

# ELECTORAL NEEDS ASSESMENT MISSION TO HONDURAS

28 March to 1 April 2011

## MISSION REPORT

### Introduction

1. On 13 January 2011 the Supreme Electoral Tribunal of Honduras (TSE) requested the extension of UN technical electoral assistance scheduled to expire on 31 May 2011. The TSE has requested additional assistance for the period of 2011-2014. The request aims specifically at the institutional consolidation and strengthening of the electoral body.
2. The UN Electoral Assistance Division of the Department of Political Affairs approved the deployment of a needs assessment mission (NAM) to Honduras between 28 March and 1 April 2011. The purpose of the mission was to conduct a situation assessment and evaluation of the technical assistance needs for the TSE. The NAM team conducted a comprehensive study and evaluation of the political situation and the potential needs for international assistance in helping the TSE prepare for and conduct primary elections in November 2012 and general elections in November 2013. The NAM was composed of an EAD international consultant, Ms. Renata Lapti and an AD/DPA Desk Officer, Mr. Mauricio Davila.
3. The objectives of the NAM were to evaluate the official request received by the UNDP Country Office and to make recommendations on possible responses. The NAM's terms of reference included the assessment of the conditions for the electoral process, as well as the current capacity of the electoral management bodies to address the challenges in preparing for the elections and remaining capacity building needs. The NAM was instructed to determine whether there were sufficient conditions for the UN to respond positively to the requests for technical assistance; to examine the existing political context; activities and plans of international donors; to identify areas that could benefit from UN technical assistance; and to explore possible strategies for cost effective UN electoral support.
4. Facilitated by the UNDP Honduras Country Office, the mission met with a wide range of interlocutors, including the TSE magistrates, political party representatives (PDCH, PL, PNH, PINU, UD), congress representatives (Mr. Javier Menocal, Chairman of the Electoral Affairs Commission), government officials (Mr. Luis Green, Ministry of Indigenous Peoples and Afro-Honduran), members of the international community (EU, USAID, Canadian and Swiss Embassies) and non-governmental organizations (*Mirador Electoral*, FOPRIDEH, *Mujeres Interpartidarias*, ODECO). The mission was further briefed by the UNDP Country Team. The mission also participated in the socialization meeting of the electoral reform in Choluteca.
5. The NAM was conducted amidst a tense domestic political environment as teacher demonstrations and riots were held all over the country.

## **Political context**

### *Domestic situation*

6. The 28 June 2009 coup transformed the political context in Honduras. The catalyst for the ouster of President Zelaya was his alleged intention to promote constitutional change through unlawful means. This quest, however, did not end with the coup, as most Hondurans continue to manifest a desire for change. Indeed, the high degree of polarization and grievances that have permeated Honduran society, particularly regarding the events before, during, and after the coup, suggest that the absence of democratic reforms pose a risk to peaceful governance. Thus, a key focus of the Supreme Electoral Tribunal (TSE) and political parties and the Government of President Lobo has been to channel existing demands for reform through national institutions. It is precisely in the context of this effort that electoral assistance is being sought.
7. The TSE played a crucial role in the 29 November 2009 elections. The call for the elections took place under the procedures and official timeframe set forth in the Honduran Constitution, and the candidates of the two major parties were selected in the primaries held on 2 December 2008, accepted by all of the country's political parties prior to the coup. However, the events of 28 June 2009 created a difficult environment for the elections, due both to the scale of the resulting polarization as well as the unanimous rejection of the coup by the international community and its mixed response regarding the electoral process. In spite of this complex scenario, the TSE moved forward with the general elections for almost 3,000 elected offices across the country.
8. Domestic election monitoring organizations remarked the absence of systematic political, organizational or technical problems. One of the reasons for this favorable development was that the political class was keenly aware of the existence of strong domestic and international pressure to ensure the legality of the elections. In stark contrast to the November 2005 elections, the electoral body improved the overall management of the process. This increased the TSE's social recognition as expressed by opinion polls conducted after the 2009 elections. Notably, the UN had been providing electoral assistance to the Tribunal for a brief time prior to the coup, although this assistance was temporally suspended in late 2009.
9. President Lobo was able to point to the effective management of the 2009 elections and the absence of violence as factors enhancing the legitimacy of his Administration. Thus, after taking power President Lobo championed dialogue and reconciliation. Still, polarization remains high and political groups aligned with former President Zelaya continue to label Lobo's Government as illegitimate. To counter these claims, President Lobo has promoted a progressive agenda aiming to ensure stability. His Administration has taken on board several aspects of the former president's social agenda, including conditional cash transfer programmes. While doing so he has faced the opposition of some sectors of the economic elite and political right.
10. For its part, the National Congress has privileged an image of change without substantially altering the power structures in place. On 12 January 2011, the National Congress approved a proposal by the TSE to reform article 5 of the Constitution regulating plebiscites and referenda. The legislators, however, added significant restrictions on both the organization and implementation of plebiscites, namely the condition that both the call for a referendum and the implementation of its results must be approved by Congress. According to social and political activists, the modifications

