



# ELECTIONS and CONFLICT PREVENTION

A Guide to Analysis,  
Planning and Programming

unfair election

veracity  
the voter

legitimacy

# ELECTIONS

and CONFLICT PREVENTION

*A Guide to Analysis,  
Planning and Programming*

Democratic Governance Group  
Bureau for Development Policy



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# Acronyms and abbreviations

<b>ACE</b>	ACE Knowledge Network
<b>BCPR</b>	Bureau for Crisis Prevention and Recovery (of UNDP)
<b>BDP</b>	Bureau for Development Policy (of UNDP)
<b>BEC</b>	Bangladesh Electoral Commission
<b>BCP</b>	Basotholand Congress Party
<b>BNP</b>	In Annex 2: Bangladesh National Party In Annex 6: Basotholand National Party (Lesotho)
<b>CGWTF</b>	Citizens' Goodwill Task Force (Guinea-Bissau)
<b>CMC</b>	Code Monitoring Committee (Sierra Leone)
<b>DAC</b>	Development Assistance Committee (of OECD)
<b>DPA</b>	United Nations Department of Political Affairs
<b>DPKO</b>	United Nations Department of Peacekeeping Operations
<b>EAD</b>	United Nations Electoral Assistance Division
<b>ECK</b>	Elections Commission of Kenya
<b>EMB</b>	Electoral Management Body
<b>ERSG</b>	Executive Representative of the Secretary-General, United Nations
<b>EVER</b>	Election Violence Education and Research Program (of IFES)
<b>GECOM</b>	Guyana Electoral Commission
<b>GGP</b>	Gender and Governance Program (of UNIFEM)
<b>GPA</b>	Guyana Press Association
<b>IDASA</b>	Institute for Democracy in Southern Africa
<b>IDEA</b>	International Institute for Democracy and Electoral Assistance
<b>IDP</b>	Internally Displaced Person
<b>IEC</b>	Independent Electoral Commission (Lesotho)
<b>IFES</b>	International Foundation for Electoral Systems
<b>INEC</b>	Independent National Election Committee (Nigeria)
<b>IOM</b>	International Organization for Migration
<b>IPA</b>	Interim Political Authority (Lesotho)
<b>IPPP</b>	International Peace and Prosperity Project (Guinea-Bissau)
<b>IRO</b>	Inter-Religious Organization (Guyana)
<b>JDBF</b>	Joint Donor Basket Fund (Nigeria)

<b>KANU</b>	Kenyan African National Union
<b>KNCHR</b>	Kenyan National Commission on Human Rights
<b>LCD</b>	Lesotho Congress for Democracy
<b>MDG</b>	Millennium Development Goal
<b>MMP</b>	Mixed Member Proportional (election system)
<b>MP</b>	Member of Parliament
<b>NEC</b>	National Electoral Commission (Sierra Leone)
<b>NDI</b>	National Democratic Institute
<b>NGO</b>	Non-Governmental Organization
<b>OCHA</b>	United Nations Office of the Coordinator of Humanitarian Affairs
<b>ODM</b>	Orange Democratic Movement (Kenya)
<b>OSCE</b>	Organization for Security and Cooperation in Europe
<b>PMU</b>	Program Management Unit (UNDP Kenya)
<b>PNU</b>	Party of National Unity (Kenya)
<b>PPRC</b>	Political Party Registration Commission (Sierra Leone)
<b>PR</b>	Proportional Representation
<b>SADC</b>	Southern African Development Community
<b>SLP</b>	Sierra Leone Police
<b>UN</b>	United Nations
<b>UNAMSIL</b>	United Nations Assistance Mission in Sierra Leone
<b>UNDESA</b>	United Nations Department of Economic and Social Affairs
<b>UNDP</b>	United Nations Development Programme
<b>UNIFEM</b>	United Nations Development Fund for Women
<b>UNIOSIL</b>	United Nations Integrated Office in Sierra Leone
<b>UNV</b>	United Nations Volunteers
<b>USAID</b>	United States Agency for International Development

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This Guide was authored by a leading academic specialist, Timothy Sisk, of the Josef Korbel School of International Studies, University of Denver (USA), together with Chris Spies, a former UNDP Peace and Development Advisor in Guyana and presently an independent consultant to UNDP and other international organizations.

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## ***Note on text***

One of the authors of this Guide, Timothy Sisk, in some cases relied directly and extensively on material and papers he previously prepared on this topic. None of the original source materials—some of which are cited in this Guide—have been formally published elsewhere, however.

# Executive Summary

This United Nations Development Programme (UNDP) publication, 'Elections and Conflict Prevention: A Guide to Analysis, Planning and Programming' (identified throughout as the 'Guide'), is designed as a knowledge product for practitioners in the field of governance and electoral assistance. It identifies strategic approaches and forms of programming that can help to anticipate and prevent the types of violent conflict that frequently accompany elections and set back development in emerging democracies or post-war societies. The Guide provides readers with practical options and tools for programming design, early warning and conflict tracking. It presents valuable lessons learned from the previous, extensive experience of UNDP and its partner organizations in the field. The information provided in the Guide reflects UNDP best practice as it relates to the broader framework for UN engagement in electoral assistance.

Throughout the Guide, the knowledge gained from research and analysis is paired with perspectives of leading practitioners to show how electoral assistance programming can be adapted to mitigate conflict. The Guide also puts electoral assistance into the broader context of UNDP's emphasis on democratic governance and conflict prevention, whereby the legitimate, accountable and effective exercise of state authority contributes to the constructive management of social change.

In recent decades, there has been a rapidly expanding reliance on electoral processes as the principal way to legitimize governance at national, regional, and local levels. Today, most governments in the world claim legitimacy through some form of electoral processes. When elections meet global standards of fairness, administrative professionalism and respect for human rights, they provide popular support and legitimacy for both the sitting and elected governments. As such, appropriate electoral processes emphasize the peaceful management of social conflict through public dialogue, vigorous debate, and the authoritative selection of leaders through agreed rules. While elections in themselves are only one element of democracy, they create the basis for democratic governance by ensuring that leaders have credible and accepted mandates to govern. When people have the opportunity to participate freely in public life and to choose their leaders through a free and open process, they are less likely to feel a need to resort to violence to resolve their differences or to make their voices heard.

