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### REPORT OF THE SECRETARY-GENERAL ON THE UNITED NATIONS OBSERVER MISSION IN EL SALVADOR

#### I. INTRODUCTION

1. The present report is the fifth in a series of reports that I have submitted to the Security Council on the activities of the Electoral Division of the United Nations Observer Mission in El Salvador (ONUSAL), in connection with the elections of 20 March 1994 and the second presidential round thereof, held on 24 April 1994. My latest report of 31 March 1994 (S/1994/375) contained a general evaluation of the elections of 20 March. The purpose of the present report is to provide an evaluation of the second round of 24 April.

#### II. PREPARATION OF THE SECOND ROUND

2. In order to help overcome the serious irregularities detected on 20 March, the Electoral Division made a series of recommendations to the Supreme Electoral Tribunal on 24 March. Some of them related to the organization of the election: number of polling centres, transport for voters, guidance and training of electoral officials on the polling station teams and electoral publicity. With regard to the electoral roll, it was recommended that particular attention be given to ensuring that the lists that were displayed matched those at the polling tables. Consensus on these aspects was reached a few days later between the contending parties (Alianza Republicana Nacionalista (ARENA) and the MNR-CD-FMLN Coalition) and the Supreme Electoral Tribunal; the latter pledged to take steps to correct the difficulties noted.

3. In monitoring the implementation of these measures, the Electoral Division posted observers in the five areas of work which the contending parties and the Supreme Electoral Tribunal designated as most important: registration, computation, printing, electoral project unit and training. It was noted that the printing of the ballot papers was carried out in the presence of representatives of the parties and of ONUSAL, save for the first tens of thousands which were the results of trial runs and were unnumbered. No numbered ballot paper was produced without said observers being present.

4. An additional 35 polling centres were set up, the biggest increase being in the greater San Salvador area where the largest crowds had occurred on 20 March. This decision undoubtedly helped ensure that everything proceeded in a more orderly fashion on 24 April.

5. As for the training of members of the polling station teams, ONUSAL observed that the training programme prepared by the Tribunal had had uneven success. Save in the Department of Chalatenango, attendance at the Tribunal's training sessions by members of ARENA and the Coalition parties was irregular; those parties decided to train their own representatives separately.

6. Furthermore, the personnel assigned to give guidance to voters at the polling centres were selected by the contending parties from among their own members. By mutual agreement between the two candidates, and even though the Electoral Code did not provide for this, such personnel were identified with the distinctive marks of their respective parties. Some of them did useful work in providing guidance to voters at the polling centres. However, in many centres the use of party symbols by such personnel led to tension and confrontations.

7. Reasonable solutions were sought to the problem of transport for the voters. With the assistance of USAID and UNDP, arrangements were made to provide free transport in rural areas and to establish two free transport circuits in the San Salvador metropolitan area, using 130 buses bearing the logo of the Supreme Electoral Tribunal.

8. With regard to the electoral roll, a series of changes were made. On the one hand some 15,000 names were added to it; two thirds were people who had asked to be included on the roll but could not produce a birth certificate in support of their request, the remainder involved reinstatements and changes. In addition, the polling station teams received two identical copies of the electoral roll. Previously the copies were different; the lists at the polling tables had spaces so voters could sign, and to allow for comments, whereas those which were displayed in public were printed in smaller type. Finally, voters were given more information to enable them to find the proper polling place. A list of polling centres and polling stations, together with the full names of the first and last persons on the electoral list at each polling station was published in the newspapers.

### III. THE ELECTORAL CAMPAIGN

9. The second round was preceded by an electoral campaign which lasted just over two weeks. ONUSAL observers were present at campaign activities; these were fewer in number and were attended by fewer people than those that preceded the first round. On the whole, there were no incidents affecting law and order although, regrettably, there were some isolated acts of violence. Nationwide, the Electoral Division verified some 50 acts.

10. We view as extremely positive the signing of the joint statement by the two presidential candidates on the morning of Monday, 18 April, expressing their commitment to the future governance of El Salvador, their determination to conduct a decent campaign and their pledge to make every effort during the next

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two years to overhaul the electoral system completely. I referred to the subject of electoral reform in my report of 31 March, following the first electoral round. Prior to the signing of the statement by the presidential candidates, their respective campaign managers had met and sent a joint letter to all the mass media in El Salvador, requesting them not to accept publicity from organizations or persons other than the contenders' political parties.

11. As of the signing of the statement, the tone of the electoral publicity improved. Until that time, the campaign had been taking place in a tense atmosphere, with plenty of electoral publicity, on the part of both contenders, of a kind that violated the electoral propaganda rules and the spirit of national reconciliation embodied in the peace agreements. Moreover, the Electoral Division had received 16 complaints, some of them about acts of intimidation and attempts to buy votes.

