

# MEMORANDUM OF UNDERSTANDING

For the support of the next General Elections in Guyana

*Between*

*Government of Guyana, Guyana Elections Commission & Donors*

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### **1. Preamble**

This Memorandum of Understanding and its annexes constitute the basis on which the undersigned donors will support the democratic process in Guyana through a variety of separate instruments. Each donor's contribution will be set out in separate agreements according to each donor's procedures. It is expected that all signatories will commit to:

the holding of free and fair elections that are in accordance with the Constitution and other relevant laws of Guyana which embrace the international standards, as articulated by various UN Declarations, Covenants, Conventions, Resolutions and Reports (Annex I) and that will be continually assessed for compliance with international standards by the Joint International Technical Assessor (s) (JITA) (Annex 4), and that are open to international and domestic observation throughout the electoral process;

the fostering of broad public confidence in the electoral process, with the intention of promoting the acceptance by all of the results of such elections;

### **2. Government of Guyana**

The Government of Guyana will provide full and sustained political commitment to the democratic process in Guyana and ensure that priority is given to its smooth application through:

the holding of free and fair elections in accordance with the Constitution and other relevant laws of Guyana which embrace the UN standards detailed in Annex I of this Memorandum of Understanding and that are open to international and domestic observation throughout the electoral process;

the implementation of confidence-building measures, especially, but not exclusively, in support of Parliament with the intention of promoting a political climate in which all participants have a stake in the acceptance of the results of the elections;

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the recognition of the right to a participatory role of all Guyanese individually and through their organisations in the entire electoral process in accordance with Article 149c of the Constitution of Guyana;

the timely enactment of identified legislation required to implement the provisions and the commitments in this Memorandum of Understanding and that are necessary for the implementation of the electoral process;

respect for and promotion of the independence and efficient functioning of the Guyana Elections Commission, especially as that would be based on the timely provision of sufficient resources from the government to carry out the electoral process;

the provision of agreed upon security to technical assistance personnel and international observers.

### **3. Guyana Elections Commission**

In accordance with Article 162 of the constitution, the Guyana Elections Commission, and its permanent and professional secretariat, will:

ensure that all necessary steps are taken to adhere to the requirements of the Constitution and other relevant laws of Guyana which embrace the international standards detailed in Annex 1;

in ensuring the integrity of the Elections Commission and the adequacy of the necessary steps to satisfy the Constitution and other relevant laws of Guyana as well as the international standards as outlined in Annex1, take any appropriate steps that it deems necessary to conduct elections within the timeframe established by GECOM;

recruit, appoint and assign staff at appropriate professional levels which would include the local counterparts to the technical assistance staff to be provided under this Memorandum of Understanding, including advisor to the Chief Election Officer;

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accredit in a timely manner, domestic and international observers who will be granted, in accordance with the international standards and within the framework of the laws of Guyana and the decision of GECOM, full and unimpeded access to all aspects of the elections process from registration to the installation into office of the new Government. (see annex 3)

within GECOM's competence, agree to the protocols attached in Annex 3 of this Memorandum of Understanding, in accordance with international standards, in the framework of the Constitution and other relevant laws of Guyana relating to the rights, responsibilities, privileges and immunities of observers, their equipment, documentation and local staff, and other related matters;

include within the protocols relating to international and domestic observation, provisions allowing observers to make such representation and such publication of their findings at such time as they may see fit, including the publication of any "Quick Counts" that they may undertake in line with the standards outlined in Annex 3;

help develop and secure support from all concerned stakeholders for a Code of Conduct guiding media behaviour during the pre-election and election period, incorporating Guidelines for responsible and balanced reporting;

provide active support for the development of a Code of Conduct for all political parties registering for the election and work towards securing the acceptance by them of the results of an election internationally recognised as free and fair, in accordance with Annex 1. Such a code of conduct will also require these political parties to forswear the use of any tactics which might incite supporters to acts of violence, pre-election, during the election and post-election;

facilitate agreement on appropriate arrangements for equitable and free access to the state media by the political parties during the campaign period;

help monitor the media, make every effort with the support of relevant stakeholders to ensure balanced coverage, record

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observations and initiate action deemed necessary to achieve the objectives of free and fair elections;

produce, publish, and disseminate such voter education materials as it may deem necessary and also encourage the production, publication and dissemination by individuals and groups of voter education materials approved by GECOM.

appoint such committees as may be necessary to monitor and contribute to technical aspects of the work of the Guyana Elections Commission

establish the necessary mechanisms to facilitate donor coordination and to ensure sound financial management, according to International Audit and Accountancy Standards, in the use of donor funds.

make all necessary arrangements to accommodate and facilitate the work of Joint International Technical Assessor(s), in accordance with the Terms of Reference contained in annex 4.

### **4. Donor Commitment**

The undersigned donors will make their assistance available in a coordinated fashion and in accordance with the terms of such individual agreements as may be necessary, subject to the Constitution and other relevant laws of Guyana, and within GECOM's competence, as well as based on the mutually agreed recommendations in the Needs Assessment(Annex2) of the Memorandum of Understanding, in order to support the Guyana Elections Commission in discharging its responsibilities, including long term institution building support.

This assistance will be based on a costed Action Plan. The Action Plan will delineate those costs to be borne by the Government of Guyana and those supported by donor assistance.

Donors will seek to ensure that their various programmes of support to GECOM maximise benefits to the electoral process while minimising duplication, delays and transaction costs.

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### **5. Monitoring**

The signatories to this Memorandum of Understanding share a duty to monitor progress towards the realisation of elections that conform to the Constitution and other relevant laws of Guyana, which embrace the international standards as detailed in Annex 1 as part of their obligation under the effective implementation of this Memorandum of Understanding. In particular the following will be monitored:

#### Government Commitments

- that efforts are made by the Government of Guyana to implement the measures indicated in section 2 above;
- that there are efforts to foster broad public confidence in an electoral process assessed as free and fair by the Joint International Technical Assessor(s), with the intention of promoting the acceptance by all of elections results;

#### GECOM Commitments

- The electoral process at all stages complies with the Constitution and other relevant laws of Guyana as well as the international standards detailed in Annex 1 of this Memorandum of Understanding and that sufficient time will be allowed for completion of all stages of the elections as provided for in GECOM's timetable.

#### Monitoring arrangements

- To monitor progress, the undersigned donors will identify as soon as possible one or more Joint International Technical Assessor(s).
- The Guyana Elections Commission will appoint one or more of the identified Joint International Technical Assessor(s). The terms of reference of the Joint International Technical Assessor(s) are attached in Annex 4 of this Memorandum of Understanding.