At the same time, however, because electoral processes are fundamentally about the attainment of political power, often in high-stakes contexts, they can sometimes be a catalyst or accelerator of conflict. Experience shows that electoral contests can elevate social tensions and provoke violence, especially when the electoral process itself is not perceived to be free and fair, or where those seeking to retain or gain political power have few or no qualms about resorting to extraordinary measures—including the use of force—to win. Violence is most likely to erupt in situations where there are also other underlying or 'root causes' of conflict, such as exclusion, inequality or a history of ethnic tensions. Countries emerging from civil war have an especially high potential for conflict during electoral processes. In recent years, from Afghanistan to Zimbabwe, political violence has accompanied election processes before, during, and after the actual day or days of balloting. Elections do not **cause** violence, but the process of competing for political power often exacerbates existing tensions and stimulates the escalation of these tensions into violence. Elections thus pose distinct opportunities and challenges as a key element of governance design and programming to prevent violent conflict.

This Guide describes ways in which UNDP electoral assistance programming can contribute to conflict prevention in elections. The material presented here draws on insights from scholarly and policy-oriented literature, as well as on the reflections of practitioners in the field and the findings of partners on the ground. The aim is to make this knowledge available and accessible, especially for use in future UNDP electoral assistance undertakings.

The material in the Guide is organized into separate sections focusing on **context, analysis, planning, programming, and lessons learned**, as described below:

- SECTION 1 outlines the **contexts** of electoral violence and explains the linkages between elections and conflict. It underscores that electoral processes are essential to democracy and good governance, contributing to legitimacy for governments and serving as a mechanism for accountability and for citizen 'voice'. The section explains the differences between constructive and destructive conflict. It describes how fair and credible elections can contribute to conflict prevention, whereas some elections—deemed fair or not—can also become a catalyst for violence in situations where tensions or conflict already exist. It points out how election-related violence often has devastating effects on good governance and development and how integrating conflict prevention strategies into electoral processes can help prevent this.
- SECTION 2 provides an extensive **analysis** of the causes and patterns of election-related violence, including the context of democratization or political change in the country; the effects that various electoral systems may have on exacerbating or reducing conflict; and how the nature of political mobilization in a country may affect the likelihood of conflict. The section explores the root causes and incentives for election-related conflict, including the high stakes of election outcomes in terms of the distribution of power and resources. It discusses motives for and types of election violence, and shows how different types of violence may relate to different phases of an electoral cycle. The section highlights likely indicators of election-related conflict and considers how different types of elections (presidential, parliamentary, local) may engender different types of violence. In conclusion, the section explains how comprehensive monitoring of instances of conflict can be helpful in developing strategies to mitigate violence.
- SECTION 3 sets out the importance of strategic **planning** to ensure that electoral assistance includes a focus on conflict prevention to ensure the good work done through electoral assistance programming is not undone by subsequent outbreaks of violence. It describes how, with proper planning, conflict prevention strategies can be 'mainstreamed' into international election assistance through a coordinated approach to programming on elections, democracy, governance, human rights, gender and poverty reduction. Another aspect of mainstreaming discussed in the section is the importance of working in a coordinated manner with all relevant actors dealing with electoral assistance and related issues, including those supporting election-related institutions and groups such as the judiciary, legislatures, police and civil society. The section explains how conflict prevention efforts should be introduced at all phases of the election cycle, in line with UNDP's preferred approach of providing electoral assistance throughout the cycle. The section provides multiple examples of values and principles that can underlie effective approaches to conflict prevention, including especially the concept of 'procedural fairness' and the importance of using international and regional norms and standards as a basis for action and programs.

- SECTION 4 describes and gives examples of types of external assistance **programming** that have been effective in mitigating election-related violence. It explains how building social cohesion—a sense by all groups of belonging—can be a critical element of successful programs to prevent a resort to or resumption of violence. The section considers how programs such as voter education, workshops for political parties and training for election stakeholders can be used as vehicles for conciliation and conflict prevention. It outlines the importance of involving and supporting local civil society organizations in conflict prevention efforts, recognizing that they are often better placed to act more effectively than the international community. Other types of electoral assistance programming that can be effective in mitigating conflict are also examined, including i) reform of constitutional and legal frameworks; ii) strengthening and building the capacity of electoral management bodies (EMBs); iii) providing appropriate training and support for police or other services involved in election security; iv) election monitoring (both domestic and international); and v) election dispute resolution.
- SECTION 5 outlines some of the many **lessons learned** from UNDP's extensive experience of programming in situations of election-related conflict. These include:
  - the necessity of building trust among key players;
  - the importance of developing an electoral system that has broad support among competing parties and candidates;
  - the critical role of local ownership and of local stakeholders playing a leading role in successful violence-prevention efforts; and
  - the need to involve a range of key constituencies and centres of influence, including the media, the security services, political parties, civil society leaders and others in programs to prevent conflict.

With these points in mind, UNDP has found that elections provide an entry point for many types of conflict prevention programming, including training and education projects, capacity-building, stakeholder consultations, legislative review, and assistance in other fields. Experience has shown that UNDP has a unique role in developing programs in regard to elections and conflict because it is widely perceived as an impartial arbiter and because it can mobilize technical expertise and coordinate donors. Another important lesson learned is that effective programs in conflict prevention—like effective programs of electoral assistance—are a long-term process.

In addition to the findings and recommendations in the main text, readers will find material in:

- **boxes**, in which key findings or explanations are presented in a readily accessible manner;
- **perspectives** from leading practitioners from UNDP partner organizations and scholars; and
- **case studies** that offer some specific examples and that highlight the ways in which UNDP country offices have approached the challenge of providing electoral assistance in contexts of destructive conflict.

