REPORT

OF THE

JOINT CARICOM – COMMONWEALTH – OAS SPECIAL MISSION TO DOMINICA

AUGUST 6 – 9, 2019
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1. INTRODUCTION

Following a request made by the Government of Dominica jointly to the CARICOM Secretariat (CARICOM), the Commonwealth Secretariat (COMSEC), and the General Secretariat of the Organization of American States (GS/OAS) to assist in the country’s efforts with various aspects of electoral reform, the three organizations agreed to partner in a Joint Special Mission to Dominica.

The Joint Mission comprised eight persons designated by the three Secretariats (see Annex I), who were present in Dominica from August 6 to August 9, 2019.

Prior to their arrival in Roseau, Dominica, the members of the Mission engaged in weekly teleconferences, commencing in early July, to develop the Mission’s work plan and to exchange information relevant to the Mission’s objectives.

Upon its arrival in Roseau, and in order to ensure a substantive analysis of the issues and allow as many voices as possible to be heard, the Mission met with a wide range of stakeholders. These included the Prime Minister and members of the Cabinet, representatives of political parties, including the Parliamentary Opposition, members of the Electoral Commission, the Registrar General, the Chief Immigration Officer and other Governmental officials and representatives of civil society. A copy of the Mission’s Agenda is at Annex II. Electoral and legal experts included in the Joint Mission also scrutinized the existing and proposed electoral legislation prior to the Mission’s arrival, in order to ensure a full understanding of the electoral framework.

Following its work in Dominica, the Joint Mission met at the headquarters of the CARICOM Secretariat in Georgetown, Guyana, from August 20 to August 22, 2019, to review its findings and to develop its recommendations.

This is the Final Report of the CARICOM-Commonwealth-OAS Joint Special Mission to Dominica. It includes the Mission’s findings, conclusions and recommendations, and seeks to assist the Commonwealth of Dominica in advancing its electoral reform efforts and strengthening its electoral and democratic processes.

2. KEY ELECTION INTEGRITY PRINCIPLES AND BEST PRACTICES

Representative democracy is the basis of the rule of law and secures the right of all people to participate in the political decision-making processes of their countries. Genuine democratic elections – elections that are credible, inclusive, clean and competitive – provide the authority for democratic governance and ensure the peaceful transfer of power.

In considering the electoral issues in Dominica and framing its Report, the Joint Mission was guided by key regional and international instruments, conventions, principles and standards, which establish the legislative and regulatory framework for genuine, democratic elections.
These include the Universal Declaration of Human Rights; the International Covenant on Civil and Political Rights; the Convention on the Elimination of Discrimination Against Women; the International Convention on the Elimination of Racial Discrimination; the American Declaration of the Rights and Duties of Man; the Commonwealth Charter; the Inter-American Democratic Charter; and the Charter of Civil Society for the Caribbean Community; among others.

Taken together, these instruments stipulate that genuine, democratic elections must be periodic, transparent, executed with full respect for human rights, fundamental freedoms and the rule of law; ensure the secrecy of the vote and universal suffrage; support equal participation by political parties; promote the separation of powers and the independence of branches of government; provide for equal treatment and non-discrimination, especially for minority groups; and be executed on a basis of non-violence.

The 2012 Global Commission on Elections, Democracy and Security also noted that genuine, democratic elections, with integrity must not only be, but must be perceived by voters as being conducted competently in a professional, non-partisan manner. The key institutions for promoting and protecting such elections are professional, independent Electoral Management Bodies (EMBs) that conduct transparent processes.

Elections are an important mechanism in the democratic process. The purpose is to provide citizens with an opportunity to choose their political leaders peacefully. A non-violent election outcome is one of the most important steps towards peaceful coexistence in a country. In this regard, an EMB that actively practices and promotes inclusive consultation to inform any electoral reform is essential. Also of importance, is the need for dialogue between the leaders of political parties, both within and outside of the Parliament. Critically, the need for political maturity to enable a spirit of compromise which engenders public trust in the credibility of the electoral process cannot be understated.

Any effort to reform the electoral system in Dominica must embrace the above-mentioned principles.

**Defining Electoral Reform**

The Joint Mission noted considerable discussion in Dominica around the question of electoral reform – its form; its objectives and the manner of its implementation.

