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CARTER CENTER



Waging Peace. Fighting Disease. Building Hope.

**Final Report on
Ecuador's September 30, 2007,
Constituent Assembly Elections**

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Introduction

The Carter Center conducted a targeted observation mission of Ecuador's September 30, 2007, elections for 130 members of the Constituent Assembly with the goal of demonstrating the Center's interest and support for Ecuador's constitutional reform and political transition process. The Carter Center assessed the political and electoral environment prior to the Constituent Assembly elections and the transparency of the process.

The Carter Center received an invitation to observe the elections from the Supreme Electoral Council (TSE) on June 12, 2007. A Carter Center representative was present for the second-round of the presidential elections in November 2007 and the inauguration of President Correa in January 2008. The government of Ecuador, all major political parties and movements, the local domestic observation group, Citizen's Participation/ *Participación Ciudadana* and the international community welcomed the Center's observation mission for the Constituent Assembly election.

The Carter Center's small mission included the establishment of a field office with a Carter Center representative, regular visits by the Chief of Mission and the deployment of short-term observers. The mission met frequently with key representatives from the Supreme Electoral Council, the government of Ecuador, political parties and movements across the political spectrum, the local domestic observation group, local press, and the international community.

The Carter Center coordinated its mission with international observation missions from the Organization of American States (OAS) and the European Union. (EU). The Carter Center's mission was consistent with the guidelines set forth by the Declaration of International Election Observation and Code of Conduct adopted at the United Nations in 2005. As such, our interest was in the integrity of the process and not in the outcome of the election.

In the pre-electoral period, the Chief of Mission and the Ecuador Field Representative met regularly and exchanged information and views with the President, members and staff of the Supreme Electoral Council, government officials, political candidates, media, representatives from domestic and international observation missions and the international community. These meetings were conducted in Quito and Guayaquil.

In private meetings with Ecuadorian government officials and the Supreme Electoral Council, the Carter Center shared its views on the electoral process and suggested steps to insure fair and transparent elections. The Carter Center also issued two pre-electoral press statements regarding the electoral process.

The Carter Center delegation was led by former President Alejandro Toledo of Perú, former Foreign Minister of Colombia, Rodrigo Pardo, and Chief of Mission former

Ambassador Jaime Aparicio of Bolivia. The delegation met with President Rafael Correa, Vice President Lenin Moreno, Foreign Minister María Fernanda Espinosa, President of the Congress Jorge Cevallos, political candidates and leaders from across the political spectrum and the heads of the OAS, EU and local domestic observation missions.

On October 1, 2007, former President Toledo delivered the Carter Center's statement on the elections, which was well-received by local stakeholders and the international community alike.

The Carter Center's decision to field a small-scale electoral mission complemented its other projects in Ecuador. In September 2007, the Carter Center launched two conflict resolution related projects supported by the United Nations Development Program (UNDP). These projects include a conflict and development analysis of Ecuador's Northern Border (*Frontera Norte*) with Colombia, and a Dialogue process between opinion-makers from Colombia and Ecuador which is designed to improve bilateral relations and cooperation between the two countries.

In 2008, the Carter Center continued these projects and began initiatives to support the Constituent Assembly. The Center monitored and reported on the work of the Constituent Assembly, producing a 5-page biweekly report and a monthly in-depth analytical report. At the request of the President of the Constituent Assembly, and in collaboration with other members of the international community, the Carter Center organized two seminars on the recent Constituent Assembly processes in Bolivia and Colombia.

Political Context

Over the past decade, Ecuador has experienced a severe collapse of its political system and institutions. Political instability has been the norm, with eight Presidents serving since 1996. Economist Rafael Correa was elected with 57% of the popular vote in second-round elections in November 2006. Correa, with the backing of the political movement *Alianza País* (Country Alliance), promised broad political, social and economic changes to address poverty, inequality and corruption. A new institutional framework to support these changes and political stability would be developed in a new Constitution.

Following his election, President Correa's highest priority was to convoke a Constituent Assembly to draft the new Constitution. On January 15, 2007, he signed an executive decree asking the TSE to organize a referendum on whether to hold a Constituent Assembly to write a new Constitution, the 20th in Ecuador's history.

