

# Guyana General and Regional Elections

2 March 2020



The Commonwealth

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**LETTER OF TRANSMITTAL**  
**Guyana General and Regional Elections**  
**2 March 2020**

26 March 2021

Dear Secretary-General,

We are pleased to forward to you the Final Report of the Commonwealth Observer Group, which you constituted to observe Guyana's General and Regional Elections which were held on 2 March 2020. These highly contested and competitive elections were the seventh that the Commonwealth has been invited to observe in Guyana since 1992.

Our collective view is that freedoms of association, assembly, expression and movement were largely respected. Polling was generally conducted in an orderly, transparent and largely peaceful environment. The closing procedures were generally well-managed. The counts at polling stations were generally well-conducted and transparent. However, there were serious difficulties with the tabulation, transmission, and announcement of results for the most populous Region 4. This raised serious credibility concerns and ultimately led to a five-month delay to the conclusion of the electoral process, as outlined in this report.

In this context, and bearing in mind that matters concerning the 2 March 2020 elections are still before the courts, we encourage Guyana to conduct, at an appropriate time, a full inquiry into these elections, and to put in train a timely and robust domestic mechanism to consider urgent electoral and constitutional reforms, including the merits and demerits of the structure and management of the Guyana Elections Commission and the electoral system. Electoral reform is a continuous process building on what has worked successfully and addressing weaknesses.

Our overall conclusion is that notwithstanding the difficulties and many challenges surrounding these elections, the people of Guyana ultimately had the opportunity to exercise their franchise. Our report offers, in a positive spirit, recommendations for consideration to further improve the electoral process in Guyana.

We thank you for the opportunity to be of service to the people of Guyana and for the support we received from our hosts and the Commonwealth Secretariat staff team, and commend your deployment of two outstanding Senior Electoral Advisers, Dr Kwadwo Afari-Gyan and Dr Nasim Zaidi, to the Guyana Elections Commission.

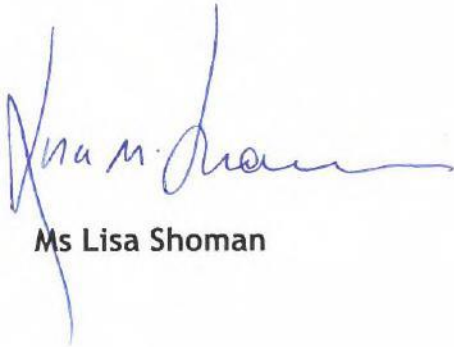
We pay tribute to our departed Chairperson, Rt Hon Owen Arthur, Former Prime Minister of Barbados, who led our Group with unmatched commitment, passion and dedication, and who tragically passed away on 27 July 2020, a week before the formal declaration of the election results on 2 August 2020. We dedicate this Report to his memory.




Ms Lebrechtta Nana Oye Bayne



Sir Gerald Watt KCN QC



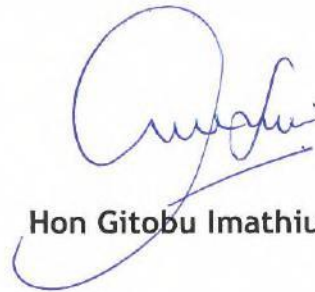
Ms Lisa Shoman



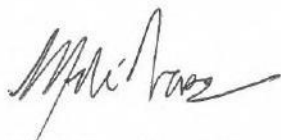
Ms Josephine Tamai



Mr John Hendra



Hon Gitobu Imathiu Imanyara



Ms Mitra Vasisht



Ms Sarah Fradgley



Dr Paikiasothy Saravanamuttu



Mr Stephen John Hiscock

## EXECUTIVE SUMMARY

The Commonwealth Observer Group for the 2 March 2020 General and Regional Elections was present in Guyana from 23 February to 15 March 2020. The Group's arrival was preceded by a Commonwealth Secretariat Support Team which was in the country from 19 February 2020.

In carrying out its Terms of Reference, the Group met, among others, with the Guyana Elections Commission (GECOM), the leadership of the main political parties and alliances contesting the elections, the Commissioner of Police, representatives of the business community, the media, and civil society, including women and youth groups. The Observer Group also met Commonwealth High Commissioners, as well as other citizen and international observer missions and partners.

On 28 February, the Group was deployed across Regions 2,3,4,5,6,7,9 and 10 to observe the election environment and preparation for the polls, and to meet key stakeholders at the regional level.

These were highly contested and competitive elections. There was an increase in the number of political parties and presidential candidates. For the first time, three newer parties formed a joinder of lists, agreeing to pool their votes for an anticipated shared seat arrangement.

Freedoms of association, assembly, expression and movement were largely respected. Isolated incidents of violence were reported and there were reports of removal and defacing of campaign material.

The media was able to freely cover the campaign but some concerns that were reported to our Group included unbalanced media coverage, bias, "fake news" and the issue of hate and divisive speech on social media. In addition, concerns were raised by some media stakeholders regarding access to essential electoral information from GECOM. Campaigning was often negative, with both main parties focusing on their opponent's alleged failures in government.

A key issue repeatedly raised in the Group's interactions was the urgent need for constitutional and electoral reform to address what stakeholders view as a complex and multi-faceted polarisation of the country.

On the whole, polling was conducted in an orderly, transparent and largely peaceful environment. The closing procedures were generally well-managed. The counts at polling stations were generally well-conducted and transparent.

The events which unfolded after 4 March 2020 caused critical concern to the Group, to other observer groups and, indeed, to the wider international community. The Constitution of Guyana assures the inalienable right of eligible individuals to participate in the country's democratic processes, in particular through credible and

transparent elections, and for this right to be protected and respected. The events following the 2 March elections tested this fundamental right.

The tabulation, transmission, and announcement of results for the most populous Region 4, raised serious credibility concerns that the fundamental right of the voter was not being protected. This ultimately led to a five-month delay to the conclusion of the electoral process, outlined in this report, and plunged Guyana into a crisis.

As noted in our Interim Statement issued on 4 March 2020, many recommendations from previous Commonwealth and other observer groups regarding electoral and constitutional reform, whilst not binding on Guyana, remain to be implemented.

We further observed that when Commonwealth Heads met in London in 2018 and endorsed Revised Commonwealth Guidelines for the Conduct of Election Observation in Member Countries, they noted that *“Commonwealth election observation has far greater impact and value when recommendations offered by a Commonwealth Observer Group and other observers, are addressed so as to reduce the risk of shortcomings in future elections. Ideally there should be some form of domestic mechanism in place in each member country to review the conduct of an election and to take forward prospective reforms as required”*.

In this context, and bearing in mind that matters concerning the 2 March 2020 elections are still before the courts, we encourage Guyana to create a robust domestic mechanism to consider electoral and constitutional reforms, including the merits and demerits of the structure of the Guyana Elections Commission and the electoral system itself. Electoral reform is a continuous process building on what has worked successfully and addressing weaknesses.

Notwithstanding the difficulties and challenges surrounding these elections, the people of Guyana had the opportunity to express their will and exercise their franchise.

Our report offers, in a positive spirit, a number of recommendations for consideration to further improve the electoral process in Guyana.

## **Electoral Reform**

- There is an urgent need to undertake a comprehensive inquiry into the elections held on 2 March 2020.
- We encourage Guyana to create a robust domestic mechanism to consider electoral and constitutional reforms, including the merits and demerits of the structure of the GECOM and the electoral system itself.
- In a measure to restore public confidence in future elections, we recommend total reform of GECOM to ensure it is independent and capable of commanding the confidence of Guyanese stakeholders.

- To contribute to public confidence, GECOM should introduce a range of measures to increase transparency and inclusiveness. These would include the timely publication of procedures, decisions and other information of public interest, as well as regular meetings on electoral issues with key stakeholders.
- Aspects of the election law, including provisions in the Constitution, may need to be overhauled in such a way as to leave election officials, including commissioners, in no doubt as to the extent and limit of their authority.

## **Legal Framework**

- GECOM should exercise its statutory authority to make regulations for the conduct of elections.
- The Government of Guyana should consolidate the different electoral laws with the objective of making the law clearer and more accessible.
- Campaign finance laws and regulations should be revised in consultation with all relevant stakeholders. The legislation should make provision for the disclosure and reporting and provide for effective enforcement mechanisms.
- A comprehensive reform of the voter registration system should be undertaken. A fresh registration should subsequently be undertaken to produce an up-to-date, clean, and inclusive voter register.
- The Schedule of Polling Stations should be finalised and published in accordance with relevant legislation.
- Geographical seats should be more equitably distributed among electors to ensure the principle of equal suffrage.
- An independent and impartial body should be established to draw the geographical and top-up constituencies so that voters are represented in the legislature on a more equal basis.

## **Women's Participation and Representation**

- Guyana should consider adjustments to its legal framework and electoral system to increase the representation of women in parliament in line with its international commitments.
- Political parties should take stronger action to promote genuine inclusion and political participation of women.
- Political parties should establish gender-responsive policies and measures to prevent discrimination against and harassment of women in politics and elections.
- Appointment to GECOM should be guided by the principles of inclusivity and should prioritise gender considerations in the nomination of Election Commissioners.
- Gender should be mainstreamed in GECOM's operations to include collecting sex-disaggregated data across the spectrum of activities.



## **Diversity and Inclusivity**

- Political parties should adopt measures enhancing the inclusion of youth, Amerindians and persons with disabilities in party hierarchies, thus facilitating their political participation.
- GECOM should also undertake the early mapping of polling stations and ensure that there is step-free access for persons with disabilities and the elderly. If this is not possible, kerbside voting could be made available to these groups.
- The election management body should provide stencils or tactile ballot papers to facilitate blind voters to cast their vote independently and provide training to ensure polling staff know how to use them.
- Stakeholders including the GECOM and political parties should consider how voter education can be tailored for people with a range of disabilities, including learning difficulties.
- All polling staff should be encouraged to either vote by proxy or transfer their vote to the polling station where they are working to ensure they can exercise their vote but also fulfil their duties.

## **Traditional, Digital and Social Media**

- State-owned media should have editorial independence and publicly undertake to provide equitable access to candidates and parties as part of their responsibilities to the public.
- The Guyana National Broadcasting Authority (GNBA) should be appointed by parliament as an independent agency, rather than being under the auspices of the President's office. The process for recruiting board members should be transparent, with positions openly advertised and selection based on candidates' applications and experience.
- In consultation with a broad range of media stakeholders, the Code of Conduct should be updated and introduced for future elections.
- Codes of Conduct should be signed immediately after nomination, with independent mechanisms in place to enforce them.
- Codes of conduct for both parties and the media should explicitly address the use of social media, and signatories should make a commitment to moderate their platforms accordingly.
- In 2015, a media-monitoring unit in GECOM helped promote adherence to the Code of Conduct. An independent unit could be introduced for future elections and be given powers to sanction media for any violation of the Code of Conduct.
- There should be greater transparency of paid-for political advertising both offline and on digital platforms. Policymakers could make it a requirement that sponsored political adverts clearly identify who paid for them, and for media companies to report contracts and payments for such advertisements to GECOM.
- GECOM may wish to consider contacting Facebook and other social media platforms for support in flagging and removing false information, particularly that relating to election-related guidance and results. The company has worked with election management bodies in other Commonwealth countries to take down fake accounts, support third-party fact-checking, promote

official information relating to elections and provide free training for election staff, all of which could be useful in the context of Guyana.

### **Voting, Counting and Tabulation**

- Manuals for Polling Officers and Returning Officers be prepared with greater written details, instructions and illustrations, to facilitate consistent practice.
- Procedures pertaining to the set-up of a polling station should be put in place to ensure efficiency, and should be uniformly enforced. Such measures can include increasing the number of voting compartments.
- The selection of polling stations and the layout of these stations should take into careful account the needs of the elderly and voters with disabilities.
- GECOM should strengthen its capacity building programmes for polling officials, covering all stages of the electoral process, including polling, counting, packaging and transporting materials, and tabulation.
- The planning and distribution of the number of ballot papers allocated to each polling station should make provision for the potential of spoilt ballot papers.
- The law requires that copies of the Statement of Poll should be produced. This should be done using carbonised paper so the Presiding Officer does not have to write multiple Statements. This will avoid error and ensure uniformity of figures for each polling station.
- To maintain public confidence in the integrity of elections, Statements of Poll with full information (number of registered voters; voters who voted; rejected ballots; spoiled ballots; etc.) should remain displayed at a secure public place. GECOM should also make signed Statements of Poll available on their website in a timely manner.
- Review legal provisions and procedures relating to the transmission of results and make necessary legislative reforms to promote transparency, accuracy and efficiency, including the effective use of technology where possible.
- Consider the establishment of an election dispute resolution system to address electoral concerns in a timely manner throughout the electoral process.

### **Election Disputes**

- Consider the establishment of an election dispute resolution system to address electoral concerns in a timely manner throughout the electoral process.

## CHAPTER 1

### INTRODUCTION

At the invitation of the Government of Guyana, dated 20 November 2019, Commonwealth Secretary-General, Rt Hon Patricia Scotland QC, constituted an Observer Group for the 2 March 2020 General and Regional Elections in Guyana.

The decision to constitute this Observer Group was based on the findings of an Assessment Mission, which visited Guyana from 12-17 January 2020.

Accordingly, the eleven-member Commonwealth Observer Group arrived in Guyana on 23 February 2020. A full list of members of the Group is available at Annex I.

The Commonwealth Secretariat staff, who arrived in advance of the Group on 19 February 2020, observed early voting of the disciplined forces on 21 February.

#### **Terms of Reference**

The Terms of Reference of the Observer Group, as set out by the Commonwealth Secretary-General were as follows:

*“The Group is established by the Commonwealth Secretary-General at the invitation of the Government of Guyana. The Group is to consider the various factors impinging on the credibility of the electoral process as a whole.*

*It will determine in its own judgement whether the elections have been conducted according to the standards for democratic elections to which the country has committed itself, with reference to national election-related legislation and relevant regional, Commonwealth and other international commitments.*

*The Group is to act impartially and independently. It has no executive role; its function is not to supervise but to observe the process as a whole and to form a judgement accordingly. It would also be free to propose to the authorities concerned such action on institutional, procedural and other matters as would assist the holding of such elections.*

*The Group is to submit its report to the Commonwealth Secretary-General, who will forward it to the Government of Guyana, the Chairperson of the Guyana Elections Commission, and leaders of political parties, and thereafter to all Commonwealth Governments.”*

## Activities

The Commonwealth Observer Group was present in Guyana from 23 February and met:

- The Elections Commission of Guyana
- The main political parties and alliances contesting the election
- The Commissioner of Police
- Representatives of the business community
- National observer groups
- The National Youth Council
- The Ethnic Relations Commission
- Civil society organisations
- The Press Association of Guyana and other media agencies (print and online)
- Commonwealth High Commissioners
- Other diplomatic missions
- The UN Resident Coordinator
- Other international observer groups and partners.

The Chair met President David Granger, Prime Minister Moses Nagamootoo, as well as the opposition Presidential candidate Irfaan Ali and the Vice-Presidential candidate Bharrat Jagdeo.

