



REFLECTIONS & FUTURE CONSIDERATIONS: THE OAS @ 70

The Organization of American States: Evolution of Election Observation in the Inter-American System 1962 - 2017

Lisa Vasciannie

University of the West Indies, Mona

Abstract: *The Organization of American States (OAS) has provided a regional multilateral forum for its member states for almost 70 years. Since its inception in 1948 it has facilitated and steered several policies and proposals within the mandate of achieving peace and justice and defending the sovereignty, territorial integrity and independence of its members. In the area of promoting democracy, the OAS has been the pioneer in observing elections in sovereign states. This paper traces the evolution of international election observation by the OAS from the earlier ad hoc missions in the 1960s throughout the Cold War entangled missions of the 1970s and 1980s. It shows how election observation has become a regularized feature of elections in the majority of OAS member states during the Twenty-first Century. Finally, it explores some of the challenges and developments in election observation by the OAS.*

Keywords: OAS; elections; observers; election observation; sovereignty; democracy

The OAS has provided a regional multilateral forum for its member states for almost 70 years. Since its inception in 1948 it has facilitated and steered policies and proposals for “strengthening democracy, promoting human rights, and confronting regional issues such as crime, poverty, corruption terrorism, and illegal narcotics”. This is in keeping with the mandate set out in its

Charter to “achieve an order of peace and justice, to promote member states’ solidarity, to strengthen collaboration and to defend the sovereignty, territorial integrity and independence of its member states”. In the area of democratic governance, the Charter has been clear on its commitment to “representative democracy as an indispensable condition for the stability, peace and development of the region.” The OAS Charter declares representative democracy as a prerequisite for membership.¹

February 2017 marked the 55th year of OAS election observation with over 240 missions in 27-member states.² It has had a long, steady and extensive history of involvement in the electoral activities of most of its member states. Over the years, the organization has gradually progressed from the passive support of democracy to the active and very specialized field of election observation. This paper sets out the evolution of election observation by the OAS. It establishes a timeline of how the organization became involved in the field from the first mission in Costa Rica in 1962 to providing regional support to the United Nations in Nicaragua in 1989 and observing the US 2016 Presidential elections. It examines how the OAS has evolved into a twenty-first century regional institution that has election observation at the core of its mandate.

SCOPE OF ELECTION OBSERVATION

The OAS defines international election observation as “a process whereby an organized group of individuals from outside the host country systematically carries out a series of complex actions and activities to observe an electoral process in a direct, complete and precise manner.”³ The organization’s mandate for observers is consistent with the scope of activities outlined by other actors involved in the field. So, for example, fundamental principles of objectivity, neutrality, respect for domestic laws, and non-substitution of national actors are all accepted by the OAS as core guides to election observation. As such, the organization operates fully within Pastor’s widely accepted definition of election observation as:

... the purposeful gathering of information regarding an electoral process, and the making of informed judgements on the conduct of that process on the basis of the information collected, by persons who are not inherently

authorized to intervene in the process, and whose involvement in mediation or technical assistance activities should not be such as to jeopardize their main observation responsibilities.⁴

Election observation has been widely accepted for the merits of providing international validation and democratic accountability.⁵ In this regard, the OAS holds countries inviting observers accountable at two levels. The first and main frame of reference for OAS observers is to evaluate the performance of the main actors in the electoral process in accordance with how well they adhere to national standards. This assessment of compliance with domestic election laws and regulations is one key guideline for international observers that upholds and respects the sovereignty of the host country. The second frame of reference for international observers is that they “analyse the development of the electoral process in the context of standards adopted by the OAS Member States.”⁶ These include inclusive, clean and competitive elections and elective public offices.⁷ Together, the organization’s focus on these internal and international dimensions reinforce the benefits of inviting international election observers.

INSTITUTIONAL FRAMEWORK

Several OAS instruments provide the philosophical framework, guiding principles and logistics for election observation. As the main reference point, the Charter establishes the respect and support for democracy through “promoting and consolidating representative democracy” and “respect for the self-determination of peoples”. This is consistent with the American Declaration on the Rights and Duties of Man and the American Convention on Human Rights. The Declaration sets out the right to participate in government and reaffirms the goal to consolidate regional democratic institutions. It mentions the right to vote and be elected in free and fair elections and establishes the duty to refrain from political activities in foreign countries. These instruments establish the two balancing elements of election observation: the importance of elections in the democratic process and the principle of non-interference in the political affairs of countries.

There have been four amendments to the OAS Charter.⁸ The Cartagena Protocol provides reinforcement to the earlier mandate aiming “to promote and coordinate representative democracy, with

due respect for the principle of non-intervention.”⁹ While the commitment to democracy and the respect for sovereignty have been consistent and clear, the organization did not expressly contemplate how to treat member states violating these principles until 1992. The Washington Protocol introduces mechanisms for dealing with member states who operate in a manner contrary to the principles of the Charter. This amendment provides a suspension clause for governments that depart from the principles and standards of democratic preservation.

Beyond the Charter, OAS member states have supported a number of resolutions promoting and strengthening representative and participatory democracy, the role of civil society participation, supporting electoral technology, campaigning and other aspects of elections. The first resolution to mention specifically election observation, was one on Human Rights and Democracy-Electoral Monitoring in 1989.¹⁰ It resolved to “reiterate to the Secretary General the recommendation that, when a member state so requests in the exercise of its sovereignty, missions should be organized and sent to said state to monitor the development, if possible at all stages, of each of its electoral processes”. It also resolved to request the Secretary General “to periodically issue public reports” as a result of observing elections.