Confrontations between the President, Congress, the Constitutional Court and the TSE over the referendum occurred over the next several months. President Correa's executive decree gave the Constituent Assembly broad and full powers, including the power to dissolve Congress and other organs of control. When the TSE called for the referendum, the Congress dismissed the President of the TSE. He responded by dismissing 57 (out of 100) members of Congress who opposed the terms of the referendum, and by replacing them with their alternates. In turn, the new Congress ratified the TSE President. The dismissed Congress members appealed to the Constitutional Court, which ruled for their reinstatement. The new Congress then dismissed the Constitutional Court, and the referendum stood. The original 57 members

dismissed from Congress were not reinstated and their political rights were suspended for a year.

The referendum to convene a Constituent Assembly was held on April 15, 2007. 82% of the electorate voted in favor of the referendum. Subsequently, on May 4th, the TSE called for elections to be held on September 30, 2008, for members of the Constituent Assembly.

Overview of Project Activities and Findings

Pre-election period

The Carter Center established a field office in Quito, Ecuador in August 2007, and appointed Kelly A. McBride as its director. Former Bolivian Ambassador Jaime Aparicio, Chief of Mission, made several trips to Ecuador prior to the elections. This core team focused on assessing the pre-electoral and Election Day periods, collaborating with local stakeholders, providing briefings to Carter Center headquarters in Atlanta on key electoral developments and organizing the deployment of observers.

Specific activities included meetings in Quito with officials of the Supreme Electoral Council, the Foreign Ministry, the Ministry of Internal and External Security, the Ministry of Government, Constituent Assembly candidates, political party leaders, press, and the international community. Meetings were also held in Guayaquil with members of the provincial TSE, local authorities and political candidates. In addition, regular meetings were held with the OAS, EU, and the local domestic observation group in Quito.

During the week before the elections, Francisco Diez, Carter Center Representative for South America, Andrea Durango, Program Associate of the Americas Program, and Sarah Bellamy, Carter Center intern arrived to support and participate in the observation mission.

The delegation leadership and short-term observers arrived on Thursday, September 27. On Friday, September 28, the Carter Center conducted briefings for the delegation leadership and observers. Professor Pablo Andrade, from the Universidad Andina Simón Bolívar, and Dr. Augusto Barrera, Quito City Council Member, offered briefings on the political situation. José Valencia and Omar Simon from Citizen's Participation/ *Participación Ciudadana* offered briefings on the electoral system and their domestic observation project. The Carter Center Field Representative in Ecuador briefed the observers on the deployment plan and coordination with OAS observers.

The observers traveled to their sites early Saturday morning, September 29, and spent the day meeting with the provincial TSE authorities and political candidates and reviewing their routes for Sunday's observation.

The Carter Center's election observation mission fielded five teams in four provinces: Azuay, Guayas, Manabí and Pichincha. The Carter Center coordinated directly with the OAS in selecting these provinces for observation and it supported the OAS's efforts to conduct a quick-count.

No mention of statistical analysis of Luis Alberto Quiroga or the electoral system report by Fabrice Lehoucq.

Election Day Activities

The Carter Center teams observed voting day processes in some 50 polling stations. At each polling site, observers consulted with TSE officials presiding over the voting site, with presiding members of the voting tables or JRV (*junta receptoras de votos*), voters, accredited members of political parties and movements, and other domestic and international observers.

The Carter Center's observers reported that the voting sites were fairly well-organized, calm and experienced minor problems. Most teams began and ended their observation work at the same voting site and also observed the counting of the ballots there. The Carter Center's observers gathered results from several JRVs late into the night on behalf of the OAS and its quick-count.

Election Findings

Pre-electoral observations

There were several important advances in this election in extending representation and rights to all Ecuadorians, and there were several issues of concern to the Carter Center.

The Carter Center notes the following advances:

- The law of quotas for women candidates was fully implemented for the first time, as the TSE required candidates to be ordered alternatively by gender on the ballot. This allowed for greater female representation in the electoral process and subsequently in the Constituent Assembly, where 34% of the members are female.
- The TSE's new public financing arrangement for advertising for radio, TV and printed communications (called *franjas publicitarias*/publicity spots) was a positive step designed to level the playing field among candidates by offering them equal access to political advertising. Given that the system was criticized by some for not being implemented fairly or for prohibiting privately financed political advertising, it may be worth revising and improving before the next elections.
- The extension of the right to vote for the many Ecuadorians living abroad was a positive step in extending voting rights for all citizens.