The Observer Group issued an Arrival Statement on Monday 24 February (Annex II). On 28 February, teams were deployed to Regions 2, 3, 4, 5, 6, 7, 9 and 10 and visited 275 polling stations. The Deployment Plan can be seen at Annex III. During deployment, observers met with election officials, police, civil society groups, party officials and media, among others. We also observed GECOM's preparations for and the distribution of sensitive and non-sensitive materials in the Regions.

## CHAPTER 2

### POLITICAL BACKGROUND

Before the arrival of Europeans, the region was inhabited by semi-nomadic Amerindian (Carib and Arawak) tribes, who named it Guiana, which means “land of many waters.” The Dutch settled in Guyana in the late 16th century, but their control ended when the British became the de facto rulers in 1796. In 1815, the colonies of Essequibo, Demerara, and Berbice were officially ceded to Great Britain at the Congress of Vienna and, in 1831, were consolidated as British Guiana.

Following the abolition of slavery in 1834, thousands of indentured labourers were brought to Guyana to replace the slaves on the sugarcane plantations, primarily from India but also from Portugal and China. The British stopped the practice in 1917. Many of the Afro-Guyanese former slaves moved to the towns and became the majority urban population, whereas the Indo-Guyanese remained predominantly rural. A scheme in 1862 to bring black workers from the United States of America was unsuccessful. The small Amerindian population remained living mostly in the country’s interior.

Guyanese political history has been turbulent. Politically inspired racial disturbances between Indo-Guyanese and Afro-Guyanese erupted in 1962-64, and again following elections in 1997 and 2001. The conservative and cooperative nature of Guyanese society has contributed to a cooling of racial tensions; however, such tensions do constitute Guyana’s most sensitive socio-political stress point.

The first modern political party in Guyana was the People’s Progressive Party (PPP), established on 1 January 1950, with Forbes Burnham, a British-educated Afro-Guyanese, as Chairman; Dr Cheddi Jagan, a U.S. educated Indo-Guyanese, as Second Vice Chairman; and Dr Jagan’s American-born wife, Janet Jagan, as Secretary-General. The PPP won 18 out of 24 seats in the first popular elections permitted by the colonial government in 1953, and Dr Jagan became Leader of the House and Minister of Agriculture in the colonial government. Five months later, on October 9, 1953, the British suspended the constitution and landed troops, claiming that the Jagans and the PPP were planning to make Guyana a communist state. These events led to a split in the PPP, in which Burnham broke away and founded what eventually became the People’s National Congress (PNC).

Elections were held again in 1957 and 1961, and Cheddi Jagan’s PPP won on both occasions, with 48% of the vote in 1957 and 43% in 1961. At a constitutional conference in London in 1963, the U.K. Government agreed to grant independence to the colony but only after another election in which proportional representation would be introduced for the first time.

The December 1964 elections gave the PPP 46%, the PNC 41%, and The United Force (TUF), a conservative party, 12%. TUF gave its votes in the legislature to Forbes Burnham, who became Prime Minister.

Guyana achieved independence in May 1966 and became a Republic on 23 February 1970.

Forbes Burnham led Guyana from December 1964 until his death in August 1985, first as Prime Minister and later, after the adoption of a new constitution in 1980, as Executive President. During that timeframe, elections were claimed by many in Guyana and abroad to be fraudulent. Human rights and civil liberties were suppressed, and two major political assassinations occurred: the Jesuit priest and journalist Bernard Darke in July 1979, and the distinguished historian and Working People's Alliance (WPA) party leader, Walter Rodney in June 1980.

Prime Minister Hugh Desmond Hoyte acceded to the presidency following Burnham's death in 1985 and was formally elected in the December 1985 national elections. Hoyte gradually reversed Burnham's policies, moving from state socialism and one-party control to a market economy and unrestricted freedom of the press and assembly.

On 5 October 1992, Cheddi Jagan's (PPP-Civic) coalition won the election and Jagan was sworn in as President on 9 October 1992. President Jagan died in March 1997 and Prime Minister Samuel Hinds replaced him in accordance with constitutional provisions. President Jagan's widow, Janet Jagan, was later elected President in December 1997.

The opposition PNC refused to accept the declared results. Increasingly violent demonstrations followed and were only ended when, in mid-January 1998, the Caribbean Community (CARICOM) brokered an agreement between the PPP/C and PNC. Under the Herdmanston Accord, CARICOM undertook an audit of the election results. A broad-based Constitutional Reform Commission would be established, to report to the National Assembly within 18 months, and there would be new elections after presentation of the report.

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

President Janet Jagan resigned after suffering a mild heart attack in August 1999 and was succeeded by Finance Minister Bharrat Jagdeo. The Constitutional Reform Commission's proposals were enacted in 2000. These included establishment of a permanent elections commission and new national identity cards.

In the general election of March 2001, the ruling PPP/C won 34 seats allowing Jagdeo to retain the presidency, while PNC-Reform won 27 seats. Although the election result was seen by international observers to reflect the will of the people, in the weeks following the elections opposition supporters continued to mount violent demonstrations disputing the accuracy of the poll.

These only began to be allayed when, in April 2001, Jagdeo and opposition leader Hoyte initiated a dialogue among parliamentarians and civil society on constitutional and electoral reform. However, this dialogue broke down in March 2002 over differences between PPP/C and PNC-Reform on implementation of what had been agreed.

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

In relatively peaceful elections in August 2006, President Jagdeo and the PPP/C were returned to power, with 36 seats and 54.6% of the votes, while the PNC Reform-One Guyana coalition took 22 seats and 34.0% of the votes, and the newly constituted Alliance for Change (AFC) - which enjoyed support primarily from East Indians and Afro-Guyanese - five seats and 8.1% of the votes. Commonwealth observers present reported that the results reflected the wishes of the people and lauded the absence of election-related violence for the first time in more than 20 years.

Following the national and regional elections held on 28 November 2011, Guyana's unique constitution resulted in the PPP's Donald Ramotar being elected as President. As leader of the largest party, Ramotar became the President even though his Party held a minority of seats in the parliament. The combined opposition parties of A Partnership for National Unity (APNU) and Alliance for Change (AFC) held a one-seat majority in Guyana's 10<sup>th</sup> Parliament (2012-2014).

Early elections were called as a result of a stand-off between President Donald Ramotar and the National Assembly after the President defied spending cuts imposed by the National Assembly, the legislature called for a motion of no confidence in Donald Ramotar and the National Assembly. Ramotar subsequently suspended the National Assembly in November 2014 and dissolved it three months later. Ramotar announced the election date on 20 January 2015.

The APNU+AFC coalition won the election with 33 seats while the PPP/C had 32 seats in the National Assembly. On 16 May 2015, Retired Brigadier David Granger was sworn in as President.

## Context for the 2020 Elections

### The No Confidence Motion

On 21 December 2018, the Opposition PPP/C won a vote of no-confidence by 33 to 32 votes in the 65-seat parliament when Mr Charandas Persaud, a Government backbencher, voted with the Opposition party.

In the instance of the successful passing of a no confidence motion, Article 106 (6) of the Guyana Constitution provides: *"The Cabinet, including the President, shall resign if the Government is defeated by a vote of the majority of all the elected members of the National Assembly on a vote of no confidence"*.

Article 106(7) provides that: *"Notwithstanding its defeat, the Government shall remain in office and shall hold election within three months, or such longer period as the National Assembly shall by resolution supported by no less than two-thirds of the votes of all the elected members of the National Assembly determine, and shall resign after the President takes the oath of office following the elections."*

Whilst the President and Prime Minister accepted the results immediately after the 21 December 2018 vote, the Government subsequently lodged a legal challenge in the Supreme Court questioning the validity of the result. The Government argued that the motion needed 34 votes to pass, rather than the 33 it received, and that the lawmaker who cast the deciding vote was ineligible to be a Member of Parliament because he also holds Canadian citizenship.

On 31 January 2019, the Acting Chief Justice upheld the validity of the 21 December 2018 no-confidence vote. The Court also decided that *"the National Assembly (Validity of Elections) Act required that a petition alleging that Mr Persaud was disqualified from running for office would have had to be filed in the High Court of Guyana within 28 days after the publication of the results of the 2015 election"*.<sup>1</sup> The Court decided that because this case was filed in January 2019, the challenge to Mr Persaud's election to the Assembly was made out of time and "rejected the contention that Mr. Persaud was absolutely required to vote against the motion of no confidence along with other members of the Government."<sup>2</sup>

The Government subsequently lodged an appeal and on 22 March 2019, the Court of Appeal overturned this decision and ruled that an absolute majority of 34 votes, not 33, was required to pass the no-confidence motion. The matter was brought by the Opposition to the Caribbean Court of Justice (CCJ) for a final decision and was heard by the CCJ on 9-10 May 2019.

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<sup>1</sup> Caribbean Court of Justice (2019); *CCJ Affirms Guyana No-Confidence Ruling*, available at: <https://ccj.org/wp-content/uploads/2019/06/Media-Release-CCJ-Affirms-Guyanas-No-Confidence-Motion.pdf> (accessed 9 March 2020)

<sup>2</sup> *Ibid*



The CCJ stated in its press release dated 18 June 2018 entitled, 'CCJ Affirms Guyana's No-Confidence Ruling', *'that the requirement for "a majority of all the elected members of the National Assembly"'*, referred to a majority of the total number of votes or seats in the Assembly, irrespective of the number of members who actually vote. In determining that majority, the Court found that the 'half plus one' rule was not applicable. The Court stated that the majority was clearly at least 33 votes." The Court stated that all relevant provisions were therefore triggered in Article 106.

The CCJ also ruled on a separate matter brought by a citizen of Guyana on the legality of the appointment of the Chairman of the Guyana Elections Commission by the President. The Court ruled that the process through which Reverend Justice (Retired) James Patterson was appointed Chairman of the Guyana Elections Commission (GECOM) by His Excellency Brigadier David Granger, President of Guyana, was flawed and in breach of Guyana's Constitution. The Court stated that *'It is now a matter of the greatest public importance that the President and the Leader of the Opposition should, as soon as possible, embark upon and conclude the process of appointing a new GECOM Chairman. This imperative is now of the utmost urgency in light of our decision in the no confidence motion cases that the motion was validly passed thereby triggering the need for fresh general elections'*.

Consequently, the GECOM Chairman voluntarily resigned his office.

On 12 July 2019, the CCJ issued consequential orders. The Court stated that Article 106 of the Constitution invests in the President and the National Assembly (and implicitly in the Guyana Elections Commission) responsibilities that impact on the precise timing of the elections which must be held.

The Court emphasised that, by convention, the Government is expected to behave during this interim period as a caretaker and so restrain the exercise of its legal authority. According to the court, it is this caretaker or interim role that explains the three-month deadline, in the first instance, that the Article lays down for the holding of the fresh elections.

The Court further stated that it must assume that the relevant bodies and personages will exercise their responsibilities with integrity and in keeping with the unambiguous provisions of the Constitution bearing in mind that the no confidence motion was validly passed as long ago as 21 December 2018.

On 20 July 2019, the Guyana Elections Commission commenced a fresh house-to-house registration process and indicated it would last for three months. This process was met with resistance by the Opposition and the matter was challenged in Court by a private citizen.

On 29 July 2019 a new Chairperson of the Guyana Elections Commission was sworn in after agreement was reached between the Government and the Opposition on this issue.

On 14 August 2019, the Chief Justice ruled that house-to-house registration is not illegal or unconstitutional, but she urged the Guyana Elections Commission (GECOM) to consider other forms of verification.

On 27 August 2019, the Chair of the Elections Commission instructed that house-to-house registration be brought to an end on 31 August 2019, instead of 20 October 2019. She further stated that based on the ruling of the Chief Justice that house-to-house registration is not unlawful and is constitutional, the data garnered from that registration exercise must be merged with the existing National Register of Registrants Database.

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

On 30 September 2019, President Granger proclaimed 2 March 2020 as the date for General and Regional Council Elections.

In January 2020, the Commonwealth Secretary-General, under the auspices of her Good Offices, deployed two Senior Electoral Advisers to support the Guyana Elections Commission. The two Senior Electoral Advisers are: Dr Kwadwo Afari-Gyan, former Chairman of the Ghana Electoral Commission and Dr Nasim Zaidi, former Chief Election Commissioner of India.

On 11 February 2020, in a unanimous decision, the Guyana Court of Appeal ruled that there is no residency requirement to bar persons already on the National Register of Registrants from voting. Dismissing an appeal brought by the state through the office of the Attorney General, the Court of Appeal pointed out the sacrosanct nature of the right to vote, which cannot be taken away except by the specific means for disqualification set out in the Constitution.

Had the no confidence motion of 21 December 2018 not been passed, the General and Regional Elections in Guyana would have been held in May 2020. However, the successive litigation before Guyana's High Court and Court of Appeal, and the Caribbean Court of Justice, meant elections were not scheduled to be held until 2 March 2020 - only 2 months earlier than originally anticipated in a normal 5-year term.

### Political polarisation

As seen in past elections, racial division and political polarisation dominate political discourse in the country. The 'winner takes all' nature of Guyana's elections unfortunately fosters the perception of one racial group winning at the expense of the other.

## Oil and the economy

With a per-capita income of \$5,194 in 2019, Guyana is a middle-income country and is covered by dense forest. It is home to fertile agricultural lands and abundant natural resources. Gold, bauxite, sugar, rice, timber and shrimp are among its leading exports.

Fuelled by substantial oil discoveries, with production set to hit close to 1 million barrels per day by the mid-2020s, Guyana is listed at number 1 among the 5 fastest growing economies in the world.

Prior to the election, a NASDAQ report indicated that “With a GDP size of \$3.63Billion (2018 Rank: 160), a growth rate of 4.1% in 2018 and 4.6% in 2019, Guyana’s economy is expected to grow by 33.5% and 22.9% in 2020 and 2021 respectively”<sup>3</sup>.

Guyana’s abundant natural resources raised expectations of significant dividends, particularly from oil. This formed the backdrop of the campaigns for the 2020 elections.

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<sup>3</sup> Department of Public Information (2019) *Guyana, fastest growing economy in the world – NASDAQ*, available at <https://dpi.gov.gy/guyana-fastest-growing-economy-in-the-world-nasdaq/> (accessed 9 March 2020)

## CHAPTER 3

### THE LEGAL FRAMEWORK AND ELECTION ADMINISTRATION

Guyana has a common law system, a legacy of the country's colonial past. Additionally, aspects of a Dutch legal system remain, particularly in the area of land tenure. The legal framework applicable to conducting elections in Guyana includes the Constitution of the Co-operative Republic of Guyana (1996), statutory law, case law and other laws, supplemented by administrative guidelines and codes of conduct, namely:

- Representation of the People Act (1964, as amended) deals with all aspects of the conduct of elections,
- Guyana (General Elections) Observers Act (1990),
- National Registration Act (1967, as amended) provides the basis for the preparation and revision of electoral rolls,
- Election Laws (1998, as amended),
- Local Democratic Organs Act (1998 for regional democratic councils),
- National Assembly (Validity of Elections) Act (1998),
- The Racial Hostility Act, as amended by the Racial Hostility Amendment Act No. 9 of (2002),
- Code of Conduct for Political Parties (2020),
- Ethnic Relations Commission's Code of Conduct (2020).