This resolution reflects two important philosophical dimensions of the OAS’s commitment to democracy. First, the insistence on a specific request for support and invitation for observers reinforces the respect for sovereignty. On this note, the organization’s online database has carefully chronicled the invitation dates and available correspondence for most of all of its missions since 1962. Second, issuing public reports reflects the effort to provide accountability and transparency. These make information on the conduct and proceedings of an election accessible by all. Moreover, it promotes the efficacy of international election observation as a legitimizing force. Making observation mission reports and other information on the composition of teams and source of funding reinforces the transparency of the OAS.

CHRONOLOGY

In 2012, as part of the 50th anniversary of election observation, the OAS commemorated February 4th as Election Observation Day. The organization has accumulated a wealth of experience in observing elections under varying international conditions ranging from the

Cold War to US hegemony to a more undefined multipolar era. It has also observed elections in countries at different developmental stages and profiles, differing political systems and reflecting different/complex hemispheric dynamics. The OAS has observed elections in early periods when states perceived observation as an affront to sovereignty and national pride, throughout a period of normalization, as presented as a tool of democracy assistance for former authoritarian regimes to the current period that has marked election observation as a regular feature of international relations.

THREE PHASES OF OAS ELECTION OBSERVATION

OAS involvement in election observation may be placed in three discrete phases: 1962-1989, 1990-2001 and 2001 to present. Gutiérrez et al describe these as marginal, persuasive and substantive missions.¹¹ The first phase refers to 'marginal' missions or those "outside the margin of institutional practice and without a permanent mandate." These included sporadic missions reflecting the hegemonic dominance of the US and Cold War dynamics. The second phase includes 'dissuasive' missions in the post-Cold-War period. These were primarily focused on the deterrence dimension of election observation and aimed at "countering fraud that would modify the popular will". Here the OAS often established a major presence in the host country and operated more within the realms of "monitoring" than observing elections. Finally, Gutiérrez et al refer to the third phase of Twenty-first Century missions as "substantive" or "good" missions, "oriented toward the full exercise of human rights and focusing on the quality of electoral processes."¹² Between 1962 and 2017 the role, nature and logistics of OAS observation have evolved considerably from an *ad hoc* foreign policy tool to a more professionalized, systematic and coordinated institutional effort.

First Phase Missions: 1962-1989

The OAS carried out some ad hoc missions from as early as the 1960s. These were of no systematic agenda or policy. They were often symbolic or politically motivated, related to Cold War geopolitical issues and therefore quite selectively applied and dispatched. By extension, these first phase missions often had little, if anything, to do with substantive issues of electoral

administration. During this phase, between 1962 and 1989, the OAS sent 25 missions to 11 countries. (See Table 1)

The February 1962 Costa Rican general election is generally regarded as a milestone in the history of election observation in sovereign states. However, Hyde notes that it was not the first invitation issued to observers.¹³ It was part of the ideological struggle and effort to showcase Costa Rica as a viable democratic electoral model in the region. The 1962 observation in Costa Rica was therefore the result of a longer negotiation starting from the previous electoral cycle and initiated by the country. The OAS three-member team noted that persons “voted enthusiastically but peacefully...and displayed an effective exercise of representative democracy”.¹⁴ From the outset, therefore, election observation was a deeply entangled tool of Cold War politics.

Table 1: The Organization of American States: First Phase Election Observation Missions: 1962 - 1989

Year	Countries
1962	Costa Rica, Dominican Republic
1963	Nicaragua, Honduras
1966	Bolivia, Costa Rica, Dominican Republic
1968	Ecuador
1970	Costa Rica, Dominican Republic, Guatemala
1972	Nicaragua
1978	Bolivia, Costa Rica, Dominican Republic, Panama
1980	Guatemala
1982	Costa Rica, El Salvador
1984	El Salvador, Grenada, Guatemala
1985	El Salvador
1987	Suriname
1989	Honduras

Source: Compiled from the Organization of American States, 2018

This entanglement with the dynamics of international politics deepened in subsequent cases in Nicaragua (1963), the Dominican Republic (1966) and Bolivia (1978) and others with efforts by some Latin American leaders to prove their government’s democratic transitions whether substantive or otherwise. In another dimension of Cold War politics, the OAS observed elections under uncertain or unstable political conditions in cases such as the Dominican Republic, Panama (1978), El Salvador (1982), Guatemala (1983) and Grenada (1984).

Several of these earlier missions were an outgrowth of United States policy of containment during a period of Cold War tensions. The OAS has faced some criticism for various strategies of political manipulation and lending legitimacy to fraudulent elections during this early phase of fairly *ad hoc* observation. However, these missions cannot reasonably be held under the same scrutiny as those that have begun to operate within the contemporary framework of internationally established guidelines and codes of conduct given the political realities of the era.

Second Phase Missions: 1990-2001

The end of the Cold War provided the OAS with the further opportunity to focus on the democracy agenda without openly articulated ideological struggles. This marks the second phase of the organization's election observation activities under a newly established Unit for the Promotion of Democracy (UPD) in 1990. The 1991 *Santiago Resolution* and the 1992 *Protocol of Washington* reinforced the organization's mechanisms for reacting to regional threats to democracy.

