Guyana, signed by all of the political parties after being discussed and agreed between them. Among other things, it voluntarily obligates parties to:

- Reject the use of threats or violence during the election
- Avoid all illegal and corrupt practices
- Respect the right of others to express different views
- Avoid personal attacks and slander
- Avoid inciting unrest or hatred
- Respect the role of GECOM and refrain from interfering in the electoral process

The media Code was signed in 2010 by the major media houses (TV, radio and print) in preparation for the later postponed local government elections. It was also intended for the 2011 National and Regional elections. Among other things it voluntarily obligates media to:

- Provide balanced, fair and accurate information
- Provide an equitable share of election coverage to all registered parties
- Refrain from inciting racial hatred
- Ensure accurate reporting
- Be independent of political control, inducement or threats
- Provide equal access to paid political advertising

Key Issues

1 Composition and Role of GECOM

One of the major recommendations of the 2006 Commonwealth Observer Group was that "the way in which the Elections Commission is constituted should be reconfigured". The

2011 Observer Group reiterates this concern and strongly urges reconsideration of the existing formula for constituting the Commission. The current formula of having three Commissioners nominated by the ruling party and three by the opposition is not conducive to a properly functioning and effective election management body, which needs to be independent and more technically oriented. Mechanisms can be built in to ensure political parties maintain confidence in the work of the election management body and also to ensure accountability. Explicit 'political membership' of the Commission is not required to achieve this.

It is also noted that out of the existing six Commissioners and a Chair, none are women. Further, while women are well represented in the lower echelons of the GECOM structure, notably at the Polling Station level, they are largely absent from the upper echelons and decision-making levels.

2 Voter Registration

Problems with voter registration have created serious problems during previous elections in Guyana, and the 2006 Commonwealth Observer Group made a strong recommendation for a new voter registration process in time for 2011. We are very pleased to acknowledge that such a new registration process was undertaken. It has proven extremely successful and seems to enjoy the confidence of political parties and the public alike. GECOM is to be highly commended for this.

3 Women's Participation and Representation

Under the current election law, at least one-third of a party's overall number of candidates must be female. There is no obligation on a party with regard to how many women it nominates to take up seats in the National Assembly. In this context it is pleasing that in practice women, at present, do represent some 30% of the outgoing Assembly. This places Guyana in a very positive light in terms of women's representation compared to other regional and global examples.

However, while it is positive that this is the case, the current system, which does not obligate political parties to allocate seats to women, does not guarantee appropriate levels of representation for women.

4 Regulations on Campaign Expenditure

Under Article 108 of the Representation of the People Act the representative of each party list has to submit a financial declaration to the Chief Election Officer within 35 days of the declaration of results. This declaration must contain, among other things:

- Statements of all payments made by the representative of the list
- The amount of personal expenses paid by each candidate
- All funds received by the representative from the candidates or any other person for the purpose of the campaign

Failure to submit such an account is defined as an "illegal practice" under Article 108.5 of the Act. The Chief Election Officer is required by the Act to publish a summary of the declarations and to keep the documentation for a period of two years for the purpose of inspection by any person for a small fee. However, it was pointed out to the Observer Group in a meeting with GECOM that the requirement to submit such a declaration is not respected

nor enforced. GECOM stated that the laws in this regard are “largely symbolic” and are “respected in the breach”.

In April 2011, a Bill was tabled in Parliament based upon a motion by the Alliance For Change (AFC), seeking to strengthen the legal framework for political party campaign financing. This was sent to a Special Select Committee but did not proceed.

In Section 1(i) of the Code of Conduct for Political Parties Contesting the 2011 General and Regional Elections, signatories agreed to “act in accordance with all existing laws, rules and procedures governing the election practices, including the laws pertaining to campaign financing and accountability”.

Several sources raised the issue of campaign financing with the group, alleging in particular the misuse of State resources for party purposes during the campaign. (This is discussed further in Chapter 4.) At the time of finalising this report it remained to be seen whether any party would adhere to the law by declaring its campaign expenditure after the election.

5 Size of Electoral Regions

The current allocation of seats to the various Regions does not adequately provide for equal suffrage. For instance Region 1 has 9,738 registered voters and has two seats in the Assembly, whereas Region 9 has 10,204 but has just 1 seat.

We also note that there are discrepancies in scale between Regions. For instance, Region 8 has 4,197 registered voters per seat in the Assembly and Region 7 has 4,799 registered voters per seat. But Region 4 has 30,449 registered voters per seat; and Region 6 has 25,066.

6 Election Petitions

It has been reported to us that election petitions are not dealt with in a timely and effective manner, with some petitions taking many years to be heard and resolved. Election-related petitions are extremely time-sensitive and the failure to deal with such matters in a timely manner undermines the right to an effective legal remedy, which is a key benchmark for the process.

RECOMMENDATIONS

- Strong consideration should be given to ending the practice of having political appointees as members of the Elections Commission. Such a formula compromises the effectiveness and integrity of the Commission, which needs to be independent and above politics at all levels. Adequate mechanisms can still be incorporated to ensure the confidence of political parties and accountability, including effective liaison committees.
- The respective roles of Commissioners vis-a-vis the role of the Chief Election Officer should be more clearly defined, ensuring that the CEO has the space and mandate to fully undertake his/her duties in an effective and timely manner.
- Consideration should be given to amending the electoral system to require parties to submit fixed ordinal lists. This will mean that voters know exactly which candidates

are most likely to take up the seats in the Assembly, thereby increasing accountability and transparency.

- We welcome the fact that parties have been selecting a reasonable number of women to the seats in the Assembly and we urge that this is continued, and possibly made mandatory.
- There is a need to ensure proper implementation of the laws for declaration and public disclosure of campaign funding and expenditure, in order to ensure transparency and accountability. There may also be a case to strengthen such regulations.
- The existing distribution of seats between regions was agreed as part of the Herdmanston Accord in 2000, which represented a consensus between political parties. Such a consensus is not easy and this is acknowledged. However, as things stand equal suffrage is not adequately provided for, given the discrepancies in the number of voters per seat across the Regions. Consideration might therefore be given to re-evaluating the current distribution to ensure a more equitable allocation of seats.
- Election petitions need to be adjudicated upon in a more timely manner in order to fully provide for a right to an effective legal remedy. Possible solutions could include having special judicial timelines for election-related complaints or even special election courts. But whichever system is felt to be more appropriate it needs to ensure that consideration and decisions of election-related complaints and petitions are dealt with in a more timely manner.

Chapter 4

THE ELECTION CAMPAIGN

Campaign Calendar

Guyana's ninth parliament was dissolved on 22 September, 2011 and the election date was announced by the President on 9 October, 2011. Thursday 27 October, 2011 was nomination day in Guyana; the contesting parties and presidential candidates are referred to in Chapter 2.

Campaign Environment

The elections were highly competitive, and the campaign was conducted with passion and enthusiasm. The democratic principles of participation and representation, as well as the basic freedoms of association, assembly, expression and movement, were observed.

The campaign was generally peaceful, although there were some reported incidents involving the disruption of political meetings by opposing party supporters, resulting in scuffles and arrests. In all instances, the police were quick to intervene, preventing the situations from escalating. These were isolated events limited to Georgetown, and although regrettable, did not undermine the overall campaign environment.

The four parties contesting the national elections held rallies across the country, generally campaigning on platforms of racial inclusivity. There was some concentration on traditional ethnic and geographical pockets of support for some parties, but also clear evidence that all parties did make an effort to campaign in non-traditional areas, courting a multi-ethnic voter base. In the later stages of the campaign, the PPP/C and APNU parties both accused the other of inciting racial discord through media advertisements and public statements, while maintaining their own support for national unity.

Political parties and candidates used door-to-door canvassing of voters, posters, leaflets, the print and electronic media (radio and television), and town hall-style meetings. For the first time, social media such as Facebook, blogs, Twitter, YouTube, online news services and email lists, played a role in shaping the nature of opinion and informing the electorate, courting a youthful, more technologically savvy electorate both locally and among the international diaspora.

The ruling PPP/C party had a dominant presence in the election campaign. More posters and billboards were displayed around the capital and country, and the party's TV, radio, print and online advertisements were prominent.

Each party published a manifesto setting out its policy positions and key promises. However, issues of policy generally appeared to be secondary in what was essentially a presidential campaign.

Attempts for the first time to arrange public debates between the parties' presidential candidates were a welcome development, although they yielded mixed results. Question

and answer sessions were held with each candidate (separately) under the auspices of the Georgetown Chamber of Commerce and Industry. The opposition parties declined to participate in a debate proposed by state broadcaster NCN, after failure to agree on certain conditions for the process.