The Annexes at the end of the Guide begin with a 'lessons learned questionnaire' that can serve as a template for evaluation of future UNDP programs. The Annexes also include seven case studies of countries in which recent UNDP election assistance programming has included a substantial focus on conflict prevention or mitigation: Bangladesh, Ghana, Guyana, Lesotho, Kenya, Nigeria and Sierra Leone. The Annexes end with a sample peace pact and code of conduct developed and agreed to by political parties contesting the 2006 elections in Guyana; they offer a good example of a practical step that could serve as a model for other countries situations where electoral contests present the risk of violent conflict. References at the end of the Guide point readers to further information and to academic studies of conflict and elections.

The material in this guide is not intended to be prescriptive. It is widely accepted that there is no 'perfect' election. Established and emerging democracies alike are constantly seeking to improve the conduct and administration of elections through adaptations to their electoral processes, changes to their election systems or legislative frameworks, improvements in training and education, and more effective use of information technology. Every election process is unique. Each faces its own local conditions, pressures and challenges that are unlikely to fit neatly into a template for change. In seeking to design effective forms of electoral assistance that will help to mitigate conflict, therefore, the Guide makes clear that it is vital to think creatively, to remain flexible and to ensure that domestic partners and stakeholders are fully involved in, and committed to, the process.

Because no election is perfect, each carries with it the potential of heightened conflict, which, in many situations, can degenerate into violence, with dire effects on national stability, democracy and development. There are many stark examples of this, among them the assassination of Pakistani political leader Benazir Bhutto in December 2007 while campaigning prior to general elections. In the most serious cases, crises in electoral processes have been a critical accelerator of tensions that led to civil war or the relapse into violence in some post-war situations, for example, in Burundi in 1993 and in Liberia in 1997.

Perhaps no situation underscores the urgency of understanding the complicated nexus between elections and conflict prevention more than the experience of Kenya in late 2007 and early 2008. Despite a sustained and significant effort by the UN and the international community to avert conflict and violence well before the poll, during voting, and in the tumultuous political crisis that emerged after the announcement of results, violence flared and escalated along party-political and ethnic lines, resulting in more than 1,000 dead and hundreds of thousands of people displaced. The Kenya imbroglio underscores a key finding in this Guide: electoral processes that are fraught with fraud, mismanagement, or excessive political influence can tap into underlying inequalities and thereby stimulate deeper, serious social conflict and undermine the advance of human development. The Kenya experience also underscores the difficulties of designing and implementing successful programs to mitigate conflict in elections, even when the potential for violence is evident well in advance.

Other examples in this Guide, however, illustrate how strategies in some countries have been successful in limiting or entirely avoiding anticipated violence. The 2006 general elections in Guyana were one example of how conflict-prevention programs led by local leaders, with international support, transformed what was expected to be a violent election contest into the most peaceful election in the country's history. The 2007 parliamentary and presidential elections in Sierra Leone demonstrated how a transparent, well-managed and inclusive process can result in a peaceful and credible election even while a country is still struggling to recover from the effects of a vicious civil war. The December 2008 parliamentary elections in Bangladesh showed how changes to specific election procedures, in this instance the creation of a voter register with photographs, could contribute to building confidence and alleviating tensions that had led to violence in previous elections.

A key conclusion that emerges from this Guide, therefore, is that success in conflict mitigation in elections often requires the development of complex strategies involving many actors and varied approaches. When the root causes of conflict exist, conflict prevention should be an integral part of electoral assistance programs by UNDP and others, not only in the immediate run-up to a high-profile election event, but—just as important—throughout the full electoral cycle where the most fruitful opportunities for institutional and individual capacity development occur. Ultimately, the success of the programs will depend to a great extent on the political will displayed by the national government, the political parties and other election stakeholders.

1

# CONTEXTS:

Voice, Violence and  
Conflict Prevention

raise your voice

# 1

# CONTEXTS:

## Voice, Violence and Conflict Prevention

What are the linkages between elections and conflict prevention and how does destructive conflict affect governance and development



When successful, electoral processes offer a means of channelling social conflict into respectful and constructive debate and common rules for choosing authoritative representatives of the people who can serve in executive, legislative, and other institutions. Today, it is widely understood that the ultimate guarantor of social peace is robust democratic institutions such as elections (Malloch Brown 2003). Elections that give voice to the people are in essence a critical means of social conflict management through peaceful deliberations and decision-making processes in which 'winners' carry out promised policy initiatives and programs and 'losers' are given opportunity to serve as a loyal opposition, and to try again in future competitions.

Electoral processes offer a safe, predictable, rule-bound method for arbitrating political and social conflicts through the selection of representatives or the definitive resolution of questions before the community (as in referendums). When elections are credibly conducted, they imbue the government with legitimacy garnered by the consent of the people, improving the capacity of the state to ensure community security through legitimate authority under the rule of law, and to improve levels of human development through effective governance. Credible elections create legitimate governments that enjoy popular support for programs and policies.

On the other hand, precisely because election processes are contests through which political power is retained or pursued, and social differences are highlighted by candidates and parties in campaigns for popular support, they can often generate vulnerabilities for the escalation of conflict into violence. Indeed, it is quite clear that election processes in recent years sometimes catalyzed conflict before, during and after voting day. Tensions may rise in the run-up to election processes as some candidates mobilize along extremist lines to win support, as rival factions vie for votes and to secure turf, and as parties or factions seek to weaken or even eliminate opponents in efforts to seek or retain political power. During the election event, as well, violence sometimes spikes in the days before or during voting as the drama of the contest unfolds. After the vote, there is the continuing potential for post-election violence when allegations of fraud and corruption emerge, or where those dissatisfied with the outcomes of elections take to the streets or, in the gravest instances, the battlefield, to challenge results.

Thus, electoral processes can contribute to peace—or they can be catalysts of conflict.