Guyana has also signed up to several regional and international commitments, which have relevance to the conduct of elections which include:

- Universal Declaration of Human Rights (1948),
- International Convention on the Elimination of All Forms of Racial Discrimination (1965),
- Convention on the Elimination of All Forms of Discrimination Against Women (1979),
- International Covenant on Civil and Political Rights (1966),
- Inter-American Democratic Charter (2001),
- Convention on the Rights of Persons with Disabilities (2006),
- UN Declaration on the Rights of Indigenous People (2007),
- The Commonwealth Charter (2012).

The legal framework in Guyana provides for the electoral system; the right to elect and be elected; election-administration; voter registration and registers; the rights and obligations of political parties and candidates; equal treatment before the law, placing candidates or parties on the ballot, equal treatment and access to media; and protection of electoral rights, each with varying degrees of adequacy, as will be highlighted below in this chapter.

The electoral mandate is derived from the Constitution which provides universal suffrage for Guyanese and Commonwealth citizens (domiciled and resident in Guyana for a minimum period of one year) who are aged 18 years or over. The Constitution establishes an elections commission with responsibility to independently supervise elections.

The law establishes the proportional representation system for the election of members of the National Assembly. Elections are to be held every five years and within three months of dissolution of parliament.

	Constituency/Region	Total Polling Stations	Registered Voters
	1	99	18,952
	2	135	37,979
	3	355	100,758
	4	879	285,618
	5	158	44,663
	6	378	99,131
	7	82	14,887
	8	55	7,431
	9	73	17,771
	10	125	33,808
<b>TOTAL</b>	<b>10</b>	<b>2,339</b>	<b>660,998</b>

### Legal issues that dominated the 2015-2020 Electoral Cycle

The 2015-2020 electoral cycle was dominated by several legal matters and litigation that resulted in calling elections, and also had significant impact on the execution of the electoral mandate. The most significant of these matters included:

- The question of the legality of the vote of no confidence, which was determined by the Caribbean Court of Justice (CCJ) on 18 June 2019 and solidified the need to conduct elections.
- The effect of dual citizenship on the eligibility of members of the National Assembly, which resulted in the resignation of four Government ministers and raised questions on the eligibility of three Opposition members of the National Assembly. While the courts have upheld the vote cast for the motion of no confidence by a member of the National Assembly, who has since been recalled from the National Assembly, they indicated that it is unconstitutional to be a MP and hold dual citizenship at the same time. This matter remains to be adjudicated, as three candidates who were reportedly dual citizens could contest the 2020 elections.

- Challenge to the legality of the house-to-house registration exercise. The High Court ruled that there is nothing unlawful or unconstitutional about the GECOM house-to-house registration exercise. The Court of Appeal upheld the decision of the High Court.
- The constitutionality of GECOM Chairman's appointment was challenged in the case of Zulfikar Mustafa & the AG Guyana and Chairman of GECOM at the CCJ. The CCJ found that the appointment of Justice James Patterson was flawed and thereby unconstitutional. He resigned on 24 June 2019.
- The declaration of results for region 4 by the Returning Officer was challenged on the basis that the declaration was made before final verification of the count and tabulation of results in the presence of political party agents and observers. The matter was handled by the High Court following an oral application on 5 March 2020 by PPP/C for an injunction to restrain GECOM or its officials or agents from declaring the votes declared for region 4 before complying with the procedure set out in section 84 of the Representation of the People Act. This act by GECOM drew responses and condemnation from local, regional and international stakeholders including the Group and observer missions deployed by CARICOM, The Carter Center, the Organisation of American States and the European Union. Representatives of the United States, United Kingdom, Canada, and European Union - among others - in a joint statement, called on President Granger to avoid a transition of Government, which they believe would be unconstitutional as it would be based on a vote tabulation process that lacked credibility and transparency.

## **Issues arising concerning 2020 General and Regional Elections**

The Group took note of a number of legal and procedural issues that arose during this electoral cycle.

### Fragmented Legislative Framework

The law pertaining to elections is fragmented across the statute book, as is evident in the number of statutes, including amendment acts, and requires a considerable amount of cross referencing which may affect compliance. This was further highlighted by Acting Chief Justice Roxane George in her written judgment in the matter relating to the legality of the house-to-house registration exercise. According to the Acting Chief Justice, "*[The legislative framework] is repetitive and convoluted and therefore unnecessarily complicated more so as the Elections Law (Amendment) Act (ELA) and the National Registration Act (NRA) have to be cross referenced to get a picture of how the laws are implemented*". She concluded that any changes, e.g. by way of consolidating legislation, would be for the executive and legislature to determine.

### Campaign Finance

There is inadequate regulation of campaign finance and expenditures, including public (Government) funding and private funding for campaigns, as well as enforcement of existing reporting and disclosure requirements and sanctions for

violations. The Anti-Money Laundering Act 2009 lists political party officials as 'politically exposed persons' but this measure alone is not sufficient to provide guidance to the regulation of political party finance and expenditure.

While the Representation of the People Act makes provision for the declaration of expenses, the current limit on expenses ranges from GY\$25,000 to GY\$50,000 or the equivalent of US\$125-250. This is clearly outdated. In addition, it is worth noting that this provision of the law has never been enforced.

### Campaign Silence Period

There is ambiguity in the cut-off limits, if any, of campaign activity before election day. The law does not stipulate a period of 'election silence' before election day, which leaves it to the political parties to determine when to cease campaigns. There is no clarity and consensus on when campaign activities should stop.

### Dispute Resolution

The timeliness of electoral dispute resolution was raised by some stakeholders. An election petition brought by the People's Progressive Party/Civic (PPC/C) following the 2015 elections was still pending before the High Court of the Supreme Court of Judicature by the time of the 2020 elections. The judiciary explained that adjudication of the matter had stalled due to the numerous preliminary objections raised by counsel for the parties. The substantive aspects of the petition have therefore not been addressed to date, which has affected the views of stakeholders regarding the efficacy of the electoral justice system.

### Composition of GECOM

A Chairperson and six Commissioners constitute GECOM, and the institution is accountable to the National Assembly. The Chairperson and the Commissioners are appointed by the President in consultation with the political parties represented in the National Assembly. The ruling party and the Opposition each nominate three of the six Commissioners. The tenure of both the Chairperson and Commissioners are not fixed.

The political nature of GECOM, leading to frozen animosity between the political parties, remains of grave concern. We note that legal reform in itself cannot be an adequate response to every question, but that at the end of the day legal reform pivots around an animating political culture that gives effect to the intention of the law.

Concretely, the overt politicisation results in the Chairperson having to cast a deciding vote on almost every major decision. Secondly, the composition is based on the 1992 political landscape, and therefore newer political parties not represented in the National Assembly do not have an equal opportunity for contention. In practice, this also meant they were not consulted during decision making by GECOM ahead of the 2020 elections.

## Women's Political Participation

The participation of women as electoral candidates remains constrained. While existing legislation provides for a 33 per cent quota for women in the submission of party lists at nomination. This, however, is not a binding commitment that necessarily translates into at least 33 per cent of elected officials being women. Additionally, section 11B (8) of the Representation of the People Act requires submission of information on the proportion of women in the electorate. The Group notes, however, this provision is not followed as the list of electors used at the polling station is not disaggregated by sex.

## Citizen Observers

The law on observers is restricted in its scope by explicitly permitting only observers from outside of Guyana to observe the general election. In the 2020 elections, special dispensation was given by GECOM to permit citizen observers, a positive move to improve transparency and accountability of the electoral process.

## **Election Administration**

GECOM is the authority mandated with the responsibility to conduct and maintain a voter registration list, and the administration of all elections at national, regional and local level government in Guyana.

The permanent Secretariat, supporting the Elections Commission, is headed by a Chief Election Officer (CEO), who is on a fixed-term contractual assignment.

Elections at each of the country's ten regions are coordinated and administered by Returning Officers (RO) who are appointed by the Commission.

## GECOM Communication

Many stakeholders, including political parties and the media, were critical of GECOM's lack of transparency and accountability during the election period. The lack of regular communication at a national level with parties, the media and civil society groups, as well as timely information to voters on key stages of the electoral process, eroded trust between stakeholders and GECOM.

## **Voter Eligibility and the Electoral Register**

### Qualifications & Disqualifications for Electoral Registration

Every person may vote at an election if he or she is of the age of eighteen years and is either a citizen of Guyana, or a Commonwealth citizen domiciled and resident in Guyana, subject to the following:

- The Commonwealth citizen has resided in Guyana for a period of one year,



- The person is not certified to be insane,
- The person is not otherwise adjudged to be of unsound mind under any law enforced in Guyana,
- The person is not convicted by a court of any offence connected with elections that is prescribed or reported guilty of such an offence by the High Court for a period not exceeding five years before the qualifying date.

### Qualifications & Disqualifications of Nominations

A person shall be qualified to contest for election as:

- i. President
  - Is a citizen of Guyana, and is Guyanese by birth or parentage (provided that the parents did not have diplomatic immunity, or is an enemy of Guyana, or has affiliation to a perceived enemy of Guyana)
  - Is residing in Guyana on the date of nomination for election and was continuously residing therein for a period of seven years immediately prior the date of nomination
  - Is otherwise qualified to be elected as a member of the National Assembly
- ii. A member for National Assembly
  - Is a citizen of Guyana,
  - Is at least eighteen years old,
  - Is able to speak, and unless incapacitated by blindness or other physical cause, to read the English language with a degree of proficiency sufficient to enable them to take an active part in the proceedings of the Assembly subject to the following:
    - is not by virtue of their own act under any acknowledgement of allegiance, obedience, or adherence to a foreign power or state,
    - The person is not certified to be insane,
    - The person is not otherwise adjudged to be of unsound mind under any law enforced in Guyana,
    - Is not under sentence of death imposed by a court or serving a sentence of imprisonment exceeding six months, or substituted by an authority for some other sentence imposed by a court or under a suspended sentence of imprisonment,
    - Holds or is acting in a Constitutional Office,
    - If they are involved in the conduct of an election or voter registration where they have interests in government contracts (made with an officer, department or the government of Guyana),
    - If they hold offices or appointments prescribed by parliament,
    - Belongs to the armed forces of Guyana,
    - Belongs to the Police force of Guyana,

- The person is not convicted by a court of any offence connected with elections that is so prescribed or reported guilty of such an offence by the court for the period not exceeding five years before the election day,
- Is convicted of an offence related to an excitement of hostility or ill will on the grounds of race,
- Is not under sentence imposed by a court or serving a sentence of imprisonment exceeding six months.

Guyana operates a system of continuous voter registration.

Although announced in July, a nation-wide 90-day house-to-house electoral voter registration exercise did not commence until September 2019. The High Court ruled that the exercise could not be used to remove names in instances where people had either moved addresses or died.

As at the 2 March 2020 General and General Elections, there was a total registered voter population of 660,998.

In Guyana, the magnitude of the geographic and top-up constituencies for the 25 regional seats in the National Assembly varies, negatively impacting the equality of suffrage. There are currently no provisions regarding boundary delimitation to allow for stakeholder and citizen participation in the process.

The Group takes note that the recommendations of the Commonwealth Observer Group to the 2015 election have not been implemented. Taking into account recommendations made by previous Commonwealth Observer Groups, the Group urges the relevant stakeholders to consider the following recommendations.

## **Recommendations**

There is an urgent need for constitutional and electoral reform to address what stakeholders view as a complex and multi-faceted polarisation of the nation. The Group makes a number of additional recommendations in this regard in Chapter 6.

- GECOM should exercise its statutory authority to make regulations for the conduct of elections.
- The Government of Guyana should consolidate the different electoral laws with the objective of making the law clearer and more accessible.
- Campaign finance laws and regulations should be revised in consultation with all relevant stakeholders. The legislation should make provision for the disclosure and reporting and provide for effective enforcement mechanisms.
- A comprehensive reform of the voter registration system should be undertaken. A fresh registration should subsequently be undertaken to produce an up-to-date, clean, and inclusive voter register.

- The Schedule of Polling Stations should be finalised and published in accordance with relevant legislation.
- Geographical seats should be more equitably distributed among electors to ensure the principle of equal suffrage.
- An independent and impartial body should be established to draw the geographical and top-up constituencies so that voters are represented in the legislature on a more equal basis.

## CHAPTER 4

### PARTICIPATION AND INCLUSION

Guyana has shown considerable commitment to the principles of participation and social inclusion. At the international level, efforts to address fundamental structural imbalances that threaten the concept of gender equality and social inclusion have been made under various international agreements and bodies. Guyana has ratified a number of regional and international conventions of particular importance to the electoral process, including:

- International Convention on the Elimination of All Forms of Racial Discrimination (CERD) 1965,
- International Covenant on Civil and Political Rights (ICCPR) 1966,
- Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) 1979,
- International Covenant on Economic, Social and Cultural Rights (CESCR) 1966,
- The Plan of Action of the Inter-American Commission of Women (CIM) 1986,
- The Nairobi Forward Looking Strategies for the Advancement of Women 1986,
- Optional Protocol to the ICCPR 1999,
- CARICOM Plan of Action 2003,
- The Commonwealth Plan of Action 2005,
- Convention on the Rights of Persons with Disabilities (CRPD) 2006.

Guyana has not ratified the 1989 Indigenous Tribal and Peoples Convention, but in 2007 Guyana adopted the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). These international understandings are incorporated in the Constitution of Guyana and in the following national legislation:

- Representation of the People Act (1964),
- National Registration Act (1967, as amended),
- Equal Rights Act (1990),
- Prevention of Discrimination Act (1997),
- The Amerindian Act (2006),
- Persons with Disability Act (2010).

#### **Gender**

##### *Political Candidates*

Guyana's Representation of the People (Amendment) Act 2000 (Section 11B, Articles 5-7) requires political parties to have "the total number of females on each party's national top-up lists and the lists for geographical constituencies, taken together, being at least one-third of the number of persons on those lists...." This laudable approach of a quota system, however, has failed to achieve its aim in practice. The law requires no quota for women to be allotted seats in the National Assembly.

Three of the nine presidential candidates were women, as were two of the nine prime ministerial candidates. This is an unprecedented level of representation. Although there are no impediments in law deterring women from contesting and participating in elections, entrenched gender norms, gender-based discrimination and online violence against women in politics hinders their free exercise of this right.

### *Election Management Body*

GECOM is governed by a commission comprised of a Chair and six representatives. The Chair and one of the members are women. A lack of disaggregated data precludes knowledge of the actual numbers by sex but it was observed on election day that a majority of the GECOM staff were women. Opportunities for gender mainstreaming will become possible with sex-disaggregation of data.

### **Youth**

Almost half the population of Guyana is under the age of 25, but apathy among younger voters has been a concern in past elections. A special effort was made by the Guyana National Youth Council to engage the young people in the electoral process through a voter education campaign *Ink It Up: Your Voice. Your Vote*. This included the ‘Benny the Ballot Box’ mascot who toured the country providing information and encouraging young people to vote. There was also a series of live call-in programmes to answer election-related questions, a jingle competition and a social media campaign where young persons were encouraged to post ‘inkies’ (selfies showing their inked finger) after voting.