The University of Guyana hosted a "Presidential Candidates' Forum" on 10 November 2011, which included all four presidential candidates and was widely broadcast. However, PPP/C was dissatisfied following disruption and heckling of its candidate by opposition supporters at that debate, and declined to participate in a subsequent debate arranged by a non-government organisation on 16 November, which became a bilateral event between the AFC and APNU candidates. We were informed that NCN opted not to broadcast this second debate, citing the participation of only two of the four candidates, but the footage was later broadcast on smaller stations.

Adherence to the Code of Conduct for Political Parties

The signing of the "Code of Conduct for Political Parties Contesting the 2011 General and Regional Elections" by all five competing parties, as noted in Chapter 3, was a welcome development. The parties committed in the Code to, *inter alia*: denounce violence, intimidation, threats or disruption; respect the law and human rights; adhere to "strict standards of financial probity, accountability and transparency"; reject any disrespect for or intimidation of the media; refrain from abusive or defamatory attacks on opposing candidates; avoid promoting racial or ethnic tension; and respect the integrity of the election process.

However, several of those who spoke with the Group said that breaches of the code were frequent. In addition to the claims of racist campaigning noted above, parties cited personal attacks on the character of candidates and the airing of political advertising denigrating other parties. It was reported that President Jagdeo, during campaign rallies, attacked press personnel by name in an intimidating manner, to the point where the Guyana Press Association claimed that some journalists were fearful for their safety and hesitant to report on PPP/C political events.

All Opposition parties also alleged serious abuses of incumbency, such as controlling access to media, and the misuse of state finances, which are outlined further in the following sections.

Advantage and Abuse of Incumbency

The opposition parties and media claimed to have documented, through photographs and video, the abuse of incumbency through the use of state funds and resources for campaigning purposes. Examples cited included the state-owned Guyana Sugar Corporation (GuySuCo) vehicles allegedly being used to transport PPP/C supporters to rallies.

On 4 November 2011, President Jagdeo approved across-the-board increases in salaries for all government employees² retroactive to January 2011, and payable a few days before the election. The government also approved an additional increase of three percent to be paid to employees of GuySuCo, who were previously paid a five percent increase for 2011.

² A release from the Guyana Information Agency stated that the increases were payable to all public servants and members of the disciplined services.

Opposition parties accused the government of expedient timing and the misuse of public funds by handing out GUY\$20,000 each to hundreds of Lethem residents from the PPP/C's Region 9 headquarters, as well as undertaking repairs to infrastructure in the area, in November 2011. These were designated as government flood relief funds, but were distributed many months after the flood damage was incurred, and in conjunction with PPP/C election campaigning.

The abuse of the power of incumbency appeared especially problematic in the context of the media, which is discussed in greater detail in the following section.

Media Background

Most media outlets in Guyana have historically supported partisan political and even racial interests. It is usually easy to discern which political party a particular medium supports as the tenets for objective reporting tend not always to be upheld.

There is a history of lawsuits against newspapers, columnists and television stations, and temporary bans on offending media are implemented through the Ministry of Information, which is a cabinet portfolio of the President. Further, the government has cited a lack of relevant broadcast legislation to justify a freeze on the issuing of new broadcast licences.

Media and the Campaign

The news media were active players in the 2011 electoral process, presenting news, views, and in some cases, propaganda, as well as offering campaign platforms for political candidates, party faithful and supporters.

As in the 2006 General and Regional Elections, some media outlets provided selective or incomplete coverage of factual information on election campaigns and party rallies. This has been most obvious in the case of state-owned media, but some commercial media also failed to balance news coverage in line with the self-regulative Code of Conduct for the Media.

Media Code of Conduct and the Media Monitoring Unit

Inflammatory and partisan media reporting had been long identified as a significant factor in previous election-related unrest in Guyana. To address this, a Media Code of Conduct and Media Monitoring Unit (MMU), established in advance of the 2006 election with support from the United Nations Development Programme (UNDP) and the Commonwealth Secretariat, proved to be a valuable tool in the peaceful conduct of that election.

The MMU remained in place after 2006, but in 2010 it was closed down by the Government. President Jagdeo later agreed that the MMU be reopened in advance of the 2011 poll, and this occurred in August 2011, with UNDP funding support.

Media organisations in Guyana signed a revised Media Code of Conduct in March 2010, which committed them to provide fair, balanced and accurate information to educate the public. The Media Code of Conduct also outlined the importance of providing "an equitable share of election coverage to all registered parties".

Media organisations were also obliged to provide equal access to all political parties, without discrimination, to purchase on equal terms, space in newspapers and time on radio and television stations.

The MMU produced three monthly reports in the run up to the elections, providing data on election-related media coverage. The reports for 29 August 2011 to 30 September 2011, and 1 to 31 October were made available on GECOM's website and delivered to media houses. A third report, for 1 to 28 November 2011, provided by the MMU to this Observer Group while still in preparation, was to be published in the same way.

In 2006, by contrast, the MMU reported weekly on the result of the monitoring via GECOM-funded inserts in the Sunday paper. The reports were also widely circulated to the other parties, allowing the role of the media to become the subject of substantial public discussion.

The Guyana Press Association expressed little confidence in the MMU's ability to ensure a fair and independent media environment, expressing particular concern about President Jagdeo's attacks on the media, as noted above.

State Media

The Guyana Information Agency (GINA), the state news agency, is reported to have published over twenty articles in September and October that supported the interests of the PPP/C.

Guyana's state-owned National Communications Network (NCN) operates a nationwide free-to-air TV station and the country's sole radio network, which operates two channels – the Voice of Guyana (AM 560) and Hot FM (98.1).

NCN offered five minutes a week for radio and television access to all political parties. Opposition parties vociferously rejected the offer of time, denouncing it as inadequate and demanding more free time. The time allotted was later increased to ten minutes but allegations remained that the ruling party was not paying for the airtime it used. Opposition parties also complained that their submissions for the free-time broadcasts were unfairly rejected.

NCN carried extensive party political broadcasts of the PPP/C featuring President Jagdeo and the presidential candidate, Donald Ramotar, throughout the campaign period. These party political broadcasts included election advertisements that were featured during breaks in programming on its TV network. Other political parties had aired political advertisements on a modest scale to capitalise on NCN's nationwide reach.

From the MMU report on coverage in the month of November 2011, it can be seen that the state-owned radio and television gave preference in their election-related broadcasting to PPP/C over all opposition parties on a scale of at least 8–1 (not including a large amount of government news of direct benefit to the ruling party).

The state-owned *Guyana Chronicle* featured numerous advertisements by the PPP/C, including full-page advertisements outlining its manifesto and highlighting the successes of the ruling party in promoting socio-economic development in Guyana. Opposition parties complained they had to purchase inserts in the Chronicle to have their manifestos adequately covered.

According to the MMU's report for November 2011, the *Guyana Chronicle's* election coverage supported PPP/C with a 9-1 advantage.

Commercial Media

The main private television stations are Channels 6, 7 (including Capital News), 9 (including Prime News), 28 (including Evening News), 65 (including News Update) and 69. In the report for the last four weeks before polling day, channels 7, 9 and 28 delivered a limited level of news balance comparable in amount to that provided by the state broadcasters. Outside news, the weight of talk shows, commentaries and other election-based general programmes swamped any attempt at providing any real measure of overall balance. Channels 65 and 69 provided overall election broadcast coverage in favour of the ruling party of 99% and 100% respectively during that four week period. The most balanced channel overall was Channel 6 which shared its election output in the proportion PPP/C - 30%, APNU - 40%, and AFC - 30%.

Channel 6 fell foul of the ruling party in May 2011 following the broadcast of one opinionated programme that included an alleged slander against President Jagdeo. The President imposed a four-month broadcast ban on the channel, which would have been effective between October 2011 and February 2012. Under pressure from political parties and civil society, he later deferred the suspension until after the elections (to take effect on 1 December) to avoid any accusations of muzzling the station. However, the suspension was temporarily lifted following a legal action taken by the owners of Channel 6, and a court decision is pending.

Following the elections, the TV stations carried news on GECOM's preliminary results, with some allocating longer airtime than others.

Print Media

The *Stabroek News*, *Kaieteur News* and *Guyana Times* are the main privately owned newspapers in the country.