## 1.1 Constructive roles of elections for conflict prevention

How do credible, fairly conducted electoral processes contribute to managing social differences and the peaceful pursuit of political power? In theory and in practice, elections help manage and process conflict in the following ways (see also Box 1):

- **Generating legitimacy.** When electoral processes are credible, approaching the ideal of free and fair, and when they are inclusive of all elements of society through a well-considered law of citizenship and of voter registration, the 'mandate' given by the people to victorious candidates and political parties imbues governance with legitimacy. Legitimate governments are more likely to manage conflict positively than illegitimate ones.
- **Reflecting the will of the people.** As Derrick Marco of the Institute for Democracy in Southern Africa (IDASA) writes, "Credible elections must be understood as elections where the will...of the people [has] been expressed in an environment that is free of intimidation, violence, coercion, fully participatory and enabling for the voters to exercise their right to vote. The term **credible** provides a much broader framework for measurement including the environment in which the elections occurred than terms such as free and fair and legitimate. It also leaves the responsibility of declaring an election free and fair to the EMB [electoral management body] that is legally bound to make the final declaration on the outcome of the results and the elections generally."<sup>1</sup>
- **Choosing representatives.** Good electoral processes do not pre-judge the nature of society and who should represent whom; indeed, electoral processes are about defining what is meant by 'representation'. That is, a good electoral process will allow society on its own to determine the nature of its similarities and differences (Ellis 2006). Representation may be geographic, ideological, identity-based (religion, ethnicity, or gender) or along other lines.
- **Agenda-setting.** Electoral processes help establish what issues are before the community. They help define which are priority issues, and present various options to respond to those challenges. Campaigns thus set agendas with candidates articulating their priority issues.
- **Voice and education.** Electoral processes give voice to the citizens, ideally, in that they provide an opportunity for each individual in the political community to—on polling day—'speak' as political equals as they cast their vote. Each vote, and each person's voice or view, is heard equally on that day. At the same time, in considering how they will vote, voters are 'educated' on policy issues by candidates. Ideally, voters learn about what political leaders think the key issues are, and they learn through debate and discourse about the range of possible public policy options and costs, consequences, and considerations for each.

<sup>1</sup> Written contribution of Derrick Marco (IDASA) to this Guide (see Perspective 1).

## BOX 1

### CONSTRUCTIVE AND DESTRUCTIVE CONFLICT

Conflict is the essence of social change, including progressive social change (such as the diffusion of human rights), and as such conflict is considered to be, at times, both constructive and destructive. Generally a good way to distinguish between these two effects of conflict is to define them succinctly.

According to the conflict resolution scholar Louis Kriesberg, conflict is a general term that “arises when two or more persons or groups manifest the belief that they have incompatible objectives” (2004: 2). He distinguishes between constructive and destructive conflict, according to the attributes of how the conflict is waged. At the same time, he notes that no specific conflict is purely one or the other; instead, it is a matter of degree.

- **Constructive conflict** is waged using persuasion or promises of benefits and is characterized by problem-solving approaches; those who wage conflict constructively recognize the ‘others’ as legitimate entities and do not threaten their existence. Regarding processes such as elections, Kriesberg notes that conflicts are constructive insofar as they provide a basis for an ongoing relationship within which future conflicts tend to be waged constructively.
- **Destructive conflict** is “imposed unilaterally, with little or no regard to the interests and needs of the party imposed upon. The outcome is regarded by one or more parties as oppressive and requiring redress, or as humiliating and requiring revenge.” Destructive conflict, like constructive conflict, tends toward its own reproduction; destructive struggles lead to a relationship among the parties in which future conflicts will also be waged destructively (2004: 21).

By way of caveat, not all elections are about policies and issues; indeed, a common criticism is that they are often about individual or candidate personality or charisma. Many electoral processes are characterized by few articulated policy differences among the parties and very little evidence of voter ‘education’ or of a diversity of views on policy issues being raised.

Whether any given electoral process fulfils all of the functions mentioned above is a consequence of its overall quality, often described in terms of an election being either ‘free and fair’ or not. As Reynolds and Elklit argue, “The greatest failing of election assessment to date has been the tendency to see election quality in bimodal terms. The election is either good or it is bad, or when a fudge [qualification] is required, it is ‘substantially free and fair’. But there is no doubt that the quality of elections across cases and across time can be seen as existing on a

continuum....In essence, one needs to look at the process and outcome to gauge a full picture of election quality.” (Reynolds and Elklit 2005: 3)

### 1.2 Destructive election-related conflict

A clear finding from recent experience is that electoral processes can stimulate or catalyze destructive social conflict: Burundi, Cambodia, Ethiopia, Guyana, Haiti, Kenya, Sri Lanka, and Zimbabwe are just a few of the examples of countries where electoral processes have been persistently violence ridden. In the most destructive instances—such as the 1992 presidential elections in Angola or parliamentary polls that year in Algeria—elections and their outcomes can often be a strong stimulant for violence that escalates to the level of civil war.

Election-related violence can be defined as:

*...Acts or threats of coercion, intimidation, or physical harm perpetrated to affect an electoral process or that arise in the context of electoral competition. When perpetrated to affect an electoral process, violence may be employed to influence the process of elections—such as efforts to delay, disrupt, or derail a poll—and to influence the outcomes: the determining of winners in competitive races for political office or to secure approval or disapproval of referendum questions.<sup>2</sup>*

Carl Dundas, a contributor to online discussions through the ACE Electoral Knowledge Network as part of the research for this Guide,<sup>3</sup> makes a useful distinction between “violence aimed at disrupting an election by those who have no interest in a particular election taking place,” and “election violence triggered by the rivalry between contesting political parties and/or candidates.”

Some of the common understandings about the nature and attributes of electoral violence are the following findings from scholarly research and practitioner reflection.