These observation missions started with the observation of the Nicaraguan elections in 1990. This heralded a period of transition for many authoritarian regimes during a period of socio-political transformation. Election observation was a legitimizing tool for countries transitioning to democracy. During this period teams were bigger, more high profile and more coordinated than previous *ad hoc* missions. This period created the foundation for the logistical framework of OAS missions and subsequent efforts to professionalize and standardize election observation. As shown in Table 2 there were just over 50 missions in this phase with the most activity in 1997, 1998 and 2000.

Table 2: The Organization of American States: Second Phase Election Observation Missions: 1990 – 2000

Year	Countries
1990	Haiti, Nicaragua, Guatemala, Dominican Republic, Costa Rica
1991	Panama, Paraguay, Suriname, El Salvador
1992	Peru, Panama, Venezuela
1993	Honduras, Paraguay, Peru, Venezuela
1994	Panama, Columbia, Dominican Republic, Nicaragua
1995	Guatemala, Haiti, Peru
1996	Suriname, Ecuador, Dominican Republic, Nicaragua
1997	Belize, Bolivia, Colombia, El Salvador, Guyana, Haiti, Honduras
1998	Dominican Republic, Ecuador, Nicaragua, Panama, Paraguay, Peru, Venezuela
1999	El Salvador, Grenada, Guatemala, Panama, Venezuela
2000	Dominican R., Haiti, Nicaragua, Paraguay, Peru, Suriname, Venezuela

Source: Compiled from the Organization of American States, 2018

Second generation missions started with the joint observation of the Nicaraguan elections by the OAS and the UN. This was the UN's first observation in a sovereign nation. As Soto notes, until the early 1980s,¹⁵ it was difficult to imagine the involvement of the UN in political missions or in any political responsibility. However, then Secretary General Boutros-Ghali's leadership of the organization marked an increased definition of the organization's role with regional organizations. *An Agenda for Peace* outlines the collaborative role he envisioned with the OAS. He notes the early establishment of institutional collaboration between the two intergovernmental organizations. However, Cold War politics later "impaired the proper use" of the Chapter VIII provisions for these arrangements "for dealing with such matters relating to the maintenance of international peace and security."¹⁶ The end of the Cold War and Boutros-Ghali's leadership therefore provided a renewed opportunity for the UN to strengthen these relations with the OAS. His leadership and personal initiative were very instrumental in the UN's shift in policy from non-interference and non-involvement towards proactively instigating peace efforts in the region. The joint 1990 International Support and Verification Commission(CIAV/OAS) in Nicaragua launched the OAS into the sphere of supporting democratization in the region. This parallel role for the UN and OAS was also done in Haiti.¹⁷

By the mid-1990s, however, the OAS emerged as a more independent and pro-democracy player in hemispheric politics.¹⁸ Following the lead of the Santiago Declaration, then OAS Secretary General Gaviria rejected the notion of UN primacy in the area of international peace. It was his view that by 1996 the OAS had accumulated significant hemispheric experience in observing elections. With over 50 missions to 16 countries by the end of 1996, the organization had indeed developed a steady and consistent record of election observation. Gaviria further asserted that moving ahead any duplication of efforts between the OAS and UN should be avoided with the clear message that the OAS would observe elections in its member-states.¹⁹ This new approach did not lead to a confrontation or crisis between the two organizations and, under Gaviria's leadership, the OAS eventually pulled away from its collaborative role with the United Nations and started deploying independent missions.

Third Phase of Observation

Another phase of further commitment and consolidation was marked in 2001 with the *Inter-American Democratic Charter*. This instrument (2001), offers a strong acknowledgement of the place of free and fair elections in international relations and introduced the notion of democratic government as a right. Article 24 of the Inter-American Democratic Charter facilitates the role of election observers within the framework and norms of the OAS. Election Observation Missions have a threefold mandate:

- To fulfil the principles of the Inter-American Democratic Charter which envisages the deployment of preparatory observation missions when so requested by countries
- To observe at the request of member states, not only general and national elections, but also plebiscites, regional polls and even events involving specific ethnic groups, and
- To include other issues in observation activities, such as gender and minority group participation.

Table 3: The Organization of American States: Third Phase Election Observation Missions: 2001 – 2017

Year	Countries
2001	Guyana, Honduras, St. Vincent & the Grenadines, Nicaragua, Peru
2000	Bolivia, Colombia, Dominican Republic, Ecuador, Nicaragua, Peru
2003	Grenada, Guatemala, Paraguay, Venezuela
2004	Bolivia, Dominican Republic, Ecuador, El Salvador, Nicaragua, Panama, Venezuela
2005	Bolivia, Honduras, St. Vincent & the Grenadines, Suriname, Venezuela
2006	Bolivia, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Guyana, Nicaragua, Panama, Peru, St. Lucia, Venezuela
2007	Colombia, Costa Rica, Ecuador, Guatemala, Jamaica, Paraguay
2008	Bolivia, Dominican Republic, Ecuador, Grenada, Honduras, Paraguay
2009	Antigua & Barbuda, Bolivia, Colombia, Dominica, Ecuador, El Salvador, Mexico, Panama, St. Vincent & the Grenadines
2010	Bolivia, Colombia, Costa Rica, Dominican Republic, Haiti, Paraguay, Peru, St. Kitts & Nevis, St. Vincent & the Grenadines, Suriname
2011	Bolivia, Colombia, Ecuador, Guatemala, Guyana, Jamaica, Nicaragua, Paraguay, Peru, St. Kitts & Nevis, St. Lucia
2012	Bahamas, Belize, Dominican Republic, El Salvador, Honduras, Mexico, Nicaragua
2013	Ecuador, Grenada, Honduras, Paraguay
2014	Antigua & Barbuda, Bolivia, Colombia, Dominica, El Salvador, Panama, Peru
2015	Belize, Bolivia, Colombia, El Salvador, Guatemala, Guyana, Haiti, Mexico, Paraguay, St. Kitts & Nevis, St. Vincent & the Grenadines, Suriname
2016	Bolivia, Colombia, Costa Rica, Dominican Republic, Haiti, Jamaica, Peru, USA
2017	Bahamas, Ecuador, Haiti, Venezuela, Honduras