Prior to Election Day, the Carter Center expressed its concern about severe matters, including:

- The serious complaints about the use of state resources (from the national government, mayoral offices and prefects) and the President's actions and presence in favor of certain political movements or candidates, which raised questions regarding the fairness of the playing field.

- The presence of incidents of personal insults among candidates and the presentation of unrealistic campaigns proposals that were not relevant to the new Constitution.
- The TSE's inconsistency regarding its own rules (e.g. the use of exit polls and quick counts) and electoral calendar.

Election Day

The Carter Center targeted assessment of the September 2007 elections finds them to be free, fair and transparent under Ecuadorian law and international standards. The problems that occurred on Election Day did not affect the rights of citizens to exercise their vote or the final outcome.

The Carter Center mission identified the following problems:

- There was inadequate information given to voters within the voting sites about exactly where to vote.
- The absence of poll workers caused delays in starting the process at some voting sites.
- There was a poor distribution of space and JRVs in some voting sites.
- The TSE coordinators seemed poorly prepared to resolve organizational and procedural problems in some voting sites.
- Some candidates showed disrespect for the electoral law by campaigning inside and nearby the voting sites on Election Day.
- There were isolated incidents of violence, such as the one which occurred in Cabo de San Francisco in Muisne.

These problems did not tarnish the civic process on September 30th. However, they are issues that should be addressed by the TSE to improve the administration of future elections.

The Carter Center also noted the constructive role played by the armed forces and police during the electoral process. They provided security and logistical support on Election Day to the TSE and offered information and orientation to voters at voting sites. Their presence was considered neutral and welcomed by local stakeholders.

Post- Election

The Carter Center's targeted mission did not monitor the electoral process through the announcement of the final, official results. The complexity of the counting, tabulation and assignment of Constituent Assembly seats caused widespread confusion, large number of recounts and a long delay- some six weeks- in announcing the final results of the election. However, the counting and tabulation process took place in a climate of calm and the official results were widely-accepted. No doubt this climate of calm was aided by the early release of the results of a reliable quick-count by the domestic observation group Citizen's Participation.

Towards the Future

The Carter Center believes that the Constituent Assembly has a great responsibility to define the legal and political structure that will allow a new institutional stability, to

further develop representative democracy, to guarantee the rule of law and the independence of all branches of government and accountability mechanisms, and to guarantee the fundamental rights of Ecuadorians.

The Carter Center also believes that the Constituent Assembly offers a common space to define a new social pact, through dialogue and compromise, which will generate the conditions for an effective fight against poverty, inequality and exclusion, and within a framework of democratic participation where the common good takes precedence.

OBSERVERS

QUITO

ALEJANDRO TOLEDO (Perú)
RODRIGO PARDO (Colombia)
JAIME APARICIO (Bolivia)
FRANCISCO DIEZ (Argentina)
JUAN CRISTOBAL SORUCO (Bolivia)

CUENCA

INES BURS (Argentina)
HEATHER THOMPSON (USA- Lakota Sioux Nation)

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TOM LEGLER (Canada)
RICARDO SEITENFUS (Brazil)

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TCC FIELD STAFF

KELLY MCBRIDE (USA)
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**The Carter Center to Observe
Constituent Assembly Elections in Ecuador**

12 September 2007

FOR IMMEDIATE RELEASE

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In Ecuador, Kelly McBride, kellymcbride14@yahoo.com or 098-369-902

In response to an invitation by the Supreme Electoral Court (Tribunal Supremo Electoral) of Ecuador, The Carter Center will field an electoral observation mission during the constituent assembly election to be held Sept. 30, 2007. The Carter Center also announces the opening of a field office in the city of Quito.

