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**REPORT OF THE OAS ELECTORAL OBSERVATION MISSION IN HONDURAS  
PRIMARY ELECTIONS 2005**



Organización de los Estados Americanos  
Organização dos Estados Americanos  
Organisation des États Américains  
Organization of American States

17<sup>th</sup> and Constitution Ave., N.W. • Washington, D.C. 20006

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April 20, 2006

Mr. Chairman:

I have the honor to address Your Excellency to request your kind assistance in arranging for the distribution to the members of the Permanent Council, the attached reports of the OAS Electoral Observation Missions held in Panama in 2004 and Honduras in 2005.

These reports reflect the activities of the Missions during the observation of the General Elections in Panama held on May 2, 2004, and the Primary Elections in Honduras held on February 20, 2005.

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

A handwritten signature in black ink, appearing to read 'J. Insulza', enclosed within a large, stylized oval flourish.

José Miguel Insulza  
Secretary General

His Excellency  
Ellsworth I. A. John  
Ambassador, Permanent Representative of Saint Vincent and the Grenadines  
Chairman of the Permanent Council of the  
Organization of American States  
Washington, D.C.

**ORGANIZATION OF AMERICAN STATES**

**REPORT OF  
THE ELECTORAL OBSERVATION MISSION IN HONDURAS  
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**Secretariat for Political Affairs**

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## INTRODUCTION

The Americas are today a democratic hemisphere. Practically all the member states of the Organization of American States (OAS) – the agency that best reflects regional unity – have chosen the democratic alternative as the best system of government for their people’s development and for providing a climate of liberty, governability, and respect for human rights.

This commitment toward democracy is constantly renewed through documents such as the Inter-American Democratic Charter, signed on September 11, 2001, in the city of Lima, which sets out the shared vision of the member states with respect to the promotion of democracy as a right of the peoples of the Americas.

That commitment notwithstanding, however, democracy has not yet been completely consolidated in our continent. Recent years have seen a series of internal crises arise in various countries of the region, caused by inadequate governance, problems with the separation of powers, breakdowns in party regimes, and, most particularly, an economic crisis that is currently inflicting severe harm on our populations.

Naturally, the responses given to each of these crises depend on each country’s particular situation. There is, however, one common denominator in the efforts of the entire continent to tackle social and political problems and attain higher levels of social wellbeing and governability: the struggle to consolidate and strengthen democracy and its institutions.

In that context, Honduras is a model case. Despite being one of the poorest countries in the Americas (after Haiti, Nicaragua, and Bolivia) and facing a string of social problems – specifically as regards the maintenance of law and order – the Honduran people and government remain firmly committed to democracy. As a result, February 20 of this year saw the first ever open internal and primary elections of two Honduran political parties organized by the electoral authorities. Through these events, the citizens of Honduras, without needing to be members of a specific political party, were able to express their preferences regarding the candidates who are to stand in the elections for mayors, congressional deputies, and president and vice-president in the November 2005 general election.

These primary elections, organized and supervised by a recently created electoral authority, mark a clear watershed in the history not only of Honduras but of the Americas as a whole, representing a major step forward toward democratizing all the institutions of the state, up to and including the political parties. Moreover, they denote a new evolution in the concept of participatory democracy, by extending the involvement of the citizenship into the primary agency of all democratic regimes: the political party.

For that reason the invitation that the Honduran state extended to the inter-American community to conduct the first Electoral Observation Mission for the internal and primary elections of two political parties was a highly felicitous initiative, since it allowed the Organization to directly observe an exercise that was without precedent at the continental level.

This process provided both knowledge about and experience in this type of elections. The electoral process itself undeniably reflected a positive trend toward the furtherance of democracy in our continent that will most probably be repeated – and optimized – in other countries of the region.

At the same time, the Mission's activities reflected the solidarity and support of the inter-American community toward Honduras and its organization of these elections, and the presence of international observers played a positive role in fostering the climate of legitimacy, transparency, and confidence that surrounded the elections.

This report describes the activities of the Electoral Observation Mission of the Organization of American States in Honduras as it watched the Honduran people and institutions during the primary and internal elections of the Liberal Party of Honduras and of the National Party held on February 20, 2005.

Chapter I describes the composition, objectives, and functions of the Electoral Observation Mission, the structure and working methods of which had to be adapted on account of the peculiarities of this process. This first observation of primary elections doubtless has room for improvement; during these elections, however, it did yield good results and therefore offers a starting point for the design of missions intended to observe internal party elections.

Chapter II deals with general issues related to the February 20 elections. It places the event in the context of the electoral legislation followed, the nature and characteristics of the players who participated in the process, and the general political climate within which it took place. Chapter III describes the Mission's activities in all the phases of the observation (before, during, and after the voting), together with the most salient issues noted during the process and those aspects that will require reflection and contemplation in order to improve electoral mechanisms and practices in Honduras.

Finally, Chapter IV presents the Mission's conclusions and recommendations, which are aimed at helping address, within the scope of this initiative, the challenges and obstacles facing the Supreme Electoral Tribunal and the country's political organizations in the run-up to the general election of November 2005. They also seek to foster reflection and debate regarding best practices so that elections in Honduras and in the entire hemisphere can lead to democratic institutions that are much more solid and much more efficient, with the capacity to promote higher levels of development for our peoples.

## **CHAPTER I: THE ELECTORAL OBSERVATION MISSION**

The Electoral Observation Mission (MOE) of the Organization of American States (OAS) was formally set up in Honduras on February 2, 2005, following an invitation from the Government of the Republic sent to the OAS Secretary General on October 25, 2005.

For the first time in the history of the Organization, this electoral observation mission was mandated to watch the various phases of the primary elections of the National Party and the Liberal Party of Honduras by means of which those two parties selected their candidates for president and vice-president, members of congress, mayors, and municipal corporations, to fight in the November 2005 general election.

Moisés Benamor, coordinator of the Strengthening of Electoral Processes and Systems Area (AFSPE) of the Department of Human Rights and Democracy, was appointed Head of Mission. In compliance with Article 24 of the Inter-American Democratic Charter,<sup>1</sup> on February 14 the Agreement on the Privileges and Immunities of the Primary Election Observers was signed in Washington by Jacqueline Deslauriers, Director of the Office for the Promotion of Democracy, representing the OAS Secretariat, and by Salvador Rodezno, Ambassador to the OAS, representing Honduras.

On February 16, the Head of the Mission and the President of the Honduran Supreme Electoral Tribunal (TSE) signed the Agreement on the Observation Procedure for the Primary Elections of February 20, 2005, whereby the two agencies determined the scope and mechanics for the Mission's monitoring activities, including the supply of information by the Tribunal, guaranteed freedom of movement for observers, and the Mission's commitment toward acting with impartiality, objectivity, and independence in discharging its tasks.

### **A. COMPOSITION OF THE ELECTORAL OBSERVATION MISSION**

The Mission comprised 78 international observers, including experts in areas such as electoral organization and logistics, political analysis, media relations, and data processing, from several member states of the Organization – Argentina, Brazil, Canada, Chile, Colombia, Costa Rica, Ecuador, Guatemala, Mexico, Nicaragua, Panama, Paraguay, Peru, United States, and Venezuela – as well as from Spain and Sweden.

An operations center was set up in the city of Tegucigalpa from February 2 to 26. In addition, on or after February 15 five subcenters were set up in the departmental seats of Francisco Morazán, Cortés, Comayagua, Olancho, and Yoro departments; from these, visits were made to 16 of the 18 departments that make up the Honduran nation.

The MOE was enhanced by the participation of volunteer observers from the diplomatic missions in Honduras of Argentina, United States, Sweden, Canada, and Spain, whose contributions

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<sup>1</sup> Article 24 of the Inter-American Democratic Charter stipulates that “electoral observation missions shall be carried out at the request of the member state concerned. To that end, the government of that state and the Secretary General shall enter into an agreement establishing the scope and coverage of the electoral observation mission in question. The member state shall guarantee conditions of security, free access to information, and full cooperation with the electoral observation mission.”



enabled a larger number of sites to be covered during election day as well as generating significant savings for the Organization.

It should be noted that the involvement of volunteer observers is a relatively new practice within the Organization's electoral observation working methods. It has undeniably been successful in terms of greater effectiveness and efficiency, and, above all, in making optimal use of both human and financial resources.

Finally, it must be noted that the Mission's deployment and effort were made possible by the economic support given by such friendly countries as Brazil, Mexico, Sweden, and the United States.

## **B. MISSION OBJECTIVES**

The general objective of the Mission was to monitor the primary and internal elections of the National Party and the Liberal Party of Honduras in the pre-electoral phase, on election day, and during the vote-counting process. The monitoring sought to verify observance of the general population's right to political participation, together with compliance with international rules and standards for legitimacy and transparency, in order to leave due record of the integrity, impartiality, and reliability of the electoral processes.