- **Elections do not ‘cause’ violence.** Instead, the root causes of conflict are often found in deep-rooted economic, social or political issues in dispute and in the allocation of power among various social forces that the electoral process affects.
- **Electoral violence is a sub-type of political violence** in which actors employ coercion in an instrumental way to advance their interests

or achieve specific political ends. Similarly, societies prone to experiencing election-related violence are normally vulnerable to broader or other kinds of political violence. Colombia, India, Indonesia, Kosovo and Sri Lanka are examples of instances in which electoral violence is embedded in a broader context of longstanding social conflict.

- **Electoral violence includes acts**, such as assassination of opponents or spontaneous fistfights between rival groups of supporters—and **threats, coercion, and intimidation** of opponents, voters, or election officials. Threat and intimidation are forms of coercion that are just as powerful as acts of violence can be. Indeed, one purpose of acts of broader intimidation—such as tossing a grenade into a crowd of rival supporters<sup>4</sup>—is to induce fear and to intimidate (e.g., to suppress mobilization or voting by that group).
- **Violent acts can be targeted against people or things**, such as the targeting of communities or candidates or the deliberate destruction of campaign materials, vehicles, offices, or ballot boxes.
- **How the election process and administration is designed, managed, and implemented** has a strong bearing on electoral violence. Those elections considered to be free, fair, and transparent are less likely to experience electoral violence than those where allegations of mismanagement or deliberate cheating are prevalent.

<sup>2</sup> In another useful definition, Fischer (2002: 4) offers this description: “Electoral conflict and violence can be defined as any random or organized act or threat to intimidate, physically harm, blackmail, or abuse a political stakeholder in seeking to determine, delay, or to otherwise influence an electoral process. Election security can be defined as the process of protecting electoral stakeholders, information, facilities, and events.”

<sup>3</sup> As part of the research methodology for this report, queries were sent out to the members of the ACE Electoral Knowledge Network (see [www.aceproject.org](http://www.aceproject.org)) and replies were received from many practitioners around the world. The insights from this online information sharing are generally reflected throughout this report and, in some instances (such as this one), are noted specifically.

<sup>4</sup> Such an incident occurred in April 2004 during a campaign rally in Srinagar, the capital of the Indian state of Jammu and Kashmir, in the context of India’s national parliamentary elections of that year. See ‘Grenade Attack at Mehbooba’s Rally: Three Killed, Cameraman among 7 Injured’ *The Tribune*, 25 April 2004. Online: [www.tribuneindia.com/2004/20040426/main1.htm](http://www.tribuneindia.com/2004/20040426/main1.htm).

As the last point suggests, there is a complex linkage between election violence and election fraud, or cheating.<sup>5</sup> In one direction, the employment of coercive methods to gain votes or affect outcomes is itself a form of election fraud. On the other hand, massive cheating or fraud—such as conspiracies to bribe voters, tampering with ballots, fallacious counting, or other measures (such as releasing large numbers of prisoners to vote)—can be the stimulus for a violent reaction. Indeed, one of the common reasons for mass mobilization and violent resistance to state authority is allegations of stolen, cheating, or ‘façade’ democracy.<sup>6</sup>

### 1.3 The effects of election-related destructive conflict on governance and development

In most instances, election-related conflict has devastating effects on governance and development. When such violence occurs, it often impairs the function of the governmental institutions that emerge from processes where violence has tainted the fairness of the process and the legitimacy of election outcomes.<sup>7</sup> As scholar Kristine Höglund observes (Höglund 2006: 2; emphasis in original):

*From the perspective of democratic politics, violence and insecurity may affect the election results or the outcomes of elections in various ways. Threats and intimidation may be used to interfere with the registration of voters. Voter turnout may be influenced if large sections of the population refrain from casting their votes due to fear of violence. Assaults, threats, and political assassinations during the election campaign may force political contenders to leave the electoral process or prevent elections from taking place.*

*From the conflict management perspective, violence may have a negative impact by polarizing the electorate along conflict lines and in extreme cases lead to new outbursts of violence. In situations of insecurity, appeals for law and order are often a more tempting alternative than calls for reconciliation.*

There is a clear linkage between violent conflict and limited human development. In the Philippines, for example, those provinces that have experienced the most election violence are also those that are most impoverished.<sup>8</sup> Election violence, like other forms of violent conflict, can mean ‘development in reverse’ as incidents of violence undermine government legitimacy, scare away domestic foreign investors, and result in low levels of social trust.<sup>9</sup>

<sup>5</sup> For an extensive analysis of what constitutes election fraud, see Lehoucq (2003).

<sup>6</sup> On the notion of ‘façade’ democracy, see Large, Judith and Sisk, Timothy, *Democracy, Conflict and Human Security: Pursuing Peace in the 21<sup>st</sup> Century*, Chapter 4 (2006: 113-150).

<sup>7</sup> The qualification ‘in most instances’ is needed because, in some situations, rebel group challenges may increase public support for ruling regimes. For example, Garcia and Hoskin argue the following in regard to Colombia: “Violence challenges, but does not necessarily delegitimize electoral politics: The dynamic of violence generates negative effects upon the electoral process, and the impact of political violence upon electoral participation suggests a growing challenge to democratic institutions and organizations. However, in a country such as Colombia, with a long tradition of institutionalized elections, the political institutions may show a remarkable resilience to the assaults of armed groups, which, while taking their toll, fail to undermine the legitimacy associated with the electoral process.” See Garcia, Miguel and Gary Hoskin, ‘Political Participation and War in Colombia’, Crisis States Programme Briefing Paper No. 14, December 2003. Online in PDF format: [www.crisisstates.com/download/bp/bp14.pdf](http://www.crisisstates.com/download/bp/bp14.pdf).

<sup>8</sup> Pantino and Velasco (2006) note: “The southern island of Mindanao and the Autonomous Region of Mindanao (ARMM) routinely register high rates of election violence. . . . The ARMM also happens to be the region with the lowest social indicators and the highest misery index. Its vulnerability to machine politics is also high. Machine politics means that the ballot of the politicians’ organization, i.e., networks, alliances, and bailiwicks, and campaign structure determines the election outcomes.”

