

**COMMENTS AND RECOMMENDATIONS ON
THE COMMONWEALTH SECRETARIAT
EXPERT TEAM BELIZE ELECTION 2008 REPORT**

Submitted to: **The Commonwealth Secretariat,
Political Affairs Division**

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Belize City, BELIZE

INTRODUCTION

On March 18, I received an e-mail message from *a staff member* of the Political Affairs Division, Commonwealth Secretariat, informing me that the Belize Election Monitoring Report of the Expert Team mounted by the Commonwealth Secretariat was on the Commonwealth Secretariat's website. I have read with interest the Press Release and Report on the monitoring of Belize's general election on February 7, 2008 posted on the website www.thecommonwealth.org. The Expert Team's Press Release and Report were dated March 13, 2008. Some two weeks after the election, I had requested from the Commonwealth Secretariat Staff Team to this election, a copy of an "exit" Press Release. From my past experiences, a Press Release is issued by the Observer Team before departing, but this was not forthcoming until the one dated March 13, some five weeks after the election.

My primary interests in the Expert Team Report are that I was the Director, Office of Governance and former Chief Elections mentioned in the Report, and a Belizean who continues to research, analyse and publish on voter-behaviour in Belize. I am an experienced election observer and electoral manager, having been associated with the Elections and Boundaries Department for over nine years. In the past two years, the Director has expanded her expertise in the development and implementation of good governance initiatives in the wider Public Service and the engagement of Public Officers at all levels, through the mandate of oversight to Public Service management and development (Annual Reports, Office of Governance). For the 2008 election, I was tasked with election logistics, training of election workers, and generally guiding and giving support to the Chief Elections Officer in some of the election management procedures. From my past experiences, it is customary in Belize, as well as other Commonwealth countries, to engage additional skilled persons to support the Election Management Body during an election season.

I have observed many elections and voter registrations in other countries, four of which have been with teams put together by the Commonwealth Secretariat. An election observer team can shape public opinion through its reporting and recommendations. Hence, their reports need to be factual so as to be credible. From my experience, a Commonwealth Secretariat Expert Team is to maintain good governance principles in reporting. The Expert Team Report on Belize's election 2008 does not adhere to good governance principles of integrity, accountability, fairness, transparency and accuracy. Instead, the Report demonstrates bias and contains some inaccuracies, misrepresentation of specifics and careless statements on the role of the Director, Office of Governance. Such information is not only erroneous, but could be libelous for attributing incorrect statements to institutions and persons.

The objective for this communiqué is to document and convey my comments on the abovementioned Expert Team Report on Belize's 2008 election, as well as present recommendations for improvement. The comments at this time are limited and discussed under three subheadings, namely:

A. *Primary Errors*

B. *Errors of not understanding the elections implementation legislation in Belize and the governance framework within which the Elections and Boundaries Department (EBD)*

C. *Errors of Misrepresentation*

It is my opinion that the contents of certain sections of the Report are inaccurate and structured in such a way as to appear biased and unfair. I am hoping that one outcome of this communiqué is that corrective measures are put in place by the Commonwealth Secretariat, so as to eliminate such errors in the near future.

COMMENTS

A. Primary Errors

Name of the Oversight Agency: The name of the organization is Office of Governance and **not** “*Office for Good Governance*” first mentioned in the Report on page 4 and in subsequent pages as “*Office of Good Governance*”.

Authorship of the Voter Education Booklet: Per the Report, under the caption Voter Education on page 5, “*In 2003, the Elections and Boundaries Commission published A Voter Education Framework.*” In actuality, it was researched, written and published in **2004** by the **Director Office of Governance** as one of several initiatives in voter education, during her tenure as Chief Elections Officer.