In carrying out its tasks, the MOE pursued the following specific objectives:

- (a) Observing the behavior of the players in the electoral process – that is, the Supreme Electoral Tribunal, the National Electoral Commissions of the political parties, and the competing candidates from the various political movements.
- (b) Observing the behavior of other major players in democratic political regimes, such as the mass media and civil society organizations.
- (c) Observing the elections' compliance with the electoral rules in force in the country.
- (d) Promoting democratic practices and values.
- (e) Assisting the government and electoral authorities, the political parties and their internal movements, and the general population in their efforts to ensure the reliability of the process and to uphold democratic institutionality.
- (f) Helping consolidate a climate of public trust and peace.
- (g) Dissuading any attempt at manipulating the election.
- (h) Serving as a mediator for consensus-building should conflicts arise.
- (i) Drawing up recommendations to help improve the Honduran electoral system, as regards both the organization of primary elections and the general election to be held in November 2005.

### C. WORKING METHODS

To attain these objectives, the Mission carried out the tasks of electoral observation proper: monitoring and observing the preparation and distribution of electoral materials, the training programs for polling station officials, the unfolding of the political campaigns, the behavior of the media and organized civil society, the processing of accusations and complaints lodged, the opening, proceedings, and closure of the election day, and the counting and publication of results.

These tasks were performed in different ways for each of the two political parties holding internal or primary elections: although the elections were based on the same rules for the two political organizations, their campaign dynamics and organizational procedures were different.

Because of this, the MOE followed an observation strategy that covered both the activities of the Tribunal as well as the processes carried out within each of the two parties. This strategy included the following components:

- (a) The appointment of experts in electoral organization, data processing, and political and legal analysis to provide the Electoral Tribunal with permanent assistance in discharging its duties.
- (b) The appointment of a permanent liaison between the MOE and the National Electoral Commissions of the two participating parties, for the direct channeling of concerns and comments regarding the electoral proceedings as a whole.
- (c) The observation, using different methods, of the two electoral processes by field observers.

The observers established direct communications channels with the electoral authorities at the national level, as well as with the representatives of the electoral commissions at the national, departmental, and municipal levels. They also contacted the aspiring candidates for all the elected offices within each of the parties – in other words, the candidates for president and vice-president, for congress members, and for mayors and municipal councilors.

They also contacted government authorities, representatives of the armed forces (which played a major role in keeping the peace during the electoral process), representatives of accredited diplomatic missions in the country, various media outlets, and representatives of organized civil society, particularly those who deployed their own observation initiatives.

Establishing and maintaining those contacts allowed the mission to directly hear comments and concerns from the various players about the process at hand and to develop a comprehensive and objective outlook on it.

The observation effort was supported and assisted by all those stakeholders, who expressed their willingness to cooperate by providing the information requested and by establishing partnerships with the teams at mission headquarters and the subcenters and with the liaison officers assigned to the Tribunal and the National Electoral Commissions. This attitude on the part of the players in the process undeniably made a substantial contribution to the work of the MOE and to the attainment of its goals.

## CHAPTER II: THE PRIMARY AND INTERNAL ELECTIONS OF 2005

February 20, 2005, saw the first open primary and internal elections organized simultaneously by two political parties – the National Party and the Liberal Party of Honduras – in order to elect the candidates who would represent them in the general election to be held on November 27 in contests for the President and Vice-President of the Republic, congressional deputies, mayors, and municipal councilors. At the same time, the two parties also elected their own officers.

These elections were a historic event for Honduras, in that they represented the first occasion on which the electoral authority – that is, the Supreme Electoral Tribunal – organized and supervised elections that had traditionally been restricted to the political parties' internal sphere. It was also the first time that both parties held such elections simultaneously and that the voting was open to all citizens listed on the electoral roll.

Although there is still room for improvement, the exercise was an unprecedented experience for the Honduran political and electoral system in that it allowed democratic practices access into the very start of electoral processes, with the selection of candidates.

In that regard, all its aspects and components must be carefully analyzed, in order to translate the errors and successes into lessons learned for the future of participatory democracy – not just in Honduras, but in the Americas as a whole – since the current trend is evolving toward the institutionalized exercise of the right to vote, starting with the selection of the candidates who are to contend for popularly elected office.

### A. ELECTORAL LEGISLATION AND SPECIFIC PROCEDURAL RULES

Elections in Honduras are organized, managed, and overseen in accordance with the provisions of the Political Constitution of the Honduran State and its Law on Elections and Political Organizations. Both these legal instruments were amended during 2004, and so the primary and internal elections of February 20 were held under a new set of electoral rules.

The amendments to the Law on Elections and Political Organizations, published in the *La Gaceta* official journal on May 15, 2004, introduced substantial changes to the electoral regime, the most important of which was the transformation of the structure of the Supreme Electoral Tribunal, giving it greater independence and autonomy with respect to the political parties. The Tribunal was previously made up of one representative from each party (for a total of five),<sup>2</sup> which negatively impacted the body's autonomy and hindered the decision-making process.

The amendments reduced the number of magistrates to three principals and one deputy, and efforts were made to ensure these individuals had no party affiliations. The reform also established an Electoral Consultative Council, made up of one representative from each of the country's legally registered political parties (Article 41 of the Electoral Law). Thus, when the February 2005 elections were held, the new Supreme Electoral Tribunal had been in existence for nine months, and these primaries would to be the first elections conducted under its oversight and administration.

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<sup>2</sup> National Party, Liberal Party of Honduras, Christian Democrat Party of Honduras, Democratic Unification Party, and Innovation and Unity Party.

In addition, for the first time in Honduran history, the amended legislation provides for the direct participation of the electoral authority in the organization of primary elections (Article 113 of the Electoral Law) and introduces other procedural changes, such as printing candidates' photographs on ballot papers (Article 162) and using preference voting for congressional deputies (Article 193).

The Law also empowers the Electoral Tribunal to conduct, control, and oversee primary and internal elections. To discharge those duties in general elections, the Tribunal is supported by Departmental and Municipal Electoral Tribunals, which are temporary in nature. These bodies, appointed by the Tribunal on the basis of proposals made by the political parties, are responsible for operational, logistic, and jurisdictional issues related to the conduction of elections at the departmental and municipal levels.

For primary elections, the Tribunal shares organizational and supervisory responsibilities with the parties' National Electoral Commissions, which are set up by the central party authorities, comprising equal representation of all the movements registered as contending, together with one representative of the central authority (Article 110).

These Commissions were set up with one full representative and one deputy representative of each political movement, along with a representative of the party's central authority.

The Commission of the Liberal Party of Honduras was made up of a total of nine full members, each with their deputies, since the election was being contended by eight political movements. The National Party's Commission was to have comprised five full members with their deputies, since there were four contending movements. However, as will be explained later in this report, the National Party encountered difficulties in setting up its Commission, because of the polarization of its internal political process.

In addition, on a *sui generis* basis – since their existence is not foreseen in law – each party set up and accredited Departmental and Municipal Electoral Commissions, intended to assist the National Commissions and the Tribunal in organizing and administering the elections in the departments and municipalities. Originally, these bodies were intended to serve as a complement to the Departmental and Municipal Electoral Tribunals; they did not, however, have jurisdictional powers, since they represented the parties and movements and not the electoral authorities.

The Mission noted a clear ambiguity between the powers of the Tribunal and those of these National Electoral Commissions with respect to the organization and oversight of the two political parties' primary elections, since the law does not clearly divide responsibilities between the two bodies, nor does it establish mechanisms for consultation and joint decision-making in a process that is, essentially, an internal party affair.

This ambiguity led to a degree of conflict and disorganization that lasted throughout the process. On occasions the bodies lacked clarity regarding what each had to do, what tasks fell to the Tribunal, and what the relations between them should be.

In light of this situation, the TSE and the commissions themselves sought to resolve the matter pragmatically, based on negotiations for a broad interpretation of Chapter II of the Electoral

Law (On Primary Elections),<sup>3</sup> since there was no regulation or resolution dealing with the specific functions of the National Electoral Commissions.

Thus, in addition to issuing convocations and registering candidates, the Tribunal took charge of printing and distributing ballot papers and result sheets, providing other electoral materials, selecting the polling stations, distributing voters among Vote Collection Committees (MERs), training the members of those committees and the citizenry in general, transmitting results, transporting and safekeeping electoral materials, and adopting decisions when challenges were lodged.

In this case, the MERs were set up with representatives of the movements registered with the central authorities of each party. The positions held during the election (president, secretary, returning officer, and committee members) were assigned by the Tribunal on an equal basis among the participating movements.

The National Electoral Commissions directed their activities toward taking decisions, in conjunction with the Tribunal, regarding voting procedures (formats for the electoral materials, selection of voting centers) and the transmission of both preliminary and final results. Each one appointed the representatives of each political movement participating in the Departmental and Municipal Electoral Commissions, and presented to the Tribunal the representatives of those movements to the MERs.

