

PERMANENT COUNCIL



OEA/Ser.G
CP/doc. 3385/00
13 December 2000
Original: Spanish

NOTE FROM THE SECRETARY GENERAL ACCOMPANYING
THE REPORT OF THE OAS ELECTORAL OBSERVATION MISSION IN PARAGUAY
(Vice Presidential elections of August 13, 2000)

This document is being distributed to the permanent missions
and will be presented to the Permanent Council of the Organization



**Organización de los Estados Americanos
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17th and Constitution Ave., N.W. • Washington, D.C. 20006

SG/UPD- 1197/00

December 12, 2000

Excellency:

I have the honor to submit to Your Excellency the report of the OAS Electoral Observation Mission in Paraguay and to request that you kindly distribute it to the members of the Permanent Council. The report reflects the activities undertaken by the Mission during the observation of the vice-presidential elections in Paraguay, held on August 13, 2000.

Accept, Excellency, renewed assurances of my highest and most distinguished consideration.

César Gaviria
Secretary General

His Excellency
Peter M. Boehm
Ambassador, Permanent Representative
of Canada
Chairman of the Permanent Council of the
Organization of American States
Washington, D.C.

ORGANIZATION OF AMERICAN STATES

**REPORT
OAS ELECTORAL OBSERVATION MISSION
REPUBLIC OF PARAGUAY
Vice Presidential Elections of August 13, 2000**

Unit for the Promotion of Democracy

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Presentation

This report provides an account of the activities conducted by the OAS Electoral Observation Mission (EOM) during the vice presidential elections held on August 13, 2000, in the Republic of Paraguay.

The report contains four parts, in addition to the conclusions and recommendations. The first part discusses the political and legal context of the electoral process, with emphasis on constitutional procedures and the circumstances that gave rise to these elections.

The second part provides background information on the formation, constitution, and deployment of the EOM in Paraguay.

The third part provides a general overview of the electoral process: the pre-electoral phase, election day, the computation of results, and the critical post-electoral phase.

The fourth part focuses on the electoral complaints received by the EOM from the contending parties and other actors involved in the electoral process.

The report continues with the conclusions and recommendations of the EOM regarding the electoral process, considered to be of critical importance to the consolidation of the democratic system in Paraguay.

At the end of the report, the EOM thanks the institutions and persons who supported its observation activities and, in particular, the donors who provided financing.

I. General Information On Paraguay

Under the Constitution, the Republic of Paraguay is a unitary, indivisible, and decentralized state governed by the rule of law. Its government is based on representative, participatory, and multi-party democracy.

The government is run by the legislative, executive, and judicial branches, based on a system of independence, balance, coordination, and mutual control.

Paraguay is a Mediterranean nation bordered by Argentina, Brazil, and Bolivia, and is located in the central part of the South American continent. Its land size is 406,752 km².

Based on the estimate of the Survey, Statistics, and Census Bureau for 1997, the population stands at 5,085,327.

The official languages of Paraguay are Spanish and Guaraní.

Politically, Paraguay is divided into 17 departments: Alto Paraguay, Amambay, Alto Paraná, Boquerón, Caaguazú, Caazapá, Canindeyú, Central, Concepción, Cordillera, Guaira, Itapúa, Misiones, Neembucú, Paraguari, Presidente Hayes, and San Pedro.

The Departments are, in turn, divided into municipalities and districts that enjoy political, administrative, and regulatory autonomy in managing their affairs, and self-sufficiency in the collection and investment of their funds.

The city of Asunción is the capital of the Republic and seat of the state powers. It is constituted as a municipality and is separate from all departments.

Although Paraguay is landlocked, the Paraguay river runs through it, dividing it into two clearly distinct regions: the Western part or *Chaco* and the Eastern part.

II. Political and Legal Context

In August 1998, Mr. Raúl Cubas Grau became President of Paraguay. However, from almost the beginning of his term, his government was plagued, among other things, by ongoing confrontation between the state powers, which climaxed in March 1999 with the assassination of the Vice President of the Republic, Dr. Luis María Argaña. This assassination precipitated a severe crisis, leading to what is called the “Paraguayan March,” when the country experienced a few days of turmoil and crisis that finally ended when the President resigned and was subsequently granted asylum in the Republic in Brazil.