The daily *Stabroek News*, in general, provided fair coverage of the election campaign, with attempts to feature a wide range of voices in its reportage. According to the MMU, the reportage and other election-related elements in the *Stabroek News*, (editorial, letters, columns etc.) reflected in equal amount, the interests of the three largest parties.

Kaieteur News, another daily tabloid, also provided a good measure of positive coverage for all three main parties. We noted that a front-page article branding the state-run NCN as acting like a "criminal" could be considered inflammatory; an APNU candidate took the label from a reference to NCN.

Guyana Times, a relatively new broadsheet publication, provided less coverage of opposition parties. The MMU, in its November 2011 report, noted positive election coverage as having been 2-1 in favour of the ruling party.

All three private newspapers featured advertising by the major political parties.

New Media

Several online-only news outlets have joined Guyana's media landscape, including Demerara *Waves*, *Guyana Press*, and others. This added a new avenue for internet-savvy voters, apart from access to newspaper websites – www.stabroeknews.com, www.kaieteurnewsonline.com, www.guyanatimesgy.com and www.guyanachronicle.com – which were updated regularly outside the normal publication times of the newspapers. These media outlets were not monitored by MMU.

The PPP/C, APNU, AFC AND TUF also used electronic means to spread their campaign messages, with PPP/C and APNU most actively engaging their audiences through Facebook, YouTube, Flickr, Twitter, email alerts and Blackberry Messenger.

In the days after the election, news and rumours flew rapidly via social media, including privately operated blogs. Facebook pages, including those operated by the parties, offered opportunity for party faithful to air suspicions about the counting process, some inflammatory and racist. Twitter users also spread information on the elections, counting process, and some incidents purported to be related to misconduct at the polls.

Election Day

In the Media Code of Conduct, media organisations agreed that “no coverage of any activity by the political parties shall take place for a period to begin 24 hours prior to the opening of polling stations on the day of polling. This ban will continue to the close of polling stations.”

The PPP/C, APNU and AFC held their final political rallies in Georgetown on 26 November 2011. The PPP/C event, billed as a ‘Unity Concert and Rally’, was replayed several times on NCN TV on 27 November. Throughout the day and night, NCN TV news bulletins continued to feature excerpts of the PPP/C rally and leaders’ speeches. Other TV networks also showed excerpts of the political rallies by the three parties as part of their news bulletins during the day, although these broadcasts were not available in outlying regions.

On Election Day media outlets reported on party officials casting their ballots and, in some cases, their complaints about the voting process. The MMU recorded no ethical breaches of the Media Code of Conduct on Election Day.

Voter Education

GECOM stepped up its voter education programme through the media in daily advertisements in the lead-up to polling day. The advertisements urged the electorate to ensure that they had obtained their new identification card and to identify their polling stations in GECOM’s published List of Electors. Information on how to cast a ballot and the procedures involved was also advertised. GECOM officials said they were more than satisfied with the performance of all media, both print and broadcast, in relaying voter-education material.

RECOMMENDATIONS

- Steps should be taken to strengthen and enforce rules on the use of public resources, especially during election campaigns, to facilitate a more level playing

field for all parties, and reduce the abuse of state resources through the power of incumbency.

- The political parties are urged to strengthen their adherence to the Code of Conduct for Political Parties and respect for election laws before, during and after the election period.
- The media are urged to strengthen their adherence to the Code of Conduct for Media, governing the behaviour of media organisations and practitioners before, during and after the election period to ensure fairness, balance, accuracy and integrity in reportage. In particular we recommend that state-owned media provide equitable coverage of all parties, as by their nature state-owned enterprises should be duty-bound to serve the public interest generally rather than one party.
- Appropriate measures should be expedited to allow multiple nationwide radio and television operators. The people of Guyana should have access to a choice of media outlets for their information. Media diversity facilitates information from different sources and perspectives and promotes dialogue and debate on issues, so that the voices of many rather than a few can be heard. Media diversity encourages healthy competition for quality, timeliness, reliability and talent.
- We recommend that monitoring and reporting on media fairness continue, and be expanded to online sources. Media monitoring reports should be frequently and widely circulated to provide maximum information to the electorate on media houses' reliability and adherence to the media Code of Conduct.
- The establishment of an independent media authority to regulate media conduct would strengthen efforts toward media balance in election campaigns. An independent media authority provides recourse to justice in the event of unfair reporting. This could take the form of an authority similar to the media councils that exist in some other Commonwealth countries. Such councils are independent self-regulatory bodies that deal with complaints about the editorial content of print, broadcast and online media. They can also work pro-actively to provide pre-publication advice to journalists, and offer advice to the public on privacy issues to prevent harassment and media intrusion.

Chapter 5

Voting, Counting and Tabulation

Background

On Monday 28 November 2011 National and Regional elections took place in 2,096 Polling Stations across the ten Regions of Guyana. Many Polling Stations were grouped together in Polling Places, such as in schools. The 2,096 Polling Stations were located in a total of 933 Polling Places. The number of voters per Polling Station was set at a maximum of 400.

A single sheet ballot was used for the election, but it was for both election types. The ballot was perforated for later separation for the count. The ballot for National elections was on the top section and the ballot for the Regional elections on the bottom section. The two sections were different colours.

Polling took place from 06.00 hours to 18.00 hours. Polling Stations were supposed to have a 200 yard zone established, indicating an area within which no campaign materials were supposed to be present and voters were to be free of any undue influence.

Polling Stations were run by a Presiding Officer, who was supported by an Assistant Presiding Officer, two Poll Clerks and a Ballot Clerk. Where there was more than one Polling Station at a Polling Place then there was an Information Poll Clerk to provide advice as required to voters on the correct location of their respective Polling Station.

Proxy voting is provided for in the law, but persons requiring this must have registered in advance and received the appropriate certificate. Persons on election duty, such as election officials, could apply for a Certificate of Employment, which allowed them to vote where they worked on election day as opposed to where they were registered to vote.

There were two forms of the voters' list used in the Polling Station. One contained details of the voter but had no photo. There were multiple copies of this and Poll Clerks and Party Agents all had copies. The second version was a fully detailed list with photos of the voters. There were two copies of this, one used by polling staff and the other shared between Party Agents.

Each party putting up a list of candidates was also allowed to have an accredited Party Agent present. In addition there were national and international observers accredited to be present. Media were not allowed to be present inside Polling Stations. A security officer was stationed at each Polling Station.

Disciplined forces (army, police and prison officers) voted on Monday 21 November 2011. Their votes were held securely by GECOM and were later dispatched to designated Polling Stations to be mixed in with the votes cast on 28 November 2011.

Key Procedures for Opening and Voting

The stated procedures for opening and voting are as follows:

Prior to opening, the Presiding Officer ensures the proper layout of the Polling Station. Each Polling Station has a six-digit security number, which is to be stamped on the reverse of each ballot to validate it. This is determined prior to opening by the drawing of lots by polling staff. The ballot boxes are sealed and polling commences.

Upon arrival at a polling station each voter presents their Identification Card (ID) and their name is checked on the List. ID can be in the form of a National ID Card or a Passport. In cases where a voter has neither form of ID but they are on the voters' list and can be identified by virtue of their photograph on the list then they are asked to swear an oath of identity and thereafter allowed to vote.

The voters' fingers are checked for ink and so long as their identity has been satisfactorily determined and they do not have ink on their fingers they are allowed to vote. The name and ID number is called out. The List is marked to indicate the person has participated and they are then handed a ballot and instructed on the modalities for marking the paper and for folding it. The ballot is then stamped on the reverse with the six-digit number, once on the top and once on the bottom, for the two ballot types.

The voter is then directed to the voting booth and he/she marks the ballot in secret and folds the ballot. The voter then approaches the ballot clerk and shows the folded ballot with the six-digit number visible. The voter then dips their right index finger into the ink and places their ballot in the box. The voter then leaves the Polling Station.

If a voter requires assistance due to being blind or incapacitated they can be helped by a person of their choice. But the person assisting has to be a registered voter from that Polling Station and can only help a maximum of two persons during the day. In such a case, both the voter and the person assisting have to swear oaths that the request is legitimate. Alternatively, the Presiding Officer can assist the voter.

If a voter spoils their ballot they can request a replacement and the spoiled ballot is suitably marked and placed in an envelope for spoiled ballots. But there is a maximum of two replacement ballots per voter.

Assessment of Opening and Voting

Overall Commonwealth Observers reported extremely positively on the opening and voting procedures and concluded that voters were free to express their will. In virtually all cases observed, polling officials worked diligently and methodically to process voters, abiding by the stipulated procedures. The process was transparent and Party Agents, who were present in all observed stations, and observers were able to carefully follow things.