At the departmental and local levels and with support from the armed forces, the Commissions took charge of receiving the electoral materials, handing them over to the MERs, and, after the end of polling and once the votes were counted, of returning them to the storage facilities selected by the TSE for safekeeping and final scrutiny.

It should be noted that all decisions relating to election procedures were discussed and adopted at sessions organized by the Tribunal and the plenaries of the two Electoral Commissions. The mechanism did not always operate smoothly; however, it did invest the process with transparency and legitimacy.

## **B. PARTICIPANTS IN THE PRIMARY ELECTIONS OF FEBRUARY 20**

In addition to the Supreme Electoral Tribunal and the National Electoral Commissions, there were other important players in the process: the various candidates from the participating political movements (four movements from the National Party and eight from the Liberal Party of Honduras).

The election was fought by candidates for the positions of President and Vice-President, deputies of the National Congress (128), mayors and vice-mayors (298), and municipal councilors.

The National Party, currently the governing party, has been in existence for 105 years. It had previously held a primary election and on this occasion, in addition to the primaries, it held internal elections to directly elect its national, departmental and municipal leaders.

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<sup>3</sup> Specifically, a loose interpretation was made of the second paragraph of Article 113, which provides that: "Primary elections shall be held under the direction, control, and supervision of the Supreme Electoral Tribunal with support from the National Electoral Commission of the corresponding political party".

Four movements participated:

<b>Movement</b>	<b>Primary candidates for the Presidency and Vice-Presidency</b>
<i>Nuevo Tiempo</i>	Miguel Pastor / Carlos López Contreras
<i>Tiempo y seguridad</i>	Porfirio Lobo Sosa / Mario Miguel Canahuati
<i>Honduras Tú Puedes</i>	Jesús Flores / Oscar Siri Zuñiga
<i>Por Una Mejor Alternativa</i>	Gilberto Goldstein / Irma Acosta de Fortín

The Liberal Party of Honduras, with 114 years of existence, had a higher level of experience in the organization of primary and internal elections, having organized six such contests on an independent basis.

The elections were fought by eight internal movements:

<b>Movement</b>	<b>Primary candidates for the Presidency and Vice-Presidency</b>
<i>Unión Liberal</i>	Hugo Noé Pino / Elsa Palou
<i>Esperanza Liberal</i>	Manuel Zelaya Rosales / Elvin Santos
<i>Liberal Pinedista</i>	Rafael Pineda Ponce / Yansi Juárez
<i>Liberal Reinista</i>	Jorge Arturo Reina / Rodolfo Pineda
<i>Nueva Mayoría</i>	Gabriela Núñez / Roberto Alvarado Downing
<i>Marlon Lara</i>	Marlon Lara / Daniel Dávila
<i>Siglo XXI</i>	Vera Sofía Rubí / Edgardo Cáceres Castellanos
<i>Liberal Jaimista</i>	Jaime Rosenthal / Ramón Villeda Bermúdez

It should be noted that the Mission contacted the political parties that are currently represented in Congress and that did not participate in the February 20 elections. They are, however, expected to participate in the November elections. These parties are the Christian Democrat Party of Honduras, the Democratic Unification Party, and the Innovation and Unity Party.

These three organizations belong to the Consultative Council of the Supreme Electoral Tribunal which, while it delegated its decision-making powers to the two Electoral Commissions, is an important forum for parties to be heard in their relations with the electoral authority.

### **C. POLITICAL SITUATION SURROUNDING THE FEBRUARY 20 PRIMARY ELECTIONS**

The electoral process of February 20 took place against the backdrop of a complex political context, characterized by a number of factors that were without precedent in Honduran political history; this was mainly due to the unprecedented nature of the process itself, together with the

effects of the new electoral legislation. The most notable features that characterized this election included the following:

- The difficulties faced by the Electoral Tribunal in organizing these elections so soon after its restructuring, together with the limited economic resources available to it.
- The difficulties that arose because of the legal ambiguity in the new Law on Elections and Political Organizations, particularly regarding the scope of the shared responsibilities of the political parties and the electoral authority in organizing the primaries. Faced with this situation, the bodied had to negotiate and reach agreement on practically every issue relating to decision-making; this colored the political climate both during the pre-electoral phase and during the Tribunal's final scrutiny of the votes.
- The complex mechanics of the election, which created confusion regarding the voting and counting mechanisms on the part of the electorate and the members of the Vote Collection Committees, who had not received adequate training. The election of congressional candidates was particularly complex, especially in Francisco Morazán and Cortés departments, where electors could choose as many as 23 and 19 candidates respectively, using the preferential-nominal voting system but without the demarcation of electoral districts.

In Francisco Morazán, for example, the ballot paper for the Liberal Party, with eight participating movements, gave 184 options, while the National Party's, with four movements, offered 92. From these long lists of candidates, voters had to choose a maximum of 23.

The confusion increased because of the contradictory information distributed by party officials, the media, and the electoral authority itself, together with certain last-minute decisions taken with respect to what made a vote valid. Fortunately, in the final two weeks prior to the election, the information campaign aimed at the electorate and MER members was stepped up, and this went some way to overcoming this problem and helped the population in casting their votes.

- The intense but distinct political campaigns conducted by each of the political parties: although the two political organizations' elections followed the same rules, the two contests did had elements that distinguished them from each other.

The Liberal Party's candidates for the popularly elected offices were elected directly; the internal positions were filled in proportion to the votes obtained for those candidacies. Throughout the campaign, the eight participating movements created a climate that promoted party discipline over public confrontation. Efforts were made to debate proposals and to compete on that basis, and a common message of liberal unity was transmitted.

Within the National Party, in contrast, the months prior to election day were marked by bitter confrontations between two of the four participating movements: *Nuevo Tiempo*, led by Mayor of Tegucigalpa Miguel Pastor, and *Trabajo y Seguridad*, led by President of Congress and Party President Porfirio Lobo Sosa. Ten days before the election, on February 14, the four movements signed a **Patriotic Pact for Nationalist Unity**, in which they agreed to dedicate the days left before the election to constructive debate within the party rather than confrontation.

The primary election, with its intense political campaigns and its complex process of electoral organization, provided an excellent opportunity for the Honduran people to participate directly in the consolidation of their democracy.

It also presented the parties and institutions with the opportunity of embarking on internal processes of reflection in order to address the challenges posed by the November general election and by the key issues on Honduras's national agenda.

Thus, the exercise provided important lessons with respect to both political culture and electoral administration, in that it encouraged reflection on the effectiveness and efficiency of the political parties and government agencies as representatives of the people's will, as well as on the usefulness of anchoring democratic regimes on the principles of participation, transparency, and observance of the law.

The following chapter recounts the Mission's activities and observations and deals more specifically with the relations between the Tribunal and the National Electoral Commissions, with how the political campaigns unfolded, and with the involvement of other stakeholders in this process – a process that, by reason of its characteristics and the lessons it taught, is of particular relevance within the contemporary history of Latin America.

### **CHAPTER III: MISSION ACTIVITIES AND OBSERVATIONS**

The OAS Mission to Honduras was present throughout the electoral process, accompanying the participants and the Honduran people in the run-up to the elections, on election day itself, and in the post-electoral phase.

In accordance with the Mission's objectives, it monitored activities relating the organization of the elections, the unfolding of the political campaigns within the two parties, and the actions of other important stakeholders in political processes, such as the media and organized civil society.

#### **A. PRE-ELECTORAL PHASE**

Between January 17 and 21, 2004, Head of Mission Moisés Benamor and his observer team began their observation activities, holding meetings with the Supreme Electoral Tribunal, government authorities, accredited representatives of the international community in the country, and representatives of civil society. They also made their first contacts with the various movements participating in the parties' internal contests and with the other parties planning to fight the November general election.

On February 2, under its alternate head, the Mission set up permanently in the city of Tegucigalpa; it meanwhile continued monitoring the work underway to organize the elections and the unfolding of the contest, and it held meetings with the various players involved in the process. From that date on, the Mission remained alert to the concerns and comments of candidates, officials, representatives of organized civil society, the media, and the general population.

As of February 14, with the arrival of most of the observers and the establishment, on February 15, of the five subcenters, the Mission was able to appreciate the process as a whole from



a comprehensive viewpoint. In particular, it noted several issues, which will be dealt with in the following sections.

### **1. The Organization of the Elections**

The previous chapter spoke of the absence of specific legal and administrative provisions applicable to the division of responsibilities between the Supreme Electoral Tribunal and the National Electoral Commissions of the two participating parties. This led to confusion and delays in the adoption of decisions regarding the authority of each player, and while this was situation remedied by the consensus-based decisions struck by the Tribunal and the Commissions, it did have an impact on several aspects of how the elections were organized.