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- The Joint International Technical Assessor(s) will assess progress on a monthly basis, or as required, of the preparations by the Guyana Elections Commission and will submit a technical quality assessment report to the Guyana Elections Commission, the Government of Guyana, the National Assembly of Guyana and the undersigned donors.
- The Technical Quality Assessment Report by the Joint International Technical Assessor(s) will include:
  - judgement of the achievement and quality of performance of the technical benchmarks laid down in Annex 1 of this Memorandum of Understanding and achieved during the course of the reporting period;
  - identification of cases of any non-compliance with the international standards or time requirements;
  - prospective assessments of the likelihood of meeting at any future date the international standards and complying with elections timetable requirements;
  - recommendations for remedial action deemed necessary
- The Joint International Technical Assessor(s) may, at any time, inform the Guyana Elections Commission, the Government of Guyana, the National Assembly of Guyana and the undersigned donors, through the submission of a written assessment, of any benchmark that has not been met to a sufficient level of technical quality or on time.
- In the event that the Joint International Technical Assessor(s) advises that the elections are likely to be held in a manner that is not free and fair, and therefore not in keeping with agreed international standards, or that the agreed elections timetable is likely to be revised for reasons that are not in keeping with the Constitution of Guyana, the signatories to this agreement will meet without delay to decide how this impacts upon agreements in this Memorandum of Understanding, and on any changes that might be necessary.

### **6. Entry into Effect of the Memorandum of Understanding**

This MOU, once the signatures in Section 8 below are affixed, will be submitted to the National Assembly of Guyana and will come into

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effect on the passage of a Parliamentary Motion of support for the MOU by the parties there represented.

### **7. Suspension of the Memorandum of Understanding**

In the event that the donors in the Memorandum of Understanding consider, on the basis of reports and assessments of the Joint International Technical Assessor(s), that:

agreed election laws or regulations are not in accordance with the international standards in Annex 1 of this Memorandum of Understanding; or

the electoral environment is not amenable to elections being held in accordance with the international standards in Annex 1 of this Memorandum of Understanding; or

observers either domestic or international do not have full and independent access to the electoral process; or

there has been a breach of faith by any party to the Memorandum of Understanding related to agreed upon measures;

the undersigned donors will make representations to the Guyana Elections Commission accordingly.

The parties to this agreement will consider whether support under this Memorandum of Understanding shall be suspended or terminated in the event that it is considered, on the basis of reports and assessments or observation by local and international observers, that the failure to achieve compliance with the undertakings in the Memorandum of Understanding persists after presentation of the reports.

The parties will notify each other that they wish to suspend or terminate such support, jointly or separately, by providing notice of so doing and the grounds for so doing and will entertain within a reasonable timeframe, representations before formal implementation.

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**8. Signatures**

This Memorandum of Understanding does not constitute an International Treaty but rather represents understandings reached between the Government of Guyana, the Guyana Elections Commission and the undersigned donors upon the matters referred herein.

Signed in six (6) originals in Georgetown on 20 July 2005, BY

THE GOVERNMENT OF GUYANA

Name \_\_\_\_\_  
Represented by Dr. Roger Luncheon, Head of the Presidential Secretariat

THE GUYANA ELECTIONS COMMISSION

Name \_\_\_\_\_  
Represented by Dr. Steve Surujbally, Chairman

AND FOR THE DONORS

Name \_\_\_\_\_  
The Government of Canada  
Represented by Mr. Murray Kam, Acting Canadian High Commissioner

Name \_\_\_\_\_  
The Government of the United Kingdom  
Represented by Mr. Malcolm Kirk, Acting British High Commissioner

Name \_\_\_\_\_  
The Government of the United States of America  
Represented by Mr. Roland Bullen, Ambassador

Name \_\_\_\_\_  
The European Commission (EC)  
Represented by Mr. Per Eklund, Head Of Delegation

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### **Annex I: Summary of UN Standards for Elections and Related Matters**

The 1948 Universal Declaration of Human Rights

#### Article 20

- 21 Everyone has the right to freedom of peaceful assembly and association.
- 22 No one may be compelled to belong to an association.

#### Article 21

1. Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.
2. Everyone has the right to equal access to public service in his country.
3. The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be held by universal and equal suffrage and shall be held by secret ballot or by equivalent free voting procedures.

The 1966 International Covenant on Civil and Political Rights

#### Article 19

1. Everyone shall have the right to hold opinions without interference.
2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.
3. The exercise of the rights provided for in the foregoing paragraph carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall be such only as are provided by law and are necessary, (1) for respect of the rights or reputations of others, (2) for the protection of national security or of public order (*ordre public*), or of public health or morals.

#### Article 21

The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others.

#### Article 22

1. Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests.
2. No restrictions may be placed on the exercise of this right other than those prescribed by law and which are necessary in a democratic society in the interests

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of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others. This article shall not prevent the imposition of lawful restrictions on members of the armed forces and of the police in their exercise of this right.

3. Nothing in this article shall authorize States Parties to the International Labor Convention of 1948 on Freedom of Association and Protection of the Right to Organize to take legislative measures which would prejudice, or to apply the law in such a manner as to prejudice, the guarantees provided for in the Convention.

### Article 25

Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions:

- (a) to take part in the conduct of public affairs, directly or through freely chosen representatives;
- (b) to vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;
- (c) to have access, on general terms of equality, to public service in his country.

### The 1952 Convention on The Political Rights of Women

#### Article 1

Women shall be entitled to vote in all elections on equal terms with men, without any discrimination.

#### Article 2

Women shall be eligible for election to all publicly elected bodies, established by national law, on equal terms with men, without any discrimination.

#### Article 3

Women shall be entitled to hold public office and to exercise all public functions, established by national law, on equal terms with men, without any discrimination.

### The 1965 International Convention on the Elimination of All Forms of Racial Discrimination

#### Article 5

- (b) In compliance with the fundamental obligations laid down in article 2 of this Convention, States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights...

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- (c) Political rights, in particular the right to participate in elections -- to vote and to stand for election -- on the basis of universal and equal suffrage, to take part in the Government as well as in the conduct of public affairs at any level and to have equal access to public service;
- (d) Other civil rights, in particular:
  - (viii) The right to freedom of opinion and expression;
  - (ix) The right to freedom of peaceful assembly and association.

The 1979 Convention on the Elimination of All Forms of Discrimination Against Women

### Article 7

States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure, on equal terms with men, the right:

- (a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;
- (b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;
- (c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.

Various UN documents (Secretary-General's reports, General Assembly resolutions, ECOSOC resolutions, reports in the Human Rights Committee etc.)

United Nations General Assembly Resolution, A/RES/46/137 dated December 1991:  
Enhancing the effectiveness of the principle of periodic and genuine elections

The General Assembly...

...Reaffirms the Universal Declaration of Human Rights, which provides that everyone has the right to take part in the government of his or her country, directly or through freely chosen representatives, that everyone has the right of equal access to public service in his or her country, that the will of the people shall be the basis of the authority of government and that this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret ballot or by equivalent free voting procedures,

...Notes that the International Covenant on Civil and Political Rights provides that every citizen shall have the right and the opportunity, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, to take part in the conduct of public affairs, directly or through freely chosen representatives, to vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot,

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guaranteeing the free expression of the will of the electors, and to have access, on general terms of equality, to public service in his or her country,

...Recalls that, under the Charter, all States enjoy sovereign equality and that each State, in accordance with the will of its people, has the right freely to choose and develop its political, social, economic and cultural systems,

...Recognizes that there is no single political system or electoral method that is equally suited to all nations and their people and that the efforts of the international community to enhance the effectiveness of the principle of periodic and genuine elections should not call into question each State's sovereign right, in accordance with the will of its people, freely to choose and develop its political, social, economic and cultural systems, whether or not they conform to the preferences of other States...