With the loss of two leaders of the Executive Branch as a result of the resignation of the President of the Republic and death of the Vice President, the then President of the Senate, Dr. Luis Angel González Macchi, became head of the country, in accordance with the succession system provided for in the Constitution.

In April 1999, the Supreme Electoral Tribunal (TSJE) asked the Supreme Court to issue an interpretative ruling of the provisions applicable in the case of the loss of two political leaders. In that regard, the Supreme Court decided on April 27, 1999, by means of Agreement and Ruling No. 191, to declare that the Constitution clearly provided for the completion of the 1998-2003 presidential term by President González Macchi, and the TSJE was responsible for calling elections only to fill the vice presidential vacancy for the remainder of the current period.

The aim of the aforementioned Supreme Court ruling was to supplement the institutional framework governed by the Constitution with respect to the Executive, thereby complying with the provision of Article 227, which states that: “there will a Vice President of the Republic, who, in the case of impediment or temporary absence of the President or his definitive vacating of that position, will replace him immediately and will be vested with all his powers.”

Within the context of this ruling by the Court, the three parties with parliamentary representation initially sought to ensure the governability of the country by means of a national unity government. The objectives of this initiative included the possibility of presenting a single vice presidential candidate. For this reason, the TSJE was asked to postpone the convening of elections scheduled to take place on November 21, 1999. However, in early 2000, the *Partido Liberal Radical Auténtico* (PLRA) [Radical Liberal Authentic Party] withdrew from the government coalition, and in February 2000, the TSJE set the date for the vice presidential elections as August 13, 2000.

In May 2000, the country experienced another attempted coup d'état, which, together with the worsening political crisis among the internal forces of the main political parties, led to a complicated situation in the period preceding these elections.

III. The Electoral Observation Mission

The OAS Secretary General accepted the invitation of the Government of Paraguay extended by means of note RREE/DOI/N/No. 171/2000, and, in note SG/UPD/00487/00 of April 27, 2000, informed the Government of Paraguay that, depending on the availability of external financing, it would send an EOM to observe the vice presidential elections in Paraguay, the date of which had been fixed by the TSJE as August 13, 2000 (Annex I).

It should be borne in mind that the electoral processes in Paraguay were observed in 1991, 1993, and 1998. In addition, the OAS Unit for the Promotion of Democracy has provided ongoing technical electoral assistance to the TSJE in the past four years.

The objective of the EOM, the organization of which was assigned to the UPD/OAS, was to observe the vice presidential elections in the Republic of Paraguay, which involved verifying that guarantees related to the full participation of political groups and the free and secret casting of votes by citizens were respected throughout the process.

The EOM was formed in Paraguay on August 1, 2000. In order to conduct its activities, it formed a central team based in Asunción, Paraguay, headed by the chief of the EOM, Dr. José Luis Chea, and the Assistant Chief, Dr. Diego Paz Bustamante, who were accompanied by a group of experts in legal affairs, electoral management, information technology, and training.

Prior to this, during the third week of July 2000, both the Chief and Assistant Chief of the EOM visited Asunción in order to hold meetings with the electoral authorities, political parties, and candidates, in order to gauge the electoral climate and conditions that the EOM would encounter upon its arrival.

The EOM observers arrived in the country on August 8, 2000, and, after receiving training, were sent out to the 16 departments in the country. The work of the group included meetings with departmental electoral tribunals and, essentially, observation activities on election day.

In addition, the EOM did a rapid count of a sample from 40 primary polling stations and 40 secondary stations. Assistance was received from foreign volunteers residing in Paraguay with this activity and from other international volunteers belonging to diplomatic missions and international agencies accredited in the country. These 30 volunteers, together with the observers who were hired, formed a group of 65 persons (Annex II).