Basically, the difficulties arose because of the legal ambiguity present in the new Law on Elections and Political Organizations, particularly regarding the scope of the shared responsibilities of the political parties and the national electoral authority in organizing primaries.

Specifically, at first there were problems in reaching decisions regarding the appointment and training of the Vote Collection Committee members, the production and packaging of electoral materials for each of the internal processes, the selection of polling stations and their distribution within each party, and the design and implementation of a system for transmitting preliminary results from the presidential and vice-presidential primaries.

In order to overcome these problems, on February 14 the Tribunal and the two National Electoral Commissions convened a permanent session, which enabled decisions to be made much more swiftly regarding the pending electoral organization issues. Both the Tribunal and the Commissions allowed – and even encouraged – the liaison officers assigned by the Mission to each commission to remain present at all the meetings held on and after that date.

Nevertheless, this situation ultimately required the reopening and counting or recounting of the votes from 23% of all the Vote Collection Committees, because of various problems related to inadequate training and general confusion regarding the functions of the different electoral bodies.

Furthermore, given the absence of decentralized TSE authorities in the departments and municipalities, the involvement of the Departmental Electoral Commissions (CEDs) and Municipal Electoral Commissions (CEMs) assumed increased importance, since in practical terms those bodies had to serve as the contact points between the Tribunal and the National Electoral Commissions on the one hand and between the MERs and the electorate on the other.

It should also be noted that there were some problems in setting up and swearing in the CEDs and CEMs, particularly those of the National Party. With the election only a couple of days away, negotiations were still underway regarding the composition of the commissions, which were, on this occasion, responsible for receiving the electoral materials from the TSE, distributing them, and subsequently sending them to the facilities indicated by the Tribunal for the final count.

In general, the challenges arising from inadequate communications between the TSE and the National Electoral Commissions were more pronounced within the National Party's process, since the degree of confrontation between two of its internal movements (*Nuevo Tiempo* and *Trabajo y*

*Seguridad*) hindered decision-making within the Commission and, consequently, the adoption of common positions in the party's dealings with the Tribunal.

The National Electoral Commission of the Liberal Party of Honduras also suffered from some problems in decision-making and in its relations with the TSE, even though its members chose to maintain party discipline. Ultimately, the two Commissions indicated to the Mission the need for clearer and more specific rules regarding their functions, the division of tasks with the electoral authority, and the mechanisms governing their relations with the Tribunal.

## **2. Development of the Preliminary Results Transmission System and Final Scrutiny System**

One of the most complex tasks in the organization of the elections, but also one of the most useful, was the development of the Preliminary Results Transmission System. Originally, the Tribunal had no plans to conduct any form of preliminary count of the results in the presidential and vice-presidential primaries and was simply to perform the final scrutiny once all the electoral materials from all the MERs had been gathered together in Tegucigalpa.

This was decided because the legislation contained no provision making such preliminary counts obligatory, because of the complexity of committee-based counts, which would hinder the obtaining of preliminary data, and, finally, because of budgetary constraints.

The usefulness of a Preliminary Results Transmission System is that it provides certainty for the political parties, candidates, media, and, above all, the voters, regarding the correct conclusion of the election day. It also enables the winning tendency to be identified promptly, encouraging the immediate realignment of the various political forces.

In Honduras's case, where electoral rivalries within the National Party had become so extremely polarized, the data provided by a preliminary count could be of great use in calming the political climate in the hours immediately following the election. So, after lengthy negotiations between the Tribunal and the Electoral Commissions, it was decided to implement a Preliminary Results Transmission System (TREP), restricted on this occasion to the presidential and vice-presidential primary, the ballot papers of which were the first to be counted.

This system entailed the early gathering and processing of results in both parties' presidential and vice-presidential races from 40% of the country's total MERs; with this information, the winning trends each party could be calculated by around 8:00 pm on election day. Transmissions were to be entrusted to the representatives of the MERs, in conjunction with the headmasters of the schools being used as polling stations, and to be effected via fax or telephone. In Francisco Morazán, it would be done personally in the facilities of the hotel being used as the TREP headquarters.

The design and implementation of the TREP was made possible through the support of the Superior Electoral Tribunal of Panama which, under the aegis of the Inter-American Electoral Technology Program,<sup>4</sup> provided specialized technical personnel to support the TSE's staff in the

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<sup>4</sup> The Inter-American Electoral Technology Program, coordinated by the Strengthening of Electoral Processes and Systems Area of the OAS, facilitates horizontal cooperation among the continent's electoral authorities for exchanges of expertise and technologies in order to optimize and modernize the different procedures involved in electoral processes, <[www.oea-rite.org](http://www.oea-rite.org)>.

TREP's development, which enabled it to be put in place in no more than two weeks – although it would have been desirable to implement it further in advance, in order to carry out trial runs and detect possible defects.

The development of the TREP gave rise to one of the hardest political negotiations that the Tribunal had to face. Both CNEs expressed their mistrust of the system and requested a vast number of security measures and checks to prevent the alteration or adulteration of the data.

Finally, delegates from each of the CNEs were appointed and accredited to assist the TSE technicians in developing the computer processes and systems. In addition, the technical requests and suggestions of the two Commissions were dealt with.

Because of the difficulties in the negotiations and the mistrust shown by certain representatives of the political movements, the MOE appointed two experts – one in computer processes and one in organizing elections – to be in permanent attendance at the design, implementation, and testing of the TREP. This assistance was of great help to the Tribunal and the Commissions and was seen as a contribution to the procedure's transparency.

Once agreement on the TREP was reached, with support from the Superior Electoral Tribunal of Panama, its structure was used to design the final counting system, to operate at headquarters under the strict oversight of the Supreme Electoral Tribunal's magistrates.

### **3. Development of the Political Campaigns**

As has already been noted, because of the nature of this election, the Mission pursued a different observation strategy for each of the participating political parties; this was because although they followed the same rules and procedures, each was holding an internal contest with its own distinct characteristics.

Throughout the pre-electoral phase, the office of the Head of Mission held a series of meetings with almost all the presidential and vice-presidential candidates of the eight participating political movements within the Liberal Party and with the corresponding candidates from the four movements of the National Party.

The observers also established contacts with congressional and mayoral candidates from the various departments and municipalities they visited. In all those cases, efforts were made to follow the distinct observation strategies chosen for each party.

In both instances, the mass campaigning and media attention focused basically on the leaders of the movements, with the greatest impact and greatest deployment of resources accruing to the *Trabajo y Seguridad* and *Nuevo Tiempo* movements of the National Party and *Esperanza Liberal*, *Liberal Jaimista*, and *Nueva Mayoría* within the Liberal Party.

The various movements within the Liberal Party, as was also true of the National Electoral Commission, placed party discipline above confrontation in an attempt to maintain unity in the run-up to the general election scheduled for November 2005.

In contrast, the National Party was characterized by a situation of extreme confrontation, reaching the point of violence, between two of its movements: *Trabajo y Seguridad*, representing the party's traditional structure, under the leader of Party President and President of Congress Porfirio Lobo Sosa, and *Nuevo Tiempo*, led by Miguel Pastor, the Mayor of Tegucigalpa.

In the days prior to the election, the National Party sought to open up forums for debating and discussing ideas, over and above mutual recriminations, with its adoption of the Patriotic Pact for Nationalist Unity, signed by the four political movements on February 14. This pact, the text of which was presented to the Mission by representatives of the National Party, required its signatories, as of that moment, to favor constructive debate.

This commitment meant a reduction in personal confrontation and had a positive impact on the discussion of the candidates' political agendas in the final days of campaigning.

#### **4. The Media**

In any democracy, the mass media play a key role in two basic aspects of electoral processes: spreading the messages of the various candidates for elected office (or, as in this case, precandidates), and publicizing matters related to procedures, organizational issues, and voting mechanics.

As regards the first of these, the dissemination of campaign messages, the Mission noted major discrepancies in the coverage given by the media, which focused, above all, on the movements' leaders (presidential and vice-presidential candidates) and gave more coverage to those representing larger movements: namely, *Trabajo y Seguridad* and *Nuevo Tiempo* from the National Party, and *Esperanza Liberal*, *Movimiento Liberal Jaimista*, and *Nueva Mayoría* from the Liberal Party.

At the same time, the introduction of nominal voting for the congressional precandidates required aspiring deputies to conduct their own individual campaigns,<sup>5</sup> and this served to heighten the disparities in the various movement's resources and in those of the candidates within them.

The Mission noted something of a trend on the part of some media outlets, printed and electronic alike, to favor coverage of certain candidates; as a result, in the future steps will have to be taken to ensure a minimum and equitable level of media access to all candidates aspiring to public office.

The second media-related issue has to do with publicizing messages from the electoral authority and supporting elector training, particularly as regards voting mechanics. In connection with this, mention must be made of the civic spirit of media managers and owners, who made contributions so that the Supreme Electoral Tribunal could broadcast messages relating to the organization of the elections and, above, all, carry out an informational campaign regarding voting mechanics.