2. Underscores the significance of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, which establish that the authority to govern shall be based on the will of the people, as expressed in periodic and genuine elections;
3. Stresses its conviction that periodic and genuine elections are a necessary and indispensable element of sustained efforts to protect the rights and interests of the governed and that, as a matter of practical experience, the right of everyone to take part in the government of his or her country is a crucial factor in the effective enjoyment by all of a wide range of other human rights and fundamental freedoms, embracing political, economic, social and cultural rights;
4. Declares that determining the will of the people requires an electoral process that provides an equal opportunity for all citizens to become candidates and put forward their political views, individually and in cooperation with others, as provided in national constitutions and laws;
5. Underscores the duty of each Member State, in accordance with the provisions of the Charter of the United Nations, to respect the decisions taken by other States, in accordance with the will of their people, in freely choosing and developing their electoral institutions;
6. Reaffirms that apartheid must be abolished, that the systematic denial or abridgement of the right to vote on the grounds of race or colour is a gross violation of human rights and an affront to the conscience and dignity of mankind, and that the right to participate in a political system based on common and equal citizenship and universal franchise is essential for the exercise of the principle of periodic and genuine elections;

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### **Annex 2: Report Of Commonwealth Secretariat Assessment Mission**

#### **INTRODUCTION**

In June 2004 the Chairman of the Guyana Elections Commission, Dr Steve Surujbally, asked the Commonwealth Secretariat to undertake a Needs Assessment Mission regarding the Commission's preparedness for the forthcoming General and Regional Elections. The Terms of Reference were:

*"To conduct a needs assessment of the Guyana Elections Commission, which takes into account its mandate, structure, staffing, funding, budget, legal obligations, operational requirements and any other aspects that may be relevant.*

*To prepare a report to the Guyana Elections Commission and the Commonwealth Secretariat on future arrangements for elections in Guyana and to make recommendations for further technical and other assistance as may be appropriate".*

The present author, Keith Hathaway, was appointed to undertake the mission and visited Guyana in September 2004.

#### **BACKGROUND**

Past elections in Guyana have been challenging. The results of the 1997 General and Regional Elections were disputed by the People's National Congress (PNC), resulting in rioting and violence in Georgetown, and the PNC demanded fresh elections. Amongst other matters the Commonwealth Observer Group noted:

- \* the poor state of the computer database for processing the tallying and the results;
- \* the inadequacy of the tallying process;
- \* the failure of some Presiding Officers to sign their returns;
- \* inadequacies in the Elections Commission's communications mechanisms

In an effort to ensure that past shortcomings would not be repeated, these and other observations were taken into account in the preparation for the March 2001 General and Regional Elections. Assistance was provided by a number of external bodies and an independent Joint International Technical Assessor (JITA) was appointed to assist the Commission.

The Commonwealth Observer Group which was present for the 2001 Elections reported that the people "were able to express their will, but the shortcomings in the election arrangements detracted from otherwise praiseworthy arrangements: the errors in the Voters' List reduced public

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confidence in the voting process, while the long delay in producing the results resulted in public concern and rising tension". In both their Interim Statement and their final Report the Observers proposed that "before the next election the Elections Commission should review all aspects of its election management arrangements, ensuring that the lessons of 1997 and 2001 are learnt and that the appropriate action is taken"; they added nineteen detailed recommendations – including on voter registration, the transmission of the results, communicating information to the public, the independence of the Commission and other matters<sup>1</sup>.

The Commission have undertaken a comprehensive review of the reports on the 2001 Elections, including that of the Commonwealth Observer Group. Consideration has been given, in particular, to voter registration, training arrangements and the results process.

As a result, some important policy decisions have already been taken. The most important is the decision to introduce a system of continuous voter registration, as recommended by the Commonwealth Observer Group. While the decision itself is important the fact that it was taken early in the electoral cycle is also significant: one of the lessons learned from 2001 is that delays occurred because important policy decisions were not taken in time.

This report represents the latest stage in the review process following 2001 elections. It is divided into three sections –

- (a) Priorities for Long-Term Change
- (b) Planning for the Next Election
- (c) External Assistance

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<sup>1</sup> Alongside the criticisms it should be borne in mind that the 2001 election was the first at which there had been a permanent Commission and a permanent Secretariat.

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### **PRIORITIES FOR LONG-TERM CHANGE**

Recommendations are set out beneath concerning the arrangements for the next General and Regional Elections. However, there are a number of matters which cannot be tackled before these elections but which are nevertheless of fundamental importance. All aspects of Guyana's electoral arrangements need to be reviewed after the 2006 General and Regional Elections. However, there are five which need to be addressed as soon as possible in order that more satisfactory arrangements can be put in place for the 2011 Elections.

#### ***The Electoral Commission***

Any review of long-term arrangements needs to begin with the nature of the election management body itself: the manner of its appointment, its composition, the arrangements for its funding and various other matters have to be taken into account.

The first recommendation of this Assessment Mission is that Guyana's National Assembly should review these and all other arrangements concerning the Elections Commission, in order to ensure that they are appropriate.

In this context, this Mission recommends that the experiences of other countries should be taken into account, particularly those which re intended to ensure that the Commissions of other countries are genuinely independent.

Independence has two characteristics: first, the Commission should be independent of the Government of the day and the civil service; secondly, it should be independent of the political parties and other political forces in Guyanese society. At present Guyana's Commission may be independent of the Government of the day and the civil service, but it is not independent of the political parties. On the contrary, under the current arrangement the Elections Commission is precisely *composed on party lines*.

The tendency will inevitably be for members of the Commission to be continually looking over their shoulders to the parties which nominated them; if they are not actually consulting them they must be continually imagining what their parties' views are or would be. This inevitably stifles debate and independence of thought, and distorts decision-making. Most of all, it means that the members of the Commission are not thinking of what Guyana needs, but what the parties want.

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In the view of this Assessment Mission the Elections Commission should be composed of people who, while commanding the confidence of the major political parties and other political forces, should not be appointed by or be representatives of those political parties and political forces<sup>2</sup>.

The Mission also recommends that the National Assembly's review should embrace the other attributes of independence, including funding arrangements, and that it should consider the terms and conditions of members of the Commission. Currently the Chairman and members of the Commission are not appointed for a fixed term. The Mission recommends that this practice be reviewed, and that the advantages and disadvantages of fixed term appointments be considered. It is suggested that as part of this review the experiences of other Commonwealth countries should be investigated. Should the review recommend the adoption of fixed terms the Mission believes that these should be of at least five years, so that they are long enough to cover the whole electoral cycle.

### ***Chief Election Officer***

There is a need to build up the position of the Chief Election Officer. This work will need to continue beyond the forthcoming General and Regional Elections, although this Mission attaches considerable importance to rapid movement in this respect as early as possible and hopes that substantial progress can be made in time for the 2005 General and Regional Elections.

