



The Commonwealth

Commonwealth Observer Group to the Cooperative Republic of Guyana Regional and National Assembly Elections

**Interim Statement by Rt Hon Owen Arthur
Former Prime Minister of Barbados
Chair of the Commonwealth Observer Group**

INTRODUCTION

The people of the Cooperative Republic of Guyana, members of the media, fellow observers, members of the diplomatic corps, ladies and gentlemen.

Thank you for coming to this Commonwealth Observer Group Press Conference.

This is an interim statement, made while the electoral process is yet to be concluded, and as such provides an initial assessment as we observed it. The final report, setting out our full findings on the entire process and our recommendations in greater detail, will be submitted to the Commonwealth Secretary-General.

The Group may make subsequent statements as it sees fit.

BACKGROUND

The Commonwealth Observer Group was constituted by the Commonwealth Secretary-General, the Rt. Hon. Patricia Scotland QC, following an invitation from the Minister of Foreign Affairs, Dr Karen Cummings, to observe the General Elections which were scheduled for 2 March 2020.

This is the seventh consecutive election that the Commonwealth has been invited to observe in Guyana since 1992. The Group notes the strong history of Commonwealth engagement with Guyana, particularly with regard to the conduct and management of elections.

The Commonwealth:

- Was instrumental in supporting the Guyana constitutional reform project from 2002 to 2006 under the auspices of the late Sir Paul Reeves as Commonwealth Special Envoy.
- Provided technical support for the drafting of the media code of conduct in 2006 in support of Guyana Elections Commission's (GECOM) mandate to administer peaceful and credible elections.
- Provided resident senior electoral technical advice for the same 2006 General Election.
- Provided technical support to the Elections Commission during the preparations for the 2011 election, including the training of staff and the deployment of technical experts.
- Provided technical support to the media monitoring unit of 2015.

For the 2 March General Election, this relationship continued with the deployment of two Senior Electoral Advisers to GECOM. The Group received excellent feedback from a broad range of stakeholders, including GECOM, that the Senior Advisers exercised their duties in a manner that was well received by the institutions and people of Guyana. The Group commends the Commonwealth Secretariat and the Senior Advisers for maintaining the strong bonds of this familial bond.

CONTEXT OF THE 2 MARCH GENERAL ELECTIONS

On 21 December 2018, the Parliamentary Opposition won a vote of no-confidence by 33 to 32 votes in the 65-seat parliament when a Government Member-of Parliament voted with the Opposition party. The issue was challenged in the Court and was progressed to the Caribbean Court of Justice (CCJ).

Regarding the timing of the General Elections, the Group notes that in the CCJ's 12 July 2019 consequential orders, the Court stated its expectation that all relevant institutions should act with responsibility and integrity, and in keeping with the unambiguous provisions of the Constitution.

On 23 September 2019, the Commonwealth Secretary-General issued a statement urging the restoration of constitutional rule in Guyana and the immediate setting of an early election date in consonance with Guyana's constitution. This was in accordance with fundamental Commonwealth principles as set out in the Commonwealth Charter and other protocols to which Guyana has subscribed.

The Group had briefings from key stakeholders in Guyana including GECOM, the Police, political party representatives, civil society organisations, youth representatives, media and citizen observers. The Group also held meetings with other regional and international observer missions as well as the members of the diplomatic corps, to gain a full understanding of the conduct of the electoral process.

The Group deployed across Guyana from 28 February 2020, covering Regions 2, 3, 4, 5, 6, 7, 9 and 10 and visited 275 polling stations. Observers met with election officials, police, civil society groups, party officials and media, among others. We also observed GECOM's preparations for the distribution of sensitive and non-sensitive materials.

GECOM provided public assurances of its preparedness and readiness to conduct the elections as scheduled, including recruitment and training of polling staff, distribution of materials and other logistics.