A youth-led political party called The New Movement was established to contest the elections, an indication of young people’s interest in the governance and political affairs of Guyana.

### **Election day workers**

There are a number of people who may be required to work away from their polling place on election day, such as GECOM staff, political party agents, police, the army and civil society observers. The disciplined services were able to participate in early voting on 28 February, and provision is made for ROs and polling clerks to vote by proxy if they are working outside their district. Those required to be on election duty could also apply to vote at their place of duty by obtaining in advance a Certificate of Employment that confirmed the location of duties on the day. The Group observed polling staff leaving their posts to vote, which on one or two occasions resulted in delays in voting at those polling stations.

### **Persons with disability**

Persons with disability have the option to vote with an assistant or by proxy. However, current voting procedures do not make provision for independent voting despite several advocacy efforts. Provisions have also been applied inconsistently in the past. In 2015, all polling stations were provided with stencils to enable persons with visual impairments to vote independently, yet they proved to be of limited use as polling staff did not have the necessary training. In 2011, kerbside voting was permitted for voters in wheelchairs, but in 2015 the option was not available.

Ahead of the 2020 elections, the Guyana Council of Organisations for Persons with Disabilities reached out to GECOM to request both stencils and kerbside voting. However, GECOM said this would not be possible due to a lack of legislative provisions and demographic data. Interlocutors indicated that it is not clear which laws prevented these measures from being introduced, particularly as the Constitution guarantees the right to vote by secret ballot.

### **Citizen Observers**

GECOM gave accreditation to 10 local observer groups:

1. The Bar Association of Guyana
2. Guyana Public Service Union
3. Amcham Guyana
4. Ethnic Relations Commission
5. Private Sector Commission
6. Transparency (Institute) Guyana Inc (TIGI)
7. Youth Challenge Guyana
8. Georgetown Chamber of Commerce and Industry
9. Cuffy 250
10. Ebenezer Congregational Church Foundation Inc.

The following diplomatic missions were also accredited:

1. The British High Commission
2. Embassy of the United States of America
3. Canadian High Commission

The Group welcomed the participation of citizen observers. However, we noted that they were not accredited to observe the early voting of disciplined services.

### **Recommendations**

- Guyana should consider adjustments to its legal framework and electoral system to increase the representation of women in parliament in line with its international commitments.
- Political parties should take stronger action to promote genuine inclusion and political participation of women.

- Political parties should establish gender-responsive policies and measures to prevent discrimination against and harassment of women in politics and elections.
- Appointment to GECOM should be guided by the principles of inclusivity and should prioritise gender considerations in the nomination of Election Commissioners.
- Gender should be mainstreamed in GECOM's operations to include collecting sex-disaggregated data across the spectrum of activities.
- Political parties should adopt measures enhancing the inclusion of youth, Amerindians and persons with disabilities in party hierarchies, thus facilitating their political participation.
- GECOM should also undertake the early mapping of polling stations and ensure that there is step-free access for persons with disabilities and the elderly. If this is not possible, kerbside voting could be made available to these groups.
- The election management body should provide stencils or tactile ballot papers to facilitate blind voters to cast their vote independently and provide training to ensure polling staff know how to use them.
- Stakeholders including the GECOM and political parties should consider how voter education can be tailored for people with a range of disabilities, including learning difficulties.
- All polling staff should be encouraged to either vote by proxy or transfer their vote to the polling station where they are working to ensure they can exercise their vote but also fulfil their duties.

## CHAPTER 5

### CAMPAIGN AND MEDIA

#### Campaign Environment

These were highly contested elections. There was an increase in the number of political parties and presidential candidates: 11 parties were accredited by GECOM to contest the elections, up from eight in 2015. Nine competed for the general and regional elections, each with a presidential candidate; two contested for regional elections only. There is no legal provision for candidates to compete independently.

Nomination Day was 10 January. The parties that contested were:

- A New United Guyana (ANUG)
- A Partnership for National Unity + Alliance for Change (APNU+AFC)
- Change Guyana (CG)
- Federal United Party (FUP)
- Liberty and Justice Party (LJP)
- Organisation for the Victory of People (OVP)
- People's Progressive Party / Civic (PPP/C)
- People's Republican Party (PRP)
- The Citizen Initiative (TCI)
- The New Movement (TNM)
- United Republican Party (URP)

For the first time, three newer parties (ANUG, LJP and TNM) formed a joinder of lists. They competed independently from each other but agreed to pool the votes they each gained for a possible shared seat(s) arrangement.

The two main parties - APNU+AFC as the incumbent and PPP/Civic as the opposition - dominated the campaign. This played out against the deeply embedded racial division.

Freedoms of association, assembly, expression and movement were respected. There is no official timeframe for the campaign period, but campaigning began in earnest at the start of January, when the main parties launched their campaigns. They held rallies, public meetings and street-corner gatherings; produced billboards, flags and posters; and used paid-for advertisements on TV, radio, print and social media. Campaigning was often negative, with both main parties focusing on their opponent's failures in government. Party supporters came out in large numbers. A limited number of isolated incidents of violence were reported. There was also removal and defacing of campaign material.

The Group shared concerns raised by stakeholders that APNU+AFC took advantage of their incumbency, including using state resources and development programmes for political gain, thus undermining a level playing field.



The 2020 election saw several new parties contesting. They held fewer large rallies and relied more heavily on door-to-door campaigning and social media, particularly when seeking to reach younger voters. These parties campaigned on a variety of issues, but constitutional reform and the promotion of economic growth and redistribution were popular themes. The visibility of campaign materials for these parties was minimal.

The law does not prescribe a campaign silence period. As a result, campaigning ended at different times in different regions.

### **Codes of Conduct for Political Parties**

The Parties signed two Codes of Conduct ahead of the elections. The first was developed by the Ethnic Relations Commission (ERC) and signed by all parties on 13 February 2020. It committed the parties to uphold the Constitution, with particular reference to provisions relating to political campaigning and protection from discrimination based on factors such as race, ethnicity and gender during the campaign, on election day and after the announcement of results. It further affirmed that all signatories rejected the use of violence, threats, harassment and intimidation.

The Code gave the ERC the right to take “necessary actions and sanctions” in case of breaches. In reality, the ERC had limited capacity to monitor the campaigns comprehensively, and had no formal sanctioning powers. However, it did pick up on a number of incidents of unhelpful language and wrote letters to the offending parties.

The second Code of Conduct, produced by GECOM and signed by nine out of 11 parties on 28 February, promoted adherence to the law and non-violence. Signatories also committed to respect the integrity of the electoral process. For example, it covered misinformation, abuse of state resources and bribery. It is most unfortunate that such an important measure was concluded so close to the vote.

It is notable that the ERC Code explicitly addressed the issue of hate speech on social media, with parties committing to moderating comments on their platforms. The GECOM Code unfortunately did not make specific reference to online behaviour.

### **Media Environment**

Guyana ranks 51<sup>st</sup> of 180 countries in the 2019 Press Freedom Index, an improvement on 2015 when it was 62<sup>nd</sup>. This is likely linked to the proliferation of media in the last five years, with a large number of private television, radio and cable channels being granted broadcasting licences, as well as the development of online news platforms.

The media landscape comprises both independent and state-owned outlets. There are four main newspapers: the state-owned Guyana Chronicle, and the privately owned Stabroek News, Kaieteur News and Guyana Times. Online platforms have become part of the media landscape in the last decade, including Demerara Waves, News Room, iNews and Guyana Standard.

The state-owned broadcaster, the National Communications Network (NCN), operates a nationwide TV channel, as well as several regional channels and radio stations. In addition, there are now over 25 other TV, radio and cable broadcasters listed by the Guyana National Broadcasting Authority (GNBA), the regulatory body that issues licences. This contrasts markedly with the 2015 elections, when radio stations were predominantly state-owned and the distribution of broadcasting frequencies in Guyana was alleged to be unfair and politically motivated. However, the independence of the GNBA from political influence is not guaranteed as the president directly appoints the chairperson and all but one of the board members.

The Constitution guarantees freedom of expression. Contrary to Guyana's international commitments, however, journalists can be prosecuted under criminal law for defamation. The Guyana Press Association, which represents journalists and has about 120 registered members, has also complained about incidents of government officials putting pressure on reporters to influence their coverage.

Since 2015, the Cybercrime Bill and Broadcasting (Amendment) Bill have been passed. Both attracted criticism from international organisations, such as Reporters Without Borders and the International Press Institute, and national stakeholders for undermining press freedom.

### **Election coverage by the media**

Media were able to cover the election campaign, with journalists being able to operate without intimidation. In contrast to the campaign period, however, the Guyana Press Association expressed concern that a number of journalists faced intimidation and harassment, as well as threats of violence on social media, during the tabulation of results in Region 4.

Media bias, highlighted as an area of concern by previous Commonwealth Observer Groups, continued. Although the Group did not systematically monitor the media, stakeholders indicated the state broadcaster and state print media favoured the ruling coalition in their coverage. Most private media outlets favoured one of the two main political groups; other parties received very limited coverage.

Some media interlocutors suggested that political biases of certain publications were reinforced by the fact they had to rely on political contacts to get updates on electoral decisions. This was due to a lack of official communication from GECOM during the campaign and election period despite persistent requests.

However, the increased diversity of the media sector offered a wider range of coverage and opinions than in previous elections. The print media indicated they had also made an effort to reach out to newer parties with fewer resources, for example by offering free advertising space.

The media unfortunately did not sign a self-regulatory Code of Conduct for the 2020 elections, despite this being common practice since 2001. Further, unlike in 2015, GECOM did not conduct or facilitate any election-related media monitoring.

The ERC does its own monitoring of traditional and social media on an ongoing basis for ethnically-offensive material which breaches the law. However, it has no sanctioning powers.

### **Role of social media**

Social media played a much greater role in 2020 than in previous elections. More than half the population use social media, with Facebook the most influential platform for information sharing and political communication. APNU+AFC and PPP/C often boosted their campaign messages through paid-for advertisements on social media, while newer parties indicated they had contracted influencers to boost their campaigns.

Various interlocutors informed the Group of divisive and inflammatory content with offensive, racial connotations in the comments section of social media posts. While media houses reported efforts to moderate this on their own channels, other stakeholders indicated this was largely unregulated elsewhere and that the perpetrators were often from the diaspora.

### **Recommendations**

- State-owned media should have editorial independence and publicly undertake to provide equitable access to candidates and parties as part of their responsibilities to the public.
- The Guyana National Broadcasting Authority (GNBA) should be appointed by parliament as an independent agency, rather than being under the auspices of the President's office. The process for recruiting board members should be transparent, with positions openly advertised and selection based on candidates' applications and experience.
- In consultation with a broad range of media stakeholders, the Code of Conduct should be updated and introduced for future elections.
- Codes of Conduct should be signed immediately after nomination, with independent mechanisms in place to enforce them.
- Codes of conduct for both parties and the media should explicitly address the use of social media, and signatories should make a commitment to moderate their platforms accordingly.
- In 2015, a media-monitoring unit in GECOM helped promote adherence to the Code of Conduct. An independent unit could be introduced for future elections and be given powers to sanction media for any violation of the Code of Conduct.
- There should be greater transparency of paid-for political advertising both offline and on digital platforms. Policymakers could make it a requirement that sponsored political adverts clearly identify who paid for them, and for media companies to report contracts and payments for such advertisements to GECOM.
- GECOM may wish to consider contacting Facebook and other social media platforms for support in flagging and removing false information, particularly that relating to election-related guidance and results. The company has worked with election management bodies in other Commonwealth countries

to take down fake accounts, support third-party fact-checking, promote official information relating to elections and provide free training for election staff, all of which could be useful in the context of Guyana.

## CHAPTER 6

### VOTING, COUNTING AND TABULATION

#### Voting

On 2 March 2020, General and Regional Elections were held in 2,339 polling stations in the 10 administrative districts of Guyana from 06.00 to 18.00 hours.

Polling stations were in most cases set up in public places, such as schools and health centres and tents. The policy of GECOM was to limit polling places in private residences and buildings. However, there remained a number set up in private residences and buildings. The number of voters per polling station ranged from one to over 500.

Each polling station was presided over by a Presiding Officer, supported by an Assistant Presiding Officer, Poll Clerk(s), and Ballot Clerk(s)/Counting Assistant(s). The area of authority of a Presiding Officer included 200 yards around the place of polling.

At least one police officer/rural police officer was assigned to each polling station. Though not an election officer, the police officer complemented election personnel present and assisted in the maintenance of order, crowd control and security of the polling station. In polling places with multiple polling stations, more than one police officer was seen on duty. Also present at such polling stations were Information Poll Clerks, who advised voters on their respective polling station. Polling officials, duly appointed candidates, accredited political party agents, national and international observers were allowed to be present inside the polling station.

The Official List of Electors and list of party candidates, as well as instructions on how to vote, were posted in prominent places outside most polling stations observed. Polling clerks and political party agents used the Official List of Electors issued by GECOM, as well as folios containing information collected at the time of voter registration, to identify incoming voters. These folios contained photographs of electors, which were also provided to party agents.

Electors were required to produce their national identity card in order to vote. There are provisions for electors to vote should they not have their identity cards. These are discussed further in the next section of this chapter.

Proxy voting is permissible for designated categories of electors with advance registration and appropriate certification. Persons with disabilities are also eligible to vote by proxy. Alternatively, they can be permitted assistance by a companion of their choice, who is also registered to vote at the same polling station on election day. An assisting companion cannot help more than two electors. The Presiding Officer can also assist.

The Presiding Officer is allowed to issue up to two replacement ballot papers for spoilt ballots.

The stated procedures for opening of the polls and voting, as contained in the Representation of the People Act, and The Official Manual for Presiding Officers & Other Polling Day Officials, are as follows:

- Before the commencement of the polls, the Presiding Officer and his/her team sets up the Polling Station.
- Polling staff determine a six-digit number, unique to the Polling Station, by the drawing of lots. This number is stamped on each ballot paper in order to validate it.
- In the presence of party representatives and accredited observers where present, ballot boxes are sealed, and polling commences.
- Upon arrival at the polling stations, voters present their national identification card to the polling clerk. Should a voter whose name is on the voters list come to the polling station without his/her national identification card, this person can vote after being identified by their photograph on the folio available to polling staff and party agents. This folio contains information about electors collected at the time of voter registration. Voters without ID cards are asked to swear an oath of identity.
- Voters' fingers are examined for ink before a ballot paper stamped in two places, with the unique code of the polling station, is issued to them.
- Voters are given instructions by polling staff as to the proper procedure for marking and folding the two-part ballot paper.
- The voter is then directed to the voting booth to mark his/her ballot paper.
- Once the ballot has been marked, the voter is asked to insert the folded ballot paper into the ballot box with their left hand, while the index finger of their right hand is dipped into indelible ink.
- Upon completion of this process, the voter leaves the station.

### **Assessment of Opening and Voting**

Polling was conducted in an orderly, transparent and largely peaceful environment. Polling stations were generally well-organised and prepared for the polls, and opened promptly, with a full complement of staff.