<sup>9</sup> The phrase is descriptive of the effects of civil war on development, but it is also accurate when employed to areas experiencing high levels of political violence. See Hoeffler, Anke and Marta Reynal-Querol, ‘Measuring the Costs of Conflict’, Centre for the Study of African Economies, University of Oxford, April 2003.

On the other hand, it is possible to also see the causal connections between underdevelopment and violence the other way around: sharp inequalities in the distribution of wealth, power, or access to social benefits make more societies more susceptible to violence. Although it is difficult to definitively describe causal connections, the linkage between election-related conflict and development is described best in terms of a vicious cycle in which strife and underdevelopment are mutually reinforcing.

This finding suggests that conflict prevention in electoral processes can also help turn the vicious cycle into a virtuous one in which more credible elections contribute to legitimate governance and thus to greater opportunities for human development.

# 2 ANALYSIS:

## Causes, Patterns and Monitoring of Election-Related Conflict

verify the vote!

# 2 ANALYSIS:

## Causes, Patterns and Monitoring of Election-Related Conflict

What are the underlying and proximate causes of election-related violence?

In the two weeks ahead of the much-anticipated Philippines congressional and local elections on 14 May 2007, the country's chief of police operations, Wilfredo Garcia, reported that some 22 politicians had already been killed and about 80 election-related violent events had occurred in the four months of official campaigning that preceded the vote.<sup>10</sup> Since the 'people power' movement launched democratization in the country in 1986, each subsequent election cycle has been fraught with widespread election-related violence.

In this example, observers attributed a pattern of election-related violence in the country to several interrelated factors, such as a history of intense rivalry among political clans, stark competition for government posts that carry the potential for power and access to resources and state largesse, and a broader culture of violence in which small arms are plentiful and often in use.<sup>11</sup> According to the police, powerful politicians often have their own private armies and some members of the security forces were also acting to protect or serve political bosses.

Additionally, armed insurgencies in parts of the country stepped up attacks during the election process.<sup>12</sup>

Although there is no common database on election-related violence specifically or more generally on 'political violence', evidence from these and many other cases suggests that election-related violence is widespread. According to at least one study that sought to quantify the extent of the problem in cross-national research, at least half of the electoral processes observed in 2001 featured significant election-related violence before, during or after the pivotal days of the election (Fischer 2001). While no single theory can account for all the root causes of election violence, there is consensus that three elements are critical: the context of democratization or political change in which violence occurs, the effects of electoral system choice on conflict dynamics, and the nature and patterns of political mobilization.

Boxes 4 and 5 at the end of Section 2 provide an overview of these themes and analyze the various indicators and dynamics of election-related conflict. The summaries in the boxes may well

<sup>10</sup> Magato, Manny, 'Philippine Police Warn of Rising Poll Violence', Reuters, 24 April 2007. Some 12 Senate seats, 235 House of Representatives seats, and 18,000 local government offices were contested in the elections. Most election campaigns in the country have been tainted by violence; during the 2004 presidential race, for example, some 140 people died in election-related violence.

<sup>11</sup> Pantino, Patrick and DJORINA VELASCO, 'Election Violence in the Philippines', Friedrich Ebert Stiftung Philippine Office Online Papers, at [library.fes.de/pdf-files/bueros/philippinen/50071.pdf](http://library.fes.de/pdf-files/bueros/philippinen/50071.pdf).

<sup>12</sup> A bomb blast in Tucarong on the island of Mindanao, on 9 May 2007, was attributed to the insurgents and as related to the election process.

serve as an assessment tool to identify ways in which conflict-prevention programming can be designed to mitigate the most likely or probable scenarios in which conflict may escalate. The sub-section that follows these boxes (Section 2.5) may also be helpful in this regard.

## 2.1 The context and pathways of democratization

The context of democratization matters significantly in evaluating the ways in which electoral processes may be a catalyst of violence. The current literature tends to focus on election-related violence in several distinct categories:

- **countries in transition**, which have experienced transitions from authoritarian or single-party rule to multiparty politics but which are considered to be partial, unconsolidated, façade, or gray-zone (mixed) systems and which may be especially prone to or vulnerable to conflict due to the uncertainties of transition that these societies experience (as in the Philippines, noted previously, which saw an initial transition to democracy in 1986, more than 20 years ago) (Carothers 2002);
- **consolidating democracies**, which remain susceptible to shocks and require further deepening of democracy to build resilience in the system. For example, Guyana has been a formal democracy since 1966, but the quality of democracy deteriorated as ethnically based politics, economic hardships, Cold War-related ideologies, and migration took their toll. For 50 years Guyana experienced continual election-related violence, perpetrated mostly by supporters of those who lost power.<sup>13</sup> The 2006 elections were the first elections that were free from serious election violence;

- **post-war societies** undergoing a war-to-democracy transition and in which elections are seen as a critical turning point in the implementation of a peace agreement but in which i) disarmament and demobilization may be incomplete, ii) social division and enmity runs very deep, iii) those who reject the terms of the peace agreement may continue to operate, and/or iv) in which the economic and social effects of war remain strong (e.g., the Democratic Republic of the Congo in 2006); and
- situations of **referendums to ratify peace agreements** (as in Northern Ireland and the Republic of Ireland in May 1998, a poll in which 71 percent of voters in Northern Ireland voted in favour of the Belfast Agreement) or to **determine the sovereign status** of a disputed territory (as in Timor-Leste in 1999, in which nearly 79 percent of voters opted for independence from Indonesia).