Source: Compiled from the Organization of American States, 2018

The OAS has further institutionalized and formalized election observation through its support of the *Declaration of Principles for International Election Observation* (2005). This instrument reflects

the central role that election observation plays in the democracy agenda of the OAS. Election observation activities and supporting the democracy agenda are currently administered by the Department of Electoral Cooperation and Observation (DECO). As Table 3 shows, observation during this period was more expansive and frequent, including more first-time countries.

This phase of election observation quite aptly fits Gutierrez et al classification as substantive mission. Since 2001 the organization intensified and systemized its activities observing over 134 elections in 27 member-states. There was growth in dimensions of observation beyond logistics and professionalism. Twenty-first Century observation widened to include more CARICOM countries beyond Haiti, Grenada, Suriname and Guyana. The OAS sent missions to St. Vincent and the Grenadines (2005), St. Lucia (2006), Jamaica (2007), Antigua and Barbuda (2009), Dominica (2009), St. Kitts and Nevis (2010) and the Bahamas (2012). During this phase the organization also observed elections in the USA (2016).

OBSERVATION IN THE CARIBBEAN AND LATIN AMERICA

Overall, the OAS has had a longer history of observation within Latin America than in the Caribbean. Within this region, there have been approximately 133 elections observed in 14 countries. It has observed the fewest elections in Mexico and Costa Rica and the most in Nicaragua, the Dominican Republic, Colombia, Ecuador, Peru and Bolivia. The OAS has not sent missions to Argentina, Brazil, Chile or Uruguay although it has recently signed an agreement for the first ever deployment to Brazil.²⁰

The OAS has observed just over 40 elections in the Caribbean since 1962. It has never been in Barbados which has never had observers from any other organization, or Trinidad and Tobago which has had Commonwealth and CARICOM observers. Within the Caribbean the OAS has had only two missions to the Bahamas and the most in Suriname, St. Vincent and the Grenadines, Guyana and Haiti. The first OAS observation in the English-speaking Caribbean was in Grenada (1984). The OAS has subsequently observed four other elections in Grenada; the last in 2013.

Within the Caribbean, observation became a more regular feature between 1990 and 1999 with six observed elections in five countries - Belize, Grenada, Guyana, Haiti and Suriname. The momentum of the trend greatly intensified as there have already been approximately 36 OAS/EOMs in twelve countries²¹ between

2000 and 2017. Overall the OAS has observed 40 Caribbean elections since 1990. The final frontiers in the Caribbean for the OAS have been Dominica (2009) and the Bahamas in 2012. Although there was some controversy regarding the Dominican elections, the OAS described them as positive and as “a true reflection of the will of the people.”²² On the Bahamas (2012) election, the OAS noted the administration of the election as “free and fair”. The main recommendations included:

1. Adopting a legal framework for transparency in financing of political parties and campaigns
2. Redrawing constituency boundaries
3. Providing access to the media to ALL parties in a free, fair and independent manner
4. To incorporate more women in leadership positions and as candidates.

These recommendations reflect the current focus of the DECO and the OAS on aspects of democracy where improvements may be made. Recommendations on campaign financing, gender and access to media were similar to recommendations made to Jamaica in 2011. On the most recent elections in Jamaica (February 2016) the OAS commended Jamaica for its “Good Practices.” The mission report highlights “the positive practices of the Jamaican electoral tradition” and commends the country for implementing the recommendations formulated by previous OAS missions of campaign finance, electoral technology, gender representation and the establishment of a media monitoring unit. The OAS mentioned other aspects of the Jamaican electoral process that despite the glaring decline in voter turnout, made the country a “good example for the region.”

This Jamaican case is worthy to be highlighted to showcase the country as one that has benefitted from having election observers. In 1997, amidst fears of growing voter intimidation, garrison politics, partisanship, apathy and distrust, the PNP led government strongly resisted any notion of foreign involvement in local elections. Now, almost 20 years later, election observation is considered an organic element of the election process. This is so as the invitation of observers, whether they accept or not, is regarded as a strong signalling statement of a country’s commitment to democracy.

OBSERVATION OF THE US 2016 PRESIDENTIAL ELECTIONS

This discussion would not be complete without some assessment of the US 2016 Presidential elections. This election was under more scrutiny than any other in the country or on the international arena. To begin with, both contenders had controversial backgrounds. There was an environment of distrust, allegations of voter intimidation and fraud and tampering from external actors. This first-time observation by the OAS presented new dynamics in the field of international observation. It was arguably the first time a developed state had international observers for more than ceremonial reasons or token reciprocity.