distorted the spirit of the initiative and evidenced the lack of political will to move forward a comprehensive political reform. Congress, essentially, reserves its right both to determine what citizens are asked in plebiscites and to interpret and ratify the results of plebiscites, thus ensuring its role as a filter for citizen initiatives.

11. The NAM was advised to take into account the political role of the President of the National Congress, Mr. Juan Orlando Hernández, who is considered Lobo's preferred presidential candidate for the November 2013 elections. In fact, several political observers tend to interpret voting patterns in Congress in light of his political aspirations. Although this perspective does not fully capture the complexity of the legislative scenario, it certainly adds a layer of uncertainty to any initiative that could represent a threat to his leadership. Any initiative of the international community to support the institutional development of Congress should take into account this political dynamic.
12. The National Party (PNH) is using its clear majority in Congress –71 out of a total of 128 seats– to advance its agenda. Although the PNH is a centre-right political party, where private sector interests converge, its current legislative agenda essentially responds to political expediency, based on a social demand for change, rather than a conservative programme. In fact, President Lobo has heralded the doctrine of “Christian humanism” to justify a more active State intervention regarding social development.
13. By contrast, the opposition Liberal Party (PL) lacks a leader who could unify the party and balance the influence that Mr. Zelaya continues to wield in Liberal circles. Indeed, since his ousting, the PL has been fragmented into several groups that align with two opposing camps: the supporters of the coup and the de facto regime of Roberto Micheletti, who occupy leadership positions in the party; and the opponents of the coup who are thought to constitute the lion's share of the party's political base.
14. Moreover, radical sectors of the PL that coalesced into the National Resistance Front (FNR) are aiming to adopt a more autonomous agenda focused on human and social rights. The FNR includes pressure groups that had previously been supportive of Mr. Zelaya, such as the labour unions. Particularly, the FNR depends upon the teacher union's capacity of mobilization. Unions have also provided the FNR an ideological platform, in light of an erosion of public support for the most radical aspects of its agenda after almost two years since the June 2009 coup. Through his reform proposals, President Lobo has sought to garner public support from Hondurans seeking change, including moderate members of the political left.
15. The three minority parties, Christian Democratic Party of Honduras (DC), National Innovation and Unity Party (PINU) and Democrat Unification (UD), who represent close to 10 per cent of the 128 seats in the National Congress, do not play a major role in the decision-making process. Still, they do represent an arena for political participation and deliberation that the Government is willing to support as an alternative to the FNR. Indeed, in order to keep his promise to create a unity Government, President Lobo invited members of minority parties into his cabinet. Yet, political parties' asymmetrical access to resources, including access to the media, needs to be addressed to level the playing field.
16. Although there are several civil society organizations working in the area of elections and governance, including social groups that focus on the democratic rights of vulnerable sectors, such as women, youth, afro-Honduran and indigenous populations, people with disabilities and older adults, there is a shortage of organizations that are not affiliated,

formally or informally, with the two main political parties. As a result, many NGOs are calling for the TSE to foment a broader conception of politics beyond the ingrained bipartisan model. Thus, a key social demand is for the TSE to enhance civic education in Honduras, as well as improve political parties' institutional capabilities and training.