Polling staff and materials were present at the polling stations. Polling staff generally appeared to be well-trained and members of the Group witnessed a number of training sessions in the days before election day. We commend them for

their professionalism and diligence. The presence of information clerks greatly facilitated voters to locate their assigned polling units. Women were the majority of polling staff we encountered. The secrecy of the vote was generally assured.

Party agents for APNU+AFC and the PPP/C were present at the polling stations visited by the Group. Citizen observers were present at a minority of the polling stations.

Some polling stations were located on upper floors of schools and sports complexes, even where there appeared to be more accessible alternatives on the ground floor. This disadvantaged the elderly and persons with disabilities, among others, who faced challenges accessing these polling units.

Special challenges were also observed in the mining community, who migrate for work across the various regions. Voting on election day was a challenge for those situated in a region different from where they registered.

The Police and rural constables maintained law and order at polling stations, and facilitated the operations of the polling staff. We acknowledge the important role played by them in securing polling units. Their presence was adequate and non-intrusive. We are satisfied with the response to the reported small number of security incidents on polling day.

We note that the processing of voters in some polling stations was slow. This led to long queues. However, voters exercised patience and the queues were processed in an orderly manner. There were cases where voters expecting to vote in one location were re-directed by GECOM to other polling locations.

In a few instances, the stamp which was used to put the six-digit code on the ballot malfunctioned and the Presiding Officer was obliged to re-stamp.

### **Closing of Polls and Vote Counting**

The stated procedures for the closing of the polls, contained in the Representation of the People Act, and the Official Manual for Presiding Officers & Other Polling Day Officials are as follows:

- Polling closes at 18.00 hrs. Voters standing in the queue at the closing of the poll are allowed to vote. Once they have been able to vote, the Presiding Officer and polling staff will rearrange the room for the purposes of vote-counting.
- Party agents and observers are allowed to be present in the room for the closing of the polls.
- The Presiding Officer will tally spoilt, tendered and unused ballots, and place these in special envelopes provided.

- The Presiding Officer will identify the number of ballots received and the number of voters that participated on the day according to records held by the Polling Clerk.
- As soon as practicable after the closing of the poll, the Presiding Officer opens the sealed ballot box, after which the first step is to count and record the total number of ballots cast.
- The second step of the process is to begin sorting the two-part ballot paper into respective piles for the national and regional elections, by tearing the ballot along a perforated line. Starting with the national election, ballots are then separated according to the party they are cast for. During this process, each ballot is called out and shown to those present. Party agents and polling officials record each vote on a tally sheet. Once the total number of votes for each party has been established and recorded, the same process is repeated for the Regional elections.
- Once the vote counting process for both the general and regional elections is completed, all party representatives and polling staff sign the tally sheet. The Presiding Officer then produces a Statement of Poll document. A carbonised copy of this document is given to each political party representative present and is also posted in a prominent place outside each Polling Station.
- The Statement of Poll is then transmitted to GECOM through a Deputy Returning Officer and a Returning Officer. This document is the basis upon which GECOM announces results. A copy of the statement is also sent directly to the Chief Election Officer at GECOM in Georgetown.
- Polling Officials are also required to fill out a number of other administrative forms, and pack up all materials received for Election Day.

### **Assessment of Closing of the Polls Counting**

Overall, our assessment was that the closing procedures were generally well-managed, with polling stations closing promptly where there were no voters in a queue.

The counts at polling stations were generally conducted in a transparent manner. Some polling officials were less confident in the application of relevant counting procedures. In particular, polling staff had difficulty correctly packaging the election materials into the relevant envelopes at the end of the count.

Several aspects of the counting processes could be improved by clearer written instructions and illustrations for polling staff. For example, the Manual for Presiding Officers & Other Polling Day Officials does not contain illustrations on what constitutes a valid or invalid vote, which led to some uncertainty and ambiguity at



the counts we witnessed. Detailed reconciliation procedures, however, were not consistently followed.

### **Transmission, Tabulation and Announcement of Results**

The relevant provisions of the Representation of People Act, Sections 84-89 state:

1. S. 84. (1) As soon as practicable after the receipt of all the ballot boxes and the envelopes and packets delivered to him in pursuance of section 83(10), the Returning Officer shall, in the presence of such of the persons entitled under section 86(1) to be present as attend [the returning officer and such other election officers as he may appoint to assist him in the counting; (b) members of the Commission; (c) duly appointed candidates; (d) counting agents; (e) such other persons as, in the opinion of the returning officer, have good reason to be present to be present as attend, Observers (as per the Guyana General Elections Observers Act 1990, as amended)], ascertain the total votes cast in favour of each list in the district by adding up the votes recorded in favour of the list in accordance with the Statements of Poll, and thereupon publicly declare the votes recorded for each list of candidates.
2. S. 84 (1A) (a) deals with the procedure where an election officer for a polling district discovers a material error on the Statement of Poll from a polling station for a polling district.
3. S. 84 (2) Where before twelve noon of the day following the declaration under subsection (1) any counting agent for the district does not request the Returning Officer to conduct a final count of the votes counted by the presiding officers in the district under section 83, the declaration of the votes obtained by the lists under subsection (1) shall be final; but where any counting agent for the district seeks a final count of the votes already counted by the presiding officers in the district under section 83, the Returning Officer shall count such votes in accordance with the provisions contained in the following subsections and section 87 and on the basis of such recount confirm or vary the declaration of the votes recorded in the district for each list of candidates under subsection (1).
4. S. 84. (10) At the conclusion of any final count, the Returning Officer shall comply with section 89 in respect of the polling places to which the final count related.
5. S. 84. (11) On ascertaining the votes cast in the district for each list of candidates in accordance with the preceding subsections, the Returning officer shall communicate to the Chief Election Officer, by the quickest available means, the total number of valid votes cast in the district for each list of candidates.
6. S. 89. (1) Upon the conclusion of the final counting, under section 84, of the votes the Returning Officer, in the presence of such of the persons entitled under section 86(1) [the returning officer and such other election officers as he may appoint to assist him in the counting; (b) members of the Commission; (c) duly appointed candidates; (d) counting agents; (e) such other persons as,

in the opinion of the returning officer, have good reason to be present to be present as attend, Observers (as per the Guyana General Elections Observers Act 1990, as amended)], shall—

- a. seal in separate packets the counted and rejected ballot papers;
  - b. verify the ballot papers account given by each presiding officer by comparing it with— the number of ballot papers recorded under section 87(1)(c); the unused and spoiled ballot papers in his possession; and the record of tendered votes contained in the poll book; reseal the packets of unused and spoiled ballot papers; prepare a written statement as to the result of the verification of the ballot papers account and on request allow any counting agent present to make a copy thereof; publicly declare the result of the final counting; deliver to the Chief Election Officer a return in writing in respect of the final counting in Form 24 which shall set out the number of— valid votes cast for each list of candidates as aforesaid; rejected ballot papers together with, in each case, the reason for rejection; spoiled ballot papers delivered to him; tendered ballot papers; persons who appear to have voted.
7. S. 96. (1) The Chief Election Officer shall, after calculating the total number of valid votes of electors which have been cast for each list of candidates, on the basis of the votes counted and the information furnished by returning officers under section 84 (11), ascertain the result of the election in accordance with sections 97, 98 and 99.
8. S. 96. (2) The Chief Election Officer shall prepare a report manually and in electronic form in terms of section 99 for the benefit of the Commission, which shall be the basis for the Commission to declare and publish the election results under section 99.
9. S. 99. As soon as practicable, but not later than fifteen days after election days the Commission shall publicly declare the results of the election and shall cause to be published in the Gazette a notification thereof, specifying— (a) the number of votes cast for each list of candidates; (b) the number of rejected ballot papers; (c) the number of seats allocated to each list of candidates; and (d) the names of the persons who, as a result of the election, have become members of the National Assembly.

### **Assessment of Tabulation, Transmission, and Announcement of Results**

In tabulation centres visited by The Group, the tabulation and verification process was generally conducted in a transparent manner with the exception of Region 4. GECOM officials prepared a spreadsheet with a summary of results from polling stations. This worked well in most regions, as those who were eligible such as political party agents and Observers were able to check the summary results as called out from the GECOM-prepared spreadsheets with those that were reflected on the Statement of Polls (SOPs) held by party agents and Observers. Outside of Region 4, there were few issues, and identified issues were resolved in agreement with party agents and the ROs.

The Group noted that reconciliation procedures were not consistently followed. We noted with concern that although the law provides the procedure to be followed, the Official Manual for Returning Officers and Other District Staff were not updated nor standardised and therefore not uniformly applied. For example, it did not provide explicit written instructions on a number of issues, including the precise role of the Deputy Returning Officer.

Furthermore, updated instructions on the role of the Deputy Returning Officers in the transmission of Statements of Poll were not provided in writing. At a joint briefing on 25 February, all observers were emphatically informed by Chief Election Officer that oral briefings were sufficient.

The relevant procedures for the sealing and transmission of envelopes containing Statements of Poll appeared to be confusing and were not consistently followed.

All stakeholders that the Group met expressed concern, based on past experience, about the time required to tabulate and make a determination of the final results. One issue is that the Statements of Poll must be physically delivered in hard copy, often from distant and/or riverine locations. These must go first to the Deputy Returning Officer, and then to the Returning Officer. There is no provision in law for simultaneous electronic transmittal of results to the CEO. An additional issue is the undue length of time taken to complete the oral verification process by the Returning Officer at the regional level.

However, all Regions except for Region 4 were declared and received by the CEO within 72 hours.

### **Events from 4 March 2020**

Our greatest concerns, however, were with events from 4 March 2020 onwards.

On 4 March 2020, concerning developments unfolded at the Region 4 tabulation centre. As the tabulation process progressed, the Returning Officer reported that he was unwell and was escorted out of the building to seek medical assistance. It was concerning that no replacement was assigned for some time. The tabulation eventually resumed. However, assigned GECOM staff then halted the process again, indicating that they needed to rest. The Chief Electoral Officer stated that no other staff were available and that the tabulation would resume in the morning. Shortly after this, there was a disturbing commotion where a staff member was accused of uploading a spreadsheet with summaries of polling station results of unknown origin to the laptop that was being used for tabulation.

On the morning of 5 March 2020, tabulation did not resume. The Minister of Foreign Affairs visited the Region 4 tabulation centre and convened a meeting with Observers, including the Chairman of the Group, the Rt Hon Owen Arthur. In this

meeting, the Minister threatened to revoke the accreditation of international Observers. There was also an alleged bomb threat, after which GECOM officials and security attempted to clear the tabulation centre.

On the same day, 5 March 2020, our Chair issued a Statement (Annex V) noting the Group had been present at the Office of the Returning Officer, Region 4 in Georgetown over the previous 24 hours. The Statement conveyed the clear view of the Group that the tabulation of the final election results has not yet been completed and verified according to the established procedures and relevant legal and statutory provisions. The Statement strongly urged the Guyana Elections Commission and all parties involved to ensure the process properly follows the legal steps dictated by the laws of Guyana and in line with the country's international commitments.

On 6 March 2020, international observer missions from the Commonwealth, the Organization of American States, the European Union, and The Carter Center issued a Joint Statement (Annex VI) noting that the tabulation of results for the election in Region 4 was interrupted and remained incomplete. The Joint Statement further noted that the law requires that tabulation must be conducted in the presence of party agents and observers, and that until this transparent process takes place, the counting of votes recorded for Region 4 remained incomplete.

The Joint Statement demanded that transparent tabulation of results for Region 4 must be resumed in order to proceed to the establishment of national results. It also called on the police to provide a calm and conducive environment for transparent tabulation, and urged all political parties to adhere to the codes of conduct signed by them.

Finally, the Joint Statement noted that GECOM, including the Chairperson, the Commissioners, the Chief Election Officer, the Returning Officer and Deputy Returning Officers in Region 4, must be available and committed to establish the results for Region 4 in accordance with the law. Until this process was completed, the Joint Statement concluded that the result of these elections could not be declared as credible.

The Opposition filed an injunction with the High Court to prevent GECOM from declaring national results.

On 11 March, the Acting Chief Justice ruled that the declaration of results for Region 4 was unlawful and ordered the Returning Officer to commence the process lawfully by 11am the next day.

Meanwhile, the Chair of CARICOM, Prime Minister of Barbados, Mia Mottley, led a five-member delegation of CARICOM Heads of Government (Dominica, Grenada, St Vincent and the Grenadines, Trinidad and Tobago) to Guyana on 11-12 March.

The tabulation process did not resume on 12 March as mandated by the Court and the Opposition filed contempt of court proceedings with the High Court.

During the 13 March contempt of court hearing, the Acting Chief Justice reasserted that the actual Statements of Poll have to be displayed to all those entitled to be present during the process. In said proceedings, the Chairperson of GECOM committed to the Acting Chief Justice that she would endeavour to facilitate a recount at the level of the Commission, should there be discrepancies in the Statements of Poll as called by the Returning Officer, and those held by the political parties, if noted discrepancies could not be addressed.

When the Returning Officer continued the tabulation process on the morning of 13 March, it was not undertaken in accordance with the judgement of the Acting Chief Justice.

A 13 March Joint Statement of the Commonwealth, EU and Carter Center observers issued a statement (Annex VII) that said, *inter alia*, “When the tabulation process was resumed on 13 March, it was not in line with the judgement, which required public tabulation as a safeguard and a measure for promoting transparency and accountability. The Chief Justice reasserted today that the actual Statements of Poll have to be displayed in this process. The orders issued with the judgement should be complied with, and the tabulation process conducted and concluded accordingly. Unless and until this is done in Region 4, the election results cannot be considered credible.”

The Returning Officer for Region 4 declared results for the region at about 11pm on the night of 13 March.

On 14 March, CARICOM Chair, Prime Minister Mottley issued a statement that at the invitation of President Granger, CARICOM would deploy a High-Level Team to supervise the recounting of ballots in Region 4. The statement said, *inter alia*, “I would wish to announce that after discussions this morning, President Granger made a request for the Caribbean Community to field an independent high-level team to supervise the re-counting of the ballots in Region 4 in accordance with the ruling of the Chief Justice of 11 March, 2020. This has been agreed to by Mr Bharrat Jagdeo. We believe that this is a giant step in being able to determine the will of the Guyanese people in the Election of March 2, 2020. It will also allow the electoral process to regain the confidence of all locally, regionally and internationally.”

The CARICOM Secretariat subsequently issued a clarification that, “For the avoidance of doubt, His Excellency President David Granger and Leader of the Opposition Mr Bharrat Jagdeo had agreed to a recount of all Regions and not just Region 4.” The High-Level Team arrived in Guyana on the evening of 14 March.

On 17 March, a candidate of the Government Coalition, Ulita Moore, filed a case in the High Court seeking a number of declarations and order against GECOM. The most significant of which was a request for an injunction to block the recount on the premise that it cannot happen with the terms of the aide memoire signed between Granger and Jagdeo brokered by CARICOM. High Court judge Justice Franklyn Holder

granted an interim injunction putting the recount on hold until the hearing and determination of the case.

