

## **Electoral Assistance and Post-Conflict Peacebuilding -- What Lessons Have Been Learned?**

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## 1. Introduction

The past decade was witness to an unprecedented rise in the number and percentage of electoral democracies in the world. The number of countries in which elections are competitive and meet minimum standards of freedom and fairness reached a new high-water mark in 2001, with 122 (or 63 percent) of the world's 192 countries qualifying as 'electoral democracies' (Freedom House, 2001). This marks a threefold increase from the situation applying in 1989, at the end of the Cold War. Indeed, more governments today have been chosen via free and fair elections than at any time in history.

Many of these elections have been held in post-conflict societies with the assistance, supervision or sometimes direct control of the international community. The basic principle that governments should be chosen by the ballot, not the bullet, has become enshrined as an 'emerging right' in international law (Franck 1992). In post-conflict societies, competitive elections have become one of the instruments used not only to promote democracy but also to attempt to consolidate a fragile peace. In such cases, elections provide an inescapable means for jump-starting a new, post-conflict political order; for stimulating the development of democratic politics; for choosing representatives; for forming governments; and for conferring legitimacy upon the new political order. They also provide a clear signal that legitimate domestic authority has been returned – and hence that the role of the international community may be coming to an end. For all of these reasons, elections have become a central part of the process of state rebuilding.

This is particularly so for first-time elections in countries transitioning from authoritarian rule or civil war. In some cases, such as Namibia in 1989 or Mozambique in 1994, elections clearly played a vital role in making a decisive break with the past. In others, such as Angola's abortive 1992 elections held under the Bicesse peace accord, flawed elections created more problems than they solved. Haiti's parliamentary and presidential elections in 1995 led to the first ever transition of power, but administrative inefficiencies undermined the credibility of the broader electoral process. By contrast, in Cambodia, technically successful

electoral processes were soon overwhelmed by the realities of power politics as the 'losing' party at the elections returned to power through hard-line tactics. In Bosnia, premature elections helped nationalist parties cement an early grip on political power, while in Kosovo and East Timor a more measured timetable appears to have helped the process of political development of the nascent political systems.

As this brief list indicates, there has been a considerable variation in the relative success of elections in meeting the broader goals of institutionalization and consolidation of democracy from country to country and from case to case. There is also considerable variation in the extent to which such elections meet the vexed standard of being considered 'free and fair' by observers, the media and the international community. In general, a 'free' election typically is one in which contestation for office is open and competitive, and free from significant electoral violence; while 'fair' usually refers to features such as a level playing field, equal rights to participation, and acceptance of outcomes by all parties. In practice, however, there is a great variation in the meaning attached to this term, and it has been difficult to identify a widely-accepted definition of what a 'free and fair' election constitutes in practice, although some attempts have been made (see Elklit and Svensson 1997).

There is a considerable variation in the kinds of activities that international electoral assistance can comprise. At one extreme, many of the 'institutional strengthening' programmes focussed on electoral issues attempt to help build capacity within existing electoral commissions, and to assist them with generic issues such as budgeting, management, planning, staff recruitment, and so on. At the other extreme are complex plans for electoral systems design, reform of legal codes, constitutional changes and so on. Between these 'low end' and 'high end' approaches lies the bulk of electoral assistance, which is usually focussed on helping organize and run a specific election in a specific country, rather than any longer-term commitment.

Regardless of the range of assistance available, it is clear that for international actors and post-conflict societies alike, electoral assistance forces critical political choices to be made. Elections represent a key step in a broader process of political maturation and legitimation. The holding of elections can have a decisive influence on how the rhythm of peaceful democratic politics can evolve and become sustainable, to what extent the internal politics of

fragile new states become stabilized, and whether a peace settlement and new post-conflict regime comes to be viewed as legitimate.

## **2. Elections in Post-Conflict Situations**

### **2.1 Critical Issues**

Despite their essential role, post-conflict elections can also be a source of tension, becoming a lightning-rod for popular discontent and extremist sentiments. Elections in conflictual situations often act as a catalyst for the development of parties and other organisations which are primarily (and often solely) vehicles to assist local elites gain access to governing power. They can promote a focus on regional, rather than national, issues. They can serve to place in positions of elected authority leaders committed to exclusionary visions of the country – leaders who are, in many cases, the very same ones who started or fought the conflict in the first place. This generals-to-politicians transformation has been a recurring problem in the Balkans, where nationalist parties and elites have attempted to use the political process to continue to press their sectarian aims. Post-conflict elections also tend to elicit more extreme reactions from voters than those held after an extended period of state rebuilding.

In such cases, elections can have the perverse effect of undermining the broader process of democratisation. A common mistake is to hold elections too soon, before national political issues have progressed beyond the concerns of the previous conflict, and before more normal peacetime politics have had time to develop. In such a situation, elections can become a focus for violence, as the armies and other groups previously engaged in combat continue their conflict via the electoral process. While elections are an essential part of many peace agreements, ill-timed, badly-designed or poorly-run elections have often served to undermine peace processes in fragile post-conflict environments.