INITIAL OBSERVATIONS

These are the initial observations of the Commonwealth Observer Group:

1. These were highly contested elections. There was a significant increase in the number of political parties and presidential candidates contesting the elections, although the campaign was dominated by APNU+AFC and PPP/C. Whilst the environment was tense and divisive, overall, fundamental freedoms of association, expression, assembly and movement were generally respected.
2. A key issue repeatedly raised in our interactions was the urgent need for constitutional and electoral reform to address what stakeholders view as a complex and multi-faceted polarisation of the nation. These divisions are reflected in the composition, structure and operations of GECOM itself. It is essential that electoral processes be fully inclusive of different political stakeholders and minority groups.
3. The Official List of Electors, containing 660,998 names, is clearly high in relation to the estimated 785,000 population of Guyana. Attempts by GECOM to create a new National Register of Registrants Database between July and August 2019 was not completed. A comprehensive reform of the voter registration system, including legislative reform, is required.
4. Election petitions are handled by the High Court, and must be filed within twenty-eight days. We heard concerns of delays in the determination of election petitions. We were informed, for example, that an election petition filed by the PPP/C following the 2015 election, is still pending before the High Court.
5. The need to revise, update and implement campaign finance laws and regulations was highlighted to us. The current limit on expenses ranges from GY\$25,000 to GY\$50,000 or the equivalent of US\$125-250. This is clearly outdated. Current legislation neither makes provision for disclosure of sources of contributions, nor provides effective enforcement mechanisms. Further, no guidance on the use of state resources exists in legislation.

6. The Secretariat staff witnessed early voting of members of the disciplined forces on 21 February 2020. This exercise was undertaken in an orderly manner, with most procedures followed. We commend the Guyana Elections Commission for the facility of early voting, which enfranchises those who would be on election-related duty on the main polling day. We are concerned, however, that citizen observers were not accredited to observe this important part of the electoral process. We encourage early accreditation of citizen observers to enable them to observe early voting in future elections. Several stakeholders we met also called for early voting to be extended to other key workers who are on duty on the main election day, including polling staff.
7. Three days before the elections, political parties signed a Code of Conduct facilitated by GECOM. It is unfortunate that such an important measure was concluded so close to the vote.
8. We noted the efforts of GECOM to minimise the use of private residences as polling places through greater use of public polling locations. The Group noted with considerable concern that the list of polling stations was not concluded until just two days before the election itself. This concern was reflected in the Group's briefings with most stakeholders.
9. Polling was conducted in an orderly, transparent and largely peaceful environment. Polling stations were generally well-organised and prepared for the polls, and opened promptly, with a full complement of staff.
10. Polling staff and materials were present at the polling stations. Polling staff appeared to be well-trained. We commend them for their professionalism and diligence. The presence of information clerks greatly facilitated voters to locate their assigned polling units. Women were the majority of polling staff we encountered.
11. Party agents for APNU+AFC and the PPP/C were present at the polling stations visited by our Observer Group. Citizen observers were present at a minority of the polling stations.
12. The Group had concerns about the location of some polling stations on upper floors of schools and sports complexes, even where there appeared to be more accessible alternatives on the ground floor. This disadvantaged the elderly and persons with disabilities, among others, who faced challenges accessing these polling units.

13. The Police maintained law and order at polling stations, and facilitated the operations of the polling staff. We acknowledge the important role played by the Police in securing polling units. Their presence was adequate and non-intrusive. We are satisfied with the police response to the reported small number of security incidents on polling day.
14. We commend the voters of Guyana, who turned up in large numbers to exercise their franchise. In our overall assessment, the opening of the polls, voting and counting were largely conducted according to the prescribed procedures. We commend the Guyana Elections Commission and its staff for their efforts in this regard.
15. We note that the process for voting in some polling stations was slow. This led to long queues. However, voters exercised patience and the queues were processed in an orderly manner. There were cases where voters expecting to vote in one location were redirected by GECOM to other polling locations.
16. We believe that several aspects of the polling, counting, results tabulation and transmission of results processes could be improved by clearer written instructions and illustrations for polling staff. For example, the Manual for Presiding Officers & Other Polling Day Officials does not contain illustrations on what constitutes a valid or invalid vote, which led to some uncertainty and ambiguity at the counts we witnessed. Furthermore, updated instructions on the role of the Deputy Returning Officers in the transmission of Statements of Poll were not provided in writing and were inconsistently applied.
17. The Group notes that existing legislation provides for a 33% quota for women in the submission of party lists at nomination. This, however, is not a binding commitment that necessarily translates into at least 33% of elected officials being women. We noted that three of the nine presidential candidates were women, as were two of the nine prime ministerial candidates. We encourage all political parties to take stronger action to promote genuine inclusion and political participation of women.
18. The Group noted the role played by the media (print, broadcast, online) in covering the elections. The media was able to freely cover the campaign. Some concerns that were reported to our Group included unbalanced media coverage, bias, fake news and the issue of hate and divisive speech on social media. In addition, concerns were raised by some media stakeholders regarding access to up-to-date essential electoral information from GECOM.