Observers from the local Electoral Assistance Bureau (EAB) were present in many Polling Stations and played an important role as the major national observer team. But it was noted that they lacked resources in some areas.

Commonwealth teams noted that the majority of polling station officials were women. Security at polling stations was visible and effective but not intrusive. Where any problems were encountered, Returning Officers responded to resolve issues. For instance, in one area the Returning Officer had to provide permission for AFC Agents to be present even though the party had not completed proper paper work in time.

The ID of voters was carefully checked. In cases where there was no such ID provided then an oath was administered as per the regulations. The secrecy of the vote was upheld and voters were inked after having voted. Observers did note that the ink used took some time to dry and darken, and that initially it was not always evident on the finger. But it was the case that after 30-60 minutes after it had dried it provided a clear mark.

The vast majority of persons arriving at each station were found on the list. However, it was also evident that some persons did have difficulty in finding the Polling Station at which they were registered. This may have been due to a lack of familiarity as to which polling station was the right one for them, or it may have been due to their names being absent from the list. For instance it was observed in one case that a wife was on the list but her husband was not. Polling officials were not really in a position to offer concrete advice to affected persons apart from telling them to try a nearby Polling Station. This problem may reflect that not enough people engaged in the earlier public verification exercise of the voter register, or that they had not checked their names when the lists were posted outside Polling Stations prior to the election.

Some of the other issues and isolated incidents observed were:

- There were a few incidents in Georgetown on the day of the election. At a Polling Station in Lodge, a senior PPP/C official caused an incident when he attempted to enter a Polling Station to replace the Party Agent. He was informed by the Presiding Officer that he was not entitled to do so as he did not have the required certificate. A stand-off ensued and the police were called. In Tucville there was some tension when a crowd gathered in the evening outside a Polling Station; the police were called and the incident soon dissipated.
- A couple of days before the election GECOM had informed parties that their Agents would not be given a Certificate of Employment to vote where they were working on election day. Apparently, while not provided for in the law, such a practice had been allowed in the past. It seemed that the change in practice had not been well transmitted through party structures and did cause parties some confusion on election day.
- In some Regions it was observed that the 'patriotic wall' (photos of the President, Prime Minister and Minister of Education) in schools was still up in polling stations. In Bartica, the photos were up on the walls in the morning but an instruction was given and the photos were eventually removed as they should have been earlier.
- In Region 3, a GECOM official reported to a Commonwealth team that earlier in the day a PPP/C supporter had been in front of the station pretending to be a GECOM official and directing Afro-Guyanese voters away from the Polling Station. The police had arrested the individual. (See Region 3 report below for details.)

Key Procedures for the Count

The stated procedures for the count are as follows:

Voting finishes at 18.00 hours, but any persons waiting to vote at that time shall be allowed to do so. Following the close of polling the room is re-arranged for the count.

Prior to counting the ballots in the box polling officials have to note down the figures for spoiled ballots, tendered ballots and unused ballots. They will also identify the number of ballots received and the number of voters having participated. Following this they are to open the ballot box and count and record the total number of ballots in the box.

Ballots are then sorted into those for the National Assembly and those for the Regional Council elections, by tearing the perforation and separating the two election types. Starting with the national elections ballots are then picked up individually and identified as to which party the vote is cast for. The vote is called out and shown to those present. Polling officials and Party Agents all record each vote on a tally sheet, which the polling station official provides. The vote totals for each party list are determined and recorded. This is then repeated for the Regional Council elections. Following completion of the count a Statement of Poll (SoP) is completed, which represents the key source document for the verified results. Each Party Agent can receive a copy of the SoP and a copy is also posted publicly at the site of the Polling Station.

At the completion of the counting process polling officials have to complete a whole series of forms and all materials are then packed up. Deputy Returning Officers come round to collect the results from each Polling Station. The results in the form of the SoP are delivered to the Returning Officer and copies are also sent directly to the Chief Election Officer in Georgetown. The ballot boxes, containing the ballots, are sealed and stored at a local storage facility.

Assessment of Counting

During the vote count, officials again worked hard and in a transparent manner, with Party Agents able to closely follow the process and able to receive a copy of the respective Statements of Poll. National and international observers were also present in many instances. The counting process is quite drawn out, with each ballot shown to the Agents to confirm which party has been selected. Questions over the validity of any ballot were discussed between officials and agents and agreement was usually reached (final results issued by GECOM indicate that the number of invalid ballots was relatively low).

While officials worked diligently to conduct the count, there was a slightly lower level of familiarity with how to proceed compared to the voting. This may somewhat account for the slow pace of the count. But ultimately officials worked hard to do it correctly and Party Agents signed off on the Statement of Poll in those places observed. The Statement of Poll was also posted for public scrutiny.

Overview of the Countrywide Observation

Commonwealth teams reported from eight of the country's ten Regions:

Region 2

- Female officials outnumbered male officials to a ratio of 8:1 in polling stations visited.
- A mapping of the District showing the polling stations, Deputy Returning Office and the distances in time between polling venues and the GECOM Centre was a very helpful tool provided by the Returning Officer
- Most of the polling stations were located in schools, which provided for space for polling. A few private business places were used for polling. The polling stations were well organized and easily accessible in the area

- Security in the area was well organised at each polling station and was free of any disturbances.
- Women were well represented in the elections though youth voters were less evident.
- Not all GECOM staff and Party Agents had the Certificate of Employment to vote where they were assigned. Even those with the Certificate were not always clear that they could have voted in the station assigned. Most opted to go to their area of voting with the certificate using it as a priority document to speed up their process.

Region 3

- The polling and count was smooth, orderly and well conducted in the Region, with procedures meticulously followed.
- In many polling stations there were a few cases of voters turned away due to not being found on the relevant roll, and there was some inconsistency in the advice given to these voters. A copy of the full regional roll available for reference at each polling place, or a consistent practice of referring voters to the GECOM hotline, would assist in ensuring that all voters can easily verify their registration details.
- In one polling place (La Grange Primary School, West Bank Demerara) a polling official reported that earlier in the day, a party supporter outside the gate had been turning away supporters of other parties, telling them (untruthfully) that they were not on the roll. We were told that the police intervened and detained the culprit, and that at least some of the affected persons returned later to vote.

Region 4

- GECOM polling staff were consistent and professional in implementing polling procedures on election day.
- Most voters turned out to vote in the early hours of the morning and the rest trickled in towards the end of the process.
- Polling stations located upstairs on the first floor of buildings were difficult to access by physically incapacitated voters.

Region 5

- Polling commenced on time at 06.00 hours, at the polling stations observed at the start. The polling officials (the vast majority of whom were women) observed proper procedure at the start and generally throughout the vote. The polling stations were generally accessible, however, in a few areas where the upper floors were accessed via long flights of steps, some of the older voters appeared to have had tremendous difficulty.
- There were long queues at the commencement of the poll, but the electors were orderly, patient and efficiently processed. However, many were not clear on the procedure for voting. The polling officials were quite helpful and knowledgeable.
- At the start of the poll, only PPP/C and APNU agents were noted and the team was informed that AFC alleged that its agents were being denied access to the polling stations. The Returning Officer had previously advised that AFC had failed to provide its list of agents by the required deadline. The situation was however later resolved and AFC agents were noted at all polling stations visited after 12 pm. All polling stations visited had stationary EAB observers.
- The count and tabulation were efficiently conducted, though laborious and evidently taxing for already overworked officials. The count was observed and participated in by agents of PPP/C, APNU and AFC, as well as EAB observers, and there was consensus among the participants as to the results.

Region 6

- People in the streets appeared relaxed, moving around town normally and without any apparent fear. At the 25 Polling Places that were visited during the voting period it was clear that this lack of anxiety was confirmed by the evident professionalism, dedication and encouragement of the Polling staff. The fact that the same system and competence was evident everywhere showed that the staff had been very well trained.
- The voters were treated with real courtesy by the staff with support being given to elderly and disabled voters.
- The Party agents behaved impeccably and showed no antagonism towards each other. Outside, the police were alert but quiet and helpful and the queues patient and cheerful.
- Across the 25 polling stations six names were reported as not found on the official list. Otherwise no voter complaint about the polling process was apparent. One person with no ID card was allowed to vote under oath.
- The counting process at an observed Polling Station was laborious but meticulously executed. Two ballot papers were rejected and displayed – one unmarked and the other spoiled.
- It was encouraging to find that domestic observers from the EAB (Election Assistance Bureau) were present at almost every Polling Station reflecting a clear interest in the country in democratic elections.