Given this dilemma, what are the issues facing the international community when it engages in post-conflict electoral assistance? There are at least five main areas of variation which have a crucial influence on the shape of post-conflict electoral politics in most countries:

- First, there is the question of election timing: should national elections be held immediately after a conflict, to take advantage of a peace deal and quickly introduce

the new democratic order? Or is it better to wait for a year or two so as to allow the political routines and issues or peacetime politics to come to prominence?

- Second is the matter of scheduling of national versus sub-national elections. Is it better to hold national elections before local ones, as some scholars have argued? Or, following emerging United Nations practice, should local-level elections be held in advance of national ones, in the hope of gradually inculcating voters to the rights and responsibilities of representative democracy?
- Third, there are the mechanics of elections themselves: who runs the elections? how are voters enrolled? how are electoral boundaries demarcated? what electoral formula is used? And so on. All of these decisions impact upon the way post-conflict politics develop, particularly the type of party constellations that are formed and the kind of appeals they make to voters and thus to the nature of electoral campaigning.
- Fourth, there is the matter of international election observation, monitoring and supervision. After placing huge resources on international electoral observation for most of the 1990s, there is now a renewed focus amongst international actors such as the European Union on the need to professionalize the process of electoral observation and to place more emphasis on building domestic capacity in this area.
- Fifth, there is the often under-estimated issue of the effect of post-conflict elections on the development of civil society and political parties. In post-conflict situations, many civil society organisations are weak or non-existent. In such cases, political parties are the key link between masses and elites, and play an absolutely crucial role in building a sustainable democratic polity. Hence, the interaction between civil society, political parties and the electoral process is itself crucial. The aim should be to promote the development of broad, programmatic party organizations with real links to the community.

In all of these areas, great attention needs to be given to the way in which international assistance to elections impacts upon the broader course of democratic politics in post-conflict situations. The purpose of this paper is therefore to identify and analyse the crucial issues concerning international electoral assistance.

## 2.2 The Democratic Role of Elections

Elections have three main functions in a democracy. First, they are means of choosing the people's representatives to a legislature, congress or other representative forum, or to a single office such as the presidency. Second, elections are not just a means of choosing representatives but also of choosing governments. Indeed, in many established democracies, elections are primarily a contest between competing political parties to see who will control the government. Finally, elections are a means of conferring legitimacy on the political system. Especially since the end of the Cold War and the emergence of democratic governance around the world, elections have become an essential element in constituting a legitimate government. Today, there are very few states in the world that do not conduct elections, although the competitiveness and quality of these vary enormously.

More generally, there is the overarching issue of under what circumstances elections can help to build a new democratic order, and under what circumstances they can undermine democracy and pave the way for a return to conflict. As one survey of post-conflict elections notes, the high expectations often put on post-conflict elections tend to be accompanied by a weakness in the preconditions for their success: "most war-torn societies lack the political climate, social and economic stability, institutional infrastructure, and even political will to mount successful elections" (Kumar 1998, 7). The international community has often not been sufficiently cognisant of the dangers in pushing for elections, particularly in countries which have recently emerged from civil war, without sufficient attention to the capacity of the host country to carry them out.

Some critics contend that democracy itself is part of the problem in such highly fraught situations, and that post-conflict situations are too fragile to be exposed to the competitive pressures of the electoral process. But this oft-heard critique ignores several factors. First, elections can be purposively designed to encourage not winner-takes-all outcomes, but the sharing of power between groups. Indeed, many would argue that some form of power-sharing is a primary requirement in post-conflict situations. Second, post-conflict countries inevitably face a real need to construct a legitimate governing authority. Not least because so many of today's conflicts take place within states, the overarching challenge of international electoral assistance is thus to build or re-build a sustainable democratic state that can function without direct international involvement. Elections are a crucial element in achieving this.

### 2.3 Types of Electoral Assistance

In order to develop and improve the accuracy, efficiency and legitimacy of such elections, and in the hope of building sustainable democratic practices in transitional states, the international community has become involved in a wide range of activities in the electoral field over the past decade. These include technical assistance for constitutional and legal reforms; advice on electoral systems, legislative structure and other political choices; assistance for the establishment and functioning of electoral management bodies; support for voter registration and education initiatives; financial, technical and strategic advice to political parties; support for civil society groups; provision of international monitors and observer groups; and so on.

In all of these areas, a key issue is that whatever electoral processes are chosen, they need to be sustainable. While the international community plays an important ‘vector’ role in spreading new practices and technologies, there is a distinction between the ideal electoral technology and the capacity of a recipient country to handle that technology in a sustainable manner. A number of internationally-financed and run elections over the past decade have introduced a level of electoral technology which was clearly unsustainable for the host country, and could not be replicated in their second, locally-run elections. Cambodia (1993) and Mozambique (1994) both fall into this category. Similarly, donors need to move away from funding expensive one-off international election observation missions (otherwise known as ‘electoral tourism’) towards the longer-term benefits of directly supporting the domestic electoral administration and local observer groups. The latter is less glamorous but usually has a much greater pay-off in actually assisting the consolidation of a new democracy.

Table 1 sets out the major sub-areas within the field of electoral assistance in which international support is usually focused.