17. Against this backdrop, the TSE launched in 2010 an extensive process of consultation that would result in a package of electoral and political party reforms, to be presented to the legislature. The proposals, which the legislature has yet to consider, would effectively strengthen the electoral body and help to lock in some of the advances made since the last elections, such as the efforts to increase the participation of women and other vulnerable groups. Yet, it is difficult to assess if, and in which terms, the National Congress will approve these reforms. In light of the modifications introduced by Congress to the legislation on referendum and plebiscites, there is concern that legislators could dilute or even distort their content. Since primary elections in Honduras will take place in 2012, the optimal timeframe for the approval of an electoral reform is limited to one year.
18. A key factor that is affecting the political atmosphere in Honduras is the increase in crime and violence. With more than 70 murders per 100,000 citizens, the country has the highest crime rate per capita in the region and one of the highest in the world. The rates for arrest and conviction of criminals are negligible. The influence of gangs and of youth delinquency is growing at an alarming rate. This situation has been exacerbated by the growing presence of drug-trafficking networks and the steady and heavy flow of illegal firearms. As with the political situation, these security threats are symptoms of deeper problems of poverty and inequality.
19. In this connection, political and social activists acknowledge the infiltration of drug trafficking groups into politics, particularly at the local level. Moreover, they claim that specific electoral reforms, including the creation of unitary districts, have been discarded due to the vulnerabilities of political institutions to corruption and illegal financing. Given this situation, the electoral body has been requested to improve the regulatory frameworks on party financing and expenditures. In parallel, the Honduran Government is considering expanding the role of the armed forces in the fight against drug trafficking and other criminal organizations. In this connection, several NGOs are voicing their concerns not only regarding the effectiveness of this measure, but also about its human rights implications. Given the role played by the Honduran military during the 2009 coup, this measure should be closely monitored.
20. The Truth and Reconciliation Commission (CVR) – to which the UN has provided support for the drafting of its human rights chapter – is expected to issue its report in mid June 2011 after the OAS General Assembly in El Salvador. Beyond its human rights recommendations, the CVR will address electoral and political issues. There is widespread concern that the Government has not duly prepared the ground for the presentation of the report. Sectors of the right may have difficulties digesting the CVR's criticism of excesses committed during the period of de facto rule and the possible call for significant political reform, including a call for a Constituent Assembly. At the same time, elements of the FNR may be unwilling to countenance criticism of Mr. Zelaya's polarizing policies during his last days in office. The Minister of Justice and Human Rights, Ms. Ana Pineda, is likely to play an important role in the process of publicizing the recommendations of the CVR.

### *International dimension*

21. Shortly after the 2009 elections, Lobo's victory was recognized by the United States and other Latin American countries. Still, several governments in the region withheld recognition and Honduras remains suspended from the OAS. Countries that continued to withhold recognition (primarily the nations belonging to the ALBA and Mercosur groupings) claim that the elections that brought President Lobo to power were illegitimate because they were held under a de facto regime. Conversely, countries that recognized the new Government deemed the elections fair and peaceful and used them as a platform to normalize their diplomatic relations with Honduras. The return of Mr. Zelaya to Honduras has become the key demand for the reincorporation of the country to the OAS. For his part, Mr. Zelaya has made clear that his return to Honduras is contingent on the dismissal of corruption charges that are still pending against him.
22. Honduras is the second poorest country in the Western Hemisphere, just behind Haiti. Approximately seven out of ten persons live below the poverty line. Its fragile economy is highly dependent on foreign aid, whose levels have declined as a result of the difficult economic situation in key donor countries, as well as the ongoing repercussions of the country's suspension from the OAS. In this sense, the issue of diplomatic recognition is fundamental for the economic and institutional development of the country. Indeed, according to President Lobo, Honduras did not qualify this year for US\$200 million in financial aid under the U.S. Millennium Challenge Account due to the failure to solve Mr. Zelaya's case.
23. The Government has sought to normalize its diplomatic relations through the implementation of the so-called "Santo Domingo Agenda", which includes several pre-conditions set by Mr. Zelaya for his return to Honduras. Most political observers, however, coincide that Zelaya probably has an interest in remaining out of the country and playing the role of victim.<sup>1</sup> In this context, most international aid agencies, with the notable exception of USAID and UNDP, are not implementing electoral assistance projects in Honduras. They have focused instead on other areas of democratic governance, including local development, human security and social participation. Accordingly, domestic institutions are counting heavily on USAID and UNDP technical assistance. In fact, the TSE underscored that its own credibility rests in part on UNDP collaboration.