Both international observers and volunteers from diplomatic missions and international organizations were trained before beginning their work. Training included a theoretical module regarding the social, political, and economic situation in the country, with emphasis on electoral organization, and a practical module centered around observation procedures on election day and rapid count sample-taking.

The EOM remained in the country until the official election results were delivered by the TSJE.

IV. The Vice Presidential Elections

1. Pre-electoral period

As indicated earlier, from July 18-21 of this year, the Chief and Assistant Chief of the EOM conducted a preparatory visit to the Republic of Paraguay to gauge the electoral climate and thus plan the work of the EOM. To that end, they maintained direct contact with the main political and institutional actors involved in the process. The President of the Republic, the Foreign Minister, members of the TSJE, the members of the Supreme Court, the Presidents of the Senate and House, the Chairman of the Episcopal Conference of Paraguay, the Attorney General, the leaders of the political parties participating in the race, the accredited diplomatic corps in Paraguay, national and foreign institutions assisting the electoral tribunal such as the U.S. Agency for International Development (USAID), and the International Foundation for Election Systems (IFES), civil entities, and the mass media were interviewed.

On July 13, 2000, the political parties participating in the electoral process signed an agreement called an "Electoral Pact" aimed at guaranteeing respect, tolerance, and discussion among the candidates.

As election day approached, the tension heightened among the participants, leading to more aggressive verbal attacks but to no violence. In addition, the political parties reported a number of irregularities such as the improper use of public funds to benefit specific candidates, the lack of political balance in the staffing of some polling stations, and the delay by the government in providing the financial assistance to which parties are entitled. Also, conflict arose between the two main contenders in the political race as a result of radio messages. These messages contained personal attacks, and, for this reason, the electoral tribunal ordered that they be discontinued.

The Chief and Assistant Chief of the EOM met on a regular basis with electoral, government, political, ecclesiastical, diplomatic, and civil authorities, and with the three vice presidential candidates, in order to exchange points of view regarding the progress of the electoral process. They also held press briefings and published a number of newsletters (Annex III).

During the pre-electoral phase, the head of the EOM appealed to political leaders to exercise caution and to make responsible and well-founded statements and complaints in order to avoid disrupting the process. In response, the candidates agreed to respect the electoral results. A similar commitment was made by the candidates to the Paraguayan Episcopal Conference.

There was a consensus in the mass media that the presence of the EOM guaranteed the transparency of the process.

2. Election Day

In order to cover election day, the EOM went to the most densely populated areas of the country and to others selected beforehand for a rapid count. This permitted observation of the setting up of several polling stations, in addition to the EOM rapid count polling stations (Annex VI). The

process of setting up polling stations observed by the EOM took place without major problems, except for tardiness on the part of several members or slow distribution of electoral materials.

Voter turnout on election day was good, with almost 60% of registered voters casting votes. The electoral race took place in an atmosphere of tranquility. An organized effort was made to assist citizens and guarantees were provided of the right to vote. Supervisors acted freely and performed their tasks diligently.

3. Closing and Counting of Votes

With a few exceptions, polling stations were closed at 4 p.m., which ensured that vote counting took place in accordance with legal procedures, under the close supervision of accredited supervisors. The number of observations pertaining to votes cast and challenges at the stations visited was not significant.

V. Post-Election Period

It should be noted that on the day following the election, the EOM obtained another commitment from the candidates of the *Colorado* and *Liberal Radical Auténtico* parties, which received extensive media coverage, to respect the official announcement of the electoral tribunal. It is also important to point out that on August 16, the Minister of Foreign Relations, Dr. Juan Esteban Aguirre, visited the EOM and expressed, on behalf of the Government of Paraguay, his appreciation to the OAS Secretary General, Dr. César Gaviria, and the EOM for the support provided by the Organization throughout the entire process of restoration and strengthening of democracy that began in 1989 and, in particular, for the work done during the electoral process.

While awaiting all the consolidated official results from the TSJE and in light of the climate of political uncertainty generated by the adjusted projections of these results during the week following the elections, the Chief and Assistant Chief of the EOM decided that legal officials and officials handling complaints should remain in Asunción until the TSJE handed over the official election results and declared a winner.

