

Transcript

Larry Garber: I am Larry Garber, and I'm going to talk this afternoon about the Panama elections that took place in 1989. These elections were significant for a number of reasons. I will focus on three of them, although there are a lot of others, and I'll provide my bottom lines up front. First, these elections were significant because it showed what an opposition can do to effectively contest an election being organized by a corrupt regime which was fully comfortable committing fraud in the election process. Second, it highlighted the role of a nonpartisan monitoring effort, and particularly the importance of a parallel vote tabulation, which became critical in the aftermath of Election Day. And finally, it also highlighted the role that international observers play and particularly in this case of Panama; the 1989 elections also marked the debut of former President Jimmy Carter as an international election observer extraordinaire.

So I'll go into those points a little bit later, but let me just start with a quick bit of context. There's lots of political and electoral history in Panama going way back to the 19th century, but I'll just mention a few critical events.

First, the approval of the Panama Canal Treaties in 1979. They were signed by President Carter on behalf of the United States, and General Omar Torrijos, who was then the de facto head of government of Panama on behalf of Panama. Torrijos then dies in a helicopter crash in 1981, and has a series of replacements, but ultimately emerging in power, is General Manuel Noriega, who had served as his head of military intelligence. Noriega now combines the military intelligence, the army, the police, into the Panamanian Defense Forces, which then becomes his, in effect, private army.

As part of a return to civilian rule, there are elections held in 1984. The government (Noriega) supported candidate is a former World Bank vice president by the name of Nicolás Barletta, and he wins the election, although the opposition and most observers viewed the result as being fraudulent. He won by about 1,700 votes against a longtime populist Panamanian who had been president twice before, had been overthrown twice before, and he claimed fraud. Barletta took office for a year, and then resigned, was replaced by another guy who then resigned, and so this is the lead-up to the 1989 elections.

One other event, in 1985, a Panamanian activist, Dr. Hugo Spadafora, is killed, allegedly on, at Noriega's behest. Spadafora had recently exposed Noriega's involvement in drug trafficking, and other corrupt practices. And this is actually my introduction to Panama, because at the time, I was working for an international human rights organization called the International Human Rights Law Group, and the Spadafora family retained us to bring a case on their behalf to the Inter-American Commission on Human Rights. And so I became involved with Panama. We had a couple of lawyers who were working on the case before the Commission, and I was supervising them and acting as the interface, part of the time with the Spadafora family. So that was my introduction to Panama.

In 1987, NDI (National Democratic Institute), where I was then working, organized an international delegation to the Philippine legislative elections. These are a year after the snap election between Marcos and Aquino, that resulted in Marcos leaving the country and Aquino taking his place. So these are a year and a couple months later, and NDI decided to invite a number of democratic activists from countries that were looking to initiate democratic transitions, including South Korea, Taiwan, Haiti, Chile, and Panama. And we had three individuals from Panama. One was a member of the election tribunal, Luis Chen. A second was a head of the Panamanian Business Association, and a leader of the Civic Crusade by name of Aurelio Barria, and the third was a Panamanian priest, Father Ferdinand Guardia. And they all played a role in the elections, which is why I mention them here by name.

The elections under the Panamanian Constitution are scheduled five years after the previous election, so May 7th is the announce date. NDI initially organizes a technical training session for Panamanian civic activists that takes place in Venezuela, which in those days was a relatively open democracy. And out of that meeting comes a decision by the Panamanians to try and organize some type of nonpartisan monitoring effort, modeled to some extent on the NAMFREL (The National Citizens' Movement for Free Elections) experience in the Philippines, which they had observed a couple of years earlier.

I then participated a couple months later in a pre-election assessment mission to Panama, and prepared an extensive report - one of the recommendations was that we actually organize an election observer mission, international election observers, for the May 7th elections, and we should include approximately 60 members as the team of observers. We then, at NDI, decide to recruit President Carter to head the delegation.

Carter had set up the Carter Center in 1982, after he left the presidency, and he was looking for opportunities to engage in various human rights and election-related activities. In 1987, he formed the Council of Freely Elected (Former) Heads of Government for the Western Hemisphere. And so he invited about 20 people to the initial meeting of this council at the Carter Center in Atlanta, including, ironically, Nicolás Barletta, who was by then the former president of Panama, and raised questions about the freely elected component of the Council.

In any event, Carter was interested in observing the elections. He obviously had a very strong relationship with the Panamanian people and the Panamanian government. And so, we recruited Carter. We were doing this election observation mission collaboratively with our Republican counterparts, which were then known as the National Republican Institute for International Affairs, and they were interested in Panama too. President Bush and his administration were very much interested in seeing this election come off as freely and fairly as possible. And so, it was a nice mix. Carter then recruited former President Gerald Ford to join him as the sort of nominal, Republican head of the delegation, and Carter would be the Democratic head. Carter also invited former Prime Minister of Belize, George Price, and the Republican Institute invited John Spender, who was then the head of the Australian opposition party to join as a leadership team.