The Chief Election Officer needs work closely with the Commission. Within this context he/she also needs to be given as much responsibility for and control over the management of day-to-day operations as possible. It is right that key policy decisions should be taken by the Commission. But important matters concerning implementation cannot and should not be put on hold for up to a fortnight until the Commission meets. Much more can be left with the Chief Elections Officer than is currently the case. For instance, within the broad parameters set out by the Commission matters such as media statements, the appointment of polling station and other staff and so on can be dealt with entirely by the Chief Election Officer.

Again, this mission proposes that there should be a fixed term for this position and that the every highest professional standards should be demanded from the post-holder.

### ***The Secretariat***

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<sup>2</sup> It should be noted that direct representation of the political parties on the Election Commission is no replacement for proper liaison with the parties: indeed, in some ways it impedes it. Whatever the basis on which the Commission is composed there needs to be full and formal dialogue with the political parties at all levels.

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The Mission again acknowledges the Electoral Commission's work to learn lessons from previous elections. However, in parallel with this review by the Elections Commission and the strengthening of the role of the Chief Elections Officer as recommended above, the Secretariat needs to be overhauled. The work of the Secretariat needs to be characterised by professionalism. In particular, it needs modern management and a modern management style, so that as an employer it follows the very best practices in all respects.

This applies not only to the staff at the Commission headquarters in Georgetown but also to the field staff. In both cases there needs to be a continual programme of professional training, clear paths for career progression and internal transfer, and enhanced internal communications. On the last point, there needs to be a formal system of staff appraisals, regular team meetings, group working and frequent meetings between senior and other staff. A policy of openness and an emphasis on improved communication are needed so that staff feel part of a joint endeavour.

The Secretariat is not immune from the racial polarisation and antagonism that afflicts Guyanese society as a whole and the division and tension that comes with it. This needs to be confronted, in the Elections Commission Secretariat as elsewhere in Guyana. It is recommended that a senior official be appointed with the specific brief of working to ease internal ethnic tensions and to promote best practice in co-operative working. Ethnically-based tension is a problem in itself. If it occurs in the Secretariat of an election management body it not just the organisation but the country itself that suffers at election time.

### ***Boundaries***

There is insufficient time before the next Election to undertake the necessary re-consideration of constituency boundaries. However, it is important that this should not be postponed for too long and important that sufficient time and resources are allocated to the task, so that by the time of the elections after these the electorates in each constituency are of a roughly comparable size. As with the two points mentioned above, if this work is to be done in time for the election due in 2011 work needs to begin now.

At the same time the Elections Commission will need to review its own administrative structures so that these 'fit' with and are adequate for the new boundaries. For example, under the present arrangements there is just one Returning Officer for the whole of Region Four, which is clearly inappropriate.

### ***Local Democracy***

Local elections have not taken place in Guyana since 1994. Clearly, the Elections Commission needs to be prepared so that it is ready to conduct such elections when the call comes: in this Mission's view the minimum time

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to have everything in place is six months before the elections are due to be held.

Before that point, however, there needs to be consensus on matters such as the voting system to be used at local elections. There has been discussion on this as part of the constitutional reform process. No decision has yet been made. Before it is this Mission recommends that the Elections Commission should be involved in the discussions.

### ***Voter Registration***

The Assessment Mission recommends that house-to-house voter registration should not be undertaken before the next General and Regional Elections. However, house to house registration should take place at least every seven years. Arrangements should therefore be made now to ensure that the funding and other arrangements are in place for such an exercise to be held by 2011, as an aid to the accuracy of information gathered under the continuous registration system.

Current arrangements include a Voter ID card, which shows a photograph of the voter, a thumb-print and information on eye colour. It is further recommended that this should be retained for the 2006 General and Regional elections. For the longer-term, however, investigations should be undertaken into the possible use for future elections of biometric methods of identification, especially in view of the likely development of technology. Such matters as practicability and cost need to be investigated thoroughly. It is not necessarily the case that biometric methods will represent an improvement on present arrangements. But this should not be assumed – it needs to be established as a result of rigorous investigation into the advantages and disadvantages of possible biometric schemes. In this connection it is recommended that an expert in biometrics should be appointed now to provide advice and to make proposals.

## **PLANNING FOR THE NEXT ELECTION**

During the period since the 2001 General and Regional Elections a considerable amount of work has been undertaken to prepare for the next General and Regional Elections, which must be held by June 2006. As part of its review the Commission has considered its staffing arrangements and a number of senior appointments have been made. The importance of the work so far undertaken is fully recognised.

However, the Commission, the Chief Elections Officer and their staff now need to work together even more vigorously and effectively to ensure that

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arrangements for the next Elections are delivered in a timely and professional manner.

### ***Election Timetable***

Elections are complex and the tasks varied. Meeting both statutory and non-statutory deadlines are of the utmost importance. Although the Elections are due to take place by June 2006 the President can call the election at any time. It is therefore imperative that preparations for the Elections are completed well in advance of any announcement of the date. It is this Mission's recommendation that 100 days should be allowed for everything to be in place – three months<sup>3</sup>. A *Suggested Project Plan with Timelines* is attached as Annex B.

### ***External Factors***

Legislation, budgetary matters and party liaison need close and early attention. It is especially important that any decisions that still need to be taken in these areas should be taken soon.

- **Legislation:** there does not need to be a complete re-casting of the entire legal framework - legislation is already in place for the holding of the elections. However, any tidying-up that needs to be done must be accomplished quickly. The Commission should urgently review the legislation and submit any necessary amendments to the National Assembly without delay. One important matter which needs to be addressed is the exact nature of the voting system. A decision on this, followed by the adoption of any legislation which may be necessary, clearly cannot be left to the last minute<sup>4</sup>.
- **Budget:** under current arrangements the Office of the President makes budget allocations to the Commission, in co-operation with the Chief Elections Officer. It is clearly vital that adequate provision is made for 2005 and 2006, that funds are delivered to the Commission in a timely fashion and that last minute appeals to external agencies are avoided. It may be that in order to avoid a shortfall at the end of the electoral cycle adjustments to the Commission's plans have to be made. In this case they need to be made calmly now rather than in a crisis later. It is therefore proposed that the Commission revisit its budget now and make any necessary adjustments as soon as possible.

Secondly, the Commission must have full control of its funds. Government may be the source of the funds, but decisions concerning and management of their use must rest with the Commission.

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<sup>3</sup> It is recognised, of course, that certain tasks cannot be undertaken until the date of the election is known. This applies in particular to training, nominations and some logistical tasks.

<sup>4</sup> This process can be time-consuming and the National Assembly may wish to consider delegating these functions to the Electoral Commission, to ensure that decisions are made speedily. This must be undertaken after full consultation with interested parties.