## 2.2 Electoral systems and conflict dynamics

Another important, even pivotal, factor in the evaluation of the conditions under which elections stimulate violent conflict is the strong impact specific types of electoral systems have on conflict management (Reilly and Reynolds 2000; Reynolds, Reilly and Ellis 2005).<sup>14</sup>

The relationship between the rules of electoral competition and the likelihood that they will either ameliorate or generate conflict has been the subject of considerable scholarly analysis (Lijphart 2004, Norris 2004, Reilly 2006, Reilly 2001, Reilly and Reynolds 2000), as has the more specific question of electoral system choice in post-war situations (Blanc, Hylland, and Volland 2006).<sup>15</sup> While other aspects of electoral

<sup>13</sup> For an assessment of Guyana, see a joint IFES report from mid-2006, 'Guyana EVER Report 1: Review of June 20-July 11, 2006'. Online in PDF format: [www.ifes.org/files/EVER\\_Report\\_guyana\\_1.pdf](http://www.ifes.org/files/EVER_Report_guyana_1.pdf).

<sup>14</sup> For a detailed evaluation of electoral systems and UNDP's role in technical assistance around electoral system choice and reform, see the 2004 Practice Note 'Electoral Systems and Processes'. Online in PDF format: [www.undp.org/governance/docs/ElectionsPN\\_English.pdf](http://www.undp.org/governance/docs/ElectionsPN_English.pdf).

<sup>15</sup> For an authoritative guide to electoral systems, see Reynolds, Andrew, Ben Reilly, and Andrew Ellis, et al. 2005. *Electoral System Design: The New International IDEA Handbook*. Stockholm: International IDEA.

processes are equally critical (such as election administration, described below), the electoral system is seen by specialists as a crucial factor to analyze precisely because the electoral system determines the ‘rules of the game’ under which elections are held. Such rules, importantly, determine strongly who will be included and excluded in governing coalitions following electoral events. Among the critical linkages between the type of electoral system and electoral violence are the following:

- **The structure of the party system** often flows from electoral system choice, because election rules provide incentives and disincentives for the forming and maintenance of coalitions (Reilly 2006). Electoral systems have strong effects on how many parties form, whether and when they may coalesce or break up, their prospects for gaining power, and various social divisions that might exist within any given political community (e.g., municipality, region, or country).
- **The ways in which candidates craft their appeals.** In some situations, it may be possible to induce candidates for certain kinds of office to adopt certain types of appeals. A common example is requirements for a presidential winner to carry a certain minimum percentage of the votes in a significant number, and often geographically dispersed set, of regions. With this rule, it is often essential that any winner will have had to appeal to at least some voters throughout the country. As a result, it is hoped that presidential candidates will be unifiers, not dividers, of society.
- **The overall character of the contest** in terms of what the competition is for. The electoral system, which in more technical terms translates votes into particular ‘seats’ or positions, is about determining how a ruling coalition forms. Winner-take-all systems, including plurality/majority systems, give the winners of a certain

threshold of votes—for example, 50 percent in simple majority systems and even less in plurality systems—all the power to make decisions for the entire community. There is widespread concern that such systems may have the potential to create dissatisfaction and catalyze violence in societies where democracy is not well established. Other systems, too, such as the alternative vote or two-round systems, have similar winner-take-all effects (Lijphart 2004). Proportional systems give various political parties a more equal share in political power in relation to their share of overall votes cast.

It is a common prescription for countries with considerable social divisions, especially along ethnic, religious, or other identity lines, to move from a winner-take-all system to one that arguably more consistently mirrors the diversity of society in legislative or representative bodies: proportional representation (PR). From the experiences of recent years, there is good reason to consider this advice. PR elections in countries such as South Africa (1994, 1999, and 2004) or Northern Ireland (1998, especially) have been seen as an almost necessary choice for peace: they give a premium to inclusion over exclusion and to ideally broad versus narrow representation.

In the end, however, there is no single best electoral system to fit all contexts, and the choice of electoral system is never a purely technical one. Those involved in electoral system choice thus face tough decisions because it is often difficult to know precisely how an electoral system will operate in a particular society. Consequently, it is important to evaluate the effects of electoral system choice on conflict dynamics both at the moment when electoral system choice is made (often in constitution-making processes or in peace talks), and how current systems in place affect conflict dynamics. (See also Box 2.)

## BOX 2

### ELECTORAL SYSTEM CHOICES AND ELECTORAL CONFLICT CONSIDERATIONS

Listed below are some of the principal issues in determining what type of electoral system to implement.

- The **electoral formula**: how votes are added up, or aggregated, to determine winners of 'seats' or places in a legislature, a city council, or an office such as president. Elements of the electoral formula are critical for assessing how electoral systems may or may not contribute to conflict management.
- The **district magnitude**, or how many seats are allocated in a particular district; a key distinction is between single-member districts (which return one winner to office) and multi-member districts. At the end of the scale is the entire country as a single district, using proportional representation, as was done in the 1994 elections in South Africa and the 2005 poll in Iraq. District magnitude is critical because of its effects on inclusion and exclusion of significant social forces through proportionality of representation: the greater the district magnitude (the more 'seats' allocated to any given district), the greater the proportionality of the results. With greater district magnitude, such as in multi-member district systems, it has been shown that the outcome is more inclusive, for example of women or for representation of ethnic diversity.
- The **vote-to-seat ratio**. How many votes does it take to get a seat in the legislature, 10,000 or 100,000? This ratio can vary (and is affected by the population of the country); for example, there is some concern about sustaining very large legislatures in small countries because of the cost and loss of decision-making efficiencies that may result. The vote-to-seat ratio is an important consideration for conflict managers: it determines whether small parties may or may not win representation.
- **Boundary delimitation**. One of the most contentious issues in electoral system design which affects the overall electoral formula is the delimitation of boundaries. How many districts will there be, and how do the districts relate to the spatial distribution of voters (for example, along ethnic, racial or religious lines)? Should electoral districts in multiethnic societies coincide with living patterns along ethnic lines (when they are present), or should they explicitly cross-cut such lines?

### 2.3 Exploring root causes

Explanations of the complex relationships between electoral processes and conflict analysis focus on the **stakes** of competition; **expectations** about winning and losing in election contests; and the **incentives that the electoral process creates**, or how the rules of the electoral game may provide reward or return for certain behaviour or action.