**Table 1: Areas of international electoral assistance**

<b>Area</b>	<b>Description</b>
<b>Support for first-time elections</b>	This is a central element of most international electoral assistance programs. Support for free and fair elections can take many forms, although typically assistance is focused on issues of election planning, monitoring and budgeting. An increasing focus is on the use of low-cost, sustainable practices which will not require ongoing international assistance into the future.
<b>Assistance for constitutional and legal reforms</b>	This kind of assistance often involves issues of political institutions and institutional reform, e.g. through design and reform of electoral systems, legislative structures, promoting links of accountability between the government and the governed, and so on.
<b>Assistance to electoral management bodies</b>	Assistance to electoral management bodies can be focussed on a range of areas, including voter registration, boundary delimitation, computerisation, dispute resolution and so on. A recent focus has been on the need to build independent and permanent electoral management bodies.
<b>Voter registration</b>	Concerns about the quality and usability of the voter register are a perennial issue of concern in post-conflict elections. Assistance with voter registration is often focused on the need for a permanent and continuous electoral register that is constantly updated to reflect population movements, new voters, births and deaths, and so on.
<b>Civic and voter education programmes</b>	Activities whose main goal is to expand democratic participation, particularly for women, the poor, indigenous groups and other under-represented segments of society. This includes awareness-raising activities to highlight the rights and responsibilities of citizens inherent in a democratic society.
<b>International monitoring and observation</b>	Includes election observation, monitoring and supervision. After placing huge resources on electoral observation for most of the 1990s, there is now more focus on the need to professionalize the process of international electoral observation and to place more emphasis on building domestic capacity in this area.
<b>Strengthening of political parties</b>	Activities that focus on strengthening a country's emerging party system, building parties' internal capacity, and training parties to function effectively in the legislature. This is an emerging area in electoral assistance which is likely to take on increasing importance in the future.



### **3. Experiences and Lessons Learned**

#### **3.1 Timing of Elections**

The intense international involvement in many post-conflict elections over the past decade is testament to the importance placed on the electoral process by the United Nations and other international organisations. However, the real challenge facing the international community is to help build sustainable procedures that function effectively without external assistance. In this area, progress has been slow. There is still a tendency to pay considerably more attention to a nation's first election than subsequent ones, and many countries have been left with a legacy of expensive procedures and equipment after an internationally-supported transitional election that they cannot hope to replicate in the future. Similarly, subsequent elections beyond the first often fail to attract the intense international involvement that accompanies first-time elections in the shape of observer missions, monitoring and support.

Over the last decade, UN peacekeeping missions appear to have developed a kind of standard operating procedure. Once a minimum level of peace has been obtained (which does not necessarily mean a full cease-fire agreement), and a basic level of infrastructure is in place, the next step is usually to hold some kind of elections -- often within a year or two of the start of the mission -- followed by a rapid hand-over to the newly-elected authorities, and an even more rapid departure of UN troops and personnel. One recurrent criticism of this approach to elections in post-conflict scenarios is that, if held too early, they can undermine the nascent democratic order. In fact, this has been a fundamental problem of many UN-supervised elections: they have been held too soon and too quickly after peace has been restored.

This problem affects all international actors involved in electoral assistance, not just the United Nations. For example in Kosovo there was strong pressure on the OSCE, as the body responsible for electoral matters, to hold elections as quickly as possible following the international intervention there, regardless of whether social conditions were conducive to the cut and thrust of open electoral politics or not.

The timing of elections can also impact directly on the shape of the political party system, and on the degree of coordination between local and national-level elites. For example, a major goal in building a sustainable democracy should be the creation of parties which are broad-

based, have strong links to local communities, and campaign on a national platform. But in post-conflict situations, many political parties are not broad-based vehicles for presenting competing policy and ideological platforms, but rather narrowly-focussed, personalized elite cartels. In other cases, political movements are often merely thinly-disguised variants of the armies which fought in the original conflicts, as exemplified in Bosnia by the growth of nationalist parties like the (Croat) HDZ, (Serb) SDS and (Bosniac) SDA, respectively. This problem also afflicts former liberation movements, such as East Timor's Fretlin, or even the Kosovo Liberation Army, which attempt to transform themselves into mainstream political organisations. Either way, holding elections too early in the transition period can have the perverse effect of stymieing the development of more aggregative and programmatic political parties – institutions which are now widely accepted to be important facilitating agents for successful democratisation.

A more immediate problem often comes not from domestic realm but from the approach taken by the international community itself. International policymakers, not least at the UN, have typically viewed elections as a convenient punctuation point in a peacekeeping mission, which can usher in not just a new government but also provide a convenient exit point for international involvement. This 'exit strategy' approach has severely undermined the efficacy of some of the largest electoral assistance operations. Thus Cambodia's 1993 election, the culmination of the biggest UN peacekeeping mission to date, was followed by a rapid departure of the UN and other international forces from Cambodia – a departure which did little to translate results of an exemplary electoral process into solidifying a fragile new polity. Soon after, a 'coup' by the 'second' prime minister, Hun Sen, against the most popular elected party, FUNCINPEC, saw Cambodia return to its familiar politics of intimidation and authoritarian rule. Elsewhere, rushed elections (for example, in Liberia) with little in the way of broader political support, have undermined the legitimacy of the election process, creating further problems for future democracy-building efforts.