The ACE Electoral Knowledge Network defines electoral reform as “changes targeted at improving implementation of the guiding principles of electoral administration”. The literature on best practice on electoral reform also establishes that:
Electoral reform should ideally be a continuous process, rather than be viewed as an event.

Electoral reforms may be directed at the electoral legal framework – including the Electoral Management Body (EMB) – the administrative and technical processes of electoral management, or the political context for electoral activities.

No aspect of electoral frameworks, systems, institutions, planning, management or operations, however well it may have functioned in the past, should be regarded as sacrosanct from reform or modernization. Past performance is not necessarily a reliable guide to future performance. Governments, EMBs and other stakeholders need to have a clear strategy for developing or responding to and implementing electoral reforms.

EMBs have vital roles to play as advocates of electoral reforms in general, as implementers of institutional reforms, and as initiators and implementers of administrative reforms, including technical and procedural reforms.

Electoral reform needs to be carefully managed to ensure that it fulfils its intended and stated purpose, without confusing electors and with minimal disruption to electoral administration.

Timing: Best practice and international experience show that the earlier in the electoral cycle electoral reform is considered, and implemented, the better.

Political will and political consensus among key stakeholders is vital for successful implementation of electoral reform.

The literature also identifies the following key steps in successfully proposing and implementing electoral reform:

- Consultation with stakeholders to ascertain their views on required reforms and to enlist their support for the reform programme.
- Invitation of and submissions to the Government, Electoral Commission and the legislature on desired electoral reforms.
- Publicizing desired electoral reforms through the media and through the stakeholder networks and public forums.
- Development of an electoral reform implementation strategy and timeline.
- Evaluation of the risks and effects of electoral reforms.
3. ANALYSIS AND FINDINGS OF THE JOINT MISSION

There was broad consensus among the stakeholders consulted, that the existing system had served the country well and had facilitated the peaceful transfer of power. However, some stakeholders were of the view that it was now in need of modernization to address both current inefficiencies and to align itself to international best practices.

The main concerns expressed to the Mission were:

(i) The need to improve the system of identification of voters on Election Day;

(ii) The removal of the inaccuracies in the current list of electors which at present is almost similar in number to the population of the country;

(iii) Reviewing and adjusting the electoral boundaries which currently show wide discrepancies in the number of electors in constituencies, despite the constitutional requirement (Schedule 2) that “All constituencies shall contain as nearly equal numbers of inhabitants as appears to the Constituency Boundaries Commission to be reasonably practicable …..”;

(iv) The enactment of campaign finance legislation to monitor the source and use of funds, and mitigate the impact of money on the outcome of elections, as has been done elsewhere in the region;

(v) Improving and leveling the playing field for all parties in their access to public and private media; and

(vi) Increasing public confidence in the Electoral Commission and the Chief Elections Officer which together have the primary responsibility under the Constitution for the conduct of elections.

Some of the concerns listed above have previously been reflected in the Reports of CARICOM, Commonwealth and OAS Electoral Observation Missions.
General Consensus

The general consensus of stakeholders, arising from the discussions is:

(i) The Prime Minister has the constitutional right to call an election at any time;

(ii) The mood in the country is that, at a minimum, some basis reforms are needed in the following three areas before the next election:

- Removal of deceased persons and ineligible voters from the current list;
- Issuance of photo identification (ID) cards to electors to facilitate more accurate identification at the polls; and
- Issues related to voting by members of the Diaspora in future elections.

Notwithstanding the broad consensus that urgent reforms are needed in these areas, opinions varied widely on what has to be done, how it is to be undertaken and the level, scope and extent of the legislative amendments required to support the changes. Some Stakeholders suggested that legislative changes were not necessary to facilitate the issuance of ID cards and sanitizing the Voters’ List.

While other proposed areas of reform are critical and necessary for Dominica to maintain its credible electoral system, such as access to the media and campaign finance, this Report focuses on the areas of consensus identified above.

In the following section, the Joint Mission reviews the concerns identified above and seeks to analyze the possible options, benefits and other considerations.