Update of “A Framework for Voter Education” for 2008: As per the Report under the caption “Voter Education” on page 5-- “*This was not updated for the 2008 Election which included voting for a referendum on an elected senate.*” The objective of the publication in the first sentence of page one is clear, and therefore required no updating to include the 2008 Referendum as referenced in the Observer Team’s Report. Furthermore, the Representation of the Peoples Act applies to the election process in a Referendum (Referendum Act, Chapter 10, Sec. 6) and this information is included in two publications also produced by the Director, entitled “*Guide to Election Officials*” and “*Election Day Guidelines for Polling Agents*”. Hard copies of these were made available to the Expert Team.

Unofficial Role of the Director, Office of Governance: The Report, second paragraph under the caption “*Independence of an Election Management Body*” describes the role of the Director as “*unofficial*”. The official governance framework for the business and portfolio of the Government of Belize places the Office of Governance as the supervisory body to the Elections and Boundaries Department. The Director heads the Office of Governance, whose participation is in that **official** capacity, and additionally as an election management expert to give support to election management as is customary during an election season.

Governance Framework for the Office of Governance: The Report in the second paragraph of page 4 places the Office of Governance “*in the Office of the Prime Minister*”. The Office of Governance operated independently of the Office of the Prime

Minister, and not “*in*” the Prime Minister’s Office, as documented in the Expert Team Report. Subsequently, The Elections and Boundaries Department (EBD) did not report “*into the Prime Minister’s Office*” as contributed in the Report on page 4.

Size of the Belize City Council—Page 2, second paragraph of the Report states that “*Belize City is administered by a City Council of nine elected members*”. There are eleven elected members.

Referendum as a new dimension to voting procedures: Per the Report in the last paragraph of page 2, “*The addition of the referendum also added a new dimension to previously well-established and understood voting procedures...*”. The 2003 Elections saw the addition of “*new dimensions*” when two elections, parliamentary and municipal were conducted. Precedence was then set with the successful introduction of two ballot papers, and two separate elections took place on the same day in the same polling stations (2003 Election Report).

Name of an Electoral Division: “*Cayo Central Bay*” is **not** an electoral division in Belize as stated in the Report on page 9, third paragraph, under the caption “The Count”.

B. Errors of not understanding

Overview of Statement of Facts

This section comments on **errors of not understanding the elections implementation legislation in Belize and the governance framework within which the EBD**. The following two paragraphs provide a background to the governance framework.

The systems in place at the Elections and Boundaries Department were developed and implemented during the Director’s tenure as Chief Elections Officer from 1999 to 2005 and then as supervisor to the Chief Elections Officer from 2006 to February 2008. This includes re-structuring of the Department, publications for voter education, electronic and manual database systems and the development of administrative forms implemented in the 2008 elections, such as the Statement of Poll.

Two Election Management Bodies were introduced in 1989 following amendments to the Belize Constitution in 1988 by the United Democratic Party (UDP) government. As a result, Belize moved from an Independent model to a Government model of election management. Since then, the official governance framework placed the Department in a Ministry under a Minister; first with the Minister for Home Affairs and in 2001 with the Minister responsible for the Public Service. **It is still the same structure presently**. The past Prime Minister took responsibility for the Public Service in 2003. In 2005, the Office of Governance was introduced as an initiative of reform/modernization, and undertook the mandate of the Ministry of the Public Service, including oversight to Public Service Management, Public Service Development (capacity building), and Public Sector Reform. Subsequently oversight to the Elections and Boundaries Department was assigned to the Office of Governance.

Compromising the Perception of Independence of the EBD: The Report mentions the following on page 4 under the caption “The Independence of an Election Management Body”-- “*This complex structure of having two bodies, one which reports directly into the Prime Minister’s office seriously compromises the perception of independence for any election management body.*” The EBD does **not** report “*into the Prime Minister’s Office*”. However, the fact that EBD has been a Government Model since 1989, is what **may** compromise the perception of independence and not that “*it reports directly into the Prime Minister’s Office*” as per the Report. This is raised during political campaigns--at the re-registration exercise of 1997, and the subsequent three elections of 1998, 2003, and 2008. Kindly make reference to my Paper of 2005, presented at a seminar sponsored by the Commonwealth Secretariat, that **first** brought attention to the dilemma of the Election Management Bodies of Belize, and which was shared with the Expert Team. Also, notwithstanding Sec 88 (14) of the Constitution, some Commission members openly campaigned politically against the work of the EBD, instead of setting and implementing policies for the improvement of election management in Belize; as was highlighted in the abovementioned 2005 Paper and in other official reports. These **two** major concerns of **independence and confidence** were raised in the 2005 Paper and brought to the attention of the Expert Team by the EBD Team, but were omitted in the Report.