Another issue is the coordination of election timing with sub-national elections. Some scholars argue that in a new democracy, holding national elections before regional elections generates incentives for the creation of national, rather than regional, political parties<sup>1</sup> – and hence that the ideal process of election timing is to start at the national level and work one's

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<sup>1</sup> Linz and Stepan 1996, 98-107

way down. Others such as Diamond believe that simultaneous national and local elections ‘can facilitate the mutual dependence of regional and national leaders. The more posts that are filled at the regional and local level ... the greater the incentive for regional politicians to coordinate their election activities by developing an integrated party system’.<sup>2</sup> This was the situation at Indonesia’s 1999 elections, with identical party-based ballots being presented to voters at simultaneous elections for national, provincial and local assemblies, which greatly strengthened the nascent party system. In recent years, however, UN practice has been the opposite: to start with municipal elections and work up, as in Kosovo. This approach is particularly suited to ‘state building’ elections, which can help develop party politics from the ground up.

Happily, there is evidence of genuine learning over time by the UN and other international actors on most of these issues. First, there is more recognition now of the need for sustained international involvement for several years after a conflict rather than the rushed ‘in-and-out’ approach of former years. Second, in recent major international assistance operations such as Kosovo, East Timor and now Afghanistan, pressure to hold instant national elections has been resisted. Instead, a two-year period of political development has been used to prepare the ground for elections as part of the much longer process of democratization. In both Kosovo and East Timor, relatively peaceful national elections were held in the second half of 2001. In Afghanistan, the two-year timeframe is being used again. Although questions remain as to whether even two years is time enough, there is now little doubt about the benefits of this more gradual approach. Third, the issue of local versus national elections seems to have been decided in favour of a two-step approach, with local elections coming first. In general, the comparative evidence suggests that this bottom-up approach to electoral timing is probably the best way to encourage the development of party politics and to inculcate voters in the routines of electoral politics. For example, the *Lloya Jirga* process of local elections in Afghanistan which was part of the process of choosing an interim government, can be seen as one kind of local election that clearly helped the nascent process of democratisation.

### 3.2 Appropriateness of Electoral Systems

Legal and constitutional issues, particularly the choice of electoral system, have long been recognised as one of the most important institutional choices for any political system. They can have profound implications for the extent to which the voices of the poor and other marginal

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<sup>2</sup> Diamond 1999, 158.

groups can be heard and their genuine power enhanced. For example, systems in which the parliament is elected from many small geographically-defined electoral districts tend not to be as good as representing minority opinion than proportional ones, but may be better at building links of accountability. These choices can also influence other aspects of the political system, such as the development of the party system, linkages between citizens and their leaders, political accountability, representation and responsiveness. Because of such impacts, constitutional and electoral system choices have many long-term consequences for the process of democratic governance, and the choice of electoral system is one of the most important political decisions for any country.

Electoral systems are the rules and procedures via which votes cast in an election are translated into seats won in the parliament or some other office (e.g. a presidency). An electoral system is designed to do three main jobs. First, it will translate the votes cast into seats won in a legislative chamber. Second, electoral systems act as the conduit through which the people can hold their elected representatives accountable. Third, different electoral systems give incentives for those competing for power to couch their appeals to the electorate in distinct ways. In divided societies, for example, where language, religion, race or other forms of ethnicity represent a fundamental political cleavage, particular electoral systems can reward candidates and parties who act in a co-operative, accommodatory manner to rival groups; or they can punish these candidates and instead reward those who appeal only to their own group.

Electoral systems are often categorized according to how proportionately they operate in terms of translating votes cast by electors into seats won by parties. A typical three-way structure divides such systems into plurality-majority, semi-proportional, and proportional representation (PR) systems. Plurality-majority systems typically give more emphasis to local representation via the use of small, single-member electoral districts than to proportionality. Amongst such systems are plurality (first-past-the-post), runoff, block and alternative vote systems. By contrast, proportional representation systems – which typically use larger multi-member districts and deliver more proportional outcomes -- include ‘open’ and ‘closed’ versions of party list PR, as well as ‘mixed-member’ and ‘single transferable vote’ systems. Semi-proportional systems offer yet other approaches, as well as various mixtures of plurality and proportional models -- such as the ‘mixed’ models by which part of the parliament is elected via PR and part from local districts, a common choice in many new democracies over the past decade (see Reynolds and Reilly 1997).

Electoral systems also have a direct impact upon politics in societies divided along ethnic, religious, ideological or other lines. Donald Horowitz, for example, argues that ‘the electoral system is by far the most powerful lever of constitutional engineering for accommodation and harmony in severely divided societies, as indeed it is a powerful tool for many other purposes’.<sup>3</sup> Arend Lijphart says that ‘the electoral system has long been recognized as probably the most powerful instrument for shaping the political system’.<sup>4</sup> Timothy Sisk writes that electoral systems ‘play an important role in ‘engineering’ the results of democratic voting, and along with other institutional choices can have a profound impact on the nature of political parties and the general character of democracy’.<sup>5</sup> Beyond this consensus on the importance of electoral systems, however, there is profound disagreement among theorists as to which electoral systems are most appropriate for divided societies (see Reilly and Reynolds 1999).