### **Electoral framework**

#### *Legal framework*

24. The legal framework in place for the electoral process provides for democratic elections. Elections should be held concurrently. The vote is to be free and personal, but not

---

<sup>1</sup> The annulment of the criminal charges against former President Zelaya and his safe return to Honduras is considered the *sine qua non* condition for the re-integration of Honduras in the OAS. On 2 May, a Court of Appeals ratified the annulment of criminal proceedings against Mr. Zelaya, alleging a violation of due process and the right of legitimate defence. On 4 May, the Court of Appeals again ratified its decision after the Attorney General (AG) requested a revision. According to press reports, the AG and the General Prosecutor have announced that they will not lodge a special motion (*amparo*) against the decision of the Supreme Court. According to the OAS, El Salvador has requested the OAS to hold an extra-ordinary General Assembly to discuss the re-incorporation of Honduras. However, OAS Member States seem to be in a "waiting mode" for reactions from the new regional mediators: Colombia and Venezuela. Though a few initial meetings were held, it is not clear that Colombia and Venezuela are actively mediating at this stage. It is expected that the OAS Permanent Council will meet during the week of 16 May to consider the re-integration of Honduras.

mandatory. According to the electoral legislation in force, the vote is universal, direct and free. In order to exercise the right to vote, the voter is required to present an identity card. Citizens are to vote in polling stations near their place of residence (*voto domiciliario*). Out-of-country voting is allowed, particularly in the United States, where a large number of Honduran immigrants live. The last general elections (2009) were governed by the Constitution of Honduras, the Law on Elections and Political Organizations (*Ley Electoral y de las Organizaciones Políticas*) of 15 May 2004, and other electoral and political regulations.

25. The Constitution and electoral laws provide for simultaneous elections every four years to designate: president, three presidents-designates, Congress, mayors, vice-mayors, members of municipal councils and deputies to the Central American Parliament. For the 2009 elections, the president and president-designates were elected on a single ticket by a simple majority of all votes cast; the votes cast in this race were also used to allocate Central American Parliament deputies on a proportional basis. Each department was apportioned congressional seats proportionally to its population, and seats were allocated by open-list proportional representation,<sup>2</sup> with the exception of the two departments with only one deputy, where a simple majority was used. Municipal councils were elected using closed-list proportional representation.<sup>3</sup>
26. An important characteristic of the system in Honduras is the practice of internal primary elections. Primaries are supervised by the TSE and are held one year before the general election. The introduction of primaries was first introduced in 2005. Even though it is compulsory, the smallest political parties have encountered challenges with the logistics of such an endeavour.
27. Following the democratic transition in 1982, Honduras undertook a number of reforms including, among others: separating the National Population Registry (*Registro Nacional de las Personas*, RNP) from the electoral authorities; regulating political campaigns and the public financing of parties; establishing quotas for women candidates; and instituting measures designed to insulate the TSE from partisan influence. Despite these important changes to the laws governing elections, reforms were not always realized or applied consistently.
28. Currently, measures aimed at continuing the process of electoral reform and modifying the legal electoral framework are being discussed at various levels. A variety of legal issues are being discussed, which will certainly have a bearing on the conduct and timing of elections. While the public consultation process on electoral law modifications proposed by the TSE can be characterized as successful, it is still necessary to engender closer collaboration among key stakeholders especially considering that some of them have little knowledge or insufficient understanding of each other's proposals.
29. On 12 January 2011, the National Congress approved a proposal by the TSE to reform article 5 of the Constitution regulating plebiscites and referenda. The legislators,

---

<sup>2</sup> In 2009, the system used to elect deputies was an open-list proportional representation system that allowed *panachage*. Voters could cast as many votes as there were seats to be filled, and could vote for candidates from any number of parties; however, a voter could cast only a single vote for any one candidate. Seats were then allocated proportionally between parties using an electoral quotient and greatest remainders, based on the sum of the votes received by a party's candidates. Finally, each party's seats were awarded to the candidates from that party that received the largest number of individual votes.

<sup>3</sup> The first and second candidate on the list of the party that received the largest number of votes were elected mayor and vice-mayor, respectively. Municipal council seats, like congressional seats, were divided among parties using an electoral quotient and greatest remainders.

however, added significant restrictions on both the organization and implementation of plebiscites, namely the condition that, both, the call for a referendum and the implementation of its results must be approved by Congress. Although developments in this area remain uncertain as the approval of secondary laws are required, the reform has created the potential for a request to the TSE to conduct a national, provincial or municipal level referendum. In the context of the current political and institutional situation, the TSE must be prepared to lead a public consultation process (plebiscite and referendum), which involves a review of the legal and regulatory framework and the preparation of specific operational procedures and structures. As a result, the comprehensive reform of the Electoral and Political Organizations Law proposed by the TSE must be both technically strong and have the political support of Honduran society.