19. A Code of Conduct for Media was under consultation but not finalised. The Group notes that this would have been beneficial to promote good media conduct for the coverage of electoral process.

CONCLUSIONS

This Interim Statement is being released while the process of tabulation and the announcement of results is still underway. Our initial conclusions, up to this stage of the electoral process, therefore are as follows:

1. We are aware that many recommendations from previous Commonwealth and other observer groups regarding electoral and constitutional reform, whilst not binding on Guyana, remain to be implemented.
2. When Commonwealth Heads met in London in 2018 and endorsed Revised Commonwealth Guidelines for the Conduct of Election Observation in Member Countries, they noted that “Commonwealth election observation has far greater impact and value when recommendations offered by a Commonwealth Observer Group and other observers, are addressed so as to reduce the risk of shortcomings in future elections. Ideally there should be some form of domestic mechanism in place in each member country to review the conduct of an election and to take forward prospective reforms as required”.
3. In this context, we encourage Guyana to create such a domestic mechanism to consider electoral and constitutional reforms, including the merits and demerits of the structure of the Guyana Electoral Commission and the electoral system itself. Electoral reform is a continuous process building on what has worked successfully and addressing weaknesses.
4. Notwithstanding the difficulties and challenges surrounding these elections, for the most part the people of Guyana had the opportunity to express their will and exercise their franchise.
5. Section 89 (1) e and f of the Representation of the People Act state the following: *“Upon the conclusion of the final counting, under section 84, of the votes the returning officer, in the presence of such persons entitled under section 86 (1) to be present shall: ..(e) publicly declare the result of the final counting”*, and then deliver to the Chief Electoral Officer a return in writing. We expect this provision to be complied with.
6. The people of Guyana have demonstrated patience and commitment to their democracy. We appeal to them to maintain the same commitment in the post-election period.

7. We urge that any disputes be expeditiously addressed through appropriate dispute resolution mechanisms.
8. The Group extends its sincere appreciation to the Government of Guyana, the Guyana Elections Commission, and other stakeholders with whom we met for their positive engagement with us within the context of our Terms of Reference.
9. The Commonwealth Observer Group's Final Report will contain our recommendations which we hope will be helpful to the Guyana Elections Commission and other stakeholders in strengthening Guyana's democracy.

Georgetown

4 March 2020

The Commonwealth Observer Group is composed of:

Rt Hon Owen Arthur, Former Prime Minister and Professor (Barbados)

Ms Lebrechtta Nana Oye Bayne, Social Economist & Gender Expert (Antigua and Barbuda)

Sir Gerald A. Watt KCN, QC, Speaker of the House of Representatives (Antigua and Barbuda)

Ms Lisa Shoman, Former Foreign Minister and Tribunal Judge and Senior Counsel (Belize)

Ms Josephine Tamai, Chief Elections Officer (Belize)

Mr John Hendra, Former United Nations Assistant Secretary-General (Canada)

Hon Gitobu Imathiu Imanyara, Former MP (Kenya)

Ms Mitra Vasisht, Ambassador of India (Retired) (India)

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Note to Editors

The Commonwealth is a voluntary association of 54 independent and equal sovereign states. It is home to 2.4 billion citizens, of whom 60 per cent are under the age of 30. The Commonwealth includes some of the world's largest, smallest, richest and poorest countries, spanning five regions. 32 of its members are small states, many of them island nations. Commonwealth countries are supported by an active network of more than 80 intergovernmental, civil society, cultural and professional organisations.

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