3.1 The Removal of Ineligible Electors from the Voters’ List

While there is consensus that this is necessary, there is no agreement on how this can be achieved within the May 2020 deadline. The views of the stakeholders include the following options/proposals:

(i) House-to-House Re-verification of Electors

This would involve an exercise whereby electors are visited at their residences and re-verified when found. The photograph and some biometric data would also be collected with a view to manufacturing and distributing photo ID cards to each elector at the end of the process. This does not address the re-verification of Dominican citizens resident abroad since it is argued that, on the one hand, the verification should only take place within the country, while on the other, verification of eligible electors in the Diaspora could take place at selected locations overseas.
According to Section 5(3) of the Registration of Electors Act, “Where a person who is registered as an elector for a polling district has ceased to reside in that polling district he shall not on that account cease to be qualified to be registered as an elector for that polling district until he has become qualified to be registered as an elector for another polling district”.

Consideration

In implementing this proposal a collective decision must be taken on whether or not electors should be placed on the list at the residence where they are found, or allowed to remain on the list in the polling district in which their names currently appear. This is of critical importance since a significant number of Dominicans (in addition to those displaced by the recent hurricanes), no longer reside at the addresses at which they were first registered. Very few have sought to have their votes transferred as required under the electoral statute.

Consensus on the need for “redistricting” or boundary changes will also be influenced by the final decision on the placement of electors. As indicated earlier, the Constitution stipulates that all constituencies shall contain as nearly equal numbers of inhabitants as appears to the Constituency Boundaries Commission to be reasonably practicable. For the December 2014 Parliamentary Elections, the size of constituencies ranged from a low 1564 electors to a high 7446, further highlighting the need for review of existing electoral boundaries.

The Joint Mission notes that the authority of the electoral office to remove from the list electors who may not be found at the residence listed or any other residence in Dominica, is limited by Section 7 of the Registration of Electors Act. This section specifies the conditions under which an elector’s name can be removed from the Register. In cases where these conditions have not been met, an elector’s name must remain on the list and he/she must be allowed to vote should they turn up on Election Day.

(ii) Re-verification at Fixed Centre

Proponents of this approach suggested that the Electoral office could invite electors on the list to visit selected locations in order to be verified and have their photograph and fingerprints taken. This would facilitate the production of an ID card which would be collected by the elector ahead of the election to facilitate voting.

Dominicans on the current list, but resident overseas would be verified by electoral officials who would travel to selected locations in the Diaspora where there are significant numbers of resident Dominicans (see Item 4).
Considerations

As indicated at (i) above, electors resident in Dominica who do not participate in the re-verification exercise, could encounter challenges if they turn up to vote on Election Day. The problem of voter identification would remain an issue of concern. The issue of “redistricting” would also not be addressed.

(iii) Re-registration (Entirely New Enumeration)

The declaration of an enumeration period followed by an entirely new enumeration exercise would effectively remove all deceased persons and ineligible electors from the electoral register. This would mean that only Dominicans who participate in the enumeration exercise would be on the new Voters’ List and eligible to vote.

Considerations

The current legislation does not support this undertaking, and it can therefore be effectively ruled out.

(iv) Verification of Dominicans Residing Overseas

As alluded to above, there were also proposals that the Electoral Office establish overseas verification centres where there are significant numbers of resident Dominicans whose names are on the current Voters’ List. Electoral officials would travel from Dominica to operate these centres and would use the passports of individuals to establish their eligibility to be on the list. If eligible, the electors’ photograph and biometric data would be collected and returned to Dominica to facilitate the production of identification cards.

Considerations

Some stakeholders expressed a concern that Dominicans who are no longer eligible to be on the Voters’ List would be retained. There was also the view that some Dominicans residing overseas could be privileged by virtue of where they live and the location of the verification centres, while others also resident overseas but in a different jurisdiction or location would not be afforded the same consideration. The view was expressed that all Dominicans residing overseas and who have the desire to remain on the Voters’ List should be treated equally and be required to come to Dominica to be verified.

The issue of overseas verification needs to be adjudicated or otherwise resolved.
3.2 The Issuing of Identification Cards

While there is a general consensus that photo ID cards should be issued to electors to facilitate more accurate identification at the polls, there is no consensus as to the type and function(s) of the card to be issued. Opinions are divided as to whether it should be solely a voter’s identification card, or national identification card with multiple functions.