On August 24, the TSJE issued Decision No. 186 at 12:15 relating to challenges and nullity appeals filed by the contending political parties. It rejected, *in-limine*, the petition for nullity filed by the *Colorado* Party (A.N.R.) (list 1) and declared and named the candidate of the *Liberal Radical Auténtico* Party (PLRA) (list 2), Dr. Julio César Franco (Annex IV), the winner.

Final results of the vote counts:

Colorado Party A.N.R. (list 1)	587,489 votes (46.98%)
Liberal Radical Auténtico Party P.L.R.A. (list 2)	597,431 votes (47.78%)
Humanistas Paraguayo Party P.H.P. (list 5)	18,496 votes (2.85%)
Blank votes	35,716 votes (0.88%)
Total votes cast	1,250,266 votes

The date set by the TSJE for the ceremony to hand over the certificate of accreditation to the winner was Friday, August 25, at 11 a.m.

The TSJE also notified the Congress of the Republic of this decision so that it could set a date for Dr. Franco to be sworn in as Vice President of the Republic. The Vice President of the Republic was sworn in by Congress on September 2, 2000 (Annex IV).

VI. The Electoral Process and Official Count

With regard to the electoral process and official vote count, the EOM requested information from the TSJE on the general plan for the elections, its schedule, and progress made, as well as documentation regarding the organization, procedures, and monitoring of the process, and the design of computer applications used for data recording and processing (Annex V). Unfortunately, this information, which was needed to understand and perform a technical analysis of the process, particularly with respect to the computer program, was not received. For this reason, the EOM could not do a technical evaluation of the efficiency and security features of the computer program.

Other technical aspects related to electoral management and information technology were provided by the EOM to the OAS Secretary General in an internal status report of August 9, 2000.

VII. Logistical Support For The Rapid Count

The EOM organized the rapid count taking into account the usefulness of this electoral observation statistical instrument as a comparative quantitative tool for observation of the election and one that would inspire confidence in the official computer-generated results. The following procedure was used to organize the rapid count, the results of which were shared by the EOM with the TSJE at the request of the Chairman:

1. Sample determination

The EOM decided to do a rapid count using a sample from 40 primary and 40 secondary stations.

Once the sample size was determined, the geographic location of stations was identified on the political map of Paraguay, and information was obtained on road conditions, road maintenance, means of transportation, weather conditions, and access facilities.

2. Geographic location of the stations in the sample on the political map of Paraguay

The districts in which the polling stations included in the sample were located were physically identified and indicated on the map and a check was done to make sure that no area of the country had been left out. A table indicating the location of stations included in the sample is attached (Annex VI).

3. Determination of the level of difficulty of access to polling station districts

Information was sought on the condition of access roads to the aforementioned districts.

The information provided in the responses made it possible to ensure receipt of results from all the stations included in the sample.

4. Determination of the number of observers needed to collect results

Based on the geographic distribution of the polling stations in the sample and the number of EOM observers available, a table was prepared to determine the number of volunteers needed to collect results.

Trained hired observers and volunteers collected data, and were given responsibility for a primary or secondary sample, or, in some instances, a combination of both, and in others, two secondary samples, until the entire universe of the sample was covered.

5. Preparation of forms for collecting results from all stations included in the sample

Eighty forms were prepared to collect data from the stations included in the primary and secondary samples, and were turned over to all observers before they were sent out to the assigned districts.

6. Rapid count simulation

In order to ensure that the steps to be followed during the receipt of rapid count data were understood, a simulation of communications containing properly prepared results was done on the day before the election.

7. Receipt of results

The process for receiving results went smoothly. At 6:45 p.m., the data from all the stations in the primary samples had been recorded. The results of the secondary sample were obtained by 7:30 p.m. The rapid count results with the corresponding statistical analysis were submitted to the Chief of the EOM at 8 p.m. on election day (Annex VII).

VIII. Electoral Complaints

The EOM had one observer who was specially assigned to electoral complaints. This individual was responsible for receiving complaints, transferring them to the competent authorities, doing careful follow-up, keeping the interested parties informed of developments, and coordinating the work of observers related to complaints.