#### *Institutional framework*

30. Before 2002, the exclusive electoral authority was the National Electoral Tribunal (TNE), in charge of organizing and conducting elections, producing the national identity card and establishing the electoral roll. One of the major elements in the 2001-2002 reforms was the separation between the electoral administration *per se* and the registration agency, creating the TSE and the National Population Registry (RNP).
31. The TSE was created as an independent and nonpartisan institution with the responsibility to ensure the integrity of the country's elections. Based on the civil registry maintained by the RNP, the TSE develops the voter registry (*Censo Electoral*). The TSE also conducts electoral operations; announces results and officially declares the winners; and registers political parties, alliances and independent candidates and oversees their finances, etc.
32. The TSE is composed of three magistrates and one substitute magistrate, each elected by two-thirds of the National Congress for a five-year term with the possibility of reelection. Magistrates are politically affiliated. In stark contrast to the November 2005 elections, the TSE improved the overall management of the electoral process in the 29 November 2009 elections. This increased the TSE's social recognition as expressed by opinion polls conducted after the 2009 elections. Notably, the UN had been providing electoral assistance to the Tribunal for some time prior to the coup, although this assistance was temporally suspended in late 2009. However, currently the TSE, which began to work seriously and focused on institutional consolidation and strengthening, is still weak from an institutional point of view. To respond fully to the administrative and logistical challenges the electoral institutions face, international support should be provided through the entire electoral cycle and not only prior the elections.
33. The electoral process is crucial to the democratic consolidation and political stability in Honduras. The electoral authorities are facing serious challenges in their efforts to manage the electoral process efficiently. The most serious challenge is the need to combat the lack of credibility of the electoral institutions and deficiencies of the professional skills of the electoral staff in a politically tense environment.

#### *Political party system*

34. The party system in Honduras is generally characterized as bipartisan, because of the predominance of the two traditional political forces, the Liberal and the National parties. Nevertheless, while the traditional parties still enjoy a dominant position, there are three small parties which complete the political context: *Partido de Innovación y Unidad*

*Social Demócrata*, (PINU), the Democratic Unity Party (*Partido de la Unificación Democrática*, UD) and the Christian Democratic Party of Honduras (*Partido Demócrata Cristiano de Honduras*).

35. All representatives of the three small parties interviewed by the NAM have insisted that all 5 political parties should be represented in the TSE to assure the transparency and accuracy of the electoral process.

### **Challenges to the electoral process**

36. The work on the Honduran electoral process is characterized both by attempts to continue the process of electoral reform and by electoral institutions that can be strengthened from an institutional point of view. There are concerns among major stakeholders on the electoral authority's ability to respond fully to the administrative and logistical challenges they face without substantive international support. There are important technical challenges; of these, the development of the electoral roll is one of the most pressing ones but also, the TSE faces challenges in terms of civil society participation, civic education, training methodology and programs.

### *Electoral reforms*

37. As mentioned earlier, measures aimed at continuing the electoral reform process and modifying the electoral legislation are being discussed at various levels. Some of the issues about which the key stakeholders seem particularly concerned are: a) appointment of members to the polling stations by the TSE; b) involving representatives of the civil society as electoral staff in the polling stations; c) voting procedures, observations, financing of parties, separation between general and municipal elections; d) organizational and administrative matters for the TSE (representation of all political parties in the TSE, etc.); e) women's participation and gender quotas; f) implementation of the active and passive census; and g) cleansing of the electoral register. Unfortunately, there are insufficient attempts at consensus or systematic approach towards the electoral reform.
38. Providing UN assistance to the Committee on Electoral Affairs of the National Congress regarding the promotion of a new set of electoral reforms could serve as a bridge of communication between the TSE and National Congress and enhance their cooperation and collaboration in legal reforms. The first package of reform measures was presented by the TSE to the Congress in March 2011. The measures contained in this package deal mostly with procedural and institutional issues. The TSE proposals for legal electoral reform are meant to increase citizens' participation and strengthen the political and electoral institutions. The TSE has focused especially on the following areas:
- a) Nationwide and comprehensive (universal) civic and political education;
  - b) Increasing women and youth participation in the electoral process;
  - c) Increasing indigenous and Afro-Honduran peoples participation in the electoral process;
  - d) Increasing the participation of disabled persons in the electoral process;
  - e) Transformation and democratization of political parties;
  - f) Improving financial supervision of political parties by the TSE;
  - g) Strengthening the independency and autonomy of the TSE;
  - h) Changing the system of appointing the polling staff in favor of TSE appointments;