Arguments in support of the card being solely a voter’s ID card hinge on the argument that:

(a) Section 38(i) of the Constitution of Dominica limits the role of the Electoral Commission to the registration of voters and the conduct of elections.

(b) Section 19 of the Registration of Electors Act authorizes the Chief Registering Officer to issue ID cards for the purpose of voting only.

The argument in support of a multi-purpose card notes that there is no national identification card which could, for instance, be used to facilitate travel within the Organization of Eastern Caribbean States (OECS) as well as other transactions. With the level of capital outlay required, it was suggested that it would be a waste of public resources to issue a card solely for elections purposes.

Considerations

Registration to vote remains a voluntary activity. Therefore, if the Electoral Office issues a national identity card, the question arises whether an elector could register to receive a national identification card and opt not to be included on the Voters’ List. Alternatively, whether every citizen who registers to get a national identification card is automatically placed on the Voters’ List.

Of note is the fact that opinions also vary as to the information to be collected for storage and subsequent identification of the electors. The question of whether to collect fingerprints, iris scan or facial recognition, a combination of two, or all three has not been settled.

The need for data protection legislation cannot be overlooked.

Equipment has already been purchased for use in the updating of the Voters’ List and the collection of data to facilitate the production of identification cards. The capabilities of the equipment should therefore be a factor in determining the way forward. In addition, the time required for training users, collecting and processing the data, and producing and issuing the cards, is of critical importance.
3.3 **Voting by the Diaspora**

It is widely accepted that Dominican citizens residing overseas participate in the country’s democratic process. The current law provides for such citizens to participate if they have not been out of Dominica for five consecutive years.

The Electoral Office currently does not have a robust system in place to remove Dominicans who become ineligible by virtue of being out of the country for more than five years. Discussions with the Commission, the Chief Immigration Officer and the Registrar General indicate that the capabilities are present to do so. However, a continuous and stringent process to facilitate application of the law has not been established.

There is a view among some stakeholders that all Dominican on the Voters List have a right to remain registered even where they have been absent from Dominica for a period exceeding five years. This however is not supported by the country’s existing legislations.

4. **CONCLUSIONS AND RECOMMENDATIONS**

Based on its discussion in Dominica with national and electoral authorities, political parties and civil society, and considering information and recommendations emanating from their previous Electoral Observation Missions (EOMs) and other technical assistance missions in Dominica, the Joint Mission wishes to offer the following conclusions and recommendations.

**Updating the Voters’ List**

In order to update the Voters’ List, the Joint Mission recommends the authorities consider the following steps:

(a) Conduct a house-to-house re-verification exercise across the entire Island. In this regard, the Electoral Commission should immediately and urgently determine a schedule and assess the resources required to complete such an exercise, including the human and financial resources and other actions that may be necessary (such as the collection of photographs, fingerprints and other data as may be agreed). It is recommended that serious consideration also be given to increasing the number of full-time employees at the Electoral Office.

(b) Each resident found should be re-verified in their current polling district, except for those for whom provisions were made due to the displacement caused by the recent storms. This is important to determine the need for future redistricting since a significant number of Dominicans (in addition to those displaced), no longer reside at the addresses at which they were first registered.
(c) Persons who are confirmed to be deceased (via death certificates, funeral programmes, obituaries in newspapers) should be removed from the list.

(d) A list of electors not found should be publicized (including in the local newspapers) requesting they visit the nearest Registration Centre to complete the verification process. Those electors not found and who fail to come forward after publication of the "Electors Not Found List" should remain on the Voters' List unless and until they are removed under the provisions included in Section 7 of the Registration of Electors Act.

(e) The necessary technical and administrative expertise should be provided to the Electoral Commission and the Electoral Office in support of these efforts.

The Issuing of Identification Cards

The Joint Mission notes the difference in opinion as to whether new legislation is required to facilitate the production and issuance of photo identification cards. In keeping with what has been done in other jurisdictions, it is recommended that the legislation be amended to broaden the authority of the Electoral Commission to collect and use electors' biometric data and thereafter to issue photo identification card. In this regard:

(a) The photograph and other biometric data (as determined) of each elector verified on the Island, should be taken and cross-matched to remove duplicate registrations.