On 17 March, CARICOM Chair, Prime Minister Mottley, issued a statement that *“CARICOM deeply regrets that it has been forced to withdraw the independent High Level Team it fielded on Saturday, 14 March 2020”*. The statement said, *inter alia*, *“It is clear that there are forces that do not want to see the votes recounted for whatever reason. Any Government which is sworn in without a credible and fully transparent vote count process would lack legitimacy.”*

On 18 March, the Commonwealth Observer Group issued a strong statement (Annex X) informing that it had withdrawn from Guyana on 15 March, and iterated that the *“tabulation processes conducted by the Returning Officer for Region 4, Mr. Clairmont Mingo, were not credible, transparent and inclusive”*. The Group also said that, *“in some cases, the tabulation totals announced by Mr. Mingo [Returning Officer] on 13 March reflected more voters than were entered on the list of eligible electors for certain polling stations. At no point did the leadership of the Guyana Elections Commission halt or rectify these blatant instances of disregard for the rule of law and electoral ethics, despite its vested authority to independently ensure credible elections.”*

The recount process, observed by a three-person scrutinising team from CARICOM, was a thirty-three day exercise which began on 6 May 2020 and ended on 7 June 2020. The final result showed that the Opposition Peoples Progressive Party/Civic (PPP/C) secured 33 of the 65 seats in parliament, with the incumbent A Partnership for National Unity and Alliance for Change (APNU+AFC) securing 31 and the list joining parties of Liberty and Justice Party (LJP), A New and United Guyana (ANUG) and The New Movement (TNM) securing one.

On 13 June 2020, the Chief Elections Officer (CEO), Keith Lowenfield, submitted a report to the Guyana Elections Commission stating that *“on the basis of the votes counted and the information furnished from the recount, it cannot be ascertained that the results meet the standard of fair and credible elections.”*

On 16 June, the CARICOM scrutinising team submitted its report to the Guyana Elections Commission (GECOM). The report concluded that *“the recount results are completely acceptable and that nothing that the CARICOM Observers witnessed warrants a challenge to the inescapable conclusion that the recount results are acceptable and should constitute the basis of the declaration of the results of the 2 March elections”*.

On 18 June 2020, a supporter of the incumbent coalition Government, Eslyn David, challenged the interpretation of the term “validity” laid out in Article 177 (4) of Guyana’s Constitution, an action which questioned the credibility of GECOM’s recount results. The argument hinged on Article 177 (2b) of the Constitution, which states that where there are two or more presidential candidates, if more votes are cast in favour of one than the other, the GECOM Chair shall declare the candidate with the greater number of votes to be president, *“acting only in accordance with the advice of the Chief Election Officer.”*

The Guyana Court of Appeal agreed with the interpretation that the wording in the Constitution reading *“more votes are cast”* means more valid votes are cast.

On 24 June, the CEO submitted a new report comprising votes that he deemed to be valid and said his actions were based on the ruling on the Court of Appeal. In this report, he subtracted 115,000 votes that had been counted as valid during the recount process, giving victory to the incumbent governing coalition.

In the meantime, the Opposition had moved to the Caribbean Court of Justice (CCJ), Guyana's final appellate court, and requested the CCJ to determine whether Guyana's Court of Appeal had *“rightly assumed and/or acted within the jurisdiction conferred by Article 177 (4) of the Constitution.”*

The CCJ ruled that *“unless an election court decides otherwise, the votes already counted by the recount process as valid votes are incapable of being declared invalid by any person or authority.”* The CCJ ruled that *“it was inconsistent with the constitutional framework for the Chief Elections Officer to disenfranchise thousands of electors in a seemingly non-transparent and arbitrary manner, without due processes”*.

Another applicant, Misenga Jones, approached the High Court to have the recount figures discarded and requested a ruling that the original declaration, including the highly controversial declaration for Region 4, which led to the recount, should be used for the preparation of the CEO's report.

Noting the decision of the CCJ, Guyana's Chief Justice dismissed the matter and ruled that only the results derived from the recount could be used to make a final declaration. The Chair of GECOM subsequently requested a new report from the CEO reflecting the same. He refused, and was given another written instruction to comply.

Misenga Jones appealed to Guyana's Court of Appeal. On 30 July 2020, the Court dismissed the appeal and ruled that the recount votes had to be used for the declaration of the result of the 2 March General Elections in accordance with the decision of Guyana's apex court, the CCJ. The Court of Appeal also ruled that the CEO must submit the report required of him under Section 96, Representation of the People Act, on the basis of the recount of votes.

On 31 July 2020, the GECOM CEO submitted his elections report, which accurately reflected the results of the national vote recount, though his report also stated that *“the numerical count of the ballots cast for each list of candidates does not reflect the true will of the electors”*, due to what he determined were *‘evidence provided with respect to voter impersonation’*.

On 2 August 2020, the GECOM Chairperson declared the election results with the PPP/C as the winner of the 2 March 2020 General and Regional Elections. Dr Irfaan Ali was sworn into office as the new President of Guyana later that day.

On 3 August 2020, the Commonwealth Secretary-General issued a statement (Annex XV) to extend congratulations to His Excellency Dr Irfaan Ali upon his swearing-in as President.

At the time of the completion of this Report, the outcome of the 2 March election was still being challenged in the courts. Senior officials of GECOM have been charged with electoral fraud offences and are awaiting trial.

## **Recommendations**

On the basis of the extraordinary circumstances of the 2020 elections, we offer the following recommendations:

- There is an urgent need to undertake a comprehensive inquiry into the elections held on 2 March 2020.
- We encourage Guyana to create a robust domestic mechanism to consider electoral and constitutional reforms, including the merits and demerits of the structure of the GECOM and the electoral system itself.
- In a measure to restore public confidence in future elections, we recommend total reform of GECOM to ensure it is independent and capable of commanding the confidence of Guyanese stakeholders.
- To contribute to public confidence, GECOM should introduce a range of measures to increase transparency and inclusiveness. These would include the timely publication of procedures, decisions and other information of public interest, as well as regular meetings on electoral issues with key stakeholders.
- Aspects of the election law, including provisions in the Constitution, may need to be overhauled in such a way as to leave election officials, including commissioners, in no doubt as to the extent and limit of their authority.
- Manuals for Polling Officers and Returning Officers be prepared with greater written details, instructions and illustrations, to facilitate consistent practice.
- Procedures pertaining to the set-up of a polling station should be put in place to ensure efficiency, and should be uniformly enforced. Such measures can include increasing the number of voting compartments.
- The selection of polling stations and the layout of these stations should take into careful account the needs of the elderly and voters with disabilities.
- GECOM strengthen its capacity building programmes for polling officials, covering all stages of the electoral process, including polling, counting, packaging and transporting materials, and tabulation.
- The planning and distribution of the number of ballot papers allocated to each polling station should make provision for the potential of spoilt ballot papers.
- The law requires that copies of the Statement of Poll should be produced. This should be done using carbonised paper so the Presiding Officer does not have to write multiple Statements. This will avoid error and ensure uniformity of figures for the particular polling station.
- To maintain public confidence in the integrity of elections, Statements of Poll with full information (number of registered voters; voters who voted; rejected ballots; spoiled ballots; etc.) should remain displayed at a secure



public place. GECOM should also make signed Statements of Poll available on their website in a timely manner.

- Review legal provisions and procedures relating to the transmission of results and make necessary legislative reforms to promote transparency, accuracy and efficiency, including the effective use of technology where possible.
- Consider the establishment of an election dispute resolution system to address electoral concerns in a timely manner throughout the electoral process.

## **ANNEX I: Composition and Biographies of the Group**

### **The Rt Hon Owen Arthur, Barbados**

The Rt Hon Owen Arthur is a former Prime Minister of Barbados. He became Leader of the Opposition in 1993, thereafter leading the Barbados Labour Party (BLP) to a record three straight election victories in 1994, 1999 and 2003. Prior to that, he served in various capacities advising the Jamaican Government including as an Economist Adviser. In this capacity, he represented Jamaica on UNCTAD Intergovernmental Group of Experts on the Transfer of Technology.

Before joining politics in Barbados, he held various positions in the government including, Chief Project Analyst in the Ministry of Finance and Planning. In this capacity he was a member of the team which negotiated Barbados' 1982 programme with the IMF. He also coordinated the preparation of Barbados' 1983-1988 National Development Plan.

In 1982, he became a Research Fellow at UWI's Institute of Social and Economics Research as a Research Fellow and published a study of the comparative experiences of Jamaica and Barbados under IMF programmes.

He has also been a member of the Board of Directors of the Barbados Central Bank, the Barbados Industrial Development Corporation, and as Chairman of the Barbados Agricultural Development Corporation.

His contribution to public life through politics started with his appointment as a Senator in 1983 and in his 1984 election to the House of Assembly where he served continuously until 2008. He also served as Barbados' Minister of Finance and Economic Affairs.

The Rt Hon Owen Arthur became Leader of the Opposition in 1993, thereafter leading the Barbados Labour Party (BLP) to a record three straight election victories in 1994, 1999 and 2003.

At the international level, he served as Chairman of the Commonwealth/World Bank Task Force that was constituted to formulate a Global Development Agenda for Small States. He also served as Co- Chair of the Global Forum to deal with the OECD Harmful Tax Initiative. Under a Commonwealth Secretariat Assignment, he participated in the preparation of Grenada's programme with the IMF.

The Rt Hon Owen Arthur passed away on 27 July 2020, and remained engaged on matters relating to the Commonwealth Observer Group until his death.

### **Sir Gerald Watt, KCN, QC Antigua and Barbuda**

Sir Gerald Watt currently serves as Speaker of the House of Representatives for Antigua and Barbuda. He was formally a Member of the Senate from 1967 - 1971. He was also a Member of the House of Representatives from 1971 - 1975. He is a former Minister of Public Utilities and Communications, Minister of Legal Affairs and Labour, and Attorney General.

Sir Gerald has also served as Chairman of the Antigua and Barbuda Electoral Commission (ABEC), Chief of Mission of CARICOM Observer Group to observe the 2007 Jamaican general elections; and has also observed general elections as part of CARICOM Group in the Dominican Republic and Costa Rica.

He is an Attorney-at-Law in private practice, founder and Head of Chambers of the law firm Watt, Dorsett, Hewlett Law, an Antiguan firm specializing in all forms of civil litigation; particularly constitutional law, administrative law, defamation, land law, contract and tort. Sir. Gerald was appointed a Queen's Counsel on 19th December, 1997.

Sir. Gerald was honoured and appointed as a Knight Commander of the Nation of Antigua and Barbuda in 2008.

#### **Lebrechtta Nana Oye Hesse-Bayne, Antigua and Barbuda**

Lebrechtta Nana Oye Hesse-Bayne is the Founder and Executive Director of Shidaa Sustainable Development Solutions Ltd. (SSDS). She is also the current Board Secretary/Coordinator for the Caribbean Institute of Women in Leadership (CIWiL).

Professionally known by her middle name, Nana is a Social Economist and Gender Expert with over twenty years international experience, acquired in the Caribbean, Africa, America and the United Kingdom. Prior to SSDS, Nana worked with the United Nations Resident Coordinator's Office in Trinidad and Tobago and the Directorate of Gender Affairs in Antigua and Barbuda. She currently works to support governments, international organisations, development banks and NGOs to develop gender responsive policies and programmes.

#### **John Hendra, Canada**

John Hendra recently established his own consulting practice after retiring from a 32-year UN career as a development leader in both Headquarters and the field. His most recent UN position was as UN Assistant Secretary-General (ASG) helping the UN to become more "fit for purpose" to support the implementation of the Sustainable Development Goals (SDGs) through a comprehensive reform of the UN Development System (UNDS). John previously served as UN ASG and Deputy Executive Director at UN Women and as UN Resident Coordinator and UNDP Resident Representative in Vietnam, Tanzania and Latvia. He currently serves on the Advisory Council of FinDev Canada, on the board of Women Deliver Canada and was a member of the High-Level Group that reviewed the governance of The Commonwealth.

John has an MA in Development Studies from the University of Toronto, has served as a Yale World Fellow and has published numerous articles on UNDS reform, SDG financing, gender equality and development effectiveness.

#### **Stephen John Hiscock, United Kingdom**

Stephen John Hiscock is a retired British diplomat with 42 years' experience in Her Majesty's diplomatic service. He has served in mainly Commonwealth countries and ended his career in 2006 as High Commissioner to Guyana and non-resident Ambassador to Suriname. He saw service in Malaysia, Zambia, Pakistan, Republic of (South) Korea, Guyana, Australia, Thailand and Afghanistan before returning to Guyana. Whilst Deputy British High Commissioner in 1992, together with diplomatic members of the other Commonwealth Missions in Georgetown, he observed the 5 October 1992 General Election called by President Desmond Hoyte, in close cooperation with the then Commonwealth Observation Mission. He also observed the 2006 Guyana election as a volunteer member of the OAS.

On retirement, Steve was appointed as an independent member of the Kent (UK) Police Authority from 2008 to 2012. His responsibilities included the firearms, public order and counter terrorism units. He is currently employed as a part-time consultant by FCO.

#### **Sarah Fradgley, New Zealand**

Sarah Fradgley is a communications consultant with extensive experience of media relations and public information campaigns on a wide range of political, electoral, security and development issues. She has worked as an election observer in over 20 countries, including Bangladesh, Indonesia, Lebanon, Nigeria, Nepal, Pakistan, Papua New Guinea, Sri Lanka, Tanzania and Zambia, as well as in the Balkans and in the former Soviet Union. Sarah has also worked as a communications Adviser to the Election Commissions in Maldives and Georgia, and as head of external relations for out-of-country registration and voting for Iraq's election in 2005. Previously, Ms Fradgley worked in Kosovo as spokesperson for the European Agency for Reconstruction and as press officer for the United Nations. She began her career as a journalist at the BBC.

#### **Josephine Tamai, Belize**

Josephine Tamai holds the position of Chief Elections Officer, Belize. She holds a Master's Degree in Business Administration with concentration in Management Studies. Under her management, referenda and several elections including General, Municipal, Village Council and By-elections have been successfully conducted. Josephine has served as Chief and Deputy Chief of Mission on various CARICOM Electoral Observer Missions. Additionally, she has served as an observer on previous Commonwealth Electoral Observer Missions.

#### **Mitra Vasisht, India**

Dr Mitra Vasisht is a former Ambassador of India and former Chief of External Relations at UNFPA/UNDP. In her distinguished diplomatic career, she was

Ambassador of the Republic India to Cuba, Dominican Republic and Haiti and served in the Indian Missions in Vienna, Thimpu and New York in addition to important assignments in New Delhi in the Americas, UN, Northern and South East Asia divisions.

Dr Vasisht holds a PhD in International Relations with focus on International Business, as well as Masters Degrees in International Public Policy and Law. She is now an International Affairs Consultant.

### **Gitobu Imanyara, Kenya**

Gitobu Imanyara is a lawyer and former Kenyan and Pan African parliamentarian. As a Member of Parliament, he was awarded the Distinguished Service Medal (DSM) by the Government of Kenya for his contribution to development in his constituency and the nation. He was also a member of Standing Order's Committee, Speaker's Panel, Committee on Implementation and Committee on Delegated Legislation and chair of The Great Lakes Parliamentary Forum on Peace, the Amani Forum.