- i) Improving plebiscite and referenda procedures;
- j) Updating the electoral roll, by implementing an active census and maintaining a passive census of voters;

*TSE challenges*

39. The TSE saw its credibility suffer as a result of widespread deficiencies observed in the conduct of the 2005 general elections. In contrast to the 2005 elections, the TSE improved the overall management of the electoral process for the 29 November 2009 elections that in turn improved the TSE's image. However, currently, the TSE still requires strengthening from an institutional point of view and will need substantive international support through the entire 2011-2014 electoral cycle and not only just prior to the elections. The technical and operational challenges of the TSE are compounded by serious budgetary limitations.
40. A major concern expressed by most stakeholders, including the TSE, was the lack of formal and continuous training for polling station staff. As the performance of polling staff is generally the most visible feature of an election, it influences the degree of confidence voters have and how they assess an election. Providing standardized training to polling station staff could readily heighten voters' confidence in the outcome of an election. The training of electoral staff is difficult to conduct in Honduras, as members of the polling stations are not recruited, appointed or trained by the TSE; instead, they are proposed and appointed by the political parties and act consequently as representatives of those registered political parties. Previous efforts to train polling staff have been unsuccessful as political parties wait until the last moment to appoint polling staff. While in theory, the representation of all parties guarantees a degree of self-verification and neutrality, in practice the system allows extensive manipulation of the process. Article 19 of the Law on Elections and Political Organizations states that members of the lower electoral bodies shall be appointed by the TSE between 15 and 60 days prior to the election, and represent all the participating political parties, coalitions and independent candidates. The lack of capacity of the parties to put forward enough representatives for all the electoral institutions and the TSE's practice of providing blank credentials to parties, has led to incidents of selling the credential from one political party to the others.
41. The lack of TSE control of polling staff is considered by the TSE as the biggest challenge to the proper organization of elections in Honduras. However, the effort of the TSE to train its permanent staff and the potential members of the polling stations prior the general elections in 2009 was highly appreciated by most stakeholders. The UNDP and the International Foundation for Electoral Systems (IFES) supported TSE training of potential members of the polling stations on all areas of election-day operations – opening, voting, closing, counting and result transmission – in the hope that political parties would put forward these trained individuals for accreditation as polling stations members by the TSE. Unfortunately, the TSE repeated the practice of giving the parties blank polling stations member credentials. As a result only 60% of trained persons became polling staff members.
42. The TSE is independent from the RNP, the entity responsible for registering citizens and issuing identity cards. The RNP provides the TSE with the information used to assemble the voter registry. In 2006, the RNP planned to renew the citizens' identification cards and develop an updated civil registry that excluded migrants and deceased persons. This updated civil registry would have facilitated the removal of people who had died, migrated or become legally disenfranchised from the voter registry. Nevertheless, due to

lack of funding the RNP postponed this process and the TSE used a voter registry that many considered inflated and outdated. Some analysts estimate that up to one million people in the voting registry have either migrated or died, even as new voters coming of age are added to the registry. For that reason, the provision of international support to the TSE's efforts to clean the electoral roll is highly anticipated.

43. Even though some steps have already been taken at coordinating efforts to provide capacity building through technical assistance, it is imperative to continue. It is especially important to strengthen the TSE's IT and the Census and Mapping Units, the operating units of Citizen Participation and the *Instituto de Formacion y Capacitacion Ciudadana*, (IFCC). The TSE should begin using social networks and new social networks and, in general be more pro-active in encouraging nationwide citizen participation.