(b) The Electoral Commission should take a decision on how it will distribute ID cards (through designated centers or house-to-house distribution or a combination of both). Uncollected or undistributed cards should be available for collection on Election Day at specially established points at each polling station.

(c) Electors currently residing on the Island, who are not re-verified, and whose names remain on the list should be asked to take along some other form of identification on Election Day. In addition, it is recommended that on Election Day, prior to being allowed to vote, they be required to take an oath, or affirmation of identity as well as being fingerprinted.

Voting by the Diaspora

(a) The Joint Mission recommends that concurrent with the re-verification exercise, the Electoral Office should seek to engage the Immigration Department to identify the electors on the current list who are resident overseas.
(b) Those found to be in violation of the five-year limit, according to Section 7 of the Registration of Electors Act, and who are therefore no longer eligible to be on the list should be removed. In cases where the information cannot be verified, such electors should be allowed to remain on the list to prevent the disenfranchising of a valid elector.

(c) All electors coming in from the Diaspora to vote should be asked to provide a valid passport as identification, in order to exercise his or her franchise.

(d) The Joint Mission recommends that urgent and inclusive consultations be conducted on the process of the overseas verification of electors in order to settle and inform the Commission's actions in this regard.

The three areas identified for reform, even though viewed separately, are interconnected. The completion of the re-verification exercise is a necessary undertaking which must precede the production and issuing of identification cards. If the decision is made to commence the exercise, the technical support available internally and externally, should be harnessed to support the effort. An unsuccessful attempt at reform could have serious consequences.

5. **FINAL CONSIDERATIONS**

The importance of public education in a process such as this cannot be overstated. The Mission noted that while information had been shared publicly about the purpose and nature of the proposed electoral reform, not all persons had received sufficient, accurate information to allow them to understand the issues and to form considered opinions. The Joint Mission therefore, recommends that efforts be redoubled by the competent authorities to share accurate and reliable information on this issue.

The Joint Mission also noted with regret the mistrust and antipathy evident between the opposing sides, and was informed that elements of violence, associated with politics and elections, were creeping into the society. A diversity of perspectives is crucial in any healthy and successful democracy - so too is a willingness to collaborate and to compromise. Neither violence, nor the insinuation of violence, has any place in the electoral process.

It is the Joint Mission's view that there is an urgent need for the political leaders in Dominica to reset the political tone in the interest of Dominica. In particular, the Joint Mission strongly encourages the Leaders of the two main political parties to engage in earnest, meaningful and constructive one-to-one dialogue on the issue of electoral reform. All three organizations - CARICOM, the Commonwealth and the OAS - are agreeable to facilitating such an endeavour should this recommendation be welcomed by the political leaders.
Ultimately only the people of Dominica can determine what is best for Dominica. The Joint Mission encourages all sides, and all citizens to renew their commitment to collaborate in resolving Dominica's electoral challenges and to establish a firm foundation for the continued modernization and strengthening of the country's electoral processes.
## MEMBERS OF THE JOINT SPECIAL MISSION TO DOMINICA

<table>
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<tr>
<th>INSTITUTION</th>
<th>MEMBERS</th>
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| CARICOM Secretariat                             | Ms. Josephine Tamai  
Chief Elections Officer, Belize  
Mr. Errol Bethel  
Former Parliamentary Commissioner, The Bahamas  
Ms. Valerie Alleyne-Odle (Administrative Support)  
Adviser to the Assistant Secretary General  
Foreign and Community Relations |
| Commonwealth Secretariat                        | Mr. Martin Kasirye  
Adviser and Head, Electoral Support Section  
Dr. Tres Ann Kremer  
Adviser & Head of Good Offices for Peace  
Mr. Orrette Fisher  
Consultant/Former Director of Elections, Jamaica |
| General Secretariat of the Organization of American States | Mr. Francisco Guerrero  
Secretary for Strengthening Democracy  
Ms. Melene Glynn  
Officer, Department of Electoral Cooperation & Observation  
Secretariat for Strengthening Democracy |
CARICOM – COMMONWEALTH – OAS JOINT SPECIAL MISSION TO DOMINICA