Region 7

- The size and difficulty of travel within Region 7 necessitated the despatch of ballot boxes as much as 18 hours before the opening of the poll.
- Three polling stations were relocated a couple of days before the election and a few voters complained about their inability to find their polling stations and the lack of knowledge of the means to locate it.
- Voter turnout peaked at the opening of polls and largely tapered out to an infrequent trickle until the close of the poll. (Final voter turnout was 61.78%.)
- Some electors and party agents questioned the efficacy of the maintenance of the patriotic wall (photos of the President, Prime Minister and the Minister of Education) within polling stations sited in schools. One party agent objected to the wall on the ground that it suggested support for the ruling party to be a patriotic duty. GECOM swiftly took heed of the complaints and re-issued a directive that the photos should be taken down or covered.
- Campaign posters were visible within the 200-yard proximity limit of some polling stations. GECOM responded to complaints and the posters were all removed within 4 hours of the opening of polls.

Region 9

- Polling stations opened on time and voting was conducted in an orderly fashion and in accordance with legal requirements at all stations visited. Party Agents and EAB observers were generally present.
- Some voters were confused by the method necessary to fold completed ballot papers and had to make several attempts to re-fold the paper so the six-digit station number showed properly.
- At a small number of polling stations there was confusion early in the day concerning the authority of official letters or cards under which party agents would be allowed inside. Although the Returning Officer quickly made the requirements clear and

ensured all party agents were allowed into the stations, some representatives were not able to observe the opening of the polls.

- The counting process at the polling stations observed was smooth and transparent, and was conducted in the presence of all party agents and EAB observers. There were no complaints about the counting process, although electoral and party officials expressed exhaustion by the time the count was underway; most appeared to have worked straight through from 5 a.m. until the count was complete after 10 p.m.
- Statements of poll were promptly posted publicly and sealed ballot boxes were sent to the returning office quickly where possible. Unofficial results were transmitted from the most remote areas to the returning offices via radio or telephone before they began the hours- or days-long journey to the returning office.

Region 10

- Preparations for the election prior to polling day were completed in a very orderly way, with many of the ballot boxes having to be dispatched to distant regions up to 2 days prior to polling day.
- Polling day was peaceful and orderly and conducted in a very professional manner, although sometimes procedures seemed very slow and cumbersome.
- In many booths, the polling officials were all women, and in others, the overwhelming majority were women.
- There were people waiting in line at the opening of the polls and a vast majority of eligible voters cast their ballots in the first-few hours.
- After the close of the poll, the preparation for the count of the 99 ballot papers in the polling station observed was excruciatingly slow, with the commencement of the count almost 1¾ hours after close.
- Based on the team's observation and other reports received, Region 10 was free of any incidents of concern and conducted in a very peaceful environment overall.

The Tabulation and Results Process

As stated earlier, the process for delivering results in Guyana from Polling Station to Returning Officer to Chief Election Officer is a manual one, with Statements of Poll physically delivered. There is no parallel transmission electronically or through texting or by any other means. Given the remote nature of some of the Regions of Guyana this can be a challenge and inevitably slowed down the tabulation in affected areas.

Once the Returning Officer received the Statements of Poll a Region-wide tabulation was conducted. At the same time the Chief Election Officer, who also receives copies of each Statement of Poll, also tabulates. However, the official tabulation at the national level is only done once the Chief Election Officer receives the official tabulation and Statements of Poll from the Returning Officer. Further, at GECOM the Commissioners were also individually checking and verifying the Statements of Poll and initialling them prior to them being processed and entered into the system. Only then could the information be transmitted to the Media Centre to provide updates to the nation.

As a consequence, in spite of the fact that the Chairperson had earlier indicated that the final results would not be out until two to three days after the election, there was some anxiety among the public about the apparently slow nature of the publicly announced results. GECOM maintained that such a multi-layered and rigorous system was necessary to ensure accuracy and accountability. While accuracy in the results is vital, as it is in every election, it seems that the post-election climate in Guyana clearly cannot tolerate waiting so many days, given that it leads to such tension and discontent.

During the tabulation process the PPP/C called for recounts of results from 30 Polling Stations in Region 3 and 48 in Region 4. They had submitted the request prior to noon on the day after the election as provided for in the Act. The basis of the request was linked, in part, to a claim that their Agent had not been present during the count in some Polling Stations. This caused some consternation on behalf of the opposition. In the event, it was only the rejected or questionable ballots which were reconsidered. In Region 3 this was done on the evening of 29 November 2011. In Region 4 it was started on the afternoon of 30 November 2011, but PPP/C quickly dropped the demand once it became clear there were no significant problems.

The final results were announced by the Chief Election Officer at a news briefing on the afternoon of Thursday 1 December 2011.

The final vote totals were as follows:

APNU	139,678	40.8%
AFC	35,333	10.3%
PPP/C	166,340	48.6%
TUF	885	0.2%
Total Turnout	346,717	72.9%
Invalid Votes	4,481	1.29%
Valid Votes	342,236	

Seats won for the 65-member National Assembly were as follows:

	1	2	3	4	5	6	7	8	9	10	Total	National Top Up	Overall Total
APNU	1	-	1	4	1	-	1	-	-	2	10	16	26
AFC	-	-	-	-	-	1	-	1	-	-	2	5	7
PPP/C	1	2	2	3	1	2	1	-	1	-	13	19	32

By virtue of the fact that the PPP/C won the most seats in the National Assembly, Mr Donald Ramotar was announced as the new President. He was sworn in on Saturday 3 December.

RECOMMENDATIONS

- In order to ensure that voters have access to timely and accurate information on election day to identify their respective polling stations, a Region-wide copy of the voters' list could be provided to each polling place, so that an official could accurately re-direct any voter not knowing their place of poll.
- Accuracy in the tabulation process is critical. It is equally clear that the process is also time sensitive. GECOM should, in consultation with stakeholders, look into means by which the process can be streamlined in order to speed it up, while maintaining accuracy, transparency and accountability.
- The Electoral Assistance Bureau fulfils an important function in observing the voter registration and voting processes. However the organisation appears to be under-resourced. It is important that it receives adequate resources to fully play its role.

- Polling staff work extremely long hours on the day of the election, and the level of tiredness at the end of the process may partly account for the slow pace of the vote count in the Polling Stations. A relief system could be developed, enabling Presiding Officers in particular to have a short break in the course of the day.

Chapter 6

Conclusions and Recommendations

Conclusions

The 28 November 2011 elections in Guyana built on the 2006 elections and, despite some shortcomings, represented further progress for the country in strengthening its democratic processes. Overall, the elections were credible and many of the benchmarks for democratic elections were met, even though some concerns, notably in terms of aspects of the campaign and the management of the tabulation process, remain to be addressed for the future.

The elections were competitive, and basic freedoms of association, assembly and movement were provided for. Despite some isolated incidents the election campaign was generally peaceful. It was very positive that the Code of Conduct for Political Parties was signed by all of the parties. However, concerns were raised with us that the Code was not wholly respected, and particularly that state resources were used in the interests of the ruling party.

In signing their Code of Conduct, the media committed to provide "balanced, fair and accurate information" as well as an "equitable share of election coverage to all registered parties". However, a lack of independence and impartiality of the media remained a problem. In particular, GECOM's Media Monitoring Unit reported that state-owned television, radio and print media showed overt bias in favour of the ruling party in its coverage and news reporting. State-owned media was not alone in providing imbalanced reporting but bias by the state media was excessive. In addition, state-owned media has a responsibility to serve the interests of all citizens, particularly as in some parts of the country it is the only media available.

As a consequence of the media bias and the resources at the disposal of the incumbent, there was not a sufficiently level playing field for the campaign. While the development of codes of conduct for parties and media is welcomed, it is not enough for them merely to be signed by stakeholders. They must also be adhered to.

Concerns remain about the composition of GECOM and the role played by the Commissioners, which compromises the effectiveness and integrity of the Commission. Having said that, GECOM appears to have been well prepared for the election, though its planning for the tabulation was not as well established as other aspects of the process.

Voter registration, which has so bedevilled some past elections, was much improved and generally provided for universal suffrage. In the past, questions over voter registration have created a serious problem in Guyanese elections. Since the 2006 poll, GECOM conducted a new voter registration exercise, resulting in a more accurate list of electors for the 2011 elections. It is pleasing that the massive effort exerted by GECOM appears to have largely assuaged party and public concerns in this regard.