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It is strongly recommended –

- (a) that allocations by Government must therefore not be made on an occasional basis, linked to particular needs, but on an annual basis and as a block;
  - (b) that the determination of priorities for expenditure within the amount allocated must be made by the Commission itself, not the Government: the Commission must not be subject to influence by any outside body, Government must not interfere with the Commission's finances or with any other aspect of the Commission's work.
- **Party Liaison:** the Commission should seek – even at this early stage – to hold regular meetings to discuss operation arrangements with the political parties. The parties should be considered to be partners in the process and given maximum information and access at all stages.

### ***Internal Arrangements***

The following areas need to be addressed:

- **Voter Registration**

Three main elements have to be tackled:

*The Database of Electors* – some of the political parties have not had full confidence in the database, and this deteriorated still further at the last General and Regional Elections. Despite an independent audit after the last election dissatisfaction remains on the part of some of the political parties. It is recommended that the Commission should continue to work closely with all stakeholders to ensure that there is all-round confidence in the database of electors.

- (a) *Photographic Identification* – a new photographic system was introduced for the 2001 Elections. Because it was introduced late in the process there was much confusion; some electors did not receive their photograph, or there were errors. The Commission have subsequently reviewed their procedures and this process should continue to ensure confidence in the system on the part of the electors. However, as noted above, there is insufficient time to undertake the thorough investigations that would be required ahead of the introduction of any biometric identification system. It is strongly recommended that the Commission should look at this for the future but that no

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attempt should be made to use biometric systems for these Elections.

- (b) *Implementation of Continuous Registration* – one of the lessons learnt from the 2001 election was that the voter registration process needed to be reviewed. The Commission have undertaken such a review, with the involvement of the political parties (who have been present at the workshops and various other meetings that have taken place). This review has looked at the systems used in Jamaica and in Trinidad and Tobago and the Commission has decided that a continuous registration process be introduced.

Once this continuous registration system is in operation the Commission will be able to produce a register every six months, rather than producing just one in the immediate run-up to the Elections. At least two Voters Lists should be produced before the next Election, thereby allowing the political parties time to ensure that their supporters are included and that they and all others should be satisfied with the Voters Lists to be used on election day.

It is clearly important that all stakeholders should continue to be kept fully informed of progress in the introduction of the continuous process. Indeed, the Commission should see the introduction of a continuous system as an opportunity to work closely with a range of external bodies to ensure the widest understanding of and acceptance of the new system and the List it will eventually produce. Allied with organisational links should be a major public awareness effort. When continuous voter registration is introduced there is certain to be some nervousness on the part of the public. The Elections Commission must prepare public opinion on the procedures to be followed. If this is done well it can only assist in building confidence in the system and assuring Guyana of the transparency of the process. It is therefore recommended that:

- a team of up to four technical advisors representing the stakeholders should be appointed – through a process involving the political parties - to ensure that all technical procedures are properly developed, tested and implemented prior to their ‘going live’ at election time. The advisors would make regular reports to the Chairman of the Commission.

The Terms of Reference for the team will need to be comprehensive. However, they must not be such as to

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compromise the role of the Information Technology Manager and his staff: it must be emphasised that this team would be an advisory group and would not itself undertake any of the work.

As an alternative, the Commission could appoint an independent assessor with appropriate technical expertise, whose role would be similar and who would report both to the Commission and to the stakeholders.

- furthermore, independent advisors should also be appointed to assist in the implementation of the continuous voter registration system in the field. To oversee the voter registration process - which is both complex and time-consuming - the Commission intends to open offices in all ten regions of Guyana. It is recommended that their work and the whole process in the field should be assessed by independent advisors, who will then advise the Chief Elections Officer of any issues which need to be addressed and any improvements that need to be made. These assessors would, in particular, observe the fieldwork elements of the process. It is also recommended that domestic observers should be trained to supplement the assessors' reports with their own. The political parties would, of course, continue to have the right to be present for all stages of the registration process. It is strongly recommended that the Commission seek the advice of technical specialist experts in this field before taking final decisions in this matter.

- **Civic and Voter Education**

Civic and voter education is important for the election itself. However, it is equally important that the Commission undertake public awareness and other voter education prior to and during the voter registration process, in order that electors fully understand the system. It is recommended that such a programme should take account of the diversity of Guyana and use both print and electronic media. A detailed plan for such a programme should be drawn up as a matter of urgency, showing timelines and costs.

- **Training**

Effectiveness in the delivery of the Elections will be dependent on the Commission's success in training its staff to a high standard. It is recommended that the Commission appoint a suitably qualified and experienced training officer, one of whose key tasks will be to

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formulate a comprehensive training strategy, embracing the training of trainers and, in particular, the polling station staff.

Training methods are constantly being modified and new initiatives are being introduced. The Commission's training programme should make optimum use of those of the new approaches which best suit Guyana. There needs to be continuous monitoring of all training activities, to ensure that training is delivered to the highest possible standard. Training should so far as possible be undertaken in small groups: in 2001 there were instances of up to 200 staff being trained at a time (in one room over a period of two days with two trainers, with no public address system).

It is recommended that the Commission develop a training manual now. This must have comprehensive coverage of the count, not just polling day. It can be retained for subsequent elections - only minor amendments are likely to be needed, to take account of legislative changes and so on.

- **Appointment of Polling Station Staff**

It is recommended that the Commission should as a matter of urgency review their current method of appointing polling station staff. The Commission must base their appointments on the capabilities and professionalism of those who apply to be polling station staff. The essential criteria should be how well the applicants perform in training. The Commission must move away from the current apparent practice of making appointments with political balance in mind. It should also investigate ways of delegating the appointment of polling station staff to the Chief Election Officer.

- **Public Relations**

It is recommended that the Commission appoint a public relations expert to support the Public Relations Section of the Secretariat in its work to maintain and enhance the Commission's public image. Every voter needs to know that the Commission is an honourable body that they can trust to deliver a fair outcome. Cross party voter support for a Commission adds substantially to its confidence and to the respect given to it by politicians.

This appointment should be made as soon as possible. The expert should report to the Chief Elections Officer. This is one area in which the Commission needs to relax its hold on day-to-day operations. Individual press releases need not be approved by and particular media-related decisions need not be taken by the Commission, but can be delegated to the Chief Elections Officer and by him to the members of staff directly concerned.

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- **Media Behaviour**

The behaviour of the media has been a powerful factor in recent elections in Guyana and has had a major impact on the electoral process. There is a case for action to regulate the media in general. However, the fact that action is needed outside the electoral sphere does not mean that the election management body can neglect its own responsibilities in relation to the media and elections. On the contrary, it needs to accept these responsibilities and make arrangements accordingly. These are:

- (a) to develop, and secure support from all concerned parties for, a Code of Conduct regulating media behaviour during the pre-election and election period, incorporating Guidelines for responsible and balanced reporting; amongst other matters this needs to promote the principle that the state media belong to the people and therefore must not be seen to favour any one party; at the same time it must ensure that the private media behave responsibly;
- (b) to draw up and secure agreement for appropriate arrangements for equitable and free access by the political parties during the campaign period, to the broadcast media in particular;
- (c) to itself monitor the media, in particular to ensure balanced coverage: this will enable the Commission to confront offending media houses with its own incontrovertible proof of any breach of the rules requiring balanced and fair coverage.

