

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.

There were also briefing sessions, followed by discussions, with the Election Commission in its operations room and a joint meeting with the Director General of the Foreign Ministry, members of the staff of the Ministry of Home Affairs including a Commissioner from the Royal Malaysia Police and lawyers from the Attorney General's Chambers. A letter in the name of the Chairman was addressed to 40 political parties, advising them of our readiness to meet with them and where we could be contacted (**Annexes III and IV**). Prior to the arrival of the main body of the Group, the opportunity was taken by the advance team to undertake a day trip to Melaka and to a town in the north-east of Johor, the southern-most state of Peninsular Malaysia, in order to assess the practicability of using Kuala Lumpur as a base for observing that state and the intermediate states (of Selangor and Negri Sembilan). They also met with the Chief Election Officer for Melaka and were able to assess the preparations for and readiness for the poll.

The main body of the Observer Group subsequently assembled and, having been similarly briefed by the Commonwealth Secretary-General, left London on Sunday, 14 October, arriving in Kuala Lumpur on Monday 15 October. On their arrival the Chairman, H E Mr Dudley Thompson, issued a formal statement to the press (**Annex V**). The full complement of the Observer Group met the Task Force, and the Election Commission. Consequently with the benefit of the groundwork already done by our advance team, we established a schedule of work for the whole Group during the period remaining up to polling day and until our departure. It was agreed that the Group would be organised in five teams which would operate from five regional centres. One team based in Kuala Lumpur would cover the Federal Capital Territory and the southern peninsular states, another based in Penang would cover the north western states; a third in Kota Bharu covered the north eastern states, with the remaining two teams deployed in Sabah and Sarawak.

We utilised some of the time available to us to meet with those political parties and interest groups who wished to see us. We took it in turn wherever possible to observe some of the many 'ceramahs' (political meetings) which were held in Kuala Lumpur and had the opportunity to talk freely to party officials and members.

We obtained much information and assistance from official quarters and sources, making every effort to cross-check these with other available sources. We were always conscious of the need for us to be seen by the people of Malaysia as independent.

As polling day approached Observers departed with their assigned support staff for the regions in order to monitor the conduct of the poll in all five regions. Our deployment throughout the country is set out in **Annex VI**. In the event, over the period of the poll we covered most of the states of the Federation and visited a representative sample of polling stations throughout the country, the logistics of which were made possible only by the excellent road and river network throughout the length and breadth of the country. Apart from the flights from Kuala Lumpur to the other four regional centres at which the teams were deployed, no air transport was involved. Visits

within the regions were conducted on motorised transport. The schedule of our engagements appears at **Annex VII**.

At the close of the poll and before counting commenced, and as had previously been arranged, preliminary reports were transmitted from each of the four regional teams operating away from Kuala Lumpur to the Chairman, who headed a team based there. The Chairman's statement on behalf of the Group to the Secretary-General at the end of the poll appears at **Annex VIII**.

The polls having closed, the teams at the regional centres returned with their support staff to Kuala Lumpur and we assembled to finalise our Report.

3. PREPARATIONS FOR ELECTIONS

The essential legislative framework for the holding of elections in Malaysia consists of the Constitution of 1957, the Elections Act 1958, the Election Offences Act, 1954 and the Elections (Conduct of Elections) Regulations 1981. There are other related enactments. Their provisions take root from the system obtaining at the time of independence. They mirror in large measure the electoral provisions and procedures found in many other jurisdictions in the Commonwealth. But, of course, they are special provisions drawn, and since amended, very much to suit and to reflect the character and experience of Malaysia.

At the centre of the electoral system is the legislative framework and the Election Commission. But over and above all, the system is shaped by the character of the Malaysian people. At every stage of our observations we were struck by their high degree of political awareness and their attachment to things Malaysian and to what is best for the country. The existence of a large number of political parties and other groups and the turn-out at the polls seemed to us to point clearly to a deep commitment to the political process of shared responsibility and freedom of choice. We are reminded that elections are after all a means of making political choices by voting. And with the proliferation of political groupings it cannot be said that in Malaysia there is a lack of alternatives for choice.

The Election Commission

The Constitution provides for an Election Commission to conduct and to ensure the fair conduct of elections. It is charged with the preparation and revision of electoral rolls, and with the review and redrawing of constituencies for purposes of elections to both the House of Representatives and to the Legislative Assemblies of the States. Members of the Commission consisting of a Chairman, a Deputy Chairman and three others are appointed by the Yang di-Pertuan Agong on the recommendation of the Prime Minister and after consultation with the Conference of Rulers. The present administrative head of the Commission is the Secretary who, we were told, was seconded from the public service. The Constitution requires that in their appointment