

1. INTRODUCTION

The decision of the Government of Malaysia to invite the Commonwealth Secretary-General, Chief Emeka Anyaoku, to send a team of independent Observers to its 1990 general elections was significant in many ways not only for the Commonwealth but for the wider international community. It is important therefore to record here the background against which the Secretary-General was invited to organise and send the Observer Team.

In the context of their review of the global situation and the role the Commonwealth should play in the 1990s and beyond, Commonwealth Heads of Government at their 1989 Meeting in Kuala Lumpur last October said in their Communique that:

"7. Heads of Government also agreed that one area where the Commonwealth might usefully make a distinctive contribution is in the strengthening of democratic institutions in member countries. Heads of Government have long recognised a commitment to democratic processes as being among the values they most cherish. It was an ethic enshrined in the 1971 Singapore Declaration of Commonwealth Principles in which member countries undertook 'to promote in each of their territories those representative institutions and guarantees of personal freedom under the law that are our common heritage'. In reaffirming these principles and in reviewing the international political scene, Heads of Government agreed with the Secretary-General's proposal that one of the Commonwealth's contributions to strengthening democracy might be the provision of Commonwealth assistance in helping member countries to reinforce their election and other constitutional processes through a facility for mounting observer missions at the request of member governments, and in responding to such requests in other relevant ways. They requested that the modalities of such a facility and related assistance should be examined in greater detail by the high level group on future Commonwealth roles."

It was against this background and in the spirit of this paragraph of the Communique that the Prime Minister of Malaysia, The Hon. Dato Seri Dr Mahathir bin Mohamad, invited the Secretary-General to send an Observer Team to observe the 1990 elections. There was broad agreement on this among the major parties which welcomed the Observer Group.

Malaysia is a Federation of 13 states, 11 of which were concurrently engaged in state elections for which the Election Commission was also responsible but which we were not called upon to observe. It would also not be inappropriate to observe that our understanding was that the question of whether an election has been free and fair has not in the past been a seriously contentious issue in Malaysia and that our task would be carried out in an atmosphere in which there was reasonable consensus among the competing parties on how the election should be conducted. The period allowed for the election campaign was short - two weeks. This short campaign period was due, it was explained to us, to the need for security precautions to prevent tensions rising and leading to violence as happened in 1969.

However, this view was not universally shared by all the political parties, many of which complained to us that the short campaign period placed them at a severe disadvantage.

This is the background to the task we were given, and for which we were given the following Terms of Reference:

"The Group will observe every relevant aspect of the organisation and conduct of the elections by the Election Commission in accordance with the law of Malaysia relating to elections. Its functions will be to ascertain in its impartial judgment, whether in the context of the law, the elections have been free and fair.

The Group will have no executive role; its function is not to supervise or act as a Commission of Inquiry but to observe and to form a judgment on the freeness and fairness of the elections. It will submit its report to the Secretary-General who will make it available to the Government of Malaysia."

Because of the difficulty of putting the Group together in view of the short time allowed for the election campaign, two of our members arrived in Kuala Lumpur on 9 October in advance of the whole Group. A statement to the Press announcing its arrival was issued and this statement is reproduced at **Annex I**. The rest of us arrived on 15 October and widened the scale of operations. A broad conclusion was immediately transmitted to the Secretary-General at the close of the poll on 21 October and our work was completed with the finalisation of our Report on 22 October.

2. METHOD OF WORK

On Sunday 7 October, two of our number met the Commonwealth Secretary-General in London for briefing on our work. The Secretary-General emphasised the importance and far-reaching significance of the election observation exercise and the need for it to be carried out successfully. The advance group of two Observers and a complement of 5 support staff left London on Monday, 8 October 1990 arriving in Kuala Lumpur on 9 October. A sixth member of the support staff arrived on Wednesday, 10 October.

The advance group began work on the evening of its arrival with a briefing session with the Task Force set up by the Malaysian Government to assist the work of the Observer Group. Further briefing sessions with the Task Force and numerous strategy meetings with our own support staff assisted our advance group in arriving at a check list for observing the nominations which were due to be held on Thursday, 11 October, before the rest of us arrived (**Annex II**). As a result of these briefings, one member of the advance group was deployed to observe the nomination centres in urban Kuala Lumpur, while the other visited the mainly rural centres in the surrounding State of Selangor.