

## In this number

- I. Political context  
Page 1
- II. Electoral Processes  
Pages 2 and 3
- III. Projects and Activities  
Pages 3 to 5

### I. Political Context

*“Reflections on Democracy”*

Democracy is an essential condition for the exercise of human rights. In the same way the *existence of periodic, transparent elections and the possibility of electing and being elected* are clearly required by the international human rights legislation contemplated by the Inter-American Convention on Human Rights (IACHR). This dual obligation, which the IIHR has promoted since its creation, twenty years ago, explains the significance of our department specializing in the promotion of democracy and electoral matters, CAPEL, and the extensive work that it has been carrying out with all the institutions involved in this area and, above all, assisting the electoral organizations of our hemisphere.

Through this new relationship, and the Protocols of Tikal, Quito and UNIORE, we have understood that democracy is a legitimate process that is constructed day by day, and which does not end when regular elections are held. Over the past fifteen years, since the first director of CAPEL, Jorge Mario García Laguardia, organized the Protocol of Tikal, we have been identifying pending tasks during the entire process of the emerging democratization. Today, we acknowledge that the democracies of Latin America are still inadequate, not

only with regard to their effectiveness and the issue of personal safety, among other factors in the *application of Justice*, but also in creating real conditions for all to have access to this justice.

In the same way that local and constitutional courts and the offices of the ombudsman have a decisive role to play in overcoming these inadequacies, the organizations responsible for electoral justice also have the twofold function of strengthening the democratic process and guaranteeing full access to justice by lodging objections in relation to the many controversies during elections.



*Public participation* in implementing the State’s decisions is another fundamental human right, particularly by exercising the right to vote. But this democratic exercise is only free when it is subject to a juridical system under which irregularities may be appealed against.

We have to admit, however, that the public’s right to influence political power is not accompanied by the most effective means to accomplish this and it is here that the Inter-American Institute of Human Rights considers that there is a political challenge.

I referred to this during the IX Inter-American Course on Elections and Democracy, co-sponsored by IFE and the Mexican Electoral Tribunal, in November 1999, when I stated that “...the focus of CAPEL’s action at the beginning of the new century will be to encourage political and social organizations to work on two essential elements for constructing contemporary democracy: on the one hand, expanding the citizen’s right to effective political participation... and, on the other, substantially improving the political capacity of the institutions, in their role as promoters of processes of economic and social change. Only when these two dimensions are in equilibrium will we be able to affirm that our democracies are sustainable over the time and space of the new century.”

Roberto Cuéllar, extracts from his speech inaugurating the International Seminar on Electoral Conflict Resolution / March 27, 2000.



CAPEL



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## II. Electoral Processes

### MEXICO

The July 2 elections in Mexico closed the first cycle of democratization in the Americas during the IIHR's twenty years of existence. As we all know, IIHR has been present during all the major changes towards peace and elections that have taken place during this period: Chile in 1988 and 1989, Nicaragua in 1990, El Salvador in 1992, Guatemala in 1996, and Mexico on July 2, 2000, where, for the first time in seventy years, an opposition party came to power through orderly, transparent elections.

In the words of Pedro Nikken, who led the mission composed of Sonia Picado, Carlos Roberto Reina and several magistrates and deputies from Colombia, Guatemala and El Salvador, it was a major triumph for the Federal Electoral Institute (IFE), a member of the Inter-American Union of Electoral Organizations (UNIORE), in the light of the effectiveness and discipline with which it managed and supervised the electoral organization and logistics. Moreover, since 1993, CAPEL has been assisting the institutional reform which was initiated in the elections for the State of Guanajuato, with the first triumph of Vicente Fox; then, it invited the principal leaders of the contending parties to our *1995 Inter-American Course on Elections*. Furthermore, in November 1999, we organized the IX Inter-American Course on Elections, co-sponsored by IFE and the Electoral Tribunal of the Federation's Judiciary. Lastly, as part of the assistance to IFE and the Tribunal, IIHR has been specially invited to the ceremony to announce the final classification and deliver the results in Mexico City, on August 2.