Unofficial “Advisory” Role of the Director

The second paragraph on page 4 of the Report under the caption “The Independence of an Election Management Body” describes the role of the Director Office of Governance as “**unofficial “advisory” role**”. This is gross misrepresentation, as the governance framework places the Office of Governance as the supervisory body to the EBD, and hence the EBD Team included the Director. Furthermore, as is customary in every election the staff of an Election Management Body is supported by additional skilled persons, which was also the role of the Director. Belize is no exception, particularly as the Ag. Chief Elections Officer is relatively new to management in general and electoral management in particular.

Dissatisfaction with the role of the Office of Governance

The second paragraph on page 4 of the Report under the caption “The Independence of an Election Management Body” that the “*unofficial*” role of the Director as referenced above “*...was met with much dissatisfaction by the opposition parties and some members of civil society.*” It was **some** leaders of the UDP that had problems with the presence of the Director; a presence which is very much legal as expressed in the “Overview of Statement of Facts”, and under a model of electoral management first introduced by the UDP when in government in 1989. The UDP did not present any wrong doing even when challenged for justifications to political statements made. The Director has a clean record of electoral management including the development of transparent systems for the EBD, and has been associated with the leadership of the EBD for over nine years. Furthermore, the composition of the members of the Elections and Boundaries Commission consists of two persons from the UDP, who had over five years to recommend reform measures, particularly pertaining to the election management model in Belize (2003 Election Report).

Expert Team's Observation at Meeting with EBD Team

The last sentence in the Report on page 4 under the caption "The Independence of an Election Management Body" states that "*Indeed, the team observed that during our meeting with the Chief Elections Officer and other senior members of her team, the Director of the Office of Good Governance was not only present but actively chaired the meeting.*" The Expert Team met once with the EBD Team including the Director, who as the more senior staff person, was transparent in introducing herself and the other three persons as the primary management **team** for the 2008 elections. The role of each EBD Team member was highlighted for further discussion which ensued. The Director was there not only in the capacity as the oversight staff person, but as an election management expert. The Report mentions that the Ag. Chief Elections Officer "*has only been in the position since October 2007*", some three months before the call for the 2008 Elections, but left this statement hanging. The Expert Team Report demonstrates bias of content as there was no balance to the statements made in this paragraph, and possibly the section.

C. Errors of Misrepresentation

Lastly, the following statements in the Expert Team Report represent **some** statements that were not warranted unless accurately qualified and justified. As such the statements misrepresent facts, and continue to paint an exaggerated negative image of persons and institutions so named. In my opinion, the section of the Report on the "The Independence of an Election Management Body" is very important due to the recommendation made, that can be justified by the content of this section. However, as identified in Section B of this communiqué, the following statements from the aforementioned section of the Report further illustrate that its content is slanted as to demonstrate bias in reporting.

- "*...there was **some** suspicion over the oversight role...*" of the Office of Governance". There ought to have been balance in reporting here as to whether this was justified or not.
- "*...the Director was **playing** a hands-on role coordinating and advising on Elections.*" The Director was legitimately executing her task, that of coordinating the logistics and conducting the training of trainers, which she is most qualified to do. It grossly misrepresented the facts and in my view, the Expert Team did not take time to understand what "*advising*" means within the actual conditions of the EBD in Belize, in further defining the role of the Director. The choice of words such as "*playing*" in the Report is belittling and offensive in light of the Director's contributions to the to the free and fair electoral process, which the Report describes as "*well-functioning*" (page 11 of the Expert Team's Report).
- "*The PUP quickly commissioned their own poll which produced the opposite result*" (page 5 of the Report under the caption "SPEAR"). The PUP did **not** commission a poll. There were two polls leading up to the election, one claimed by SPEAR and the other by two well known university scholars. The report not only distorted the facts, but clearly demonstrates some prejudice as this information could very easily have been triangulated for purposes of accuracy and credibility in reporting.

