

THEMATIC ISSUES WITHIN ELECTORAL SYSTEMS AND PROCESSES: SUPPORT TO ELECTORAL MANAGEMENT BODIES AS INSTITUTIONS OF GOVERNANCE

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The Philippine Commission on Elections is a Constitutional Commission - that is, it owes its existence only to the organic law itself and thus, by necessary implication, only to the Filipino people. Being a Constitutional body, the COMELEC is insulated from outside influence and various vested interests by at least two major safeguards: the *first* being the explicit declaration of the Constitution that the Constitutional Commissions "shall be independent;" and the *second* being fiscal autonomy, with approved annual appropriations being "automatically and regularly released."

These safeguards, specifically the characterization of the COMELEC as being an "independent" body, have typically been interpreted - albeit never quite officially - as being prohibitive of any activity which may be perceived as unduly influencing the Commission's performance of its duties. Thus, while these safeguards have managed to protect the independence of the Commission, especially vis-à-vis the other three branches of government, they have also effectively prevented the COMELEC from receiving direct financial support from non-governmental organizations and foreign funding groups.

This prohibition is most keenly felt during non-election years when the COMELEC budget is at its leanest. Because of the government's many

other priorities, the COMELEC's budget proposals are routinely slashed down to the barest essentials. As a result, the COMELEC finds itself in a very poor position to enhance its performance of its other governance functions - as a quasi-judicial body, as an official information resource on elections and other related matters, and as a recommendatory body tasked with providing Congress proposals on how to improve the electoral system as a whole.

Technical support, however, is another matter.

In the past, the COMELEC was assisted by international experts Marie Garber of the United Nations Development Program (UNDP) and the International Foundation for Election Systems' (IFES) Gwenn Hoffman and Henry Valentino. Both Garber and Hoffman and Valentino undertook comprehensive reviews of COMELEC practices and procedures. Garber's work (1986) was crucial input in designing the automation scenario for the Philippine electoral system, whereas the work of Hoffman and Valentino (1998) helped the Commission craft a strategic plan for future modernization and proposed amendatory legislation. On Hoffman's training program and Valentino's election media management were success stories for UNDP which COMELEC replicated in implementation at that time. The IFES Regional Center, on the other hand, was established in Manila in 1998 but was closed a year later.

It is now 2004 - more than half a decade since Hoffman and Valentino, and more than a decade and-a-half since Garber - and still no new and complete third-party studies on the COMELEC and its activities, programs, and plans have been undertaken, much less completed. The rapid-fire technological developments of today's world practically guarantee that, at the very least, some of the conclusions reached in those two studies need revisiting.

It is in this respect that international organizations, such as the United Nations and the UNDP can be of great support to the Commission.

Off-season, the COMELEC has very few resources to tap into, and most of those have been earmarked for other purposes. This, however, does not mean that the COMELEC does not need third-party reviews of its procedures, processes, and plans. Quite to the contrary, non-election years are the perfect time for such undertakings: the previous elections can be studied in depth, analyzed, and plans for the next exercise formulated; more Commission personnel can be assigned to assist in the preparation of the study; and the recommendations can more easily be programmed into the Commission's future representations to Congress and the Administration. Thus, for instance, on-going is the Election Reform Program for 2002-2004 which is funded by the UNDP. There was the pre-Summit on electoral reforms last September this year, with the COMELEC Modernization Summit on November 18-21 at the Development Academy of the Philippines (DAP) facility in Tagaytay City, funded jointly by UNDP and the United States Agency for International Development (USAID). All these activities will certainly generate output that will significantly impact on the COMELEC medium- and long-term planning. However, there will be a need to program more of the same in order to ensure that whatever activities are begun now are kept on track in the future.

More specifically, studies on the following matters would be most helpful to the Commission, especially as it embarks on its renewed drive to modernize the Philippine electoral system by 2007:

- **Rehabilitation of the COMELEC Computerized List of Voters;**
- **Strategies for Automating the 2007 Synchronized National and Local Elections;**
- **Securing the Electronic Transmission of Election Results in the 2007 Synchronized National and Local Elections;**
- **New Strategies for Information Dissemination in the Electronic Age;**
- **Long-term Voter Education Strategies;**
- **Campaign Finance; and**

- **Reforming the Philippine Political Party System**

In addition, the six principal entry points for UNDP electoral assistance - **Electoral System Reform; Electoral Administration; Sustainable Electoral Processes; Civic and Voter Education; Mobilization and Coordination of Resources for Electoral Support; and Strengthening Political Parties and Facilitating the Resolution of Electoral Disputes** - are being incorporated in the Medium Term Development Plan of the Republic, UNDP's "10 to 10" Government Portfolio program, and the COMELEC budgetary considerations to be submitted soon.

Armed with comprehensive studies and concrete recommendations on these matters, together with funding and technical assistance from UNDP, USAID, IFES, International IDEA and other technical election institutions, under the umbrella of the U.N., the Commission on Elections will be better able to formulate policy that is both pro-active and responsive to the felt needs of the electoral system of the country.