On election day, voting proceeded generally smoothly. Commonwealth teams reported that overall the process was well managed and that polling staff worked diligently to process voters. Polling started on time, the secrecy of the vote was provided for, and political parties

had their agents in polling stations. In some cases voters had difficulty identifying their correct polling station and were redirected to other stations. There were sporadic reports of problems and a small number of isolated incidents did occur, notably in South Georgetown. These appear to have been dealt with well by the police and tensions dissipated. However, overall, Commonwealth Observers reported that voting proceeded well across the country and voters were free to express their will.

During the vote count, officials again worked hard and in a transparent manner, with party agents able to closely follow the process and able to receive a copy of the respective Statements of Poll. Commonwealth teams followed the count at polling stations and reported that the process, while slow, was transparent, and electoral officials worked diligently to complete the count at the polling station level.

The tabulation process suffered from some delays and a degree of uncertainty. GECOM was less well prepared for this critical aspect than for some of the previous steps in the electoral process. As a consequence, despite GECOM meeting its own earlier stated deadline and being well within the legal deadline, there was tension as the people awaited the final results.

Following the announcement of results on 1 December 2011, one opposition party demanded further verification of the results before it would accept them. Peaceful demonstrations were held by its supporters in Georgetown on 1 and 2 December 2011. The Group encourages all stakeholders to respect the official election result, and urges that any further question about the result be pursued, if necessary, in accordance with the law.

The Group notes that for the first time in Guyana, the party that won the presidency did not secure a majority of seats in parliament. At the conclusion of the Group's mission, discussion had commenced between the leaders of the three elected parties toward ensuring the effective functioning of the new parliament. The Group departs Guyana hoping that all political parties will seize this historic opportunity to adopt a mature and constructive approach to governing the nation.

Recommendations

Electoral Framework and Election Administration

- Strong consideration should be given to ending the practice of having political appointees as members of the Elections Commission. Such a formula compromises the effectiveness and integrity of the Commission, which needs to be independent and above politics at all levels. Adequate mechanisms can still be incorporated to ensure the confidence of political parties and accountability, including effective liaison committees.
- The respective roles of Commissioners vis-a-vis the role of the Chief Election Officer should be more clearly defined, ensuring that the CEO has the space and mandate to fully undertake his/her duties in an effective and timely manner.
- Consideration should be given to amending the electoral system to require parties to submit fixed ordinal lists. This will mean that voters know exactly which candidates are most likely to take up the seats in the Assembly, thereby increasing accountability and transparency.

- We welcome the fact that parties have been selecting a reasonable number of women to the seats in the Assembly and we urge that this is continued, and possibly made mandatory.
- There is a need to ensure proper implementation of the laws for declaration and public disclosure of campaign funding and expenditure, in order to ensure transparency and accountability. There may also be a case to strengthen such regulations.
- The existing distribution of seats between regions was agreed as part of the Herdmanston Accord in 2000, which represented a consensus between political parties. Such a consensus is not easy and this is acknowledged. However, as things stand equal suffrage is not adequately provided for, given the discrepancies in the number of voters per seat across the Regions. Consideration might therefore be given to re-evaluating the current distribution to ensure a more equitable allocation of seats.
- Election petitions need to be adjudicated upon in a more timely manner in order to fully provide for a right to an effective legal remedy. Possible solutions could include having special judicial timelines for election-related complaints or even special election courts. But whichever system is felt to be more appropriate it needs to ensure that consideration and decisions of election-related complaints and petitions are dealt with in a more timely manner.

Election Campaign and Media

- Steps should be taken to strengthen and enforce rules on the use of public resources, especially during election campaigns, to facilitate a more level playing field for all parties, and reduce the abuse of state resources through the power of incumbency.
- The political parties are urged to strengthen their adherence to the Code of Conduct for Political Parties and respect for election laws before, during and after the election period.
- The media are urged to strengthen their adherence to the Code of Conduct for Media, governing the behaviour of media organisations and practitioners before, during and after the election period to ensure fairness, balance, accuracy and integrity in reportage. In particular we recommend that state-owned media provide equitable coverage of all parties, as by their nature state-owned enterprises should be duty-bound to serve the public interest generally rather than one party.
- Appropriate measures should be expedited to allow multiple nationwide radio and television operators. The people of Guyana should have access to a choice of media outlets for their information. Media diversity facilitates information from different sources and perspectives and promotes dialogue and debate on issues, so that the voices of many rather than a few can be heard. Media diversity encourages healthy competition for quality, timeliness, reliability and talent.
- We recommend that monitoring and reporting on media fairness continue, and be expanded to online sources. Media monitoring reports should be frequently and

widely circulated to provide maximum information to the electorate on media houses' reliability and adherence to the media Code of Conduct.

- The establishment of an independent media authority to regulate media conduct would strengthen efforts toward media balance in election campaigns. An independent media authority provides recourse to justice in the event of unfair reporting. This could take the form of an authority similar to the media councils that exist in some other Commonwealth countries. Such councils are independent self-regulatory bodies that deal with complaints about the editorial content of print, broadcast and online media. They can also work pro-actively to provide pre-publication advice to journalists, and offer advice to the public on privacy issues to prevent harassment and media intrusion.

Voting, Counting and Results

- In order to ensure that voters have access to timely and accurate information on election day to identify their respective polling stations, a Region-wide copy of the voters' list could be provided to each polling place, so that an official could accurately re-direct any voter not knowing their place of poll.
- Accuracy in the tabulation process is critical. It is equally clear that the process is also time sensitive. GECOM should, in consultation with stakeholders, look into means by which the process can be streamlined in order to speed it up, while maintaining accuracy, transparency and accountability.
- The Electoral Assistance Bureau fulfils an important function in observing the voter registration and voting processes. However the organisation appears to be under-resourced. It is important that it receives adequate resources to fully play its role.
- Polling staff work extremely long hours on the day of the election, and the level of tiredness at the end of the process may partly account for the slow pace of the vote count in the Polling Stations. A relief system could be developed, enabling Presiding Officers in particular to have a short break in the course of the day.

Annex 1

Composition of the Commonwealth Observer Group

Hon Denis Marshall (New Zealand) – Chair

Mr Marshall is the former Secretary-General of the Commonwealth Parliamentary Association (CPA) from 2002-2006, and member of CPA Executive Committees 1997-1999. The mission of the Association is to promote the advancement of Parliamentary democracy by enhancing knowledge and understanding of democratic governance among its members. He was a member of the Commonwealth Observer Group to the 2nd democratic election in Mozambique in 1999. Since his retirement from CPA, Mr Marshall has, among other things, worked with UNDP in Vietnam and with the World Bank Institute and WTO in Laos. Mr Marshall was a Member of Parliament in New Zealand from 1984 to 1999. He was a Government Minister from 1990-1996 and at various times held portfolios including Conservation, Lands, Science and Forestry. He was also Associate Minister for Agriculture and Associate Minister for Employment. In 1983, he was a Nuffield Farming Scholar to the UK Europe. In 2000 in New Zealand he established the New Zealand National Parks and Conservation Foundation. He lives on his vineyard near Queenstown.

Hon Alan Ferguson (Australia)

Alan Ferguson was elected to the Australian Federal Parliament as a Senator for South Australia in May 1992. He served for 19 years until his retirement on June 30th 2011. During that time he served as Chairman of the Senate Economics Committee for 5 years before his appointment in July 1999 as Chairman of the prestigious Joint Secretary Standing Committee for Foreign Affairs, Defence and Trade, a position he held for over 8 years. The culmination of his Parliamentary career saw him elected as President of the Senate in August 2007. Prior to his parliamentary career, Alan Ferguson worked as the joint owner and manager of a family farm for 25 years, before spending 8 years as a financial consultant. He is married with 3 adult children and 6 grandchildren. He has now been an election observer for both the Australian Government and the Commonwealth on 5 separate occasions.

Mrs Taleya Rehman (Bangladesh)

Taleya Rehman, a former broadcaster of BBC World Service is the Founder Executive Director of Democracywatch, a national NGO working for strengthening democracy in Bangladesh. Since 1996, it observed all national and local elections. She is also involved in training and deploying about 10 000 observers around the country. Taleya Rehman is the co-chair of Election Working Group (EWG), a coalition of 31 NGOs established in 2006. She has observed elections held in Nepal, Pakistan, Sri Lanka, Denmark and Guyana.