During the pre-electoral phase, the few written complaints received were submitted to the competent authority. On election day seven complaints were filed and were delivered to observers at voting stations. The majority were resolved by the authorities at the location in question and the

others transferred to the electoral judge, Dr. Jorge Rolón Luna, appointed by the electoral tribunal for that purpose.

During the pre-electoral period, the EOM received complaints from the candidate and governing body of the P.L.R.A on the following matters:

- Use of public funds to benefit the Colorado (A.N.R.) party candidate.
- Systematic delay on the part of the government entity responsible for disbursing the financial assistance to which political parties are entitled under the law.
- Formation of a number of polling stations in the San Lorenzo district without the political balance required by the law.
- Delay in the accreditation of representatives of political parties by the electoral authorities.

These complaints were forwarded by the EOM to the appropriate electoral judges in the Capital and Areguá (Central Department), with whom they exchanged ideas regarding the organization and progress of the elections. The judge handling electoral offenses in the Capital, Dr. Rolón Luna, provided the EOM with information on control mechanisms for avoiding irregularities during the electoral process, and stated that he was working with the electoral investigator and with the Office of the Comptroller General of the Republic, in particular in the area of oversight of the use of state-owned vehicles for purposes unrelated to official activities. The electoral judge of Areguá provided the EOM with an explanation of his authority in deciding cases related to political balance in the formation of the polling stations within his jurisdiction.

The EOM noted that most frequently, the complaints aired by the media related to:

- Use of State assets to benefit a candidate
- Involvement of public officials in politics
- Posting of political propaganda in government offices
- Posting of electoral propaganda in prohibited areas (bridges, monuments, traffic signals, signs on pavements, roadways, or urban streets, etc.)
- Defamatory publicity targeting candidates
- Exclusion of citizens from the voter registration list

On election day, the EOM did not receive specific complaints on these matters.

On August 24, the electoral judge of the capital, Dr. Rolón Luna, turned over information to the EOM on electoral irregularities and offenses received by his office (Annex VIII).

IX. Conclusions and Recommendations

From a purely electoral standpoint, the recently concluded vice presidential elections in the Republic of Paraguay reflect significant progress that lends credibility to the TSJE in the eyes of individuals in the political sphere and citizens in general.

However, based on the opinion expressed by public officials and persons involved in the political process and the observations of the EOM, it has been judged important to give consideration to:

- Expediting the vote counting process and the publicizing thereof in order to avoid uncertainty and political manipulation. This would certainly help ensure that the progress made with respect to the organization of elections at the level of the TSJE is accompanied by the rapid, timely, and reliable issuance of all official electoral results.
- Strengthening the system for sanctioning violations of electoral law in both the criminal and administrative spheres, and taking steps to ensure that sanctions are imposed in order to avoid impunity in this area.
- Incorporating into the appropriate law the strictest system for disqualification and conflicts of interest governing public office in electoral campaigns.

In the political sphere, the special characteristics of the Paraguayan electoral process revealed the following:

- The political intent of the Paraguayan Government to respect the principle of the separation of powers and official electoral results.
- Political maturity on the part of political parties and their leadership shown in respecting the rules of democracy and the electoral process.
- The civic awareness of the Paraguayan people, who, despite the serious problems encountered in the strengthening of democracy in their country, have faith in and support the democratic system.

Lastly, the EOM would like to thank the persons and institutions who supported its observation efforts, in particular the IFES, USAID, and the Governments of Argentina, Canada, Chile, and the United States, who, through their financing, made it possible for the EOM to perform the work assigned to it by the OAS Secretary General. It would also like to thank the diplomatic missions and international agencies based in Asunción, whose staff provided assistance as EOM volunteers, thereby expanding its coverage and enhancing its work; namely, the Embassies of the United States, Colombia, Japan, Peru, and Venezuela, as well as the United Nations (UN), the Pan American Health Organization (PAHO), and the Inter-American Institute for Cooperation in Agriculture (IICA), among others.

Annexes