The Commonwealth Secretariat has assisted other election management bodies in these areas in the past. It is therefore recommended that an urgent approach be made to the Commonwealth Secretary-General to request such assistance for Guyana. Given the lead-time that is required in these such an approach should be made within the next three months.

- **Logistics**

Logistical planning plays a key role in the success of any election. Given Guyana's size and the nature of its terrain it is important that a logistics plan should be devised and thoroughly tested before the Election. In 2001 there were shortcomings in the transmission of the results and challenges to some of the Statements of Poll. Telephone communications between the polling stations and the Commission failed badly. There were severe problems with the completion and transmission of the Statements of Poll: one of the major problems concerned the arrangements for carbon copying the results. All this delayed the result and undermined the process and clearly must not be allowed to happen again. It is therefore recommended that a

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Logistics Section be established within the Secretariat and that a Logistics Plan be developed and tested as soon as possible. This document will need to incorporate a plan for the distribution of polling stations.

- **Election Day Management**

A defined Election Management Project Plan must be devised to ensure that the Commission, the Secretariat, the political parties and other interested bodies know what is happening throughout the country at any given time. Additionally, on election day the chief Election Officer – who is responsible for the collection and declaration of the results – must have a procedure in place to ensure that the Commission can be regularly advised on the events of the day.

- **Domestic Election Observers**

Domestic election observers are important independent watchdogs of the process and have played an important role in Guyana in the past. It is strongly recommended that the Commission should take the initiative in facilitating the establishment of a civil society domestic observer coalition for these Elections. Such a coalition should represent as many elements of Guyanese society as possible and its Observers should be trained to the highest standard. This is an area in which the Commonwealth Secretariat already has expertise and where it is hoped the Commission will ask the Secretariat to assist.

- **Post-Poll Appraisal**

As soon as practicable after the election the Commission must undertake a comprehensive and open review of the process, seeking comments from all interested bodies – not only the political parties but also the media, civil society etc. At the end of the process a report should be prepared and published and submitted to the national Assembly. From that a further, internal, and private ‘lessons learnt’ report should be produced to ensure that mistakes made this time are not repeated at future elections.

### **EXTERNAL ASSISTANCE**

External agencies can play an important role in assisting the election management body. They have done in the past in Guyana and it is anticipated that they will do so again this time. Such external involvement helps to increase confidence on the part of the voting public. (See also Annex A).

- **Joint International Technical Assessors**

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In 2001 a Joint International Technical Assessor ('JITA') was appointed to observe all aspects of the process and to ensure that met international standards. The JITA submitted regular reports to the Commission, the Government of Guyana and the donor community. The appointment was intended to ensure transparency and confidence in the Commission's arrangements and above all efficient and professional planning for and delivery of the Elections.

It is recommended that for the next General and Regional Elections two Assessors should be invited, essentially with the same role as in 2001. Each of the regions of Guyana has its own unique challenges - from Region Four, with its large electorate, to the smaller regions whose populations are scattered and often in remote areas with difficult terrain. With two Assessors all aspects of the process can be looked at in greater depth and detail and time can be spent in the regions as well as at the Commission's headquarters in Georgetown.

It is further recommended that these Assessors be appointed from March/April 2005 and that one of the Assessors remain after the Elections to undertake a post-election review.

- **External Experts**

The experience of the Commission's senior officials and staff is fully recognised and acknowledged. However, even the most experienced staff can be helped by external assistance. It is recommended that there should be one or more external experts.

The experts' role would be separate from that of the Assessors: it would essentially be to assist the Chief Elections Officer and other senior officers in meeting their objectives and deadlines. The experts would assist in a 'hands-on' role.

In the previous pages I have suggested that the Commonwealth Secretariat should be approached for assistance in two areas: the training of domestic election observers and the regulation of the media in relation to the elections. Some of the other key areas in which technical assistance might be required include training, voter education, legal advice and logistics.

However, as noted at the very beginning the Election Commission must look beyond this election. It is important that it considers how it may use external technical assistance in this context as well as in preparing for the forthcoming Elections.

- **International Observer Missions**

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It is strongly recommended that the Chairman of the Commission extend an invitation to interested organisations to send international observers for the next General and Regional Elections. The chairman should liaise in advance with the organisations concerned and in consultation with them draw up an appropriate Code of Conduct. He should also require that their Observers should be present in Guyana at least six days prior to the Elections and remain in the country until the results have been announced.

### SUMMARY OF RECOMMENDATIONS

#### LONG-TERM

- **Independence of the Commission:** in the context of a review of the overall role of the Electoral Commission, the National Assembly should change the composition of the Commission so that in future it consists of independent persons who command the confidence of the political parties rather than persons nominated by them;
- **Chief Elections Officer:** the position of the Chief Election Officer should be strengthened so that it has as much responsibility for and control over the management of day-to-day operations as possible;
- **Elections Secretariat:** the Secretariat should be overhauled with a view to greater professionalism and a modern management style;
- **Special Appointment:** a senior official should be appointed with the specific brief of working to ease internal ethnic tensions;
- **Constituency Boundaries:** reconsideration of these should begin now so that any amendments can be made in time for the 2011 Elections;
- **Local Elections:** the Commission should prepare for these elections in good time and be involved in discussions about them;
- **Voter Registration:** arrangements should be made for house-to-house registration prior to the 2011 Elections;
- **Voter Identification:** the Commission should investigate biometric methods of voter identification for possible use in 2011.

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### PLANNING FOR THE NEXT ELECTION

- **Timetable:** all arrangements need to be in place three months before the announcement of the election date: the timelines shown at Annex B should be followed;
- **Legislation:** the Commission should urgently review the electoral law and submit any necessary amendments without delay;
- **Budget:** allocations by Government must be made on a block basis and the determination of priorities for expenditure must be made by the Commission itself;
- **Voter Registration:** the decision to adopt a continuous registration system should be implemented as soon as possible and, with that in mind, one or more assessors/advisors should be appointed to oversee the operation of the system;
- **Civic and Voter Education:** a public awareness campaign should be organised prior to and during the voter registration process, as well as immediately prior to the election itself;
- **Training:** the Commission should appoint a suitably qualified and experienced training officer, whose key tasks should include formulating a training strategy and preparing a training manual;
- **Appointment of Polling Station Staff:** polling station staff should be appointed on the basis of merit rather than party affiliation;
- **Public Relations:** the Commission should appoint a public relations expert to support existing staff in the Secretariat;
- **Media Behaviour:** the Commission should develop a Code of Conduct for the media incorporating Guidelines for responsible and balanced reporting; devise arrangements for equitable and free access by the political parties; itself monitor the media; and apply to the Commonwealth Secretary-General for assistance in these respects;
- **Logistics and Election Day Management:** the Commission should devise plans for logistics and election day management;
- **Domestic Election Observers:** the Commission should take the initiative in facilitating the establishment of a civil society domestic

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observer coalition for these Elections and seek Commonwealth Secretariat assistance in this respect;

- **Post-Poll Appraisal:** as soon as practicable after the election the Commission should undertake a comprehensive and open review of the process, make its report public and prepare an internal 'lessons learnt' document.