The unfamiliar grounds under which these elections were observed also posed questions on the universal applicability of requirements for receiving states. In this regard, international observers did not have full access to all states and districts of the US elections. There were, too, reversed asymmetries of power of the observer groups regarding the countries observed. The OAS team comprised 41 experts from 18 countries, most whom were based in Washington D.C. This was complemented by the Organization for Security and Cooperation in Europe (OSCE) team of 11 D.C. based experts from 10 countries, 26 long term and 400 short term observers. The introduction of the OAS presented a new dynamic to observation being done by a regional intergovernmental organization with headquarters in the US capital. For one, OAS observers may have felt obliged to be less critical by virtue of being permanently hosted by the US. The power realities within the organization also presented unspoken loyalties and obligations.

Finally, the recruitment of observers did not follow the usual protocol of bringing electoral experts from different countries. This would have been redundant for the OAS as much of its staff already qualifies as such. The OAS therefore had a pool of political and election observation specialists and ambassadors in the country who were qualified and eligible to serve. While these practicalities justify the overall composition of the OAS team of persons based in Washington D.C., one must note that such a team would operate differently from one recruited in the traditional way.

Considerations of power and political geography were evident in the assessments provided by observers. The OAS highlighted a few weaknesses in the elections. These included long lines,

inadequate polling places, gerrymandering of the borders of some electoral districts and the absence of quotas to encourage women's participation in political life. The team also noted the "polarizing and divisive rhetoric...having a racial undertone" and threats of one candidate to bring judicial action against journalists and to restrict their access to political events. The OSCE similarly noted the "harsh personal attacks and intolerant rhetoric". This team also noted the disenfranchisement of over 6 million persons comprising US citizens in overseas territories, the incarcerated and ex-convicts. Overall, however, both organizations considered the elections to be highly competitive, demonstrating commitment to fundamental freedoms and facilitating the expression of differences in a free and respectful manner and through institutional mechanisms.

OAS COLLABORATION WITH OTHER OBSERVER GROUPS

The OAS has observed more elections in the region than any other group. It has observed 40 elections since 1990. Other main actors in the field include the Commonwealth, the Carter Centre, CARICOM; and to a lesser extent, the EU. Although the OAS has been more active in Latin America than the Caribbean, its role in election observation has significantly enhanced democracy and development in all member states, in keeping with the ethos of the IADC.²³

In several cases, the OAS has been the only organization observing a given election. In Latin America the OAS has usually been the sole or primary observer group. The majority of Caribbean countries have had observers from one main group. So, for instance, Grenada (1984, 1999, and 2003), St. Vincent and the Grenadines (2001, 2005), St Lucia (2006) and Dominica (2009) have had exclusive observation by the OAS. On the other hand, the OAS had never observed elections in, Antigua and Barbuda (1999, 2004) before 2014, and Trinidad and Tobago (2000) which has only had Commonwealth observers. None of these countries has ever presented a case of serious breaches of electoral procedures or practices, and respective observer teams have reported positively on these elections. Other countries such as St. Kitts and Nevis (1995, 2004), Belize, and Jamaica, have had one group or another (one of two groups) observe their elections. So, for instance, the registration procedure in Belize (1997) was overseen by the OAS but the subsequent election (2008) was observed by the Commonwealth.

The OAS has also alternated observing elections in Jamaica with other groups. The Carter Centre played a pivotal role in mediating tensions between political stakeholders in the pre-election period of 1997 and ultimately observed these elections. Their involvement in 2002 was ostensibly an attempt to solidify the positive elements from 1997. By 2007, although the country had invited five observer teams, the OAS was the only group to observe the elections.²⁴ In this case, the Carter Centre expressed the view that due to the “tremendous progress” that Jamaica had made in improving the various elements of the electoral system it “did not deem” their participation necessary.²⁵ The OAS continued to observe all subsequent elections in Jamaica (2011, 2016).

The OAS has worked alongside other observer groups in other cases. Belize, Haiti and Guyana have had observers from multiple groups including the Commonwealth, EU and the OAS. Guyana has had observers from most notable groups since the very first observation in 1964. These groups represent the different international stakeholders, donors and providers of technical assistance in the country. It is therefore not surprising for the Commonwealth and the OAS to be jointly, albeit independently involved in the observation of elections in Guyana since 1997.

The OAS has forged an invaluable partnership with CARICOM in observing elections in the region. By the first anniversary of the Inter-American Democratic Charter, Ambassador Ishmael noted the overlap in their activities and policies that reflect “the intrinsic value placed on solid systems of democracy” in the region.²⁶ This is evident in the active participation of CARICOM members in the OAS and in practice, as several members of OAS observer missions are also CARICOM citizens. This collaboration is synergistic in more than one dimension. For one, as Legler et al note, unlike the CARICOM Charter, the IADC has provisions and mechanisms to expel states that might violate principles of democratic governance.²⁷ For another, despite lacking an expulsion clause or infusion of realpolitik through US membership, a CARICOM presence alongside the OAS strengthens the credibility of the latter group.

LOGISTICAL NOTES

As noted, the OAS respects state sovereignty by adhering to the basic requirement for an invitation from the government or electoral body in the country requesting observers. This approach

balances the commitment to promoting and consolidating representative democracy while respecting the principle of non-interference as outlined in the Inter-American Democratic Charter. The organization usually holds consultations with major stakeholders during pre-election missions. The OAS issues an interim statement on the election shortly after and publishes a final report within a few months. While the wait for a comprehensive assessment of an election does not provide the quick response expected by the international community and some local stakeholders, and might make the OAS vulnerable to criticism, this approach has its merits. In many instances there are post-election developments affecting the entire process so waiting to make more comprehensive analyses can insulate observer delegations from accusations of making hasty or superficial verdicts.