- *“It appears that the Elections and Boundaries Department attempted to assign 400-600 voters to each polling station”* (page 7, under the caption “Location, Layout...”). The EBD did not *“attempt”*, but did assign these numbers to a majority of polling stations based on the 2003 elections. In some smaller villages it was less due to the size of the communities.
- *“Unfortunately, in rural areas this meant that many voters had to travel long distances to reach their polling stations. To mitigate some of this problem, political parties provided transportation for their supporters with the result that independent voters were at a disadvantage.”* (Page 7, under the caption “Location, Layout...”). Polling was conducted within the communities and in the electoral division, therefore there was no reason for voters to *“travel long distances”* unless they were not registered to vote where they lived. The issue of registration outside the constituency of residence was one that was raised with the Expert Team by the EBD Team, as a practice condoned by both major political parties. Transportation of persons by political party agents to vote or register is widely practiced in Belize.
- The following represent quotations on the topic of the **referendum ballot** in the Report. Firstly from the caption “Voter Education” on page 5, second paragraph, *“The addition of a second ballot for the referendum was potentially confusing”*; and last paragraph, *“some voters mistakenly placed their ballot papers in the wrong ballot box”*. Secondly, from the fourth paragraph on page 8, under the caption “Voting Procedure”, *“In a number of instances we observed voters placing their general election ballot into the referendum ballot box and vice versa. This was likely due to inadvertence.”* Lastly from page 11, first paragraph under the caption “Conclusions and Recommendations”, *“The inclusion of a ballot per the referendum at short notice caused some confusion and added to the length of the process.”* Unless accurately qualified and specified, the case has not been made for the *“short notice”* and *“confusion”* identified in the Report. Similarly, the generalization as *“to the length of the process”* due to the inclusion of this ballot, needs some qualification for reliability. To the contrary *“some”* was in small percentages overall and statistics on rejected ballots remained within the norm.
- *“However, their views appeared to be influential to the extent that during a phone-in TV programme on the morning after the election, many people phoned to thank them”* (Page 5, first paragraph, under the caption “The Role of Civil Society”). For transparency *“many”* needs to be quantified and/or qualified, and the name of the TV Station listed as there are three main TV programmes in the morning, and *“the which”* TV station in Belize is very important to bring balance to the Report. Also, it is my opinion that reference to TV call-in programmes only, to make considered decisions is exceedingly weak.

CONCLUSION

My comments in this communiqué have made a case for three sets of errors in the Expert Team Report found on the website of the Commonwealth Secretariat, www.thecommonwealth.org. These sets of errors were discussed under the type of error,

namely, **Primary errors, Errors of not understanding and Errors of misrepresentation.** It is my opinion that all three types of errors defy **good governance principles**, primarily that of **integrity, accountability, fairness, transparency and accuracy.** The communiqué has highlighted a very important section of the Report, namely, “The Independence of an Electoral Management Body” as written in a way as to be slanted and biased. Some of the errors in the Expert Team Report contain not only misrepresentation of facts, but could be libelous for attributing incorrect statements to institutions and persons.

Before any election there is much hearsay, and it is incumbent on an election observer group such as the Commonwealth Team of Experts to be objective and stand above the partisan fray in presenting their considered views. As I hold the reputation of the Commonwealth Secretariat in high esteem, I am recommending from a professional point of view, and for reasons of **good governance principles of integrity, accountability, fairness, transparency and accuracy** that:

- the abovementioned errors be corrected in the Report as soon as possible
- the corrections disseminated and made public similarly to the handling of the existing Report
- corrective measures be put in place by the Commonwealth Secretariat as soon as possible to eliminate such errors in the near future

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