Two schools of thought predominate. The scholarly orthodoxy has long argued that some form of proportional representation (PR) is all but essential if democracy is to survive the travails of deep-rooted divisions. The electoral recommendations of ‘consociational’ approaches to managing ethnic cleavages in divided societies (Lijphart 1997) emphasise the need for divided societies to develop mechanisms for elite power-sharing, if democracy is to be maintained. In terms of electoral systems, consociationalists argue that some form of proportional representation is all but essential for divided societies, as this enables all politically-significant ethnic groups, including minorities, to form ethnically-based parties. This is based on the tendency of PR to produce multi-party systems and hence multi-party parliaments, in which all significant segments of the population can be represented, and on the empirical relationship between proportional electoral rules and ‘oversized’ or grand coalition governments, which are a fundamental feature of the power-sharing approach on which consociationalism is based. The use of large, multi-member electoral districts is particularly favoured, because it maximises proportionality and hence the prospects of multiple parties in parliaments, which can then form the basis of an cross-ethnic government coalition.<sup>6</sup> PR election rules are thus important in themselves — because they are likely to facilitate proportional parliamentary representation of all groups — and also an important component

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<sup>3</sup> Horowitz 1991, 163.

<sup>4</sup> Lijphart 1991, 91.

<sup>5</sup> Sisk 1993, 79.

<sup>6</sup> See Lijphart 1990, 10-13.

of wider consociational prescriptions that emphasise the need for grand coalitions, group autonomy, and minority veto powers.

In contrast to this orthodoxy, an alternative approach sometimes typified as ‘centripetalism’ maintains that the best way to mitigate the destructive effects of ethnicity in divided societies is not to simply replicate existing ethnic divisions in the legislature, but rather to utilise electoral systems that encourage cooperation and accommodation between rival groups, and therefore work to break down the salience of ethnicity rather than foster its representation in parliament. Drawing on theories of bargaining and cooperation, centripetalism advocates institutional designs which encourage opportunities for dialogue and negotiation between opposing political forces in the context of electoral competition. By privileging cooperative campaign strategies with increased prospects of electoral success, candidates representing competing (and sometimes violently opposed) interests are presented with incentives to negotiate for reciprocal support, creating an ‘arena of bargaining’ where vote-trading arrangements can be discussed.<sup>7</sup>

Centripetalist approaches advocate the use of electoral rules which encourage ‘vote-pooling’ and ‘preference swapping’ in order to encourage inter-ethnic bargaining and promote accommodative behaviour. At the core of this approach is the need to make politicians reciprocally dependent on the votes of members of groups other than their own.<sup>8</sup> The most reliable way of achieving this aim, according to proponents of the centripetal approach, is to offer sufficient electoral incentives for campaigning politicians to court voter support across ethnic lines. For example, some electoral models – such as preferential systems like the alternative vote (in Fiji) or the single transferable vote (Northern Ireland) -- permit (or even require) voters to declare not only their first choice of candidate on a ballot, but also their second, third and subsequent choices amongst all candidates standing. Parties that succeed in negotiating preference-trading agreements for reciprocal support with other parties will be rewarded, thus strengthening moderate voices and the political centre. This gives them strong institutional incentives both to engage in face-to-face dialogue with their opponents, and to negotiate on broader policy issues than purely vote-seeking ones. The overall effect is thus to reorient electoral politics away from a rigid zero-sum game to a more fluid, complex and potentially positive-sum contest. The success of ‘pro-peace’ forces at Northern Ireland’s

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<sup>7</sup> See Reilly 2001.

<sup>8</sup> See Horowitz 1985, 1991.

breakthrough 1998 election was dependent to a significant extent on such vote-transfers towards the moderate middle and away from extremists. Fiji's transitional 1999 election also utilised centripetal procedures, as did the transitional 1990 election in Estonia. Sri Lanka and Papua New Guinea are other examples of countries in which centripetal electoral systems have been used.

Regardless of whether consociational or centripetal approaches (or some mixture of the two), are favoured, there is widespread agreement amongst many scholars that some type of power-sharing government featuring all significant groups is an essential part of democracy-building in divided societies. In particular, multi-ethnic coalitions are favoured by both consociationalists and centripetalists as desirable institutions for divided societies.

Most of the major transitional elections conducted in recent years, including almost all of those held under UN auspices, have utilized some form of PR. In fact, transitional elections in Chile (1989), Namibia (1989), Nicaragua (1990), Cambodia (1993), South Africa (1994), Mozambique (1994), Liberia (1997), Indonesia (1999), Bosnia (1996,1998, 2000), Kosovo (2001) and East Timor (2001) were all conducted under proportional representation rules. In particular, the simplest form of proportional representation -- party-list PR -- appears to have become the de facto norm of UN parliamentary elections. But the adoption of such systems for post-conflict elections has usually been dictated more by administrative concerns, such as the need to avoid demarcating individual electoral districts and to produce separate ballot papers for each districts, than these wider political issues. Indeed, in many post-conflict elections, national PR systems are the only feasible way to hold an election quickly, as a uniform national ballot can be used, no electoral districts need be demarcated, and the process of voter registration, vote counting and the calculation of results is consequently simplified. In Liberia in 1997, for example, population displacement and the lack of accurate census data led to the abandonment of the old system of single-member majoritarian constituencies in favour of a proportional system with a single national constituency (Lyons 1998, 182).