#### IV. THE CONDUCT OF THE ELECTION

12. ONUSAL monitored proceedings on election day, 24 April, by posting 900 observers to cover all polling centres in the country, from the time the polling stations opened until the first vote count was completed. ONUSAL continued to observe the official vote-counting process in the Supreme Electoral Tribunal. Generally speaking, election day proceeded virtually without serious incidents affecting law and order or ballot-rigging, and there was a distinct improvement in the organization of the election, including the layout of the polling centres, the stationing of personnel to direct voters to the proper polling places, the finding of names on the electoral roll, free public transport and, on the night of 24 April, early broadcasts of the election results. All these factors contributed to a more organized election day, thanks to the joint efforts of both presidential candidates, the political parties which had nominated them, the Supreme Electoral Tribunal and the donor countries.

13. Throughout election day, ONUSAL observers noted the following kinds of irregularities: while most polling stations were open from 7 a.m. until 5 p.m., as provided by law, there were some which opened after 7 a.m. or closed before 5 p.m. In the Municipality of Pasaquina, 18 of the 23 polling stations ceased to be monitored by representatives of one of the candidates. Many complaints were received from both parties about Electoral Code violations by party members who were campaigning at polling centres. There were two complaints about armed civilians. The National Civil Police also detained two persons who voted twice. As in the first round, ONUSAL observers confirmed that a considerable number of citizens were unable to exercise their right to vote even though they had voter cards.

#### V. THE RESULTS OF THE ELECTION

14. According to the final count by the Supreme Electoral Tribunal, announced at a press conference on 27 April at 5 p.m., the results of the second round of the presidential election were as follows: ARENA - 818,264 votes (68.35 per cent); Coalition - 378,980 votes (31.65 per cent); making a total of 1,197,244 valid votes. The total number of votes cast was 1,246,220, of which

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3,467 were challenged, 40,048 were invalid and 5,461 were abstentions. The results were predicted on the night of 24 April by the Tribunal on the basis of a provisional count of more than 90 per cent of the votes. ONUSAL organized its own quick count, based on a sample of 294 polling stations, which showed, at 7.15 p.m. on 24 April, that ARENA had won 67.88 per cent of the votes cast and the Coalition 32.12 per cent.

15. At the time of issuance of my fourth report on the activities of the Electoral Division of ONUSAL (S/1994/375) the official results of the first round were not yet known. Voting in the presidential election gave the following results: ARENA 49.03 per cent, Coalition 24.9 per cent, PDC 17.87 per cent, PCN 5.39 per cent, PMU 2.41 per cent, MSN 1.06 per cent and MAC 0.83 per cent. The 84 seats contested in the election for the Legislative Assembly were distributed as follows: ARENA 39, FMLN 21, PDC 18, PCN 4, PMU 1 and CD 1. Lastly the 262 mayoral districts were distributed as follows: ARENA 206, PDC 29, FMLN 16, PCN 10 and MAC 1.

16. The results of the presidential, legislative and municipal elections of 20 March may be considered final. The irregularities in the elections, referred to in my previous report (S/1994/375), did not constitute ballot-rigging and thus had no impact on the election results as a whole. Nevertheless, given that the electoral constituencies for the municipal councils are smaller, the irregularities may have affected some results there; they did give rise to a significant number of challenges. In some instances the Supreme Electoral Tribunal reached a decision after examining the evidence cited by the complainant. In other instances, such as the electoral challenges made by FMLN in 37 municipalities, the Tribunal agreed to hear the appeals but the evidence was not examined since it was decided that the appeal was not valid. ONUSAL legal officers determined that both the submissions and the Tribunal's decisions not to examine the evidence were tainted by procedural flaws. We expressed our concern at the manner in which these cases were closed. Given the political importance of the challenges and the need for transparency in elections of such significance it would have been wiser to deal more carefully with these appeals. In any event there is no appeal against Tribunal decisions on such matters, although the remedy of amparo under ordinary jurisdiction remains available to the individual.

## VI. FINAL CONSIDERATIONS

17. Subsequent to these elections problems remain in terms of the organization of elections, in particular concerning the preparation of the electoral roll, and there is an evident need for a thorough reform of the electoral system. The two candidates in the presidential election of 24 April have committed themselves to such a reform. The reform should not only resolve outstanding problems concerning the organization of the elections but also establish a new system offering better safeguards to ensure that all citizens are able to exercise their right to vote. The United Nations remains ready to provide technical support in connection with such a reform, which should include as key elements a single identity document, provision for voting in the area of residence of the voter, standardization of the formula for representation in the Assembly and municipalities, and depoliticization of the Supreme Electoral Tribunal.

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