The chief of the electoral observation mission is Ambassador Jaime Aparicio Otero, former Ambassador of Bolivia to the United States and currently vice-president of the Inter-American Juridical Committee. Ambassador Aparicio served as chief of the Carter Center's electoral observation mission during last year's Nicaraguan presidential elections. Kelly McBride, from the United States, has been designated as the Carter Center's representative in Ecuador.

The mission will be a limited, targeted one focusing on the political climate; compliance with the campaign rules; and the administration of the election, including the balloting and counting procedures, and the dispute resolution process following the vote. The mission will be composed of electoral experts and political leaders, including the former president of Peru, Alejandro Toledo, and the former foreign minister of Colombia, Rodrigo Pardo. The mission will coordinate with the missions of the European Union and Organization of American States and will issue a statement following the election, but it will not offer a comprehensive report of all aspects of the campaign and administration of the elections due to its limited nature.

Over the course of several recent trips to Ecuador, Ambassador Aparicio has met with the president of the Supreme Electoral Court, Jorge Acosta Cisneros, with the acting president of the Provincial Electoral Court of the Province of Guayas, with governmental authorities at both the national and regional levels, and with Ecuadorian civil society and political party representatives in Quito and Guayaquil. This week, Ambassador Aparicio will meet with candidates and their representatives, heads of newspapers, and with the chiefs of the EU and OAS electoral observation missions.

Ambassador Aparicio stated that "this election is of historical significance since the constituent assembly will have the opportunity to develop the legal framework for a more inclusive and democratic social pact that guarantees equal opportunities, social

cohesion, effective, transparent, and independent government institutions, respect for fundamental liberties and the rule of law, and juridical security for all Ecuadorians."

The Carter Center recognizes that the electoral process is essentially a process by Ecuadorian citizens and Ecuadorian institutions, and for this reason, its electoral mission will fully cooperate with domestic observers and domestic institutions and will carry out the tasks for which it was invited in a professional, impartial, and objective manner and in accordance with national rules and standard international practise.

The Carter Center conducts its election observation in accordance with the Declaration of Principles of International Election Observation and Code of Conduct adopted at the United Nations in 2005. As such, our interest is in the integrity of the process and not in the outcome of the election.



**Carter Center Pleased with Ecuador's Electoral Process,
Urges Equality of Official Electoral Publicity**

**The Carter Center International Observation Mission in Ecuador Second Pre-
Election Statement**

28 September 2007

FOR IMMEDIATE RELEASE

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Since July 2007, The Carter Center has worked intensively to observe the electoral processes leading up to Ecuador's Constituent Assembly elections. This statement presents the continued findings of the Center's international election observation mission in Ecuador.

The chief of the electoral mission, Ambassador Jaime Aparicio, and his technical team have met with the president and officials of the Supreme Electoral Tribunal, government and legislative authorities, political party candidates, and media and civil society representatives.

The Center has closely followed the organization of the elections, particularly the preparation of ballots and electoral material, the training of poll workers, how information about the voting process is provided to citizens, campaign publicity and political campaigns, the work of national observers, and the quick count.

As the constituent assembly elections approach on Sept. 30, The Carter Center offers its preliminary findings and concerns regarding the electoral process thus far:

1. The majority of political parties and movements have conducted substantive campaigns and maintained a respectful attitude toward other participants. In the course of the electoral process, candidates have participated in numerous forums and substantive discussions, enriching the democratic debate.
2. The Center is pleased with the decision by the Supreme Electoral Tribunal to allow the timely release of quick count results by the organization Participación Ciudadana, which contributes to the transparency of the electoral process.
3. The Center is concerned over complaints received from diverse candidates and civil society representatives that central government authorities, and in some cases provincial governments, have used official publicity to benefit certain political groups. These actions are a detriment to the legitimate right of all political movements to equal participation in electoral publicity.

RECOMMENDATIONS:

The Carter Center calls for all candidates, parties, and political movements to maintain the respectful attitude displayed throughout the campaign to avoid polarization and personal attacks and for all parties to maintain tranquility and respect for the election results.

The Center urges government authorities to abstain from institutional publicity in favor of particular candidates. Moreover, the Center suggests that, in the future, a code of conduct be enacted with provisions about the use of government resources in electoral campaigns, including announcements of public programs and public acts that could influence voters.