Although the campaign was somewhat late, due to the aforesaid lack of agreements between the Tribunal and the National Electoral Commissions and a shortage of material resources that was

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<sup>5</sup> Previously, blanket votes were used: in other words, votes were cast for an entire slate of candidates representing a given political movement.

successfully overcome, emphasis must be placed on the support provided by the media to ensure the broad reach of the educational campaign, particularly in the days immediately prior to the election.

The Mission's activities were duly covered by the media, which also provided coverage for disseminating the pre-election reports and messages, which were drawn up, in accordance with the Mission's objectives to help optimize the working methods of the Tribunal and the Electoral Commissions and to promote a civic spirit among the candidates and the general population.

## **5. Civil Society Organizations**

The *Law on Elections and Political Organizations* allows the participation of international observers in Honduran elections, but it makes no reference to the involvement of domestic observers.

The Mission saw this omission was deliberate, since in the past those representatives of political parties assigned to polling stations as monitors, who often used the opportunity to try and drum up support on election day, were referred to as domestic observers.

In the weeks prior to the election, a group of social organizations, led by the Fund of Organizations for the Development of Honduras (FOPRIDEH), told the MOE of their plans to have domestic observers participate in the primary elections, to which end they had secured financial support from the United States cooperation agency, USAID.

Following the initial opposition of a number of political movements that considered these organizations' plans illegal, an agreement was reached that allowed civil society participation on election day in the shape of domestic electoral observation, thus increasing the level of social involvement in the process.

Additionally, FOPRIDEH and other organizations, including the Association for Participatory Citizenship (ACI PARTICIPA) and Cáritas, Pastoral Social, assisted the TSE in implementing a civic education campaign aimed at the members of the Vote Collection Committees and the electorate in general that was put into place a couple of weeks prior to the election.

### **B. ELECTION DAY**

The elections were held on February 20. The TSE set up an operations center in the INFOR storage facilities where the electoral packages had been prepared and from where the electoral materials had been distributed around the country. The various political movements operated from their respective headquarters.

The Mission was present in 16 of the 18 departments into which Honduras is divided; the missing two were Islas de la Bahía and Gracias a Dios, which were covered by observers stationed in neighboring areas.

It observed the installation and opening of the MERs, the voting process as the day unfolded, and the result counts. The observers assigned to serve as liaisons with the National Electoral Commissions remained with them throughout the day. The experts in computer science

and electoral organization stayed close to the magistrates, in the INFOR operations center and at TREP headquarters.

## 1. Proceedings

As has already been noted, different strategies were adopted for observing the process. In general, the Mission saw that the elections unfolded normally, allowing the will of the citizens of Honduras to be expressed freely and in accordance with voting secrecy.

The fact that the two parties had to share the polling stations did not create any problems at all. Some days prior to the election the Municipal Electoral Commissions and the members of the Vote Collection Committees had duly divided up the available spaces, which led to an ordered balloting process.

For the Liberal Party, the stations were installed and set up without major delays and voting proceeded calmly; most of the MERs were accompanied by the members of the various participating movements.

In the primary and internal elections of the National Party, there were delays in setting up and opening various polling stations, due to the absence of representatives from one or both of the smaller movements, *Honduras Tú Puedes* and *Por Una Mejor Alternativa*. Voting unfolded calmly, with the presence of the movements participating in the election.

During election day, the Mission received complaints and allegations related to various phases of the electoral process; some of these dealt with missing items from the electoral package, people unable to locate given polling stations, and political propagandizing taking place inside polling stations. All these concerns were conveyed to the corresponding authorities for their attention.

The political movements were authorized to erect voter information modules no closer than 100 meters from polling station entrances. Those movements with more economic resources made better use of this permission.

All the modules had a copy of the electoral roll, and voters were given guidance regarding the MERs to which they were assigned. While this practice is a legitimate component of a civic event such as a primary election, the Mission believes that the scope and nature of the information provided at these modules should be regulated, since their presence could encourage acts of political propagandizing.

In the days prior to the election, the MOE noted a general climate of concern regarding election-day security. Fortunately, the armed forces and the national police acted in such a way that law and order were upheld.

There were some minor incidents related to law and order and the legitimacy of the elections. For example, the MOE was told that in the city of Tegucigalpa, a series of handbills with incriminating information about one of the National Party's candidates had been distributed. While nothing further came of this incident, situations like it must be prevented by promoting a broader

and more solid civic culture, both among the general population and among the parties and their internal movements.

## **2. Counting and Transmission of Preliminary Results**

In compliance with the electoral legislation (Article 172 of the Law on Elections and Political Organizations), most of the Vote Collection Committees stopped receiving votes at 4:00 pm. The MOE noted that most of the committees that were late in opening extended the voting day for an additional hour – in other words, until 5:00 pm – as provided for in the electoral law.

With a few exceptions, vote counting began at around 4:00 pm. As had been foreseen, there were a number of problems in recording the votes cast, particularly in the election of candidates for Congress in the departments of Francisco Morazán and Cortés.

In contrast, in spite of the lack of training and testing of the fax, telephone, and direct-link systems prior to the election, the transmission of the preliminary results was carried out adequately. The vast majority of the MER members knew of the system and were willing to provide the data from the presidential and vice-presidential vote counts to the individuals (committee members) appointed for that purpose.

Thus, the earliest TREP results began to come through at around 6:00 pm, and were flowing steadily by 8:00 pm on the evening of election day.

Implementing the TREP had several positive effects, particularly as regards the transparency of the elections and the reliability of the recently installed TSE. Specifically, it provided the different political movements – as well as the electorate – with access to the results of the vote, on a preliminary but official basis, in the early hours of the night, thus helping ease the climate of political tension that was prevailing across the country. Although at first some candidates from both parties were somewhat reluctant to accept the preliminary results, by around 9:00 pm they had all expressed their agreement with the results, recognizing as the Liberal Party's winners the *Esperanza Liberal* movement, led by Mel Zelaya and, as those of the National Party, the *Trabajo y Seguridad* movement, under the leadership of party president and president of Congress, Porfirio Lobo.

In addition, the publication of the preliminary results had a major impact on the Vote Collection Committees: in a high percentage of cases, particularly among those of the National Party, the representatives of the various movements left before the vote count was completed after hearing the results from the race for the presidential candidate.

In most of these cases, either the representatives of the other party or the members of the Municipal Electoral Commissions simply collected the electoral materials and handed them over, along with the unused result sheets, to the TSE, which had to provide personnel to conduct vote counts at 23% of all the Vote Collection Committees (this figure includes both the Liberal Party and the National Party), because there were no result sheets available or because they were inaccurate.

All preliminary result transmission systems are intended to create certainty regarding the general results of an election on the same day as it is held, guaranteeing conditions of governability and social and political stability in the first hours after polling, given that electoral processes

represent the adoption of collective decisions that have a direct impact on the direction to be taken by a country.

In Honduras's case, that was clearly the intent of the TREP. The Mission recognizes the effort made by all the participants to incorporate this tool into the organization of the elections. However, it also believes that in preparation for the November general election, the mechanism should be reviewed and optimized, with a view to guaranteeing its effectiveness and efficiency by means of trial runs and tests conducted before that date and through the timely training of the operators who are to be responsible for making it run. Use should be made of the know-how and experience provided by the Panamanian electoral authorities for the development of new tools, in line with the needs of the Honduran political and electoral system. In addition, care should be taken in the awareness-raising and training of the MER members, to prevent them from leaving once the general trend of the results has been reported.

### **3. The Media**

As the day unfolded, the mass media abided by the terms of the electoral legislation, providing timely information on how voting was proceeding but without indicating trends or spreading messages of support. In general terms, television and radio stations alike performed public service activities, reporting irregularities, requesting the attention of the electoral authorities or the forces of law and order to address problems, and allowing the general population's opinions to be carried on their frequencies.

The Mission's activities were covered by different media outlets across the nation's territory. On several occasions the Head of Mission was interviewed, as were some of its observers working in the field. In every instance, the MOE was allowed to broadcast messages urging the citizenry in general and the candidates to observe the highest levels of civic quality on election day.

In contrast, during the days prior to the election, a fierce debate arose between the electoral authority, some political movements, and the media, after the Tribunal emphasized the importance of abiding by Article 182 of the Electoral Law, which prohibits the dissemination of results before the close of voting.<sup>6</sup> The Tribunal's argument was that doing so could lead to changes in voting intentions and could also lead to doubts about the reliability of the official TREP figures, should the media indicate a different trend.