However, national PR systems also have some disadvantages, as they provide no geographic link between voters and their representatives, and thus create difficulties in terms of political accountability and responsiveness between elected politicians and the electorate. In addition, many new democracies - particularly those in agrarian societies (Barkan 1995) - have much higher demands for constituency service at the local level than they do for representation of

all shades of ideological opinion in the legislature. It has therefore increasingly been argued in Namibia, South Africa, Cambodia and elsewhere that the proportional systems used at the first transitional elections should be modified to also encourage a higher degree of *geographic accountability* – such as by having members of parliament represent territorially-defined districts and service the needs of a constituency. A popular choice in recent years has been for ‘mixed’ electoral systems, in which part of the legislature is elected on a national level by proportional representation, and some is elected at a local level from single-member districts, so that both the proportionality and accountability are maximised. For example, the August 2001 elections for East Timor’s 88-member constituent assembly used a mixed system, with 75 of the assembly’s seats elected on a nationwide basis by proportional representation, and 13 seats (one for each district) elected by first-past-the-post.

### 3.3 Independence of Election Administration

While constitutional and legal reforms such as electoral systems have attracted a voluminous academic literature, issues of electoral administration remain under-studied by scholars and under-rated in general in terms of their effect on post-conflict polities. There are several models of election administration used around the world. Some countries locate responsibility for the administration of elections within a government portfolio like the interior or home affairs ministry. Other countries situate the responsibility for administration of elections within other aspects of governance, such as the public records office, the tax department or even the postal service. In some cases, the body responsible for running elections is created anew before each electoral event. And in some cases, the international community itself takes responsibility for running the elections. Probably the most important administrative decision concerns the composition of the body managing the elections, and specifically whether the elections are run by the government of the day or by some form of independent electoral commission.

Despite this wide variation, comparative experience to date, as well as a global study of electoral management bodies (López-Pintor 2000), emphasize that independent and permanent electoral management bodies represent a clear best practice in terms of global electoral administration. Their perceived neutrality and independence from political interference lends credibility to the electoral process, which is a crucial determinant of the success of any election. A truly independent commission is one that is able to operate effectively without direct ministerial control, including in terms of its financial and administrative functions, and is (ideally) comprised of non-partisan appointees. In practice, many independent commissions



around the world do not have complete financial independence and may be comprised of party representatives rather than non-partisan appointments, but are still able to operate free from government interference or control.

Secondly, the issue of the composition of electoral management bodies is also important. In some countries, electoral management bodies are comprised not of independent civil servants, judges or other officials, but rather by the political parties contesting the elections themselves. This practice is widespread in some areas, and can provide a form of non-partisan independence if the composition of party representation is balanced in such a way as to ensure genuinely neutral functioning. However, recent problems with this model in some important transitional elections (e.g. Indonesia), as well as in established democracies (e.g. the United States), emphasizes the propensity for politicization and deadlock that such structural arrangements can have, underlining the importance of careful composition of electoral management bodies.

The world-wide trend is definitely towards independent electoral commissions staffed by non-partisan civil servants; indeed, since the world's largest democracy, India, adopted this model at independence it has been widely adopted around the world. However, the influence of the United States is important here, as the US form of electoral administration is based on political appointees and party representatives, and many post-conflict democracies, particularly in Latin America, have also adopted this model. Rafael López-Pintor argues that, when there is no better tradition or an existing body of widely respected independent civil servants, a party-based electoral authority may be the only realistic choice.<sup>9</sup>

The comparative evidence, however, suggests that independent commissions run by apolitical civil servants are definitely to be preferred. Party-based commissions have an almost inevitable tendency to split along party lines. In Haiti, for example, the Provisional Electoral Council was made up of representatives of the political parties, but was also deeply divided along party lines, and internal mistrust and divisions prevented it from working efficiently.<sup>10</sup> In Cambodia, by contrast, a non-partisan electoral commission was widely seen as one of the outstanding elements of the entire UN mission. Non-partisan commissions were also a prominent and successful part of UN missions in Namibia and in East Timor.

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<sup>9</sup> López-Pintor 1998, 53.

<sup>10</sup> Nelson 1998, 76.

The dangers of using party-based electoral administrations was graphically demonstrated by Indonesia's transitional elections in 1998. Amid the flowering of new political movements that often accompanies a democratic opening, a requirement that both the government and opposition political parties must be represented on the General Elections Commission (KPU), resulted in a deadlocked and unwieldy body of no less than 53 persons, most of them party representatives (including some individuals who were also candidates for the election). The result was that, during the preparation for one of the most important transitional elections of the 1990s, the body charged with running the elections, the KPU, became almost completely dysfunctional, being deeply divided along party lines and unable to take even basic decisions (at one stage, fist-fights broke out between different members of the commission). After the elections, which were administratively flawed, the Indonesians moved quickly to discard the party-based KPU and replace it with a much smaller, non-partisan body of 11 non-party and non-government representatives, many of them academics.

Overall, forms of electoral assistance which serve to strengthen the capacity of electoral management bodies represent one of the major forms of electoral assistance to help build sustainable democratic governance in post-conflict societies. Assistance to electoral management bodies can also cover all areas of public administration such as financial planning, budgeting, technical support, procurement, human resources and strategic development; as well as issues more specifically related to the electoral arena such as large-scale event planning, logistical support, conflict resolution training, and so on.