## Findings

### General

44. During the last few years (2008 - 2011) various international organizations and partnership organizations (SIDA, USAID, UNDP, JICA) have made significant contributions to the TSE. These contributions have had an important impact on key issues for institutional modernization and consolidation. As a result, in 2010 the TSE contributed to propose constitutional reforms, reforms to the Law on Elections and Political Organizations and readjustment of its internal units. With the support of UNDP, the TSE has created the Press and Communications unit, the IT unit, the Office for Gender Equity unit and Assistance to People with Disabilities unit with the support of IFES-USAID. During the 2010 with the assistance of specialized personnel from the Supreme Electoral Tribunal of Panama and the Federal Electoral Institute of also created the IFCC and the Citizen Participation unit (gender, disabled peoples, youth, etc.). These initial tasks were supplemented with SIDA funds executed directly by the TSE (the project ended in December 2010).
45. As TSE magistrates decided to initiate the planned changes and institutional reforms a new organizational chart was adopted. New units are now operating, and there have been internal and external competitive examinations for key senior positions (IT, Mapping and Census). The socialization of the proposed TSE law reform has had two clear impacts: first, it has improved TSE's relationship with the public, and second, the TSE has developed a human resources reserve of officials that are better trained, and more engaged with the citizens.
46. Given the concerns among major stakeholders on the electoral authority's ability to respond to the challenges they face, there are high expectations regarding UNDP's role in support of the electoral process. The expectations, which are shared by all of those interviewed, are based partly on previous electoral support activities and the positive image of the UNDP country office. As a result, UNDP Honduras is well positioned to play a pivotal role in the delivery of electoral assistance: its permanent field presence, country knowledge, impartiality and previous experience have enabled it to forge strong relationships with government officials, international donors and political parties. The continuous and systematic work with TSE created an institutional relationship. This role has strategic value for the enhancement of the electoral process and should be harnessed. UNDP is in a good position to continue to deliver the technical aspects of the project but also to handle the political issues regarding any electoral intervention. In this regard,

while it is clear that the UN has the expertise to implement the technical assistance request; it is also the involvement of the UN which will help boost the confidence in the process and aid in the building of the TSE's institutional image.

47. All interlocutors stressed that support to the electoral processes and institutions are an integral part of UNDP's governance mandate. In this context, NAM interviewees recognized the strategic role the UN can play to catalyze, accelerate, facilitate and monitor issues and developments in the electoral process. This assistance should be aimed at ensuring that conditions are created and maintained for transparent and credible elections. UNDP should continue supporting the overall development of electoral institutions and practices. The assistance should focus not only on electoral institution building but also on strengthening the democratic and electoral development of the country. Some donors have also indicated that they would be willing to explore the possibility of providing support to the elections, but are reserving the specifics of how that aid could be provided until more concrete action is proposed. However USAID has already expressed its desire to continue to provide some of its resources for a UN technical assistance project to the TSE.

*Identified needs and risks*

48. The above discussion outlines the complexity and sensitivity of the situation and the need to continue providing support to the electoral process in order to ensure elections are credible. To improve the electoral process in a sustainable manner, it is necessary to continue to build the professional and technical capacity of the electoral institutions. Currently, efforts are underway to improve the quality and service of the register, resolve organizational issues and to train electoral personnel.
49. The TSE's technical capacity needs to be strengthened by giving key staff members exposure to international best practices, especially in education and training, information technology and civic education. It is important that the accumulated experience and capacity of the TSE be maintained. Additionally, it is necessary to improve TSE's collaboration with political parties, civil society organizations and the media and to involve these key stakeholders in assuming more responsibility for an effective electoral process.
50. Any involvement in an electoral process contains risks. The electoral and political environment in Honduras is in a state of flux. There are many decisions yet to be taken by the Congress which will affect the electoral environment, and in turn affect how and to what extent the UN assistance project is implemented. A number of risks concerning the continuing provision of technical assistance to the electoral authorities in Honduras have been identified. First and foremost are the decisions that must be taken by Congress regarding the ongoing legislative process, initiated by the TSE, to modify the electoral law. These measures include: a), provisions on primary elections; b) potential changes in the composition of the TSE; c) decisions to hold or not hold a referendum or public plebiscite; d) implementation of an active census and passive census of voters; and e) the acceptance (or not) by Congress of the modifications proposed by the TSE. Additionally, there is uncertainty regarding the return of former president Zelaya and Honduras' readmission to the OAS. Furthermore, Congress', decisions on the emission of citizen identification cards, and financial problems of the electoral institutions, could jeopardize the electoral process, including any attempt of technical assistance.

51. However, the major risk in providing technical assistance to the electoral authorities is the partisan nature of the electoral institutions and the extreme intervention of political parties in the electoral administration. The perception by political parties, the National Congress and Government that they should only pay attention to the TSE during the electoral periods limits the potential for development and institutional strengthening. Still, most interlocutors insisted that the current composition of the TSE differs from its predecessors in terms of its political neutrality and independency.
52. The National Congress approved a reform of article 5 of the Constitution regulating plebiscites and referenda. The reform has created the potential, at any moment, for a request to the TSE to conduct a national, provincial or municipal level referendum. In the context of the current political and institutional situation, the TSE must be prepared to lead a public plebiscite or referendum, which involves a review of the legal and regulatory framework and the preparation of specific operational procedures and structures. Finally, all interlocutors agreed that the risk of not continuing the support of the TSE and electoral reforms are high – not just for the UN (in terms of preserving the support already provided), but most importantly for the country and its democratization process in the mid and long-term.