He was the founding Secretary General of one of Kenya's first political parties, the Forum for Restoration of Democracy in Kenya (FORD), which played a leading role in the crusade for the return of multi-party politics in Kenya in 1992. As a Member of the Pan African Parliament, he served as the head of the Kenyan delegation for five years.

Hon Imanyara is a human rights and pro-democracy activist who has received many international and national awards including induction into the Law Society of Kenya Roll of Honour. He founded the award-winning magazine Nairobi Law monthly in 1987, and currently publishes The Platform for Law, Justice & Society ([www.theplatform.co.ke](http://www.theplatform.co.ke)) in Nairobi, Kenya. He has been a member of several election observation missions in both Europe and Africa, and served as the leader of the African Union Election Observer Mission to Uganda in 1997.

### **Dr Paikiasothy Saravanamuttu, Sri Lanka**

Dr Paikiasothy Saravanamuttu is the founding Executive Director of the Centre for Policy Alternatives (CPA) in Sri Lanka, and a member of the Foreign Policy Advisory Group and of the Board of the Lakshman Kadirgamar Institute for International and Strategic Studies. He is also a founding Director of the Sri Lanka Chapter of Transparency International and a founding Co-Convener of the Centre for Monitoring Election Violence (CMEV), which has monitored all the major elections in Sri Lanka since 1997.

Dr Saravanamuttu holds a BSc Economics degree and a PhD in International Relations from the London School of Economics and Political Science (LSE). He was formerly a lecturer in International Politics at the University of Southampton, UK, and has presented papers on governance and peace in Sri Lanka at a number of international conferences.

**Lisa M Shoman, Belize**

Lisa M Shoman is currently the Vice President of the Inter American Development Bank Tribunal. Shoman is also a Judge on the Caribbean Community Administrative Tribunal.

She is also a Senior Counsel and an Attorney -at-Law in private practice in Belize and a Human Rights advocate, with experience in Constitutional and Administrative Law and a Court-Certified Mediator and Arbitrator.

Lisa Shoman is also the first woman to serve as the Minister of Foreign Affairs and Foreign Trade of Belize, as well the first woman to serve as Ambassador to the United States and Permanent Representative to the OAS from 2000 until 2007.

Ambassador Shoman has also served Belize as the High Commissioner to Canada and Permanent Representative to ICAO.

Shoman holds two condecorations, both of which are at the highest grade for a foreign diplomat - the Order of the Aztec Eagle in the Grade of Band from Mexico; and the Order of Jose de La Marcoleta in the Grade of Grand Cross from Nicaragua, both awarded in 2005.

Lisa Shoman has served as a Senator from 2007-2008 and from 2009 to 2016; and from 2012 to 2016 was the first woman to serve as the Leader of Opposition Business in the Senate.

**Commonwealth Secretariat Support Staff**

Martin Kasirye

Adviser & Head, Electoral Support Section - Team Leader

Dr Tres-Ann Kremer

Adviser & Head, Commonwealth Good Offices and Caribbean Affairs

Elizabeth Bakibinga

Legal Adviser, Rule of Law Section

Sonali Campion

Media Officer / Programme Officer, Electoral Support Section

Zippy Ojago

Executive Officer, Electoral Support Section

Fredah Joses

Commonwealth Election Professional, Electoral Support Section

Olakunle Oredein

IT Support Officer

## **ANNEX II: Arrival Statement**



**Arrival Statement by Rt Hon Owen Arthur**

**Chair of the Commonwealth Observer Group**

**Guyana General and Regional Elections 2020**

I am greatly honoured to have been asked by Commonwealth Secretary-General, Rt Hon Patricia Scotland QC, to lead the Commonwealth Observer Group to the General and Regional Elections, scheduled for 2 March 2020. This is the seventh consecutive election that the Commonwealth has observed in Guyana and our presence here affirms the support of the Commonwealth to this country and its democratic processes.

The Group was constituted following an invitation from the Ministry of Foreign Affairs in November. It is comprised of 11 eminent persons drawn from across the different regions of the Commonwealth, including Africa, Asia, the Caribbean, Europe and the Pacific. They bring a wealth of experience from across the social and political spectrum with expertise in the fields of politics, election management, law, the media, gender, civil society and human rights.

Our mandate is to observe and evaluate the electoral process independently and impartially. We will assess the pre-election environment, polling day activities and the post-election period and consider the various factors impinging on the credibility of the electoral process as a whole. We will then report on whether it has been conducted in line with Guyana's national legislation, as well as the country's regional and international commitments.

We arrived in Georgetown on 23 February and began our briefing programme today. Over the next three days, we will continue to meet with key stakeholders including the Guyana Elections Commission, political parties, civil society, the media, the police and citizen and international observers.

The Commonwealth Secretariat staff, who arrived in advance of the Group on 19 February, observed early voting of the disciplined forces on 21 February.

From Friday 28 March, Observers will be deployed in small teams across the country to observe preparations ahead of polling day and meet with local stakeholders. On Election Day, we will observe the opening, voting, closing, counting and the results management processes.

We will issue an interim statement on our preliminary findings on 4 March 2020. A final report will then be prepared and submitted to the Commonwealth Secretary-General, and subsequently shared with relevant stakeholders and the public. The Group will depart Guyana on 9 March 2020.

We are aware of the significance of these elections to the people of Guyana and we call on all stakeholders to demonstrate commitment to a peaceful, transparent, credible and inclusive election.

On behalf of the Group, I wish the people of Guyana well as they go out to exercise their right to vote on Monday.

**Georgetown**

**24 February 2020**

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The Commonwealth Observer Group is composed of:

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

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

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

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

**Ms Josephine Tamai**, Chief Elections Officer (Belize)

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

**Hon Gitobu Imathiu Imanyara**, Former MP (Kenya)

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

**Ms Sarah Fradgley**, Media Expert (New Zealand/UK)

**Dr Paikiasothy Saravanamuttu**, Executive Director, Centre for Policy Alternatives (Sri Lanka)

**Mr Stephen John Hiscock**, Retired Diplomat (UK)



### ANNEX III: Deployment Plan

#### Guyana General and Regional Elections 2 March 2020

REGION	TEAMS
CHARITY Region 2	Mr Stephen Hiscock Ms Fredah Jose
GEORGETOWN Region 3/4	Rt Hon Owen Arthur Mr Martin Kasirye Ms Sonali Campion
GEORGETOWN Region 4	Sir Gerald Watt Mrs Mitra Vasisht
GEORGETOWN Region 5	Dr Tres-Ann Kremer Ms Zippy Ojago
NEW AMSTERDAM Region 6	Mr John Hendra Ms Elizabeth Bakibinga
BARTICA Region 7	Ms Sarah Fradgley Ms Nana Oye Bayne
LETHEM Region 9	Ms Lisa Shoman Dr Saravanamuttu
LINDEN Region 10	Hon Gitobu Imanyara Ms Josephine Tamai Mr Kunle Oredein

## **ANNEX IV: Interim Statement**



### **Commonwealth Observer Group to the Guyana General and Regional Elections**

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

#### **INTRODUCTION**

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

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

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

The Group may make subsequent statements as it sees fit.

#### **BACKGROUND**

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

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

The Commonwealth:

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

- Provided technical support to the Elections Commission during the preparations for the 2011 election, including the training of staff and the deployment of technical experts.
- Provided technical support to the media monitoring unit of 2015.

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

## **CONTEXT OF THE 2 MARCH GENERAL ELECTIONS**

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

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

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

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

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

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

## **INITIAL OBSERVATIONS**

These are the initial observations of the Commonwealth Observer Group:

1. These were highly contested elections. There was a significant increase in the number of political parties and presidential candidates contesting the elections, although the campaign was dominated by APNU+AFC and PPP/C. Whilst the

environment was tense and divisive, overall, fundamental freedoms of association, expression, assembly and movement were generally respected.

2. A key issue repeatedly raised in our interactions was the urgent need for constitutional and electoral reform to address what stakeholders view as a complex and multi-faceted polarisation of the nation. These divisions are reflected in the composition, structure and operations of GECOM itself. It is essential that electoral processes be fully inclusive of different political stakeholders and minority groups.
3. The Official List of Electors, containing 660,998 names, is clearly high in relation to the estimated 785,000 population of Guyana. Attempts by GECOM to create a new National Register of Registrants Database between July and August 2019 was not completed. A comprehensive reform of the voter registration system, including legislative reform, is required.
4. Election petitions are handled by the High Court, and must be filed within twenty-eight days. We heard concerns of delays in the determination of election petitions. We were informed, for example, that an election petition filed by the PPP/C following the 2015 election, is still pending before the High Court.
5. The need to revise, update and implement campaign finance laws and regulations was highlighted to us. The current limit on expenses ranges from GY\$25,000 to GY\$50,000 or the equivalent of US\$125-250. This is clearly outdated. Current legislation neither makes provision for disclosure of sources of contributions, nor provides effective enforcement mechanisms. Further, no guidance on the use of state resources exists in legislation.
6. The Secretariat staff witnessed early voting of members of the disciplined forces on 21 February 2020. This exercise was undertaken in an orderly manner, with most procedures followed. We commend the Guyana Elections Commission for the facility of early voting, which enfranchises those who would be on election-related duty on the main polling day. We are concerned, however, that citizen observers were not accredited to observe this important part of the electoral process. We encourage early accreditation of citizen observers to enable them to observe early voting in future elections. Several stakeholders we met also called for early voting to be extended to other key workers who are on duty on the main election day, including polling staff.
7. Three days before the elections, political parties signed a Code of Conduct facilitated by GECOM. It is unfortunate that such an important measure was concluded so close to the vote.
8. We noted the efforts of GECOM to minimise the use of private residences as polling places through greater use of public polling locations. The Group noted with considerable concern that the list of polling stations was not concluded until just two days before the election itself. This concern was reflected in the Group's briefings with most stakeholders.

9. Polling was conducted in an orderly, transparent and largely peaceful environment. Polling stations were generally well-organised and prepared for the polls, and opened promptly, with a full complement of staff.
10. Polling staff and materials were present at the polling stations. Polling staff appeared to be well-trained. We commend them for their professionalism and diligence. The presence of information clerks greatly facilitated voters to locate their assigned polling units. Women were the majority of polling staff we encountered.
11. Party agents for APNU+AFC and the PPP/C were present at the polling stations visited by our Observer Group. Citizen observers were present at a minority of the polling stations.
12. The Group had concerns about the location of some polling stations on upper floors of schools and sports complexes, even where there appeared to be more accessible alternatives on the ground floor. This disadvantaged the elderly and persons with disabilities, among others, who faced challenges accessing these polling units.
13. The Police maintained law and order at polling stations, and facilitated the operations of the polling staff. We acknowledge the important role played by the Police in securing polling units. Their presence was adequate and non-intrusive. We are satisfied with the police response to the reported small number of security incidents on polling day.
14. We commend the voters of Guyana, who turned up in large numbers to exercise their franchise. In our overall assessment, the opening of the polls, voting and counting were largely conducted according to the prescribed procedures. We commend the Guyana Elections Commission and its staff for their efforts in this regard.
15. We note that the process for voting in some polling stations was slow. This led to long queues. However, voters exercised patience and the queues were processed in an orderly manner. There were cases where voters expecting to vote in one location were redirected by GECOM to other polling locations.
16. We believe that several aspects of the polling, counting, results tabulation and transmission of results processes could be improved by clearer written instructions and illustrations for polling staff. For example, the Manual for Presiding Officers & Other Polling Day Officials does not contain illustrations on what constitutes a valid or invalid vote, which led to some uncertainty and ambiguity at the counts we witnessed. Furthermore, updated instructions on the role of the Deputy Returning Officers in the transmission of Statements of Poll were not provided in writing and were inconsistently applied.
17. The Group notes that existing legislation provides for a 33% quota for women in the submission of party lists at nomination. This, however, is not a binding commitment that necessarily translates into at least 33% of elected officials being women. We noted that three of the nine presidential candidates were women, as were two of the nine prime ministerial candidates. We encourage all political parties to take stronger action to promote genuine inclusion and political participation of women.

18. The Group noted the role played by the media (print, broadcast, online) in covering the elections. The media was able to freely cover the campaign. Some concerns that were reported to our Group included unbalanced media coverage, bias, fake news and the issue of hate and divisive speech on social media. In addition, concerns were raised by some media stakeholders regarding access to up-to-date essential electoral information from GECOM.
19. A Code of Conduct for Media was under consultation but not finalised. The Group notes that this would have been beneficial to promote good media conduct for the coverage of electoral process.

## CONCLUSIONS

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

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

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

**Georgetown**

**4 March 2020**

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The Commonwealth Observer Group is composed of:

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

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

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

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

**Ms Josephine Tamai**, Chief Elections Officer (Belize)

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

**Hon Gitobu Imathiu Imanyara**, Former MP (Kenya)

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

**Ms Sarah Fradgley**, Media Expert (New Zealand/UK)

**Dr Paikiasothy Saravanamuttu**, Executive Director, Centre for Policy Alternatives (Sri Lanka)

**Mr Stephen John Hiscock**, Retired Diplomat (UK)

## ANNEX V: Chair's Statement on Tabulation Process



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

5 March 2020

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

Members of the Commonwealth Observer Group (COG) have been present at the Office of the Returning Officer, Region 4 in Georgetown over the last 24 hours.

This morning and this afternoon, 5 March 2020, I personally visited the said office.

It is the clear view of the Group that the tabulation of the final election results has not yet been completed and verified according to the established procedures and relevant legal and statutory provisions.

We strongly urge the Guyana Elections Commission and all parties involved to ensure the process properly follows the legal steps dictated by the laws of Guyana and is in line with the country's international commitments.



## **ANNEX VI: 6 March Joint Statement from International Observer Groups**



### **6 March joint statement from international election observers in Guyana**

6 March 2020

The international observer missions from the Commonwealth, the Organization of American States, the European Union, and The Carter Center issue the following statement:

The tabulation of results for the election in Region 4 was interrupted and remains incomplete. The law requires that tabulation must be conducted in the presence of party agents and observers. Until this transparent process takes place, the counting of votes recorded for Region 4 remains incomplete.

The transparent tabulation of results for Region 4 must be resumed in order to proceed to the establishment of national results.

A calm and conducive environment must be provided by the police. We urge all political parties to adhere to the codes of conduct signed by them.

The Guyana Elections Commission, including the chairperson, the commissioners, the chief election officer, the returning officer and deputy returning officers in Region 4, must be available and committed to establish the results for Region 4 in accordance with the law.

Until this occurs, the result of these elections cannot be credibly declared.

## **ANNEX VII: 13 March Joint Statement from International Observer Groups**



### **13 March joint statement from international election observers in Guyana**

13 March 2020

The international observer missions from the Commonwealth, the European Union, and The Carter Center issue the following statement:

The international election observation missions in Guyana are deeply concerned about the continued lack of transparency in the ascertainment of results for Region 4.