The Center also recommends that the Supreme Electoral Tribunal continue its efforts to train poll workers and to provide information to citizens about Sunday's voting process.

Finally, the Center reiterates its conviction that the vote counting process is a fundamental part of the election's legitimacy and the trust of the citizens in the electoral process.



**Carter Center Observes Democratic Consolidation
in Ecuador**

1 October 2007

FOR IMMEDIATE RELEASE

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Yesterday, Sept. 30, the Ecuadorian people demonstrated their profound democratic vocation by voting peacefully for representatives to the constituent assembly.

Summary of Key Findings

The Carter Center congratulates the Ecuadorian people for their civic commitment. We would like to particularly recognize the role of the poll workers, who were mostly young people. Their creativity, honesty, and close attention to the law made the election successful, despite the complexity of the vote count.

The Carter Center also congratulates the Supreme Electoral Tribunal and its corresponding provincial bodies for the proper organization of the elections in accordance with Ecuadorian law. We recognize the constructive role of the armed forces and the police, who provided security on Election Day, and offered information and orientation to voters at the voting sites.

The Center recognizes the importance of the work of Participación Ciudadana in performing the quick count and in sharing its results, both of which are essential elements for the transparency of the electoral process.

According to reports from Carter Center observers, who worked in close collaboration with the missions of the Organization of American States (OAS) and the European Union (EU), the problems that occurred during voting did not affect the exercise of the rights of the citizens. These problems included:

There was inadequate information within the voting sites about where exactly to vote.

The absence of poll workers caused delays in starting the process at some voting sites.

There was a poor distribution of space in some voting centers.

The Supreme Electoral Tribunal's coordinators seemed poorly prepared to resolve organizational and procedural problems in some voting sites.

Some candidates showed disrespect for the electoral law by campaigning inside and nearby the voting sites on Election Day.

There were isolated incidents of violence, such as the one which occurred in Cabo de San Francisco in Muisne.

These circumstances did not tarnish the civic process on Sunday, Sept. 30. However, they are issues that should be considered to improve the electoral system of the country.

The Carter Center stresses the mature attitude shown by the authorities and political leaders upon the release of the first partial, unofficial election results. However, the Center insists that the only official results are those to be released by the Supreme Electoral Tribunal, in the time established by law.

The Campaign

During the campaign, Carter Center representatives met with the president and vice president of the Republic, the president of congress, dignitaries of the national and provincial governments, political leaders and candidates, members of civil society, and the media. The Center expresses its gratitude for their trust and their openness to the Center's observations about the process.

The Carter Center expresses its particular recognition of the authorities of the Supreme Electoral Tribunal for allowing our observers unrestricted access to the information during the electoral process and for considering our suggestions.

The Center also considers it pertinent to note the extension of the right to vote to Ecuadorians located abroad and the new system of distributing campaign publicity for all campaign participants, which was an effort by the state to guarantee equal access to campaign publicity for all candidates.

The implementation of the law of quotas marks an important advance in the electoral process. It opens the way, probably irreversibly, for more equal participation of women in making significant decisions that affect life in the country.

While the electoral campaign was conducted in a framework of general respect and tolerance, there were some incidents involving insults to personal honor and unrealistic campaign promises. These acts diminished the electoral process and should be avoided in future elections.

There were also complaints about the use of state resources (from the central government, mayoral offices, and prefects) in favor of certain candidates. It is necessary to develop a legal instrument that clearly establishes the limits of government publicity in electoral campaigns.

The Future

The members of the constituent assembly have a great responsibility to define a legal-political structure that will allow a new institutional stability to take shape, to further develop representative democracy, to guarantee the rule of law and the independence of branches of government and accountability mechanisms, and protect the fundamental rights of Ecuadorians.

The Carter Center also believes that the constituent assembly offers a common space to define a new social pact, through dialogue and compromise, which will generate the conditions for an effective fight against poverty, inequality, and exclusion, and within a framework of democratic participation where the common good takes precedence.



**Former U.S. President Jimmy Carter Sends Congratulatory Message to Ecuador's
New Constituent Assembly**

30 November 2007

FOR IMMEDIATE RELEASE

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In a message to Ecuador's newly inaugurated Constituent Assembly, former U.S. President Jimmy Carter urged the constituents to use human rights as a basis for drafting a new constitution and encouraged them to seek a harmonious solution on the definition and implementation of their role in transforming the state's institutions.