CHALLENGES AND ADVANCES IN OAS ELECTION OBSERVATION

Professionalism

In the face of criticism of various aspects of election observer missions and the way the organization operates, the OAS has taken numerous steps and implemented initiatives to improve the quality of their electoral observer missions. In addition to core logistical issues of respecting sovereignty and publishing reports the organization has worked on fulfilling the mandate of the provisions in the Inter-American Democratic Charter (2001) to ensure that observer missions are conducted in an objective, impartial and transparent manner.²⁸ The OAS has developed a comprehensive and standardized methodology for election observation. This includes the publication of training manuals, questionnaires for observers, a quick count tally process, and the establishment of an online training programme. DECO has an extensive database of all OAS election observer missions since 1962 and includes key information such as the number of observers, their nationalities and the source of funding for each mission. It has also established an online portal for the registration of persons who wish to be considered to serve on observation missions. Together, these initiatives strengthen the operations and professionalism of the organization.

In December 2017, Assistant Secretary-General Mendez noted the *Declaration of Principles for International Election Observation* as a mandatory reference for professional, rigorous and credible

election observation by the OAS.²⁹ This Declaration of Principles has codified and institutionalized the shift in the approach of election observation from an ad hoc one-day activity to a systematic approach to supporting democracy. Mendez notes that the field has moved from simply observing irregularities and preventing fraud on Election Day to assessing an entire election process. OAS missions now evaluate all stages of the electoral cycle from the “technicalities” on Election Day to a more integral assessment of the “quality” of the process.

Gender and Inclusiveness

Many observer groups now place greater emphasis on issues of gender whether for participation as voters or candidates. Comprehensive international and regional standards exist for human rights. These encourage states to guarantee full political participation. The standard mandate for international observer groups has been to evaluate the freeness, fairness, or competitiveness of elections. Since the mid-2000s it has not been uncommon to see a marker for “inclusive” as well. The OAS has led this focus on gendering international election observation. Its pilot project was the 2011 mission to Guyana of which 52% of the team was female and subsequent teams have followed this pattern.

From a gender perspective, inclusive has meant paying attention to the norms and practices that affect all stages of the electoral process - registration, access to polling stations, voting and electoral policies and programmes. This focus on gender is part of an overall mandate of professionalizing election observer missions. For the OAS, for example, this has been part of the effort to reconcile election observation according to the standards established by the Inter-American Democratic Charter and other policy documents.

Incorporating a gender perspective focuses on the equitable participation by men and women throughout the entire electoral cycle. This goes beyond simply the observation of elections per se, to a philosophy of creating more inclusive societies. For the OAS, in particular, the goal is to “encourage member states to undergo efforts to transform the asymmetrical relationship between men and women in the political arena, in order to generate stronger, more inclusive and more representative democracies.”³⁰

External/Overseas Voting

There are also new developments in the international environment and demographics that affect some aspects of observation. International migration and population movements have had implications for the traditional views on democratic citizenship and sovereignty. International statistics on migration provide a stark picture of the magnitude of redistribution of populations across the globe. This is especially so for many developing countries. Between 1970 and 2010, for instance, the number of international migrants moved from 81 million to 215 million.³¹

Bauböck³² reiterates the notion that residence taken on its own is not axiomatic to political participation. It has until relatively recently been a necessary condition. In other words, it has generally been accepted that one has to live in a country to have the right to vote in that country. Including non-nationals as residents in an election as legitimate voters does not pose any incremental challenges for observing elections in jurisdictions where expatriates are accorded the right to vote.

This is not the case for the other dimension of democratic citizenship and global population movements. Several persons retain their original nationality when they live abroad. This has not been an issue for military personnel or diplomats for whom arrangements have usually been made at overseas missions. Beyond these officials, many countries have made provisions for their overseas populations to be able to vote. This is consistent with the view of citizenship and nationhood as transcending territory and extending beyond a country's resident population. In 2005, for instance, Mexico decided to implement overseas postal voting for its overseas residents. This included approximately 10 million voters through overseas ballots, more than the combined voting population of the entire Commonwealth Caribbean.

Currently, approximately 116 countries have legal provisions for external voting. Within the OAS, at least 15 OAS states have provisions for voting abroad in person.³³ Panama and the Bahamas have among the lowest number of overseas voters (just over 5,000), while Colombia and Peru have the highest number, 500,000 and 754,000 respectively. External voting therefore creates another logistical challenge for international election observation even though it occurs on the premise of inclusiveness in the political role of diasporas. On the most recent elections that had an overseas component, the OAS noted of the Bahamas (2017) that

across the 13 locations, voting was done in secrecy and administered with professionalism although there were minor problems with staffing. The organization recommended that Honduras (2017) should consider expanding the number of US cities for voting. It also suggested the implementation of a fulltime programme for issuing identification cards to overseas constituents. It is expected that as more countries explore adding overseas voting it will have more implications for how the OAS will observe this dimension of elections.

As OAS member-states continue to work to modernize and improve their elections and increase the accessibility of these elections to their citizens abroad, implementing e-voting remotely and in their countries, will become a reality. This electronic aspect of voting will also have implications for how all aspects of elections are observed by the OAS and other groups. Overall, as migration in the Americas continues to increase, the OAS will intensify its efforts to protect the rights of migrant workers and their families to participate in elections in their home countries.³⁴ Extending the observation of elections to overseas constituents will generate logistical and financial challenges for the OAS.