Ms Wendy Sawatzky (Canada)

Wendy Sawatzky is a journalist and online technology expert. She currently manages content on the website of the Winnipeg Free Press, the largest independent newspaper in Canada. She has previously worked in radio, print and television at several media outlets, including the Canadian Broadcasting Corporation, and she has trained reporters and editors with Journalists for Human Rights in Ghana. She has degrees in psychology and journalism from the universities of Winnipeg and King's College

Mr Gerald Burton (Dominica)

Gerald D. Burton is an attorney-at-law in private practice in the Commonwealth of Dominica. He has been the Chairman of the Electoral Commission of Dominica from 2006 and under his leadership the Commission oversaw the December 2009 General Elections. He also chairs the Customs Appeal and the Planning Appeal boards of Dominica. Mr. Burton has previously been an executive member of the Dominica Bar Association, as well as two other organizations in Dominica engaged in the promotion of good governance.

Mrs Nana Oye Lithur (Ghana)

Nana Oye Lithur is a human rights lawyer. She is the Executive Director of the Human Rights Advocacy Centre and immediate past Regional Coordinator of the Commonwealth Human Rights Initiative Africa Office. She is the convenor of the Right to Information Coalition in Ghana. She has researched and campaigned extensively on police accountability, access to justice, women's rights, HIV/AIDS, reproductive rights and health. She is a weekly columnist for the Daily Graphic Newspaper and board member of the Ghana Law Reform Commission, Ghana Aids Commission and the Ghana National Media Commission. Nana is an advisory member of the Global Consortium on Strengthening Reproductive Rights and a member of the Human Rights/HIV Working Group for West Africa.

Ms Catherine Musuva (Kenya)

Catherine Musuva is a Programme Manager at the Electoral institute for Sustainable Democracy in Africa (EISA) based in South Africa. She specialises in elections and governance issues in Africa and has observed elections in Liberia, Madagascar, Malawi, Nepal and Zimbabwe.

Mr Dafe Akpedeye (Nigeria)

Dafe Akpedeye was called to the Nigeria Bar in March 1984 and elevated to the rank of Senior Advocate of Nigeria in September, 2004. He was appointed Notary Public of Nigeria in 1999. He became a Chartered Mediator in 2009 and is a member of several professional bodies including the International Bar Association. Mr. Akpedeye served as the Honourable Attorney-General and Commissioner for Justice, Delta State between August 2007 and August 2009. He is the Chair of the Electoral Working Group of The Nigerian Bar Association and serves as the Chairman of Project Swift Count, an amalgam of Civil Society Groups in Nigeria that recently conducted the largest Parallel Voters Tabulation (PVT) in the World with 9000 Observers for the Nigerian General Elections.

Justice (R) Fazal-ur-Rahman Bazai (Pakistan)

Justice (R) Fazal-ur-Rahman Bazai, is a member of the Election Commission of Pakistan. He remained as District and Sessions Judge. In that capacity he acted as District Returning Officer in three elections. He was appointed Judge of the High Court of Balochistan and after retirement served as Provincial Ombudsman. He also served as Chairman of the Commission of Inquiry of Enforced Disappearances. He attended national and international conferences, seminars and symposiums in various countries.

Mr Oliver Knight (St Kitts and Nevis)

Presently employed as Manager of the Electoral Office and was a member of the Boundaries Technical Committee during the Electoral Reform Process, 2008-2009. Previously worked as Director of Planning Unit/Permanent Secretary, Development and as a former Chief Statistician. Mr Knight was a member of the CARICOM Observer Team for the 2007 General Elections in Trinidad and Tobago.

Ms Adelle Zaira Roopchand (Trinidad and Tobago)

A media and communications consultant specialised in security and logistics, is a journalist by training. She is responsible for logistics, protocol and security at the regional Association of Caribbean Media Workers. Adelle was the facilitator at the international Media Centre for the Fifth Summit of the Americas (VSOA) and the Commonwealth Heads of Government (CHOGM) 2009. She held the position of Communications Officer at the Caribbean Regional Security Agency IMPACS for the Cricket World Cup 2007 and has worked on crisis communication for all three international events in the Caribbean. Currently, Adelle works with the CTA-ACP-EU based in The Netherlands and CARDI on Caribbean outreach projects. She has served as a member of the Commonwealth Observer Group for elections in Rwanda (2010).

Mr Tim Neale (United Kingdom)

Tim Neale is a media consultant and trainer who has worked in a score of countries around the world with journalists and media managers to improve their contribution to democracy and in particular to the electoral process. In several countries this has also involved helping the election management body develop an important and positive link with public and private media houses with the aim of achieving a well informed electorate. Elements of this work have been the facilitation of self-regulatory media codes of conduct backed by professional, credible media monitoring units. In Tim Neale's earlier career in the BBC he worked in radio production for the World Service with a two year secondment to assist the launch of the state radio of Malawi after that country's independence. In his later work for the BBC, he spent two decades in radio station management and a further 7 years as head of the BBC's radio training department.

Mr Goodwell Lungu (Zambia)

Goodwell Lungu is a fellow of the Cambridge Commonwealth Society. He holds two degrees the first from University of Zambia where he obtained a Bachelor of Arts in Sociology and Development Studies. He further has a Master of Philosophy in Criminology from University of Cambridge in UK and specialised in public sector corruption prevention. He is the Executive Director for Transparency International Zambia (TIZ) and immediate past Board Chairperson for MS Zambia, the Danish Association for International Cooperation. He is also a Board Member for Action Aid Zambia and Member of the Zambia Civil Society Election Coalition 2011 that monitored the General Elections. He has 16 years experience working in the governance and anti-corruption field the first eight years being in the Anti-Corruption Commission in Zambia and last eight years at TIZ. He has done extensive governance and anti-corruption research and presented papers at local and international fora.

Annex 2

COG Deployment Plan

Team	AREA	NAMES
1	Georgetown & Surrounding Areas (Regions 3,4,5)	Chair: Hon Denis Marshall (New Zealand) Shennia Spillane & Geraldine Goh
2	Region 4 Georgetown	Catherine Musuva (Kenya) Mark Stevens, Zippy Ojago, Claudia Russo
3	Region 4 & 5 Georgetown	Taleya Rehman (Bangladesh) Gerald Burton (Dominica)
4	Region 2 Charity	Adelle Roopchand (Trinidad & Tobago) Goodwell Lungu (Zambia)
5	Region 6 New Amsterdam	Fazal-ur-Rahman Bazai (Pakistan) Tim Neale (UK)
7	Region 7 Bartica	Nana Oye Lithur (Ghana) Tafawa Williams
8	Region 9 Lethem	Wendy Sawatzky (Canada) Oliver Knight (St Kitts & Nevis)
9	Region 10 Linden	Hon Alan Ferguson (Australia) Dafe Akpedeye (Nigeria)

Annex 3

Arrival Statement



Commonwealth Observer Group Guyana National and Regional Elections 2011

NEWS RELEASE

Arrival Statement by Hon. Denis Marshall QSO Chairperson of the Commonwealth Observer Group

The Commonwealth Secretary-General, Mr. Kamallesh Sharma, constituted an Observer Group for the 2011 Guyana National and Regional Elections following an invitation from the Government of Guyana. It is my honour and privilege to have been asked to lead the Group and to be here in the country for these important elections.

The Commonwealth has a long tradition of support for elections in Guyana, including observing its national polls since 1992, and we are pleased to be in the country to contribute to the further consolidation of its democracy.

Democracy and good governance are key Commonwealth principles and ones which our Observer Group is constituted to promote and uphold. These elections are crucially important for the people of Guyana, as they elect their representatives, and it is therefore imperative that the electoral process is transparent, fair, credible, and free of violence.

Our task as the Commonwealth Observer Group is to consider all the factors affecting the credibility of the electoral process as a whole, and assess whether the elections have been conducted according to the standards for democratic elections to which Guyana has committed itself, with reference to its own election-related legislation as well as relevant regional, Commonwealth and other international commitments.

We will consider, among other things, whether conditions exist for free and competitive elections; the voter register provides for universal suffrage; there is a level playing field in the campaign; state apparatus and public media are impartial; freedom of expression is provided for and the media meets its responsibilities for honest and balanced reporting; voters are free to express their will; and the results process is transparent and timely.

In conducting our duties and undertaking our assessment, we will be impartial, objective and independent. We are here in our individual capacities as eminent Commonwealth citizens. The assessment of the Group will be its own, and not that of any member government. We will be constructive in our observation and remarks, with the intent to help further strengthen the democratic process in the country.

Our Group has been drawn from across the Commonwealth, and includes politicians, members of election commissions, and representatives of civil society and the media.