"The whole world has clearly heard the message Ecuadorian citizens sent to their representatives: the people want progress, stability, transparency and social development, in freedom and in democracy," President Carter said in the statement. "This is the only way to overcome the inequality that hurts us all."

President Carter urged the new assembly to strengthen democracy and transparency in the country by its respect of the rule of law and to address the many social problems facing the country.

"We believe that the Constituent Assembly has the responsibility of defining, through dialogue and agreement, a new social pact for an effective fight against poverty, inequality, and exclusion, within a framework of democratic participation where the common good prevails over individual interests," said President Carter.

The Carter Center works in Ecuador to support initiatives strengthening democracy and preventing conflict, as well as implementing health programs to fight river blindness, a disease, which affects mostly those in poor, rural areas. The Center also worked intensively to observe the electoral processes leading up to Ecuador's Constituent Assembly elections that were held on Sept. 30.



**Former U.S. President Jimmy Carter's Message for the Inauguration of Ecuador's
New Constituent Assembly**

30 November 2007

To the Ecuadorian people, elected authorities, and members of the General Constituent Assembly of Ecuador:

Almost 30 years ago, when I assumed the presidency of my country and military dictatorships extended throughout Latin America, Ecuador inaugurated a wave of democratization that continues today. Human rights began to be restored as fundamental values, and slowly the countries of Latin America established democratic regimes. These rights, which after years of struggle are today consecrated in the Constitution of Ecuador, should be considered the foundation for even greater progress in the realm of individual and collective guarantees that modern democracies provide for their citizens.

During the last decade, Ecuador has experienced continued instability. The social and economic crisis at the end of the twentieth century affected the poorest in the country, and it became evident how difficult it is to provide answers to the greatest problem affecting the region: inequality. There is no region of the world that has experienced more inequality than Latin America. There may be poorer ones, but nowhere is inequality more prevalent.

During the past quarter century, The Carter Center has cooperated with the Ecuadorian people in every way possible. We have implemented health programs, including the fight against river blindness, a disease that afflicts the most underprivileged people in our planet, and we have supported initiatives to strengthen democracy and prevent conflict. We have an emotional bond with the Ecuadorian people that has been renewed by the transformation the country is now enjoying, driven by thousands of Ecuadorians who want a better future for their country.

The whole world has clearly heard the message Ecuadorian citizens sent to their representatives: the people want progress, stability, transparency, and social development in freedom and in democracy. This is the only way to overcome the inequality that hurts us all.

Achieving these goals lies in the hands of the constituents who begin their work today. We have seen many laws, constitutions, and rules, some better than others. We know that that people learn by example. Only when the law is respected and observed by the most powerful it is possible that it fulfils its function in shaping the destiny of the society. There is a possibility of strengthening the democratic system or guaranteeing transparency and respect for law only with an exemplary conduct by its leaders that is both democratic and transparent.

Constituents have the enormous responsibility of providing an example of civic-mindedness and democratic coexistence in the fulfilment of their essential tasks, which

are: defining the legal-political structure of the country that will permit the consolidation of a new institutional stability; furthering representative democracy; guaranteeing the rule of law and the separation of powers; and protecting fundamental human rights. This will be Ecuador's twentieth constitution. The most certain way to guarantee its longevity is to seek the broadest consensus possible on its articles.

One decision the Assembly must make is to define and implement its own proper role in transforming the institutions of the state. Intervening in the authority of other public powers ultimately could affect the legitimacy of this Assembly and its product. On the other hand, the people are demanding a change in political practices that could suggest a break with the past. I encourage you to look for a harmonious solution to these differing opinions within a democratic framework and respecting basic international rules of governance.

We believe that the Constituent Assembly has the responsibility of defining, through dialogue and agreement, a new social pact for an effective fight against poverty, inequality, and exclusion, within a framework of democratic participation where the common good prevails over individual interests. I wish you success in this undertaking, and I send my warm wishes for prosperity and happiness for all Ecuadorians.