So those were going to be the delegates, and I arrived there several days before the elections, and there are all kinds of complaints. Not unusual in this context coming from the opposition parties, and we took them seriously. We raised them with the election tribunal, we raised them with the opposition... with the government folks. Then, at some point, the government decided that they didn't want to have international observers, and they certainly didn't want to have an independent observation effort like the one that NDI and the Republicans were organizing collaboratively, which would be freestanding, would not be taking instructions from the government, etc. So they said, basically, we couldn't come, we couldn't get visas. And so Carter intervened, and initially they said, well, of course, President Carter can come, and he can bring two staff people with him. So Carter then intervened, used his influence, and was able to obtain visas for 20 members of the delegation, plus 6 staff. And so, we somewhat reluctantly, because we had planned on a much bigger delegation, decided to observe.

Ford arrived a day before Carter and left before the election, but he was there to give the opening press statement for the delegation. And then Carter arrived 3 days before the election, on May 4th. I was tasked with briefing him on what had been happening over the last month, since our pre-election mission had been there. It was a little bit, at the time, intimidating. I had never met one-on-one with him, and describing what our impressions were, particularly since I didn't know where he was coming from on some of the issues relating to Panama, and how seriously he was going to be taking his observation role. In the end, he took it very, very seriously, as I'll talk about in a minute. We did what we routinely do in these elections. We briefed the delegation. We then dispersed into different parts of the country, and I stayed back in Panama City, the capital, because together with a colleague, Glenn Cowan, we had been working with the civic organization to organize a parallel vote tabulation.

Initially, it wasn't clear that there would be any group interested in doing this, but ultimately, a Catholic Church laity group decided that they were going to do it, and they got authorization from the Catholic Church hierarchy in Panama, which was very active, willing to engage in these types of issues. The Panamanian Archbishop sanctioned this effort, so we had worked with them, Glenn and I, to develop the methodology.

There were about 4,500 polling places. And we said, okay, we're going to do a sample of 10%, which is a large sample for this type of exercise, but had become sort of the standard number that people used. So they selected the polling sites to be sampled. They trained the volunteers. The volunteers were instructed to take the results for the presidential election to a place where they would fax it to a private home in Panama City. I mean, this was really low-tech stuff.

Glenn and I were then invited, together with Father Guardia, to stay at the home, partly, I think, to provide some protection for the people who were obtaining the faxes and entering the numbers, making sure that they were consistent with what was being reported. And we stayed, as the first results started coming in around 10:30. The polls had closed at 7, so about 3 hours after the polls closed. We stayed there for about 4 hours, and then went back early in the morning to see what they had received overnight. And they had received about 140, of the Mesa returns, the returns from the actual polling site, about a third of the total sample, but the results were overwhelmingly

for the opposition, about 74-26% difference. And at that point, we did some other internal checking, and it turned out that, you know, with a margin of error of plus or minus 10%, there was a 98% confidence level that these were accurate results.

So we went back, we reported both to the delegation, including President Carter, and to the Archbishop, that this is what we had found. The Archbishop issued a statement, pretty quickly, basically congratulating the people of Panama and noting that the results that they had received so far showed that the opposition was winning. The opposition had also done its own parallel vote tabulation, but they were trying to collect results from every single polling place. And as often happens, it just becomes too complicated, and they had, you know, they had collected more numbers, but they were random, and it was hard to make judgments as to how much they would project over to the ultimate results.

Meanwhile, while all of this is happening, this is now Monday after Election Day, the National Counting Board, which was supposed to be receiving the official results from the polling places and from regional counting boards, basically wasn't receiving anything. There were just, you know, very few results coming in. And so President Carter went over to the convention center. The Panamanians didn't let anyone else from the delegation in but President Carter, and so he went there, I think he was accompanied by a couple of staff, and basically, he said, let me see what you have. And he looked at a couple of the results, and for whatever reason, I think he had a result that had been provided by an opposition party, or the official result he believed was a forged signature of the opposition party representative, and he basically said this is bogus, I'm going to come back in a couple of hours, and I expect things to be much more robust, that there are real results and these forgery efforts are not going on. He came back, it was the same deal. He basically said to the election commissioners, you guys are just committing fraud,

And our plan had been to meet as a delegation and to decide what to do. Carter, in effect, preempted that by telling his staff to organize a press conference in the lobby of our hotel in Panama, which is across from the convention center, And basically impromptu, no prepared statement, President Carter simply talked extemporaneously about what he had observed, both on Election Day, what he knew about the parallel vote tabulation that supported the opposition victory, and what he had seen at the National Counting Board, which he viewed as a complete farce, and we had probably 100 reporters who joined us in the lobby, so it was quite the scene.