In the pre-election period we will meet a wide range of stakeholders, including GECOM, representatives of political parties, civil society and media, as well as High Commissions and representatives of other international and national observer groups.

Prior to election day, Commonwealth teams will deploy to a variety of locations around the country to observe the voting, counting and results processes. Our teams will coordinate with other observers in the field in order to maximise our overview of the process. We will issue an Interim Statement after the election and a final report at a later stage.

For Guyana, the conduct of credible elections, building on the improvements reported in 2006, is vital and I am hopeful that this will be the case. We call on all political parties and stakeholders to play their roles responsibly and to adopt a constructive approach to the entire electoral process in order to ensure a peaceful poll.

I wish the people of Guyana well and pledge the unwavering solidarity of the Commonwealth as you go into these elections.

Georgetown, 23 November 2011

Annex 4

Interim Statement



Commonwealth Observer Group Guyana National and Regional Elections 2011

INTERIM STATEMENT

**Hon Denis Marshall QSO
Chairperson of the Commonwealth Observer Group**

"Final results still awaited but up to now the process has been well managed and generally peaceful. Some concerns regarding aspects of the campaign but overall the election represents further progress for Guyana"

The Commonwealth Observer Group has been present in Guyana since 21 November 2011. During this period we met with the Guyana Elections Commission (GECOM), representatives of political parties, civil society, media and Commonwealth High Commissions, as well as other international and national observers. Over the election period Commonwealth teams reported from eight of the ten Regions. Our teams observed the voting, counting and results aggregation and also met with electoral officials, national and international observers and other stakeholders in the Regions in order to build a larger picture regarding the conduct of the electoral process.

The results process is ongoing. This interim statement reflects the observations and assessments of the Commonwealth team on the electoral process up to this point. We will issue a Final Report at a later stage, containing our conclusions and recommendations on the entire process.

Key Findings

- The 28 November 2011 elections in Guyana have built on the 2006 elections and, despite some shortcomings, represent further progress for the country in strengthening its democratic processes. Up to this point many of the benchmarks for democratic elections have been met, even though some concerns, notably in terms of aspects of the campaign, do remain to be addressed for the future.
- The elections were competitive, and basic freedoms of association, assembly and movement were provided for. Despite some isolated incidents the election campaign was generally peaceful. It was very positive that the Code of Conduct for Political

Parties was signed by all of the parties. However, concerns were raised with us that the Code was not wholly respected and that state resources were used in the interests of the ruling party.

- The Code of Conduct for the Media commits media to provide “balanced, fair and accurate information” as well as an “equitable share of election coverage to all registered parties”. However, a lack of independence and impartiality of the media remains a problem. In particular, reporting from GECOM’s Media Monitoring Unit shows that state-owned TV, radio and print media showed overt bias in favour of the government and ruling party in its coverage and news reporting.
- As a consequence of the overt media bias and the resources at the disposal of the incumbent, there was not a sufficiently level playing field for the campaign. While the development of codes of conduct for parties and media is welcomed, it is not enough for them merely to be signed by stakeholders. Such codes must also be respected and, where necessary, include mechanisms for enforcement.
- GECOM appears to have been well prepared for the election. Voter registration, which has so bedevilled some past elections, was much improved and generally provided for universal suffrage. Election materials, such as polling station kits, were distributed in good time to ensure the timely opening of the polls and polling staff were well trained for their respective duties, contributing to the success of the process.
- On the day of the election, voting proceeded generally smoothly. Commonwealth teams reported that overall the process was well managed and that polling staff worked diligently to process voters. Polling stations opened on time, the secrecy of the vote was provided for, political parties had their agents in polling stations, and voters were free to express their will. Some isolated incidents of disturbance occurred, notably in South Georgetown, and some anomalies were reported, but overall Commonwealth Observers reported that voting proceeded well across the country.
- Commonwealth teams followed the count at polling stations and reported that the process was transparent and electoral officials worked diligently to complete the count at the polling station level. The final aggregation of results is on-going, and has been affected somewhat by the large number of recounts requested by the PPP/C, but we continue to follow this critical aspect.

At this crucial stage of the process, the Commonwealth Observer Group urges all Guyanese to continue to exercise patience and to allow GECOM to conclude the tabulation and finalisation of results. For GECOM it is paramount that the process is concluded in a timely and transparent manner in order to ensure accountability and to maintain confidence.

Election Campaign

Based on reports we have received the election campaign seems to have been reasonably peaceful, with all parties free to undertake active campaigns. This culminated in large rallies held by the PPP/C, APNU and AFC in Georgetown and regional centres. All the rallies passed off peacefully. There were reports of some isolated incidents during the campaign, such as meetings being disrupted by supporters of opposing parties, but such actions did not characterise the overall campaign. However, we did receive complaints from a number of

stakeholders that, contrary to the Code of Conduct, statements were made at a rally castigating specific media practitioners and that the ruling party benefitted from the wide range of government initiatives undertaken in the lead-up to the election.

Breaches of the Media Code of Conduct were more explicit and were well documented by GECOM's Media Monitoring Unit (MMU). For instance, the MMU's analysis indicated overt bias in state-owned media in favour of the government and ruling party. For instance, for October the Chronicle newspaper's news coverage provided 95% (neutral and positive) to the government and the ruling PPP/C; NCN TV provided 74% (neutral and positive) of its news coverage to the government and the PPP/C; and, Voice of Guyana Radio provided 88% (neutral and positive) of its news coverage to the government and the PPP/C. State-owned media was not alone in providing imbalanced reporting, and all media should pursue the highest standards of professionalism and independence. However, bias by the state media was more excessive. In addition, state-owned media has a higher moral responsibility to serve the interests of all citizens, particularly as in some parts of the country it is the only media available to citizens.

Electoral Framework and Management of the Electoral Process

The electoral framework provides the basic conditions for credible and competitive elections, with the requisite freedoms provided for. Election-related laws were supplemented by the Political Party Code of Conduct and the Media Code of Conduct. It was notable for these elections that all contesting parties had, for the first time, signed up to the Political Parties Code, which is warmly welcomed. However, it is also noted that various parts of the two codes were violated and there are no enforcement mechanisms; the only means at the disposal of GECOM is to 'name and shame' violators. The inability to ensure respect or to adequately sanction violations can serve to undermine the integrity of such codes.

It was reported to us that the requirement for declarations of election expenses by parties after the election is not adhered to and that the law in this regard is largely symbolic. Such an approach is not adequate and is also contradictory to the Political Parties Code of Conduct, which commits parties to "strict standards of financial probity, accountability and transparency".

In the past, questions over voter registration have created a serious problem in Guyanese elections. It is pleasing that the massive effort exerted by GECOM appears to have largely assuaged party and public concerns in this regard. Since the 2006 elections, GECOM has conducted a new voter registration exercise resulting in a more accurate list of electors for the 2011 elections. As a consequence, while some individuals did fail to find their names on the list on election day, overall citizens were provided with the opportunity to participate.

Voting, Counting and Results

Commonwealth teams reported that poll officials worked methodically to process voters. GECOM was well prepared for the poll and staff seemed on the whole to be well trained. Where any problems were encountered, Returning Officers responded to resolve issues. Based on our observations voters were free to express their will. Voters waited patiently to cast their vote and the process was followed by party agents and domestic observers in the polling stations. Security at polling stations was visible and effective but not intrusive.

In some cases voters did have difficulty identifying their correct polling station and were being redirected to other stations. There were sporadic reports of problems and a small

number of isolated incidents did occur, notably in South Georgetown. These appear to have been dealt with well by the police and tensions dissipated. However, in one of the incidents senior officials from the ruling party were involved, which is extremely unfortunate.

During the vote count, officials again worked hard and in a transparent manner, with party agents able to closely follow the process and able to receive a copy of the respective Statement of Poll. The tabulation and transmission process is conducted manually and is therefore prone to some delays. For instance, Guyana has a number of remote regions and a challenging terrain. There have also been challenges in rectifying small anomalies and in conducting the requested recounts. Further, the process has not been helped by various accusations and claims made by parties while the tabulation was on-going. But at this stage, GECOM is continuing to process the final result, which is expected to be completed soon.

Georgetown, 30 November 2011

Declaration of Principles for International Election Observation

The Commonwealth Secretariat is a signatory to both the Declaration of Principles for International Election Observation and the associated Code of Conduct for International Election Observation Missions, which were commemorated on 27 October 2005 at the United Nations in New York.

Commonwealth Observer Groups are organised and conducted in accordance with the Declaration and Commonwealth Observers undertake their duties in accordance with the Code of Conduct.