The order of the Honourable Chief Justice on 11 March was not followed. The tabulation process did not resume on 12 March as mandated by the court. When the tabulation process was resumed on 13 March, it was not in line with the judgement, which required public tabulation as a safeguard and a measure for promoting transparency and accountability. The Chief Justice reasserted today that the actual Statements of Poll have to be displayed in this process.

The orders issued with the judgement should be complied with, and the tabulation process conducted and concluded accordingly. Unless and until this is done in Region 4, the election results cannot be considered credible.

The international election observation missions encourage all stakeholders to use all available means to conclude the electoral process in a transparent manner.

We again urge all political parties to adhere to the codes of conduct they signed and to do their utmost to ensure that a peaceful environment is maintained.

## ANNEX VIII: 13 March Statement from the Secretary-General



### Statement from the Secretary-General of the Commonwealth on Guyana elections

13 March 2020

*Statement by Secretary-General of the Commonwealth, Patricia Scotland*

On 11 March 2020, the Acting Chief Justice of Guyana was unambiguous that public and transparent tabulation of the Statement of Polls is required to ensure the credibility of the process and address continued contentions regarding the tabulation and declaration of election results.

I am deeply concerned that the Returning Officer for Region 4 has so far refused to comply with the ruling of the Court.

Further, it is regrettable that contempt of court proceedings against the Guyana Elections Commission had to take place today 13 March. This morning's 13 March ruling from the Chief Justice leaves no doubt that the Returning Officer for Region 4 is now required to ensure that all those present can transparently view the actual Statement of Polls during the tabulation process. The tabulation of results in Region 4 must be fully conducted in accordance with the ruling of the Acting Chief Justice.

The Commonwealth Charter, to which Guyana ascribes, recognises the inalienable right of individuals to participate in democratic processes, in particular through free and fair elections in shaping the society in which they live.

There is still time for the Guyana Elections Commission, including the Chairperson, the Commissioners, the Chief Elections Officer, and Returning Officer for Region 4 to ensure democracy is preserved in Guyana. The people of Guyana are fully deserving of this.

I have noted the concerns contained in previous statements issued by the Commonwealth Observer Group in Guyana, and those issued by other observers and member governments on the ongoing vote tabulation process in Guyana. If the tabulation of Region 4 results is not immediately and satisfactorily addressed in accordance with the ruling of the Acting Chief Justice, this would represent a serious violation of the fundamental political values of the Commonwealth.

## ANNEX IX: 16 March Statement from the Secretary-General



### Statement from the Secretary-General of the Commonwealth on Guyana elections

16 March 2020

*Statement by Secretary-General of the Commonwealth, Patricia Scotland*

My statement of 13 March expressed deep concern that the tabulation of Region 4 results after the 2 March General and Regional Elections was not transparently conducted in accordance with the ruling of the Acting Chief Justice. The Commonwealth Observer Group to Guyana informed me it is the clear view of the Group that the subsequent tabulation in Region 4 was not conducted in accordance with the judgement of the Acting Chief Justice and is therefore not credible.

In this regard, I welcome and commend the regional leadership of the Caribbean Community (CARICOM), at the invitation of President David Granger, to deploy a high-level mission to Guyana, to supervise a recount of the ballots cast in all ten regions of the recently concluded elections.

The leadership of President Granger and the Leader of the Opposition, Bharrat Jagdeo, in coming to this agreement on the way forward deserves to be lauded.

I also note and welcome the public commitment from Justice Claudette Singh, Chairperson of the Guyana Elections Commission (GECOM), that she would facilitate the recounting of ballots; and her assurance that GECOM will cooperate fully with the CARICOM Initiative. I urge all relevant stakeholders and public officials to do the same, and in accordance with the unambiguous judgement of the Acting Chief Justice.

The entire Commonwealth family look to the leaders and the people of Guyana to live up to the lofty aspirations set out in your constitution, your electoral laws, and the Commonwealth Charter.

## ANNEX X: 18 March Statement from the Commonwealth Observer Group



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

18 March 2020

#### *Statement by the Commonwealth Observer Group to Guyana*

The Commonwealth Observer Group to the 2 March 2020 General and Regional Elections was constituted and deployed by the Commonwealth Secretary-General, Patricia Scotland, following an invitation from the Government of Guyana. The Group withdrew from Guyana on 15 March 2020.

It is the clear and considered view of the Group that the tabulation processes conducted by the Returning Officer for Region 4, Mr Clairmont Mingo, were not credible, transparent and inclusive.

The series of events that the Group observed in the tabulation of Region 4 results between 3-14 March are of grave concern. Specific issues include:

- The repeated cessation of the tabulation process for a variety of irregular reasons.
- The Group did not observe any material or substantive impediments inside the tabulation room, which might have prevented the resumption of the tabulation process. It is the Group's clear view that robust exchanges between political party agents in the room only occurred when the Guyana Elections Commission (GECOM) repeatedly halted the tabulation process.
- The unlawful declaration made by Mr Mingo on 5 March at about 2pm, despite the tabulation process being halted.
- The unlawful 5 March declaration of Mr Mingo was undertaken under heavy police guard; and his departure from the tabulation centre was guided and guarded by six police officers.
- The continued failure of the Returning Officer, Mr Mingo, to comply with the 11 and 13 March orders and judgements of the Acting Chief Justice. On 13 March, The Chief Justice made it patently clear that actual statements of poll should be shown to entitled parties present. For the avoidance of doubt, the Acting Chief Justice demonstrated herself how this should be done and enquired "*what was the difficulty in doing so*" during the contempt of court proceedings.
- However, on resuming the tabulation after leaving the Court on 13 March, Mr Mingo refused all requests from those entitled to be present to view the actual statements of poll and did not display the spreadsheet being populated. This compromised the

process of ascertaining the credibility of the statements of poll relied on by Mr Mingo to tabulate the results; and, it was impossible for party agents and those entitled to be present to observe that the numbers being called out were being accurately entered on the spreadsheet.

- In some cases, the tabulation totals announced by Mr Mingo on 13 March reflected more voters than were entered on the list of eligible electors for certain polling stations.
- At no point did the leadership of the Guyana Elections Commission halt or rectify these blatant instances of disregard for the rule of law and electoral ethics, despite its vested authority to independently ensure credible elections.

Despite the serious and persistent electoral malpractice observed by the Group from 3-14 March, the Group welcomed the Caribbean Community (CARICOM) initiative, at the invitation of President David Granger, to deploy a High-Level Team to Guyana, to supervise a recount of the ballots. The Group notes with regret that the Team has now departed Guyana having been unable to complete their task.

The Commonwealth Observer Group commends the people of Guyana for peacefully exercising their right to vote for the Government of their choice on 2 March. This is a sacred constitutional and universal right. This right of the Guyanese people is respected when every vote is transparently and credibly counted.

In accordance with our Terms of Reference, the Group will submit its full report to the Commonwealth Secretary-General, who will forward it to the Government of Guyana, the Chairperson of the Guyana Elections Commission, leaders of political parties, and to all other 53 Commonwealth Governments.

## **ANNEX XI: 16 April Statement from the Commonwealth Observer Group**



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

16 April 2020

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

The Commonwealth Observer Group accredited for the 2 March 2020 General and Regional Elections notes the 15 April 2020 statement of the Guyana Elections Commission (GECOM) indicating that the Commission has decided to conduct a national recount of all ballots cast (Regions 1-10).

It is expected GECOM will ensure that a general final count is undertaken and concluded in strict accordance with the relevant provisions of the Guyana Representation of People's Act (RoPA).

Further, it is imperative GECOM ensures that this is done in a credible, transparent and timely manner, bearing in mind that the people of Guyana have now waited an unconscionable 45 days to bring this electoral process to finality.

This delay in credibly concluding the electoral process is now even more alarming as the entire world seeks to contend with the disruptive and devastating impact of the coronavirus pandemic (COVID-19) on economic, social and political life.

The RoPA is unambiguous and specific on the technical modalities by which a general final count is bound and we strongly urge the leadership of GECOM not to depart from these legal stipulations.

The Commonwealth Observer Group commends the people of Guyana for peacefully exercising their right to vote for the Government of their choice on 2 March.

This is a sacred constitutional and universal human right. The rights of the Guyanese people will be respected when a general final count is credibly administered in accordance with the law and given full effect.

## ANNEX XII: 15 June Statement from the Secretary-General



### Secretary-General urges acceptance of Guyana recount results

15 June 2020

*Statement by Secretary-General of the Commonwealth, Patricia Scotland*

I welcome the report of the CARICOM Observer Team to the Recount of the Guyana 2 March 2020 elections and commend them for their brave and selfless service.

The CARICOM Observer report is clear that the recount results are completely acceptable and that nothing that the CARICOM Observers witnessed warrants a challenge to the inescapable conclusion that the recount results are acceptable and should constitute the basis of the declaration of the results of the 2 March elections.

President Granger and the Leader of the Opposition demonstrated commendable leadership when they agreed to the recount and committed to respect and adhere to the recount results. This continued leadership and commitment is needed now more than ever. The people of Guyana have been patient and deserve finality as determined by the recount results.

I also wish to thank Senior Commonwealth Adviser, Dr Afari-Gyan, who remains faithful, steadfast and resilient in his professional and experienced support to the Guyana Elections Commission.

The Commonwealth continues to stand with Guyana and urge the leaders and the people of Guyana to live up to the lofty aspirations set out in your constitution, your electoral laws, and the Commonwealth Charter.



## ANNEX XIII: 24 June Statement from the Secretary-General



### Commonwealth Secretariat statement on the general election process in Guyana

24 June 2020

*Statement by Secretary-General of the Commonwealth, Patricia Scotland*

The Commonwealth continues to be concerned that the 2 March 2020 General Election process in Guyana is not yet concluded. In this regard, I note and welcome today's statement from the Chair of the Caribbean Community (CARICOM), Prime Minister of Barbados, The Hon. Mia Amore Mottley, QC.

On 15 June 2020, I welcomed the CARICOM Observer Report on the recently concluded recount in Guyana. The CARICOM Report was clear that the recount results represented the will of the people of Guyana as expressed on 2 March 2020 when they exercised their right to vote.

It has recently been reported that the Chief Elections Officer has presented results to the Guyana Elections Commission (GECOM) that do not reflect that which was certified at the end of the recount process. If this is indeed true, it would be contrary to the fundamental principles which are treasured by the Commonwealth family and are enshrined in our Commonwealth Charter.

We call on all responsible parties to consider the consequences to Guyana's reputation as a democratic country if such an approach was allowed to stand.

We commend the people of Guyana for your continued patience and peace and we encourage you to continue to do so. The Commonwealth Charter recognises the inalienable right of individuals to participate in democratic processes, in particular through free and fair elections in shaping the society in which they live and for this right to be protected and respected.

Guyana is a valued member of our Commonwealth family and I encourage all stakeholders in Guyana to honour their constitutional duties by ensuring a fair and transparent political process.

## ANNEX XIV: 12 July Statement from the Secretary-General



### Statement by the Secretary-General of the Commonwealth on Guyana Electoral Process

12 July 2020

*Statement by Secretary-General of the Commonwealth, Patricia Scotland*

I note and welcome the 9 July 2020 statement from the Chairman of the Caribbean Community (CARICOM), Prime Minister of St Vincent and the Grenadines, Dr The Hon. Ralph Gonsalves, which called on all stakeholders to respect the ruling of the Caribbean Court of Justice (CCJ), Guyana's final court of appeal.

In accordance with the applicable laws and the constitution of Guyana, the CCJ exercised its final appellate jurisdiction, and, on 8 July 2020 handed down a clear and unambiguous ruling. The CCJ stated, "It is for GECOM to ensure that the election results are swiftly declared in accordance with the Laws of Guyana."

Guyana is a much loved and valued member of the Commonwealth. On behalf of the entire Commonwealth family, I strongly encourage the Guyana Elections Commission (GECOM) to follow the directions given by the CCJ and decisively conclude the 2 March 2020 elections based on the results of the national recount. The will of the people as expressed in the 2 March 2020 General and Regional Elections must be respected for democracy to prevail in Guyana.

I urge all political actors and stakeholders in Guyana to accept and respect the results of the national recount and ensure that their words and actions promote an environment of peace, harmony and social cohesion among all Guyanese.

Guyana's destiny as a great nation rests on the shoulders of those men and women who are duty bound to make the right decision, respecting the will of the people and the rule of law, and ready to place their country before their personal ambitions.

The Commonwealth calls all leaders to be faithful to the common good, so that Guyana's future may truly be forged today.

## ANNEX XV: 3 August Statement from the Secretary-General



### Commonwealth Secretary-General statement on resolution of impasse

3 August 2020

*Statement by Secretary-General of the Commonwealth, Patricia Scotland*

I extend congratulations to His Excellency Dr Irfan Ali upon his swearing-in as President of the Cooperative Republic of Guyana following the declaration of the 2 March General Election and Regional election results on 2 August 2020 by the Guyana Elections Commission (GECOM).

I commend former President, His Excellency David Granger, for his stewardship of Guyana since 2015, and for conceding in recognition of the declaration made by GECOM and in accordance with his commitment to honour the declaration made by the Chairperson of the Guyana Elections Commission, consistent with the Constitution of Guyana.

Through challenging times, the Chairperson of the Guyana Elections Commission, Justice Claudette Singh (Ret'd) exemplified the courage, fortitude and grace required to uphold the constitution and the rule of law. I wish to thank her for the bravery and strength of purpose that she demonstrated throughout.

The Commonwealth Charter recognises the inalienable right of individuals to participate in democratic processes, in particular through free and fair elections in shaping the society in which they live and for this right to be protected and respected. On behalf of the entire Commonwealth family, I commend the people of Guyana for your continued patience and peace.

I wish to reaffirm the Commonwealth's unwavering commitment to supporting the people of Guyana in their quest to strengthen democratic and inclusive governance and ensure sustainable socio-economic development in the country.

In this regard, I welcome the swearing-in remarks by President Ali that his Government will work in the interest of every Guyanese. I urge all political actors to embrace dialogue and tolerance towards fostering national reconciliation and cohesion for all Guyanese.

Profound gratitude, too, to the two Commonwealth Senior Electoral Advisers, deployed in January under the auspices of my good offices to support GECOM: Dr Nasim Zaidi, former Chief Election Commissioner of India; and Dr Kwadwo Afari-Gyan, former Chairman of the Ghana Elections Commission, who is still on the ground in Guyana, particularly during the Covid-19 pandemic. The Commonwealth will forever remember your selfless service.

Finally, the Chairman of the Commonwealth Observer Group to the 2 March General and Regional Elections was the indefatigable, Rt Hon Owen Arthur, former Prime Minister of Barbados, who sadly passed away recently.

As one of his very last gifts of notable leadership to the Caribbean and the Commonwealth, which he loved, he worked for Guyana to maintain its trajectory on a democratic path. He would have rejoiced witnessing this momentous and peaceful democratic landmark for Guyana. May his soul rest in eternal peace.

As always, I encourage any electoral grievances to be pursued through the prescribed legal channels.

May God bless Guyana and all her people.

### **Declaration of Principles for International Election Observation**

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

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

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