### 3.4 Voter Registration Mechanisms

Elections are a unique area of public governance, being large-scale events that need to be organized and coordinated on a national basis, in which virtually all adult citizens are able to take part. Because of this factor, and the need to collect, collate and manage data on all eligible voters – that is, virtually the entire adult population in most countries – the issue of voter registration is a key aspect of election administration, and a common source of requests for assistance.

Voter registration is a perennial area of concern in post-conflict elections. Because nearly all post-conflict elections take place in an environment where basic census and other records are missing, workable voter registers assume even greater importance than usual. The construction of a comprehensive register of voters is often a first step in the bureaucratic

process of state-building. It is also an enormously time-consuming, logistically-challenging and resource-intensive process: in Cambodia, for example, the voter registration period took almost a full year and demanded huge amounts of time, personnel and money.

Because electoral districts and polling places are often drawn and allocated on the basis of voter registration records, this process usually impacts on these areas too. Finally, because in many countries the voter's roll represents the only form of civil register in existence, it is often used for wider purposes than the electoral event itself (for example, the voter register in East Timor was used to identify missing persons following the militia attacks that followed the 1999 UN plebiscite on independence).

Voter registration by its nature involves collecting in a standardized format specific information from a vast number of separate cases (i.e. voters), and then collating and distributing this data in a form that can be used at election time, to ensure that only eligible electors engage in the voting process and also to guard against multiple voting, personation and the like. The political sensitivity of these issues, and the laborious nature of the task itself, means that voter registration is often one of the most expensive, time consuming and sometimes controversial parts of the entire electoral process.

Best practice in regards to voter registration is often focussed on the need for a permanent and continuous electoral register that is constantly updated to reflect population movements, new voters, births and deaths, and so on. Because of the issues noted above, the computerization of the voter roll and other related aspects of new technology is a commonly requested form of electoral assistance. The compilation and maintenance of an effective voter register (as with many other areas of electoral administration) lends itself readily to the application of new technology, particularly the issue of computerization of the electoral roll in countries which have not yet moved in that direction.

However, computerization of electoral registers and other related databases has to be balanced against the reality, particularly in the poorest countries, that optimum use of new technology may not always be the most effective way to ensure a workable and cost-effective register of voters. For example, opportunities for electoral fraud via computer hacking and other manipulation of electronic data can actually increase with computerization. Due consideration

of both the possibilities as well as the limitations of information technology is thus central to understanding best practice in relation to voter registration.

### 3.5 Civic and voter education programmes

Voter and civic education programmes are another important area of electoral assistance activities. Over the longer-term, successful civic education programs can increase political participation in diverse areas of governance across a broad cross-section of society. For example, in most developing countries there are identifiable groups – such as the poor, women, indigenous people, and others -- that tend to under-participate as voters and be under-represented as candidates and elected representatives, at competitive elections. Targeted civic and voter education programmes aimed at raising the participation of these groups can be particularly effective for advancing the long-term interests of the most disadvantaged sectors of society.

Successful civic and voter education programmes should typically aim to create a general awareness and understanding of the electoral and democratic processes of a country. This is usually achieved by providing citizens with relevant information — through education and the use of various creative media — to defend their rights, promote their interests in electoral and other democratic fora, and contribute to society through civic actions. Particularly in post-conflict societies, this kind of information is usually conspicuous by its absence, and well-designed voter education programmes can thus play an important role in the broader inculcation of democratic practices to a newly-enfranchised electorate.

### 3.6 From International to Local Electoral Observation

Traditionally, a major area of international electoral assistance comes in the area of electoral observation and monitoring. A wide range of international and regional actors now regularly observe elections, particularly fragile, transitional or highly-fraught electoral contests. Major actors in this field include the United Nations, the European Union, the OAS, the African Union, and the Commonwealth. In addition, there are a number of democracy-promotion NGOs such as the Carter Center which concentrate much of their efforts on electoral observation.

While much attention continues to be devoted to international observer missions, the most important development in this field in recent years has been the rise of domestic observer

groups. Today, a flourishing array of domestic observer groups or local monitoring organisations (many modelled on NAMFREL, the pioneering poll-watching group that emerged in the Philippines during the Marcos era), are an important part of most transitional elections. This proliferation of different election observation missions means that there is increasing pressure on the international community to provide coordination of these various observer groups.

Because of the large number of actors in this field, coordination of technical assistance is crucial in situations where different bilateral and multilateral donors are all providing electoral assistance to a country. For example, at the Bangladesh parliamentary elections in 2001, the United Nations Development Programme played the role of ‘implementing agent’ for the European Union’s own electoral observation mission. Joint observer missions are also increasingly common. However, questions remain about the efficacy of international observer missions. There are many ways to defraud an election, and observers need to be highly trained to detect all but the most blatant forms of electoral fraud. In many cases, however, international election observers are not trained professionals but rather politicians or bureaucrats from Western countries. Hence the renewed emphasis on building the capacity of domestic observer groups.