This sparked a discussion about freedom of expression. On several occasions the Mission urged the media to abide by the law and refrain from publishing surveys and polls, holding that in order to prevent unnecessary confusions and confrontations, it was the job of the electoral authority to report the results of the election. It should be noted that the media did observe the terms of the law, refraining from publishing their exit poll results as the day progressed and only releasing their figures after the Tribunal had begun make the first announcements of results from the TREP.

The Mission consequently applauds the maturity and civic spirit shown by the media. In order to consolidate that spirit and strengthen the role of the media in the Honduran democratic process, the MOE believes the electoral authorities and the media should work together to set rules and clear guidelines for their activities on election days.

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<sup>6</sup> Article 182 prohibits the dissemination of exit poll results: "To uphold the electorate's free will on the day of primary and general elections, the results of exit polls may not be publicized before seventeen hundred hours (5:00 p.m.)"



#### **4. Domestic Electoral Observation**

Although the civil society organizations that decided to conduct observation activities had to organize their efforts within an extremely brief period of time (see Chapter II), they showed great professionalism and great civic spirit by reporting to polling stations with a desire to record the event and to contribute, with their presence and testimony, to the success of the election.

In general, they maintained good relations with the political players and the general citizens, and their appraisal, which was positive, was an important element in the legitimization of the ballot.

The problem that had arisen regarding their participation in the elections – following the parties' refusal to allow them entry to polling stations and the legal vacuum that existed regarding their structure and role within a voting process – was successfully overcome. Nevertheless, it would be useful to set out the existence of groups of domestic observers, together with general guidelines for their actions, in a legal document.

In spite of the difficulties that arose at the MERs – largely due to the inadequate training, the problems already discussed with respect to the political movements' information modules, inconsistencies in vote counts, etc. – recognition needs to be given to the efforts made by the electoral authorities, National Electoral Commissions, MER members, candidates, the police and the armed forces, and the citizenry in general to organize the first simultaneous primary and internal elections of two Honduran political parties. The challenge was undeniably great, given the unprecedented nature of the event and the financial and political difficulties facing the electoral authority.

While it will be necessary to review those areas that could be improved to guarantee elections that are more effective, efficient, transparent, and law-abiding, the experience of February 20 offered a sound starting point for the consolidation of democratic institutions in Honduras and yielded important lessons for the organization of future elections and the setting of rules for interaction between political and social agents.

#### **C. POST-ELECTORAL PHASE**

After the election, the Mission remained in Honduras until February 26, in order to observe the transfers of materials, the committee counts that were needed, and the final count.

The Head of Mission and his team of experts held meetings with the Supreme Electoral Tribunal, the National Electoral Commissions, and with the various candidates within each party, in order to hear their comments and concerns regarding this primary election and with a view to the general election scheduled to take place the following November.

##### **1. Final Scrutiny**

The final vote count was organized and carried out by the Supreme Electoral Tribunal, with the participation of representatives from the National Electoral Commissions. The system used was based on the TREP, in order to take advantage of the infrastructure it offered. As was the case with the TREP, Panama's electoral authority was asked to provide support for its development.

The process of designing and implementing the final scrutiny system faced much the same problems as the TREP. The decision to implement it was taken when the elections were already imminent, and so practice runs and reliability tests of the system were not feasible. In addition, the personnel charged with operating it were not given adequate training.

In addition, as happened with the TREP, the Tribunal had to conduct extensive negotiations with the National Electoral Commissions in order to provide optimal guarantees of transparency and reliability. One of the measures adopted was to carry out the counts for the two parties in different ways, and even at different physical locations.

The final scrutiny process and the announcement of the election results were delayed because of the failure to conclude committee counts as described above. It was further delayed by the need to count and/or recount the votes of 23% of all the MERs in the country (those of both parties).

Finally, on March 17, 2005, the Supreme Electoral Tribunal officially announced the results of the two parties' internal elections. The results awarded victory as the official candidate of the Liberal Party of Honduras to Mr. Manuel Zelaya Rosales of the *Esperanza Liberal* movement, who obtained 56% of that party's votes. In the National Party election, victory went to Mr. Porfirio Lobo Sosa of the *Trabajo y Seguridad* movement, with 62% of the vote.

Voter turnout totaled around 44% of the entire electoral role, divided into 895,157 votes for the Liberal Party of Honduras and 791,327 for the National Party. While this figure accounts for less than 50% of all registered voters, it can be seen as representing a good level of popular participation since these were primary and internal elections and because of the inadequate dissemination and voter training.

The fact that 44% of the electorate went to vote offers encouragement for improving the voting mechanism and for designing better strategies for citizen participation, in order to take advantage of the Honduran people's interest and eagerness to play a role in the nation's life through the institutional mechanisms that exist for the purpose.

## **2. The Political Players and the Challenges they Face**

The day after the election, the Head of Mission held meetings with the candidates of the main movements within each of the political parties. In general, both at these meetings and in the weeks and months following the election, as well as after the official announcement of the election results, the different political players who participated in the process expressed their agreement with the outcome.

At first, there was some dissatisfaction expressed by the National Party's *Nuevo Tiempo* movement with respect to the election results. Over the ensuing weeks however, the party embarked on a process of internal reunification with a view toward the November 2005 general election.

In contrast, the Liberal Party demonstrated the same discipline that had characterized it throughout the campaign as it aligned itself around the *Esperanza Liberal* movement. It should be

noted that in the days immediately following the election, a number of congressional candidates from the *Liberal Jaimista* movement in Francisco Morazán department who had not been successful in the election attempted to file challenges to the results. This attempt lost its momentum as the Liberal Party began its process of unification around Manuel Zelaya, its candidate for the November general election, which the party is to fight as the opposition.

After the conclusion of the candidate selection process, the parties that held internal elections, as well as the other three political organizations that are to contend in the November general election, began work on designing their national-level campaigns. The Missions maintains the fundamental importance of reassuming and strengthening dialogue among the various movements within the two parties, so they can meet the challenges and obstacles they are to meet in the coming general election and so they can make use of the lessons learned to prepare their future internal and primary elections.

#### **CHAPTER IV: CONCLUSIONS AND RECOMMENDATIONS**

The electoral exercise held in Honduras to select candidates to represent the National Party and of the Liberal Party of Honduras was an unprecedented event in that, for the first time ever, it involved the electoral authorities in the organization and oversight of such elections and brought in representatives from the inter-American community to monitor the process by means of an Electoral Observation Mission.

As already stated in this Report, these elections were of great importance in consolidating participatory democracy in Honduras. They involved the general population in decisions regarding the future of the political parties and thus renewed the debate about the need to revitalize political organizations as the intermediaries of citizen representation. The elections of February 20 were therefore of relevance to the continent as a whole, in the context of discussions regarding the future of political parties as leading players in strengthening democracy.

In general terms, it can be concluded that the process posed a challenge because, *inter alia*, the Tribunal had only recently commenced operations, the procedure was new, the new law suffered from shortcomings regarding procedural issues, a number of financial problems arose, and, within each party, the political movements adopted polarized positions. Although the problems persisted until the final scrutiny of the votes, it can nevertheless be said that both the electoral authorities and the various political players succeeded in conducting a reliable election that yielded legitimate results.

In order to strengthen the institutional status of the Supreme Electoral Tribunal, the Mission believes it should be given clear guidelines regarding its powers. It would also be extremely useful to devise a set of regulations for the Law on Elections and Political Organizations, identifying the spheres of authority of the Tribunal and of the national, departmental, and municipal Electoral Commissions. Such an instrument would encourage better organization within the Tribunal, which would consequently be able to plan its training, dissemination, and vote-counting activities with adequate advance notice. In addition, proper planning and actions on the part of the Tribunal would invest it with greater credibility in the eyes of political players and society in general.

Regulations also need to be drawn up to impose campaign finance ceilings and guarantee all political movements equal media access. This election was marked by a pronounced absence of regulations governing campaign funding.

It would also be useful to set down rules for domestic observation initiatives, which demonstrated their ability to increase the electorate's confidence through their work in facilitating, providing information about, and monitoring electoral process; efforts must therefore be made to strengthen and institutionalize exercises of that kind.

The Supreme Electoral Tribunal could place emphasis on its training work, for both voters and MER members, in order to prevent problems such as polling stations being abandoned or errors arising during the vote count. Additionally, acting in conjunction with interested political groupings and civil society organizations, it could maintain a permanent civic education campaign, helping instill values such as transparency, tolerance, and observance of the law in public affairs and in individuals' participation therein.

The Tribunal should also work to consolidate its own capacity for running elections, through the hiring and permanent training of electoral organization experts and in the development of adequate computer systems, thereby guaranteeing the timely and reliable transmission of both preliminary and final results.

With regard to the media, in order to ensure the transparency of future elections it would be useful for media outlets to continue to perform the publicity functions that they provided so efficiently and with such pronounced civic-mindedness. The Mission encourages the media to uphold that spirit when they cover election campaigns and to give preference to true and objective information about the various candidates and the options they offer the electorate, avoiding confrontation and violence.