We have extended our report on this exceptional event because its relevance and transparency, the institutional framework, and the people of Mexico encourage us to have confidence in democracy in the hemisphere. This trend is of special interest to IIHR and CAPEL, in particular today, when a path is being opened towards sharing ideas for new institutional programs with the plenary of the electoral organizations, in view of the political atmosphere of renovation and, on our part, the rigorous and delicate repositioning undertaken by CAPEL.



Meeting with the PRI candidate, Francisco Labastida. Next to the candidate, Sonia Picado, Dulce María Sauri, President of the CEN of PRI, and Juan Ignacio García, Director of the Electoral Service of Chile.



*The photograph shows the audience of the CAPEL mission with the Mexican Episcopal Commission on Social Pastoral Work.*

### VENEZUELA

Another CAPEL mission, led by Dr. Eduardo Valdés, President of the Supreme Tribunal of Elections of Panama, and composed of Rafael Villegas, former president of the Supreme Tribunal of Elections of Costa Rica, Luis Arias, magistrate of the Central Electoral Board of the Dominican Republic and Ileana Aguilar, CAPEL official, traveled to Venezuela for the last week before the elections of July 30, to observe the participation of Venezuelans in the voting to elect the President, 23 Governors, a new single-chamber Legislature with 165 members, and 335 mayors, as established in the new Constitution, which came into force this year and provides for the renewal of all the public authorities.

The mission had a full agenda, including meetings with the Minister for Foreign Affairs of the Republic José Vicente Rangel; the Secretary of the Venezuelan Episcopal Conference, Monsignor Hernán Sánchez Porras; and Lilliana Ortega, Mercedes de Freitas and Andrés Caba, representatives of civil society organizations. The mission also met with the presidential candidate, Francisco Arias Cárdenas.

Furthermore, it took part in an information session at the National Electoral Council on the system for transmitting results. On the day of the elections, the mission visited different sectors of Caracas to observe the progress of the elections. Lastly, as is usual, it concluded the electoral observation process with a meeting to share opinions on the elections, based on which the corresponding report will be prepared for the National Electoral Council of Venezuela.

### III. Projects and Activities

The principal activities during this period are described below:

#### *Extraordinary Meeting of UNIORE*

In the framework of the Observation Mission to Mexico, an extraordinary meeting of the Inter-American Union of Electoral Organizations (UNIORE) was organized, with the collaboration of the host electoral organizations.

Delegates of the following electoral organizations attended this meeting: Antigua and Barbuda, Argentina, Bolivia, Canada, Colombia, Costa Rica, Chile, the Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Panama, Paraguay, Peru, the United States, Uruguay and Venezuela; and for the Executive Secretariat, Pedro Nikken, President of IIHR, Sonia Picado, Vice President of IIHR, Carlos Roberto Reina, member of the IIHR Board of Directors, Roberto Cuéllar, Executive Director of IIHR and José Thompson, Delegate of the Office of the Executive Director.

Among the subjects discussed at this meeting was the repositioning of CAPEL; furthermore, the document entitled “*Summary of Conclusions: Consultation Meeting on Repositioning CAPEL*” was presented and extensively explained to those present. This relates to the Consultation of April 26 and 27, mentioned in the previous edition of this Newsletter.

The other topic on the agenda was the designation of a new site for the Fifth UNIORE Conference, since the State Election Commission of Puerto Rico will not be able to host it, due to electoral commitments in 2000. By acclamation, it was decided that the new host would be the Supreme Electoral Tribunal of the Republic of Guatemala.



In the usual order, Félix Castillo, President, TSE/Guatemala, Sonia Picado, Jean Pierre Kingsley, Chief Electoral Officer, Elections Canada, Pedro Nikken and Alberto Ramírez, President, TSJE/Paraguay

#### **First meeting to organize the Fourteenth Conference of the Protocol of Tikal and the Fifth UNIORE Conference**

Guatemala was appointed the host of the Fourteenth Conference of the Protocol of Tikal, according to resolution No. 21 of the Thirteenth Conference of this association and, during the Extraordinary Meeting of UNIORE, on July 1 this year, Guatemala was also designated the site of the Fifth Conference of UNIORE. It should be noted that the conferences will be held consecutively.

Consequently, Roberto Cuéllar, Executive Director of IIHR, and Sofía Vincenzi, CAPEL Program Officer, were received by the plenary of the Supreme Electoral Tribunal of Guatemala on July 21, so that the necessary resolutions could be adopted and the organization of these important activities commenced.