Financial Challenges

The changed nature of observation has improved the quality of observation especially through initiatives such as publishing observer manuals, hosting training courses and adhering to international codes of conduct. These positive developments have improved the overall perception of election observation as a credible and worthwhile exercise. This increased legitimacy of observation has implications for resources and expectations. On the one hand, the scope of election observation has both widened and deepened. It has widened to the extent that as Mendez noted elections are now evaluated throughout the entire election cycle: pre-election, election and post-election period. It has deepened to the extent that the freeness and fairness of an election are assessed on more than technicalities and administrative procedures to include electoral reform, gender, campaign finance, youth and several other issues.

This expanded scope requires sometimes larger observer teams for longer periods during an election and to be present in more elections. The observer delegation is now regarded as one of the main actors for guaranteeing free and fair elections. Together, the

increased credibility of OAS observers and greater scope of their activities has paradoxically created a gap between the role of observers as set out by the frames of reference for their work, on the one hand, and the expectations held by the public, on the other.

Furthermore, the increased demand for observation requires more financial and personnel resources. This has compounded the resource problem of the OAS during a period of donor exhaustion and recalibration of priorities within the organization. The OAS presents as a special case for the connection between organizational priorities and financial commitments. With international election observation as one of the cornerstone activities for the OAS, there is a logical expectation for some support to be given in the budget. On the contrary, there is no budgetary allotment to finance observer missions. In fact, quite to the contrary, the original approach of the organization was “to agree that, so far as possible, the cost of these commendable election monitoring activities should not affect the Organization's regular budget.”³⁵

In recent times, successive resolutions have acknowledged the “substantive contribution” the organization has made to the “strengthening and development of electoral and processes and systems in member states through OAS electoral observation missions” and other electoral related activity. However, funding has been a recurrent problem for responding to all requests. The organization’s collaborative ties with some Permanent Observers have regularly created opportunities for supporting some observation missions. Therefore, it has not been uncommon for OAS missions to be funded by countries such as Sweden (Honduras 1993, 2001), Norway (Nicaragua, Peru-2001), Germany (Honduras 1993), Japan (Guatemala 1995, 2003, Haiti 2000), China (Jamaica 2007, Grenada 2008, Bolivia 2015) and Serbia (Ecuador 2017).

Member states have also resolved to request organizational assistance in implementing recommendations made in observer reports. Most notably, between 2010 and 2014 there have been calls for “donors to pursue a coordinated donor approach to support election observation missions. One example for the push for such structured funding came from former US Ambassador Almaguer who proposed a permanent fund or mechanism “that would allow electoral observation missions to promptly and effectively respond to the requests from countries without having concerns about resources.”³⁶ By 2016 OAS seemed to respond with

a notable shift in the approach to funding missions. The General Assembly resolved:

“To examine the possibility, in the context of the administrative reform of the OAS, of having member states and the General Secretariat consider providing the electoral observation missions with resources from the Regular Fund in order to ensure greater stability and certainty in the planning thereof.”³⁷

This stance represents a radical departure from funding observation missions as peripheral activities of the OAS. The organization’s mandate to prioritize election observation has finally aligned more closely with its commitment to provide financial support. In June 2017 member states resolved to “lift the restrictions that prevent the Regular Fund from being used” to fund electoral observation missions and to report on “the sources of funding” for these missions.³⁸ Placing election observation firmly on the regular budget is a major advancement for the OAS. Along with voluntary contributions from member states and permanent observers the organization will be able to more completely fulfil its mandate towards strengthening democracy.

DO OAS OBSERVERS IMPROVE THE QUALITY OF AN ELECTION?

With all the activities, resources, technical assistance and funding being pumped into election observation and its related activities, it is easy to lose focus of the main imperative of observation. Does election observation improve the quality of elections? All the theoretical literature provides several rationales to justify observation: deterring fraud, instilling voter confidence, deterring acts of violence, providing validation of election results and proving a state’s commitment to the democratic process. Kelley³⁹ suggests that observed elections are better than those that are not; even with the acknowledged criticisms of being window dressing, not detecting sophisticated attempts at fraud, manipulation of inter-governmental organizations by incumbents, unsustainability of efforts or untimely reporting.

Advances in the professionalization of the practice, training personnel, standardization of codes of conduct, streamlining of methodologies, and focusing on gender and inclusivity, especially within the OAS, make the international election observation more efficient. Even in cases where observers might be unable to deter fraud, “they make fraud more visible to international actors and signal that the international community is placing greater weight

on cheating in a given election"⁴⁰ In an era of complex interdependence, most states will be concerned with preserving their status of democratic stability. OAS observers therefore provide an important verification role in the contemporary milieu in which holding clean elections is acceptance of the norm of free and fair elections.

CONCLUSION

Election observation by the OAS has not been the cure for all the political problems in the region. Overall, states are more likely to accept and endure the participation of international election observers as a useful indicator of their acquiescence to international norms. The OAS will certainly continue its programmes in this area as observation is instrumental in fostering legitimacy and credibility, deterring fraud, and strengthening democratic institutions. The organization has made substantial strides in all aspects of international election observation - institutional commitment, professionalism, inclusivity, methodology and overall efficiency.

NOTES ON CONTRIBUTOR

Lisa Vasciannie is a lecturer in International Relations at the University of the West Indies, Mona Campus. She has observed elections in the Maldives, Tanzania and Honduras.

NOTES

¹ Articles 2, 3 and 9.

² The organization has not yet observed elections in Argentina, Barbados, Brazil, Canada, Chile, Trinidad & Tobago and Uruguay.