### **Recommendations**

53. Based on observations of the NAM, information received from various political and social actors and the analysis of reports issued by domestic and international organizations two sets of recommendations, technical and political, are provided:
54. The UN should respond positively to the request from 13 January 2011 by Supreme Electoral Tribunal of Honduras to continue with electoral assistance for the period June 2011 – 2013; UNDP-Honduras should continue the technical assistance provided by the Organization and the project of electoral support to the electoral authorities aimed at strengthening the public credibility of the forthcoming elections and strengthening the electoral institutions. It is recommended to organize at least one evaluation mission during this period to assess the results of the project and the political situation;
55. The objective of the technical assistance project will be to strengthen the electoral process and practice of democracy and good governance; as well as enhance participation in order to contribute to the democratic consolidation process in Honduras. More specifically, the project will contribute to support the institutional and electoral framework, in line with international best practices, and to strengthen the capacities of the electoral management bodies. The project should aim to continue to build the technical and operational capacity of the electoral authorities.
56. The NAM recommends that UN support should be centered on developing the institutional capacity the TSE. Such a focus could be organized in the following areas:
  - a) Support for auditing and updating of the electoral roll;
  - b) Assistance in the training of polling and TSE staff;
  - c) Assistance with the implementation of the citizens' participation and civic education programs, electoral informational campaigns, and improving the participation of women and indigenous and Afro-Honduran peoples;
  - d) Assistance in building the organizational capacity of the TSE's continuous training centre: *Instituto de Formacion y Capacitacion Ciudadana*,

- e) Assistance in the implementation of a coordination and collaboration framework with political parties, specially in the areas of campaign finances and accountability.
- f) Increase the involvement of civil society as polling staff to enhance the transparency of the electoral process will not only strengthen their professional skills but will also make it easier for the TSE to plan in advance.
- g) Assist with the establishment of a network of civil society organizations (CSOs) to accompany the electoral process, particularly regarding training, civic and voter education.
- h) Provide assistance, as requested, to the Committee on Electoral Affairs of the National Congress (*Congreso Nacional*).

57. Political and legislative processes recommendations are focused in the following:

- a) As described in the report, Honduras remains highly polarized and the shadow of the 2009 coup looms large over developments in the electoral realm. For this reason, UNDP Honduras should work closely with the DPA in the definition and implementation of electoral assistance through the entire electoral cycle.
- b) DPA should assess the domestic political situation and its impact on the electoral system. Specifically, DPA should continue assisting UNDP Honduras in handling the challenge posed by ongoing polarization and the political repercussions of the suspension of Honduras in the OAS.
- c) The legislative decision-making process on electoral reform should be monitored closely both by DPA and UNDP Honduras. The latter must carefully consider engaging, through a technical profile, with the Committee on Electoral Affairs of the National Congress.
- d) UNDP Honduras should encourage deeper coordination and broader participation on electoral assistance with the G16, which includes the main donor countries in Honduras. It would be advisable for the G16 to be associated with the activities of the UNDP in the TSE and possibly the National Congress.
- e) Given the levels of polarization in the country there are no effective and plural spaces of political negotiation and reconciliation. It is therefore important to promote such spaces of dialogue among political parties, the TSE and other social and political organizations.
- f) The recommendations of the Truth Commission may provide an opportunity to launch reforms that enhance good governance and human rights compliance as well as improve the electoral and consultative process. The UN system should be attentive to opportunities to contribute to the constructive assimilation of the Commission's findings and the implementation of its recommendations. DPA would be in a position to assist UNDP Honduras in translating these findings into concrete policy proposals.
- g) An overarching strategy should guide UNDP's multiple initiatives in the field of governance in Honduras. DPA's current engagement with the UNCT Honduras could be of help to achieve this objective. At the same time, it is of utmost importance for the UNDG to fill the vacancy of the RC which has been vacant since June 2010. This issue was raised by the former RC ad interim before his retirement on 31 March 2011.

58. Finally the NAM would like to express its gratitude to all interlocutors in Honduras and especially to the UNDP Country Office for the support to this mission.

EAD/DPA  
15 May 2011