### 3.7 Political Party Development

Because of the underdeveloped and deeply-divided nature of post-conflict societies, elections often have the effect of highlighting societal fault-lines and hence laying bare very deep social divisions. In such circumstances, the easiest way to mobilise voter support at election time is often to appeal to the very same insecurities that generated the original conflict. This means that parties have a strong incentive to ‘play the ethnic card’ or to take hard-line positions on key identity-related issues, with predictable consequences for the wider process of democratisation. Post-communist elections in Yugoslavia in the early 1990s, for example, resulted in the victory of extremist nationalist parties, committed to (and achieving) the break-up of the federation. The 1993 elections in Burundi, which were supposed to elect a power-sharing government, instead mobilised population groups along ethnic lines and served as a catalyst for ethnic genocide a few months later. Similarly, Bosnia’s 1996 and 1998 elections effectively served as ethnic censuses, with parties campaigning on ethnic lines and voters reacting to heightened perceptions of ethnic insecurity by electing hard-line nationalists to power, greatly undermining the process of democracy-building.

For this reason, there is an increasing focus by policy makers on the need to build broad-based, programmatic political parties in new democracies, and to avoid the narrow, personalized and sectarian parties and party systems that have undermined so many new democracies. Particularly in societies split along ethnic lines, cross-regional and multi-ethnic parties that compete for the centre ground appear to be a – and perhaps the – crucial determinant of broader democratic consolidation and peace-building. In Kosovo, for example, the OSCE devoted substantial resources to introduce a network of ‘political party service centres’, which supported the territory’s nascent political groupings and provided them with logistical and material assistance – in the hope that this would help move them towards becoming functioning, policy-oriented political parties, rather than the narrow and personalized vehicles for ethnic extremists that were evident in Bosnia. The party service centres aim to help strengthen the organizational capacity of Kosovo’s political parties, to assist them develop their policy platforms and prepare for election campaigns. They have a particular focus on assisting parties that have demonstrated that they are viable and have a popular mandate.

Financing political party development has been an important element of a number of post-conflict elections. In Mozambique, for example, a trust fund was used to help RENAMO in particular make the transition from an army to a political party. Financial incentives were vital in keeping them part of the peace process at crucial times. More recently, the United Nations intervention in East Timor included a significant party-development programme run by the UNDP. Organisations like the National Democratic Institute (NDI) have made such party-building assistance a particular focus of their assistance programs. Spurred on by a recognition of the crucial governance role that parties play in new democracies, political party assistance is likely to become an increasingly prominent aspect of international electoral assistance in the future.

## 4. Conclusion

In the course of the 1990s, elections came to be seen not just as means of choosing representatives and changing governments, but as a form of conflict resolution. While there is no doubt that if well-designed and implemented elections *can* play this role, this ‘quick-fix’ approach to elections in post-conflict situations has created more problems than it has solved. There have been many elections, often conducted at the behest of the international community, which only served to inflame and politicize the root causes of conflict.

There is no doubt that international assistance has made many important contributions to the conduct of post-conflict elections. Indeed, given the huge costs and logistical tasks involved, it is unlikely that post-conflict elections in Angola, Cambodia, Haiti, Mozambique, Liberia and Sierra Leone would have been held at all. However, the sustainability of international electoral assistance is a critical variable. The 1993 UNTAC mission in Cambodia, for example, spent tens of millions of dollars on introducing advanced electoral technology such as voter ID cards, and on training more than 50,000 Cambodians as electoral officials. Unfortunately, much of this initial investment and training was not maintained for future elections.

Similarly, the international community has invested heavily in the practice of election monitoring, and international pressure has played an important role in keeping elections reasonably competitive and in persuading contestants to accept the voters’ verdict. Again, however, there are doubts about the extent to which this investment has been rewarded in the longer-term. While millions have been spent on international monitoring missions, both the international community and the international news media have struggled to progress beyond the ubiquitous ‘free and fair’ – a term which is in danger of becoming meaningless due to overuse – as a means of assessing the conduct of elections (Elklit and Svensson 1997). This terminology is problematic enough for evaluating the success of elections, and is simply inadequate for capturing the complexity of democratization in a post-conflict society.

Democratization is a long-term process of social and political development, not a short-term event run by or for the international community. The impact that external interventions can have on democratization – particularly in post-conflict situations -- is largely limited to the design and construction of hardy institutions; the provision of adequate security and

infrastructural conditions; as well as a modest input into the norms and routines of a first election; and assistance to election monitoring. Beyond that, democracy is a domestic game, and its longer-term outcomes are very much the preserve of local actors and conditions. International interventions are crucial in putting in place the short-term conditions for a transition to democratic rule, but their longer-term impacts are necessarily limited.

Given this, the most important contribution that the international community can make is to help establish coherent and robust political institutions, rather than to engage in broader attempts at social engineering. Because institutions structure the routines of behaviour in which political actors engage, they are crucial elements, over the longer term, in helping to build a moderate and sustainable political culture, in which routines of cooperation and accommodation come to be accepted as the norm rather than the exception. But such routines have to be allowed to develop organically within a facilitating institutional framework. The role for international actors should ultimately be to make sure that such a framework is the most appropriate and sustainable model that can be devised, to provide appropriate support to the first-time elections, and then to maintain support in subsequent elections.



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