The Mission likewise believes it would be highly positive for the five political parties that are to fight the November election to act in accordance with the applicable legal framework, to pursue proposal-based campaigns that instead of making negative claims made about other candidates, are essentially aimed at debating ideas, plans, and programs for addressing the issues on the national agenda, and to comply with the commitments set by the new inter-American agenda with respect to the funding and expenses of political campaigns.

Honduras has undeniably taken an important step forward in the consolidation of its democracy. The participation of the inter-American community through an Observation Mission has enabled the results of this exercise, and the lessons learned from it, to be duly publicized. It will be necessary to launch a constructive debate within the OAS regarding the usefulness and importance of primary elections and regarding basic rules for holding them.

The Honduran experience offers a good starting point. Strengthened democracy in the Americas, renewed institutions (including political parties), and greater citizen participation in decision-making will no doubt have a positive effect in terms of governance, through institutions that are more mature, more effective, and more efficient among the different political and social sectors that make up the contemporary nations of the Americas.

## CHAPTER V: FINANCIAL REPORT


**ORGANIZATION OF AMERICAN STATES  
OFFICE FOR THE PROMOTION OF DEMOCRACY**



**CONTRIBUTION FROM THE GOVERNMENT OF UNITED STATES  
Electoral Observation Mission - Honduras Primaries 2004**

**STATEMENT OF CHANGES IN FUND BALANCE  
From Award Inception (January 14, 2005) to July 31, 2005**

<b>Increases</b>		
<i>Contribution</i>	\$	75,000
<b>Decreases</b>		
<i>Expenditures</i>		
Travel	\$	34,681
Publications and Documents		411
Equipment, Supplies and Maintenance		3,874
Building and Maintenance		2,881
Performance Contracts		26,800
Other Expenses		<u>1,528</u>
<b>Total Decreases</b>		<u>70,175</u>
<b>Net change during period</b>		4,825
<b>Unliquidated Obligations</b>		66
<b>Fund balance at end of period</b>	\$	<u><u>4,759</u></u>

  
 Certified by: Alfonso Muñoz, Director  
 Office of Budgetary and Financial Services

Project UPD-EOM/033  
 Award USDEPO5/01  
 Preparer JM

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**APPENDIX I**  
**LETTERS OF INVITATION AND ACCEPTANCE**



SECRETARÍA DE RELACIONES EXTERIORES  
DE LA  
REPÚBLICA DE HONDURAS

**Oficio No. 240-DSM**

Tegucigalpa, M.D.C., 25 de octubre de 2004

Excelentísimo Señor  
Don Luigi Einaudi  
Secretario General Interino de la OEA  
Washington, D.C,

Señor Secretario General:

Tengo a honra dirigirme a Usted para transmitirle la atenta solicitud que, por mi medio, formula el Tribunal Supremo Electoral de la República, en el sentido de que se autorice la presencia de Observadores Internacionales de la Organización de los Estados Americanos (OEA), para que pueda verificar el proceso de las elecciones primarias a realizarse el 20 de febrero del año 2005 y el de las elecciones generales del 27 de noviembre del mismo año.

El objeto de la presencia de los mencionados observadores es el de darle cumplimiento al cronograma electoral en materia de cedulação, depuración del censo, traslados e inscripción de nuevos electores, a fin de que la gesta electoral sea confiable y satisfaga todos los sectores del pueblo hondureño.

Por otra parte, también se solicita la colaboración de la OEA para que, de ser posible, a la mayor brevedad, realice una auditoria del censo electoral incluyendo la información que proporciona el Registro Nacional de las Personas.

En la confianza de que esta solicitud recibirá la usual atención, aprovecho la oportunidad para reiterar a Usted el testimonio de mi más alta y distinguida consideración.

  
Luis Rosales Rosa Bautista  
Secretario de Estado

01-16-2005 15:30 FAX 202-455-5011

ASS'T. SEC. GEN. OAS

Z 003



Organización de los Estados Americanos  
 Organização dos Estados Americanos  
 Organisation des États américains  
 Organization of American States

10 de enero de 2005

Señor Secretario de Estado,

Tengo el honor de dirigirme a Vuestra Excelencia para agradecer la confianza del gobierno de Honduras en el trabajo que adelanta la OEA encaminado al fortalecimiento de la democracia hemisférica.

En seguimiento de la comunicación con fecha del 25 de octubre de 2004 mediante la cual se solicita el envío de una Misión de Observación Electoral para observar el proceso de las elecciones primarias a realizarse en ese país el 20 de febrero del 2005, y el de las elecciones generales del 27 de noviembre del mismo año, me permito informarle lo siguiente.

La Secretaría General recibe con interés dicha invitación y se permite informar su disposición favorable para organizar y enviar una Misión que observe ambos eventos electorales, teniendo en cuenta que ellos se rigen a las disposiciones de la Ley Electoral y de las Organizaciones Políticas, Decreto No. 44-2002.

No obstante, de conformidad con las normas vigentes de la Organización, es oportuno señalar que la instalación de la Misión está condicionada a la obtención de recursos externos para su financiamiento. La Organización ha iniciado ya gestiones para conseguir dichos recursos. De este manera, en caso de lograrse a cabo, la Misión que observará las elecciones primarias estará dirigida por el señor Moisés Beramor, funcionario a cargo del área electoral de la Oficina para la Promoción de la Democracia, del Departamento de Asuntos Democráticos y Políticos de la Organización.

Al respecto, consideramos oportuno destacar la importancia de celebrar elecciones primarias introducidas por la mencionada Ley como una contribución fundamental a los esfuerzos encaminados a fortalecer las instituciones representativas de Honduras.

Hago propicia la ocasión para expresar a Vuestra Excelencia el testimonio de mi más alta y distinguida consideración.

Luigi R. Echeverri  
 Secretario General Interino

Muy respetuosamente señor  
 Leonidas Rosa Bautista  
 Secretario de Estado  
 Secretaría de Relaciones Exteriores de la República de Honduras  
 Tegucigalpa, Honduras



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**APPENDIX II**  
**AGREEMENT ON PRIVILEGES AND IMMUNITIES OF THE**  
**OBSERVERS**

**ACUERDO ENTRE LA SECRETARÍA GENERAL  
DE LA ORGANIZACIÓN DE LOS ESTADOS AMERICANOS  
Y EL GOBIERNO DE LA REPÚBLICA DE HONDURAS  
RELATIVO A LOS PRIVILEGIOS E INMUNIDADES DE LOS  
OBSERVADORES DE LAS ELECCIONES PRIMARIAS A CELEBRARSE  
EL 20 DE FEBRERO DE 2005**

Las partes de este Acuerdo, la Secretaría General de la Organización de los Estados Americanos (la Secretaría General de la OEA), y el Gobierno de la República de Honduras,

**CONSIDERANDO:**

Que el Gobierno de la República de Honduras por medio de una comunicación dirigida al Secretario General de la OEA, con fecha 25 de octubre de 2004 solicitó la asistencia de una Misión de Observación de la OEA para las elecciones primarias que se llevará a cabo el 20 de febrero de 2005;

Que mediante nota del 10 de enero de 2005, la Secretaria General de la OEA aceptó la invitación y ha conformado un Grupo de Observadores de la OEA para realizar una Misión de Observación a las elecciones primarias en la República de Honduras (en adelante la Misión);

Que el Grupo de Observadores de la OEA está integrado por funcionarios de la Secretaria General de la OEA y observadores internacionales contratados por la Secretaría General de la OEA para participar en la Misión;

Que el artículo 133 de la Carta de la OEA dispone: "la Organización de los Estados Americanos gozará en el territorio de cada uno de sus miembros de la capacidad jurídica, privilegios e inmunidades que sean necesarios para el ejercicio de sus funciones y la realización de sus propósitos"; y

Que los privilegios e inmunidades reconocidos a la OEA, a la Secretaria General de la OEA, a su personal y a sus bienes en la República de Honduras, además de lo previsto en la Carta de la OEA, están establecidos en el Acuerdo sobre Privilegios e Inmunidades de la OEA, adoptado el 15 de mayo de 1949, del cual es parte la República de Honduras al depositar el gobierno su instrumento de ratificación el 12 de agosto de 1964; en el Acuerdo entre la Secretaria General de

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la Organización de los Estados Americanos y el Gobierno de la República de Honduras sobre el funcionamiento en Tegucigalpa de la Oficina de la Unión Panamericana en Honduras, suscrito el 15 de agosto de 1968.

**ACUERDAN LO SIGUIENTE:**

## **CAPÍTULO I**

### **PRIVILEGIOS E INMUNIDADES DEL GRUPO DE OBSERVADORES DE LA OEA**

#### **ARTÍCULO 1**

Los privilegios e inmunidades del Grupo de Observadores de la OEA en las elecciones primarias de la República de Honduras serán aquellos que se otorgan a la OEA, a los Órganos de la OEA, y al personal de los mismos.