### **EXTERNAL ASSISTANCE**

- **Joint International Technical Assessors:** two International Assessors should be appointed to observe all aspects of the process and ensure it meets international standards, and should be in place from March/April 2005;
- **External Experts:** there should be one or more external experts to assist the Chief Elections Officer and other senior officers in meeting their objectives and deadlines;
- **International Observer Missions:** the Commission should invite international election observers for the next General and Regional Elections.

### **ACKNOWLEDGEMENTS**

The Assessment Mission wishes to acknowledge the assistance given by –

- the President of Guyana
- the Chairman and members of the Elections Commission
- the Chief Election Officer and senior managers in the Secretariat
- the political parties
- the donor community; and
- others interviewed as part of the Needs Assessment

Annex A

### **TECHNICAL NEEDS REQUIRED**

- a) **Legal Expert** – for approximately three months, to assist with reviewing legislation and to advise on amendments required;

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- b) **Voter Registration** – equipment for 23 divisional offices/sub offices: the commission are currently identifying buildings and arranging to lease/purchase to ensure all regions have divisional offices adequately staffed and trained for the continuous registration process;
- c) **Information Technology** – IT manager to identify needs required, (if any, in view of the recommendation not to proceed with a review of bio-metrics until after the next national elections) giving reasons, costs and time lines;
- d) **Operations**
- (i) purchase of five boats to transport equipment/ staff – these would be required for both continuous registration and during the election;
  - (ii) production of 16,000 polling station manuals – one for every member of staff who attends for work at a polling station: these must be available when training of staff begins, estimated cost of 56,000,000G – but suggest costs be shown in US dollars;
  - (iii) appointment of specialist to assist with drawing boundaries ensuring that the number of electors allocated to each polling station does not exceed approx 400 and that families are not split into different polling stations – there was evidence of this in 2001 – from summer 2005 after publication of first voters' list;
- e) **Logistics**
- (i) a logistics consultant for a period of two months – one month initially and then two x two weeks – to guide the development of systems and procedures and at a later date review the documented systems, procedures and plans and to oversee testing and execution of logistics plans for the election;
  - (ii) purchase of three enclosed three-ton trucks to supply goods and materials to divisional offices and distribute sensitive materials during the elections. Note: it is more cost effective to purchase re-conditioned trucks rather than lease new vehicles.
  - (iii) purchase of two four-wheel drive reconditioned

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vehicles – unit cost 5.400.000G (again proposed conversion to US dollars; these would be used primarily in Regions 9 and 10;

- (iv) the establishment of an Elections Communications Network, to be used on polling day and for the transmission of results from each polling station to the regional returning officer; the rental of cellular telephones for use in all districts where feasible and the establishment by purchase of a closed/independent cellular telephone network for District 4;

- f) **Training** Training staff to a high standard is prerequisite to an election being delivered effectively. A training consultant would assist the training officer (when appointed) in formulating a strategy to train trainers and polling station staff based on current practices and those best suited for Guyana. Training methods are constantly being modified and new initiatives introduced. The training programme should make best use of these. Continuous monitoring and appraisal of training must be undertaken to ensure that training is delivered to the highest possible standards.  
(A consultant initially for one month, again for two weeks once the strategy and training methods are in place and a further two weeks at the commencement of the training programme;

g) **Civic and Voter Education**

A range of initiatives to assist with the public awareness and voter education programme through continuous registration and leading up to the next election (estimated cost 168,500 US).

Taking the above and some additional requirements into account the following may be helpful:

<b>Subject</b>	<b>Timeline</b>	<b>Cost</b>
Training consultant to assist with continuous voter registration	Three months from February 2005	To be determined
Training consultant to assist With election preparation	To be determined	To be determined
Acquisition of five boats	March 2005	US\$7,000 each

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Acquisition of two boats	June 2005	US \$7,000 each
Logistics Consultant	Two weeks, September 2005 Two weeks January 2006 Two weeks May 2006	To be determined
Purchase of 3 x 3-ton trucks	One in May 2005 One in August 2005 One in November 2005	To be determined
Purchase of 2 4x4 vehicles (for use in Regions Nine and Ten because of terrain)	To be determined	To be determined
Telecommunications Unit	November 2005 (this will allow time for checking installation and thorough testing)	To be determined
Civic and voter education	Throughout 2005/2006: detailed programme to Be determined by Voter Education Officer	To be determined

To be update with the help of GECOM  
Annex B

### **SUGGESTED PROJECT PLAN WITH TIMELINES FOR TASK COMPLETION**

E-70 weeks      Continuous registration proceeds; external expert in place to assist Chief Elections Officer; voter education strategy approved by Commission for (a) rolling awareness programme for voter registration and (b) polling day procedures; staff of Logistics Section appointed and premises occupied; consultations with civil society begin for deployment of domestic observers to observe voter registration (with observation to begin as soon as possible thereafter); Commission public relations adviser begins work;

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E-60 weeks	Commission approve logistics strategy (incorporates plan for completion and transmission of Statements of Poll, communication of results, transportation, forms, ballot papers, boxes etc)
E-50 weeks	Identify equipment required (including photographic items): go to tender, begin purchasing procedures etc; Commission approves strategy for tabulation of results
E-45 weeks	Publication of First Voters' List: list displayed and provided to political parties and other stakeholders; six-week period for amendments to Voter's List (e.g. misspellings, wrong address, on wrong list etc) begins;
E-40 weeks	international Assessor begins work; media Code of Conduct and media access arrangements agreed;
E-39 weeks	closing date for amendments to First Voters' List;
E-37 weeks	publication of Voters' List; continuous registration proceeds;
E-35 weeks	Chief Election Officer prepares training strategy;
E-30 weeks	Chief Election Officer prepares strategy for receiving nominations; long term observers begin work;
E-29 weeks	Commission approves Chief Election Officer's training strategy;
E-26 weeks	Commission approves nominations strategy; Commission identifies premises for tabulation and declaration of results;
E-25 weeks	Commission approves training plan; external adviser arrives to begin arrangements for media monitoring;
E-22 weeks	media monitoring begins on (private) trial basis;
E-20 weeks	Commission purchases equipment; Chief Election Officer implements tabulation strategy and identifies and appoints tabulation staff;
E-18 weeks	media monitoring reports made public from this date - weekly reports up to election day;
E-16 weeks	Commission advertises for polling station staff, followed by shortlisting; domestic observers agree plan for observation of pre-election and election day preparations;
E-15 weeks	deadline for Commission to prepare forms, packs, equipment to be used for tabulation; deadline for preparation of nomination packs, guidance on completion of nominations and identification of venue for receipt of nominations; initial testing of equipment, including communications equipment;
E-12 weeks	informal meeting with interested individual and parties on nomination process; start of continuous voter education campaign on voting system and polling day procedures; arrival of external experts to assist domestic observers;
E-8 weeks	training begins; closure of Voters' List, copies displayed publicly and provided to political parties and other

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	stakeholders for final amendments; initial training of tabulation staff begins; final pre-election training for domestic observers (continues from national to local level until election day);
E-4 weeks	Final Register produced: beginning of two week period for allocation of electors to polling stations; final rehearsal for tabulation staff; additional experts arrive to assist domestic observers;
E-6 weeks	issuing of nomination packs (guidance, instructions etc); final test of equipment including communications items;
E-4 weeks	training ends
E-3 weeks	receipt of nominations (actual dates to be identified in election timetable for receipt of and adjudication on nominations);
E-2 weeks	commence printing of polling station register.