Electoral Office Conference Room
Jewel Street, Roseau
August 7 – 8, 2019
AGENDA

Wednesday, August 7

09:00 a.m.  Hon. Roosevelt Skerrit, Prime Minister, Dominica and Members of the Cabinet
Location:  Office of the Prime Minister

10:00 a.m.  Hon. Alix Boyd Knights, Speaker of the House of Assembly

12:15 p.m.  Hon. Lennox Linton, Leader of the Opposition/Political Leader of the United
Workers Party (UWP)
Hon. Daniel Lugay, Member of Parliament, Roseau North
Hon. Hector John, Member of Parliament, Salisbury
Hon. Monell Williams-Jno-Baptiste, Senator
Hon. Isaac Baptiste, Senator

1:15 p.m.  LUNCH

2:15 p.m.  Ms. Kaywana Williams, Coordinator - Research and Development,
Bureau of Gender Affairs

3:00 p.m.  Mr. Daniel Carbon, Commissioner of Police

3:45 p.m.  Mr. Gerald Burton, Chairman of the Electoral Commission
Mr. Kondwani Williams, Commissioner & Mr. Ian M. Anthony, Chief Elections
Officer

4:30 p.m.  Hon. Levi A. Peter, Attorney General
Thursday, August 8

08:15 a.m.  Ms. Valda Powell, Chief Immigration Officer  
Mr. Irvin Phillip, Comptroller of Customs and Excise (ag)  
Mr. Vincent Christmas, Deputy Comptroller of Customs and Excise (ag)

09:00 a.m.  Mr. Loftus Durand, President, Concerned Citizens Movement (CCM)  
Mr. John Blanchard, Treasurer  
Mr. Gildon Richards, Legal Advisor  
Ms. Irena Bruno, Member  
Mr. Tyrone Anthony, Member  
Ms. Mary Boyer, Member

10:00 a.m.  Mr. Kent Vital, Political Leader, Dominica Freedom Party (DFP)  
Mr. Johnson Boston, Chairman, DFP  
Mr. Michael Astaphan, former Political Leader, DFP

11:00 a.m.  Mr. Steve Joseph, President, Dominica Public Service Union  
Mr. Lloyd Benjamin, Dominica Association of Teachers  
Mr. Bernard Nicholas, Secretary General, Dominica Trade Union  
Mr. Kertis Augustus, Secretary/Treasurer, Waterfront & Allied Workers Union  
Ms. Elias Shillingford, General Secretary, Dominica Amalgamated Workers Union.  
Mr. Alington Willson, Acting President General, National Workers Union

12:00 noon  Mr. Severin McKenzie, President, Dominica Business Forum (DBF)  
Ms. Lizra Fabien, Executive Director, Dominica Association of Industry and Commerce  
Mr. Achille Joseph, CEO Dominica Employers Federation/Governor, OECS Business Council  
Mr. Francis Emanuel, President Dominica Employers Federation  
Mr. Anthony LeBlanc, President Dominica Builders and Contractors Association  
Dr. Eisenhower Douglas, Director, Dominica Coalition of Service Industries

1:00 p.m.  Mr. Wayne James, Commissioner, Electoral Commission  
Mr. Kondwani Williams, Commissioner, Electoral Commission

2:00 p.m.  Mr. Paul Baron, President, National Youth Council
Thursday, August 8 (cont’d)

3:00 p.m.  Ms. Lizra Fabien, Executive Director, Dominica Association of Industry and Commerce (DAIC)
           Ms. Nathalie Sampson, Director
           Mr. Brenton Hilaire, Director
           Mr. Eliud Williams, Treasurer

4:00 p.m.  Fr. Nigel Karam, Representative, Dominica Christian Council

5:00 p.m.  Mr. Anthony LeBlanc, Chairperson, Electoral Reform Effort Group (EREG)
           Mr. Kertis Augustus, Secretary/Treasurer, Waterfront & Allied Workers Union
           Mr. John Elu Charles, Member, Bar Association
           Mr. Stewart Paris, Member, Electoral Reform Effort Group
           Mr. Severin McKenzie, President, Dominica Business Forum

6:00 p.m.  Mr. Anthony Astaphan, Legal Advisor, Democratic Labour Party (by Skype)

Friday, August 9

08:00 p.m. Mr. Oswald Walsh, Registrar General

Location: Fort Young Hotel