³ Manual for Electoral Observation Missions, p. 10

⁴ Pastor, Robert. *Monitoring Elections*. P. 9

⁵ See, for example, Judith G. Kelley, *Monitoring Democracy*, Princeton University Press, New Jersey, 2012; Yves Beigbeder, *International Monitoring of Plebiscites, Referenda and National Elections*, Martinus, Nijhoff Publishers, Boston, 1994.

⁶ *Ibid.*

⁷ *Methods for Observation: A Manual for OAS Electoral Observation Missions*, General Secretariat of the OAS, Washington DC, 2007, p.7

⁸ Protocol of Buenos Aires (1967), Protocol of Cartagena de Indias (1985), Protocol of Washington (1992) and the Protocol of Managua (1993).

⁹ Protocol of Cartagena de Indias, Article 2(6), December 5, 1985

¹⁰ AG/RES. 991(XIX-O/89) Nineteenth Regular Period of Sessions, Washington, D.C., USA, November 13-19, 1989.

¹¹ Pablo Gutiérrez et al. *OAS Election Observation: Evolving to Good*, Americas Quarterly, November 8, 2012 <http://www.americasquarterly.org/OAS-electoral-observation>

¹² Ibid.

¹³ Hyde, Susan D. *The Pseudo-Democrat's Dilemma: Why Election Monitoring Became an International Norm*. ITHACA; LONDON: Cornell University Press, 2011. <http://www.jstor.org/stable/10.7591/j.ctt7z647>.

¹⁴ *Informe de la Mision de Asistencia Tecnica de la Organizacion de los Estados Americanos Sobre las Elecciones Presidenciales en la Republica de Costa Rica*, Washington D.C., Marzo 1962, pp 22-23.

¹⁵ Alvaro de Soto *International Missions and the Promotion of Peace and Democracy in Tommie Sue Montgomery*(ed.) *Peacemaking and Democratization in the Western Hemisphere*, North South Center Press, Miami, 2000.

¹⁶ United Nations Charter, Chapter VIII (Article 52.1)

¹⁷ Ibid.

¹⁸ Shelley A McConnell, ONUVEN: Electoral Observation as Conflict Resolution in Tommie Sue Montgomery(ed.) *Peacemaking and Democratization in the Western Hemisphere*, North South Center Press, Miami, 2000.

¹⁹ Ibid. 129

²⁰ *OAS to observe elections for the first time in Brazil in October 2018* , OAS Press Release http://www.oas.org/en/media_center/press_release.asp?sCodigo=E-071/17 September 21, 2017

²¹ Suriname, Trinidad & Tobago, Haiti, Guyana, Jamaica, Grenada, Antigua & Barbuda, St. Kitts & Nevis, St. Vincent & the Grenadines, St. Lucia, Bahamas and Belize.

²² Thumbs up from independent observers but recommendations made to improve democratic process. www.Caribeannetnews.com, 12-21-2009, retrieved February 19, 2010

²³ The OAS has observed elections in Grenada, Belize, Dominica, Guyana (twice), St. Vincent and the Grenadines, St. Lucia and Jamaica.

²⁴ The Electoral Office of Jamaica invited the OAS, the Commonwealth, IFES, Caricom and the Carter Centre. Jamaica Observer, August 16, 2007 *Carter Centre Gives Jamaica Thumbs Up*

²⁵ Ibid.

²⁶ Ambassador Odeen Ishmael, *Significance, Applicability and Potential*, CARICOM representative to the OAS on the first anniversary of the Inter-American Democratic Charter. September, 2002

²⁷ Ibid.,

²⁸ Article 24.

²⁹ The OAS hosted representatives of 20 electoral observation organizations at the 12th Meeting of the Declaration of Principles for International Election Observation in December 2017.

³⁰ The OAS, *Incorporating a Gender Perspective*, 2013

³¹ World Bank, *Migration and Remittances Factbook*, Washington DC, 2011

³² Bauböck, Rainer, ed. *Migration and Citizenship: Legal Status, Rights and Political Participation*. Amsterdam: Amsterdam University Press, 2006. <http://www.jstor.org/stable/j.ctt46mvkf>.

³³ These include Bahamas, Colombia, Brazil, Ecuador, Honduras, Paraguay, the United States of America, Guyana, Honduras, Chile, Argentina, Bolivia, Costa Rica, the Dominican Republic, and Peru. *Voting from Abroad Database*, International IDEA Database, 2017.

³⁴ See, for example, OAS GA AG/RES. 2141 (XXXV-O/05) on The Inter-American Program for the Promotion of the Human Rights of Migrants, Including Migrant Workers and their Families, June 2005, and International Migration in the Americas: SICREMI 2017.

³⁵ OAS AG/RES.991 (XIX-O/89)

³⁶ Proceedings from seminar...OAS Secretary General Highlights that 'the Electoral Observation Missions of the OAS are one of our Great Achievements'

Seminar Proceedings: *Electoral Observation Missions of the OAS are One of Greatest Achievements*. Targeted News Service; Washington, D.C. March 11, 2015.

³⁷ AG/RES. 2894 (XVI-O/16), Strengthening Democracy, Adopted at the fourth plenary session, June 15, 2016.

³⁸ AG/RES. 2905 (XLVII-O/17)

³⁹ Kelley, Judith G. *Monitoring Democracy: When International Election Observation Works, and Why It Often Fails*. Princeton University Press, 2012.

<http://www.jstor.org/stable/j.ctt7rgss>.

⁴⁰ Ibid. 166.