And there was a considerable nervousness on part of some of the delegates about what would happen now. You know, would the regime try to take some actions against us? And so the plan was for the team, the delegation, to leave the next day, Tuesday morning. And I decided that the counting process was not yet finished, so I would stay on for a few more days. And so, the delegation left that Tuesday. They flew to Washington and they, including President Carter, met with President Bush, gave him a first-hand description of what had happened, and why Carter and the team were convinced that this had been a fraud. And meanwhile, I stayed in Panama to watch what was happening.

The results started coming in a little bit more frequently, but they were clearly withholding the places where the opposition was strong, and they were trying to show that the ruling party had actually won the election, and this is Tuesday. Wednesday, the opposition held a rally in Panama City that was broken up violently by regime-aligned militias. A couple people were hurt, including the second vice presidential candidate for the opposition. And at that point, the election tribunal decided to nullify the elections, basically saying that they did not happen, that there had been too many problems, and that there would be no way to get an accurate result from this election. So we were left with the opposition and the parallel vote count showing that the opposition had won, and the tribunal having nullified the election.

So I left the next day, I think, and went back to Washington. Meanwhile, the OAS, the Organization of American States, had organized or scheduled an emergency meeting of the OAS and issued a very condemnatory resolution regarding the government in Panama, which was somewhat unprecedented for the OAS, and sort of marked their real entry into taking democratic processes much more serious, including election processes and being willing to criticize, fraudulent elections. The next year, they actually decided to observe, for the first time, an election in one of the countries of the Western Hemisphere in Nicaragua, and organized a very robust election observer mission, and they've since then been actively involved in these issues. But again, Panama was sort of the first example of this.

We wrote a very detailed report on the elections, which was published in June 1989, so pretty quickly after the actual election had taken place. And again, just to highlight the three points that I made at the outset reflecting on the election: the first thing we noted was how important it was that the opposition, one, had decided to participate (there had been questions about whether it made sense to participate, given the fraud that had happened in 1984, and given the reality of who was running the election, who was on the election tribunal, the role that the government was playing in terms of controlling the media, and a whole bunch of other issues) but they decided to participate, and more important, they decided to run a unity ticket, where there were like, 7 or 8 parties, and they agreed on a ticket that included the presidential candidate from one of the parties, the vice presidential candidate from another, and the second vice president from a third. And that meant that it was a two-candidate race, which makes it more difficult to cheat, and also gives the public a choice of “do you want the regime or do you want the opposition?”

The second was the role that the parallel vote tabulation played here, because this really was what legitimized the opposition victory in Panama. I mean, for purposes of President Carter, for purposes of the OAS, for purposes of the U.S. government, and for the international community. So, Noriega's puppet regime had no credibility afterwards, because they had done this fraud. I think people who organize parallel vote tabulations today would view this as very basic, but sometimes very basic can work, can serve a purpose, and this one certainly did in this case.

And the third was the international observers. As I mentioned, this was the first observation that President Carter was involved post his term as president. He obviously took to it. He then organized the Carter Center so that the Carter Center itself became an active player in the

observation of elections. It now, 35 years later, has observed elections in probably a hundred plus countries, and has developed quite the reputation for observation. But Carter himself really lended luster to the observer process in its formative years.

His next major effort was in Nicaragua, in February 1990, so about 10 months later, and there the Carter Center organized the observation as independent, again, under the auspices of the Council of Freely Elected (Former) Heads of Government, but without the NDI partnership. And I worked with President Carter twice again on observations, once in Haiti in 1990, and then in Zambia in 1991.

Like I said, in the ensuing years, Carter and the Carter Center now expanded way beyond this. However, Panama really was, again, a proof of concept for the role that international observers could play in supporting and encouraging participation in an election where there was some question about how fair it would be because the public knew that they were credible observers, and if the election did not go well, as it didn't go well in Panama, that we would call it out. And again, I think that has had a dramatic impact, not only in Latin America, but around the globe.

Let me just close by noting, 6 months later, I was again working for NDI, in Chile, observing the first post-plebiscite elections in Chile for president, and it was December 1989. After the election had concluded, I woke up one morning, still there, and heard the news that the United States had invaded Panama—not specifically in response to the election, but in response to alleged criminal acts by the regime directed at American personnel involved with the Panama Canal. The invasion took place and a few days later, Noriega was extradited to the United States, where he was prosecuted on drug charges, and basically ended his life in a U.S. Jail.

And again, in some ways, unlike what's just happened a few weeks ago in Venezuela a few months ago when Maduro was removed. The 1989 election was, in effect, recognized in Panama, in terms of the outcome, whereas in Venezuela, the fraudulent election, has been legitimized, because the U.S. government is dealing with the woman who was the vice president elected with Maduro, who was extradited, or...whatever you want to call it. But the winner of the Venezuela election, according to various parallel vote tabulations, was the opposition. And they have not been given any role to play in the current government.

So, Panama was quite different than Venezuela in that regard, but, again, it's a fascinating case of how an election can really transform history. Since the 1989 elections in Panama, there have been regular elections, in Panama, I think, would be up there as one of the democratic transition success stories from the 1980s.