### NOTES

1. The above assumes that the General and Regional Elections will be held in June 2006: if they are to be held earlier an appropriate adjustment will need to be made;
2. 'legal' dates need to be factored in;
3. a more detailed plan will be needed for the management of logistics;
4. the training manual needs to be available for training during weeks 16 to 8;
5. polling station registers must be approved and printed in time for them to be included in the equipment kits for polling stations.

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### **Annex 3: Observation Protocols**

#### **I. Common Terms of Reference for Observers**

##### **a. Observer Groups**

The Government of Guyana and the Guyana Elections Commission have invited [ ] to send groups of international observers (hereinafter 'international observer group') for the democratic electoral process in Guyana.

In addition, non-governmental organisations, service organisations and any body of civic-minded citizens operating in Guyana (hereinafter 'domestic observer groups') and their members will be accredited by the Guyana Elections Commission in a timely manner on request. Any parallel vote tabulation ('quick count') organisation will also be accredited as a domestic observer group.

All observer groups are invited to observe the full election process, including but not restricted to registration of electors, campaign, polling, counting, tabulation and declaration of results and complaints procedures.

All observers groups will be free in their choice of observers.

All observers will be issued, at the beginning of their work, with accreditation by the Guyana Elections Commission in a timely manner.

The premises, equipment and property of all observers groups and their members, including papers, documents (including computerized documents), communications, correspondence and database of observer organisations shall be respected. This provision shall apply also to the personal property of observers.

All observer groups may wish at any point to make comments or representations about the conduct of the elections to the Guyana Elections Commission, which shall consider them and reply appropriately.

At any stage during the election process, all observers groups may issue statements and hold press conferences as to their findings except that on polling day they may not make any pronouncements on the likely results until after the close of poll.

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### **b. All Observers**

Any accredited observer is free to have contact with any person at any time and anywhere and to attend all election related events.

Accredited observers shall have access to all documentation relating to the electoral process, including but not restricted to registration, voting and vote count, and tabulation.

Accredited observers shall have freedom to examine all electoral offices and premises and polling stations at all times.

All observers will be responsible for the arrangement of their own accommodation, equipment, means to transport, and medical and other insurance.

The Government of Guyana and the Guyana Elections Commission will bear no financial liability in respect of expenditure undertaken by observers, or of injury, damage or loss incurred by observers in the course of their duties or otherwise.

### **c. International Observers**

All members of international observer groups requiring visas will be issued with courtesy visas by the Government of Guyana.

All international observers have the right to emergency medical assistance, including emergency evacuation as necessary. The appropriate authorities of Guyana undertake to support and facilitate emergency assistance and evacuation as necessary.

### **d. Domestic Observers**

Freedom of speech for domestic observers in respect of words spoken or written in their official capacity will be guaranteed.

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### **II. Privileges and Immunities of the members of International Observers Groups and their Members**

The privileges and immunities of the members of an observer group (hereinafter called 'observers') shall be those granted to [sending organisation, its organs and its staff]. Privileges and immunities shall be granted to all accredited members of international observer groups to perform activities related to the election observation, hereinafter called 'group members'.

1. Observers shall:
  - a. be immune from personal arrest or detention, and from search and seizure of any personal belongings;
  - b. be immune from legal process in respect of words spoken or written or acts done by them in the course of the performance of their mission;
  - c. enjoy inviolability for all papers and documents, including computerized documentation; and
  - d. be permitted, for the purposes of their official communications, to use codes and to receive papers and correspondence by courier of sealed bags.
2. The inviolability and freedom of communications and correspondence to and from observers shall be assured.
3. The premises, including all archives and databases, property, funds and assets of observers shall:
  - a. be protected and inviolable; and
  - b. be immune from search, requisition, confiscation, expropriation and any other form of interference, whether by executive, administrative, judicial or legislative action.
4. No restriction shall be placed on introducing foreign currency to fund the activities of observers nor on the repatriation of such funds to any country abroad nor on the free exchange of foreign currency through an authorized dealer in exchange at the market rate of exchange.

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5. Observers shall enjoy freedom of movement within the territory of Guyana.
6. Without prejudice to these privileges and immunities, it is the duty of all persons enjoying these privileges and immunities to respect the laws and regulations of Guyana.
7. Each observer group will be able to acquire and use freely and efficiently from the beginning to the end of the operation, the means of communication necessary for it to fulfill its duty. The Government of Guyana will help with access to necessary communication lines and frequencies.
8. Any equipment, materials articles or goods imported by any observer group in connection with its activities shall be exempt from all customs and import taxes and duties.
9. Guyanese citizens recruited locally to perform services for an observer group (hereinafter Called 'local personnel') shall, subject to the provisions of this paragraph, enjoy in respect only in words spoken or written and any act performed by them in the exercise of their duties, immunity from prosecution. Local Personnel shall not enjoy immunity from any legal process related to traffic offences, or damage caused by such offences.
10. Observer groups may display their flag and/or emblem on their office premises and vehicles.

### ***III. Obligations of Observers: Code of Conduct***

Accredited observers in Guyana shall have the following obligations:

- to exercise their role with political neutrality and impartiality;
- to respect the laws of Guyana;
- to carry their accreditation issued by the Guyana Elections Commission with them and to identify themselves to any interested authority on request; during the conduct of their activities at all times to wear or otherwise prominently display the prescribed identification;
- to undertake their duties in an unobtrusive manner and not to interfere in or to impede the electoral process;

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to base all their conclusions on a well documented, factual and verifiable evidence; and  
to refrain from making personal statements and comments about their observation to the media or other interested persons, and  
to limit their remarks to general information about the nature of their activities as observers.

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### **Annex 4: Terms of Reference of the JITA**

The JITA shall consist of at least one and not more than three recognized technical electoral experts. In the event that the JITA has more than one member, one person within the JITA shall be designated as the leader of the JITA.

The JITA shall monitor the technical conduct of election preparations at all levels throughout the elections process. To facilitate its work, the JITA shall have access to all documentation relating to election preparations and all electoral offices and premises.

The JITA shall produce reports in the form of written assessments, which shall be presented to the Guyana Elections Commission, the donor(s) which have subscribed to the Memorandum of Understanding, the Government of Guyana and the National Assembly. Reports of the JITA shall solely address technical issues and compliance with international standards for the holding of elections.

The JITA shall not be empowered to discuss its findings with the media, unless specifically requested by GECOM to do so.

Members of the JITA shall enjoy privileges and immunities in line with those granted to members of international observer groups.