

## 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.