Once the organization of these Conferences had been set in motion, CAPEL, in its capacity as Executive Secretariat, proceeded to consult the member Electoral Organizations about their possibility of participating, arriving in Guatemala on November 19 and departing on the 23<sup>rd</sup>. We shall soon be sending you the necessary information for the participation of member Organizations in these important events.



Meeting between the magistrates of the TSE/Guatemala and CAPEL

***Project for Electoral Reform of the Supreme Elections Tribunal of Costa Rica***

On June 16, in the context of the Electoral Reform Project that the Inter-American Institute of Human Rights (IIHR) through its Center for Electoral Promotion and Assistance (CAPEL) has been developing together with the Supreme Elections Tribunal of Costa Rica (TSE), the Executive Director of the IIHR, Roberto Cuéllar, officially handed over to the President of the TSE, Oscar Fonseca, and the magistrates, Luis Antonio Sobrado and Anabelle León, the final proposal under the terms of the technical cooperation agreement between this electoral organization and IIHR.

This proposal is divided into three documents: a draft Electoral Code law, a draft Electoral Jurisdiction law, and the annexes that contain the contributions and reports of the different sectoral workshops, in particular, the one held at the end of January in the offices of the TSE.

**NEW CANADA ELECTIONS ACT**

We have received information from the Chief Electoral Officer of *Elections Canada*, Jean Pierre Kingsley, that a new Canada Elections Act will come into force on December 1<sup>st</sup> or when it is published in the Canada Gazette, following official assent by Her Majesty, Queen Elizabeth II, on May 31, 2000.

The electoral reform reflects recommendations made by the Royal Commission on Electoral Reform and Party Financing in 1992, and also the different reports presented to Parliament by the Chief Electoral Officer of Canada and the Standing Committee on Procedure and House Affairs, among others. Moreover, it also addresses various judicial decisions that annulled certain sections of the Canada Elections Act as being incompatible with the Canadian Charter of Fundamental Rights and Freedoms.

The following are among the key elements of the electoral reform:

- Electoral advertising by third parties (groups or persons other than candidates, registered parties or electoral district associations of registered parties) will be regulated.
- The publication or broadcasting of election advertising and new election opinion surveys will be prohibited on election day, until the closing of all polling stations in the electoral district.
- Disclosure of financial information by registered parties will be subject to more rigorous reporting requirements.
- The Commissioner of Canada Elections will be empowered to enter into compliance agreements and to seek injunctions during a campaign to require compliance with the Act.
- The new Act provides for administrative changes to improve the accessibility of the electoral system.

**Canadá**

**Publication: Sistema de Elecciones Parlamentarias y su Relación con la Gobernabilidad Democrática en América Central y República Dominicana**

This publication is the result of a research project undertaken by the Unit for the Promotion of Democracy of the Organization of American States (UPD/OAS), with the support of CAPEL. It is the result of the work of experts from each country in the region who made an in-depth analysis of the election systems for deputies, the relationship between these election systems and the other factors that constitute the political system – particularly, political party systems – and the implications of these on the creation of effective levels of representativeness and governability.

Please send your comments and suggestions to [capel@iidh.ed.cr](mailto:capel@iidh.ed.cr) or to the fax 234 09 55, for the attention of “UNIORE NEWSLETTER”

Inter-American Institute of Human Rights  
Apartado Postal 10081-1000  
San José, Costa Rica

Visit the issues of this Newsletter on our website (under *Novedades*)  
<http://www.iidh.ed.cr/siii/novedades/novedades.asp?categoria=2>

## **ELECTORAL CALENDAR**

**August-December 2000**

### **AUGUST**

Day 13  
Paraguay  
Elections for Vice President

### **OCTOBER**

Day 3  
Brazil  
Municipal and for Prefects

Day 29  
Brazil  
Prefects: Second round in cities with more than 200,000 voters

Colombia  
Governors, Mayors, Assemblies, Councils,  
Local Administrative Boards

Day 27  
Chile  
Municipal for Mayors and Councilors

### **NOVEMBER**

Day 5  
Nicaragua  
Departmental and Municipal Mayors

Day 7  
United States  
Elections for President and Congress

Puerto Rico  
Elections for Governor