#### **ARTÍCULO 2**

Los bienes y haberes del Grupo de Observadores de la OEA en cualquier lugar del territorio de la República de Honduras y en poder de cualquier persona en que se encuentren, gozarán de inmunidad contra todo procedimiento judicial, a excepción de los casos particulares en que se renuncie expresamente a esa inmunidad. Se entiende, sin embargo, que esa renuncia de inmunidad no tendrá el efecto de sujetar dichos bienes y haberes a ninguna medida de ejecución.

#### **ARTÍCULO 3**

Los locales que ocupe el Grupo de Observadores de la OEA serán inviolables. Asimismo, sus haberes y bienes, en cualquier lugar del territorio de la República de Honduras y en poder de cualquier persona en que se encuentren, gozarán de inmunidad contra allanamiento, requisición, confiscación, expropiación y contra toda otra forma de intervención, ya sea de carácter ejecutivo, administrativo, judicial o legislativo. Dichos locales no podrán ser usados como lugar de asilo por personas que traten de evitar ser arrestadas en cumplimiento de una orden judicial emanada de un tribunal competente de la República de Honduras, o que estén requeridas por el Gobierno de la República de Honduras, o traten de sustraerse a una citación judicial.

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**ARTÍCULO 4**

Los archivos del Grupo de Observadores de la OEA y todos los documentos que le pertenezcan o que se hallen en su posesión, serán inviolables dondequiera que se encuentren.

**ARTÍCULO 5**

El Grupo de Observadores de la OEA estará: a) exento del pago de todo tributo interno entendiéndose, sin embargo, que no podrán reclamar exención alguna por concepto de tributos que de hecho constituyan una remuneración por servicios públicos; b) exentos del pago de toda tributación aduanera, y de prohibiciones y restricciones respecto a artículos y publicaciones que importen o exporten para su uso oficial. Se entiende, sin embargo, que los artículos que se importen libres de derechos, sólo se venderán en el país conforme a las condiciones que se acuerden con el Gobierno de la República de Honduras; y c) exento de afectación por ordenanzas fiscales, reglamentos o moratorias de cualquier naturaleza. Además podrán tener divisas corrientes de cualquier clase, llevar sus cuentas en cualquier divisa y transferir sus fondos en divisas.

**CAPÍTULO II****DE LOS MIEMBROS DEL GRUPO DE OBSERVADORES DE LA OEA****ARTÍCULO 6**

Serán miembros del Grupo de Observadores de la OEA (en adelante los Observadores) aquellas personas que hayan sido debidamente designadas y acreditadas ante el Tribunal Supremo Electoral de la República de Honduras por el Secretario General de la OEA.

**ARTÍCULO 7**

Los Observadores gozarán durante el período en que ejerzan sus funciones y durante sus viajes de ida y regreso a la República de Honduras de los privilegios e inmunidades siguientes:

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- a) Inmunidad contra detención o arresto personal e inmunidad contra todo procedimiento judicial respecto a todos sus actos ejecutados y expresiones emitidas, ya sean orales o escritas en el desempeño de sus funciones;
- b) Inviolabilidad de todo papel y documento;
- c) El derecho de comunicarse con la Secretaria General de la OEA por medio de radio, teléfono, vía satélite u otros medios y recibir documentos y correspondencia por mensajeros o en valijas selladas, gozando al efecto de los mismos privilegios e inmunidades que los concedidos a correos, mensajeros o valijas diplomáticas;
- d) El derecho de utilizar para su movilización cualquier medio de transporte, tanto aéreo como marítimo o terrestre en todo el territorio nacional;
- e) Excepción, respecto de sí mismo y de sus cónyuges e hijos, de toda restricción de inmigración y registro de extranjeros y de todo servicio de carácter nacional en la República de Honduras;
- f) La más amplia libertad para el traspaso de fondos y para la negociación en cualquier lugar y forma de divisas, cheques, metálicos, monedas o billetes extranjeros, que reciban como retribuciones y beneficios por sus servicios, no estando sujeto a las limitaciones, restricciones, o medidas de fiscalización o control que se establezcan sobre la materia;
- g) Las mismas inmunidades y franquicias respecto de sus equipajes personales, acordadas a los enviados diplomáticos; y también.
- h) Aquellos otros privilegios, inmunidades y facilidades compatibles con lo antes dicho, de los cuales gozan los enviados diplomáticos, salvo exención de derechos aduaneros sobre mercaderías importadas (que no sean parte de su equipaje personal) o de impuestos de ventas y derechos de consumo.

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**ARTÍCULO 8**

Las disposiciones contenidas en el artículo 7 de este Acuerdo no son aplicables a los nacionales acreditados, salvo respecto de los actos oficiales ejecutados o expresiones emitidas en el ejercicio de sus funciones.

**ARTÍCULO 9**

La Misión podrá establecer y operar en el territorio de Honduras un sistema de radio-comunicaciones autónomo destinado a proveer enlace permanente entre los Observadores y los vehículos que utilice la Misión con las oficinas y sedes regionales, como de éstas con la sede central en Tegucigalpa y de ésta con la sede de la Secretaría General de la OEA en Washington, D.C., para cuyo logro el Gobierno de la República de Honduras prestará toda la colaboración técnica y administrativa que se considere necesaria.

**CAPÍTULO III****COOPERACIÓN CON LAS AUTORIDADES****ARTÍCULO 10**

Los Observadores colaborarán con las autoridades competentes de la República de Honduras para evitar que ocurran abusos en relación con los privilegios e inmunidades concedidos. Asimismo, las autoridades competentes de la República de Honduras harán todo lo posible para facilitar la colaboración que les sea solicitada por los Observadores.

**ARTÍCULO 11**

Sin perjuicio de los privilegios e inmunidades otorgados, los Observadores respetarán las leyes y reglamentos vigentes en la República de Honduras.

**ARTÍCULO 12**

El Gobierno de la República de Honduras y el Secretario General tomarán las medidas que sean necesarias para procurar un arreglo amistoso para la solución adecuada de:

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- a) las controversias que se originen en contratos u otras cuestiones de derecho privado; y
- b) las controversias en que sea parte cualquiera de los Observadores respecto de materias en que gocen inmunidad.

#### **CAPÍTULO IV**

##### **CARÁCTER DE LOS PRIVILEGIOS E INMUNIDADES**

###### **ARTÍCULO 13**

Los privilegios e inmunidades se otorgan a los Observadores para salvaguardar su independencia en el ejercicio de sus funciones de observación de las elecciones primarias de la República de Honduras y no para beneficio personal, ni para realizar actividades de naturaleza política en territorio Hondureño.

Por consiguiente el Secretario General de la OEA renunciará a los privilegios e inmunidades de éstos en caso de que, según su criterio, el ejercicio de ellos impida el curso de la justicia y cuando dicha renuncia pueda hacerse sin que se perjudiquen los intereses de la OEA.

#### **CAPÍTULO V**

##### **IDENTIFICACIÓN**

###### **ARTÍCULO 14**

El Tribunal Supremo Electoral de la República de Honduras proveerá a cada uno de los Observadores de un documento de identidad, el cual contendrá el nombre completo, el cargo o rango y una fotografía. Los Observadores no estarán obligados a entregar dicho documento sino a presentarlo cuando así lo requieran las autoridades de la República de Honduras.

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**CAPÍTULO VI**

**DISPOSICIONES GENERALES**

**ARTÍCULO 15**

El Gobierno de la República de Honduras reconoce el "documento oficial de viaje" expedido por la Secretaría General de la OEA como documento válido y suficiente para los viajes de los Observadores. Dicho documento requiere visado oficial para que los Observadores ingresen en el país y permanezcan en él hasta el término de su Misión Oficial.

**ARTÍCULO 16**

Este Acuerdo podrá ser modificado por mutuo consentimiento del Gobierno de la República de Honduras y de la Secretaría General de la OEA.


**ARTÍCULO 17**


Este Acuerdo entrará en vigor en la fecha de su firma y se dará por finalizado una vez que los Observadores concluyan sus labores, de acuerdo con los términos de la invitación hecha por el Gobierno de la República de Honduras.

**EN FE DE LO CUAL**, los infrascritos firman el presente Acuerdo en dos ejemplares de un mismo tenor, en la ciudad de Washington DC a los 14 días del mes de febrero del año dos mil cinco.

**POR EL GOBIERNO DE LA  
REPÚBLICA DE HONDURAS**

**POR LA SECRETARÍA GENERAL  
ORGANIZACIÓN DE LOS  
ESTADOS AMERICANOS**

  
Salvador E. Rodénz Fuentes  
Embajador  
Representante Permanente de  
Honduras ante la OEA

  
Jacqueline Deslauriers  
Directora  
Oficina para la Promoción  
de la Democracia