The **stakes** involved in electoral contests can be considered in several different ways and in various contexts. A common cause of election violence is that the stakes of winning and losing valued political posts are in many situations—and especially in conditions of high scarcity, poverty and inequality—incredibly high. When winning a state office is the key to livelihood not just for an individual, but for his or her entire clan, faction, or even ethnic group, parties and candidates often refuse to contemplate the

consequences of failure. Studies of election-related violence often highlight the perpetuation of highly personal or patronage politics or a system in which politicians are gang-like ‘bosses’ that control resources (such as access to jobs and income) and dispense public services such as housing, health care, or lucrative government contracts.

Thus, the stakes of elections are often seen as opportunities to engage in corruption and economic rent-seeking. This in turn leads to highly factionalized politics—often along religious, sectarian or ethnic lines, or along party-political divides—where control of the state leads to the reinforcement of class divisions or along lines of social difference. Researchers have observed that persistently close and reinforcing links among control of the state, economic opportunity and identity politics—known as ‘horizontal inequalities’—strongly contribute to the likelihood of violent encounters (Stewart 2001).

While much focus is placed on national elections as high-stakes contests, in weak state environments much election violence is quite localized because the stakes of winning local offices (such as mayoral contests) are also quite high. Research on local elections indicates that access to government power at the municipal level is a strong driver of election-related violence. Asia analyst Darlene Damm notes that in Cambodia, “At both the local and national level, election violence occurs in the form of direct intimidation of voters through violence directed at specific individuals, and at the national level, violence additionally occurs in the form of perpetrators attempting to control social institutions that influence voter opinions, such as the media or civil society” (2003: 3). Likewise, central government authorities in Cambodia have failed to prosecute perpetrators of election violence at the local

level, according to Damm. The Cambodia experience illustrates a more general point: ironically, efforts to achieve more responsive and effective governance through the decentralization of power may also raise the stakes of local contests and thus increase the incentives for election-related violence.

Election violence can also be generated as a consequence of the **expectations** of the players in the electoral contest: they may expect or imagine the fruits of victory or the perils and risks of loss. Elections may exacerbate social conflict under conditions of high uncertainty about the outcomes and under situations of high certainty alike; exploring the linkage between expectations and violence is a complicated problem.

For example, when there is high uncertainty about the ultimate outcome of the electoral process—when margins of victory are quite close—there is a greater likelihood that allegations of fraud will lead to frustration and potentially to violent clashes, or where parties may use violence to affect uncertain outcomes by trying to limit voter turnout of opponents’ expected supporters. For incumbents in office who seek to maintain a grip on power but who fear the uncertainty of a possible majority support for opposition parties, the use of violence and intimidation to assure a win at the polls is a common allegation; in the run-up to the parliamentary elections of March 2005 in Zimbabwe, reportedly opposition leaders were arrested and tortured, the press was intimidated, and international observers kept away.<sup>16</sup> A similar pattern was seen in the hotly disputed 2008 elections in that country, in which there were widespread allegations of election violence perpetrated against the opposition between the first and second round of presidential elections, which ultimately led the opposition candidate to withdraw from the race.<sup>17</sup>

<sup>16</sup> Sisk, Timothy, ‘Elections in Fragile States, Between Voice and Violence’, paper prepared for the International Studies Association Annual Meeting, San Francisco (USA), 2008. Online: [www.allacademic.com/meta/p\\_mla\\_apa\\_research\\_citation/2/5/3/3/4/pages253347/p253347-1.php](http://www.allacademic.com/meta/p_mla_apa_research_citation/2/5/3/3/4/pages253347/p253347-1.php). For a full analysis, see the International Crisis Group report, ‘Post-Election Zimbabwe: What Next?’ Report No. 93, 7 June 2005. Online: [www.crisisgroup.org/home/index.cfm?=1&id=3499](http://www.crisisgroup.org/home/index.cfm?=1&id=3499).

<sup>17</sup> In June 2008, UN Secretary-General Ban Ki-Moon expressed his deep regret about the conduct of the elections and urged their delay. Online: [www.un.org/News/Press/docs//2008/sgsm11650.doc.htm](http://www.un.org/News/Press/docs//2008/sgsm11650.doc.htm).

Certain outcomes can also generate electoral violence. When parties are quite certain of loss or exclusion in an electoral contest, especially when they expect to be 'permanent minorities' (to lose not just once, but again and again due to patterns of identity voting), the certainty of outcomes is also a strong causal driver of violence; the post-election violence stemming from the controversial 2005 elections in Iraq seems to fit this pattern. When a party or faction expects to be systematically excluded from political power (in the Iraq case, the erstwhile powerful Sunni communities, described below), they may well turn to violence to either prevent their exclusion or to prevent the election's success.

Because of the perceived likelihood of permanent exclusion as a result of election outcomes, violence is often caused by supporters and fringe elements rather than the parties (officially) themselves. In the case of Guyana, for instance, an opposition leader said the following about the previous round of election violence: "We did not condone the violence and we tried to stop it, but we understood why some of our supporters took the route of violence."<sup>18</sup>

That electoral processes produce winners and losers is an indicator of their capacity to catalyze or to open 'windows of vulnerability' to violence: when a strongly insecure party or faction expects to be systematically excluded from political power, it may well turn to violence to either prevent its exclusion or to prevent the election's success (Höglund 2004). Thus, it is likely that at least some of the insurgent violence in Iraq following the U.S.-led coalition's occupation after 2003 can be explained by the expectations of the Sunni minority of ethnic-census voting elections and thus the likelihood of a Shiite-dominated government that, in coalition with Kurdish parties, would dominate indefinitely.<sup>19</sup> Likewise, in Sri Lanka, election violence has been

seen as an endemic feature of a broader social conflict reflected in the country's long-running civil war (Höglund 2006).

Conflict-exacerbating election outcomes can be mitigated by a pre-election power-sharing pact<sup>20</sup> that determines the fate of the election well before the ballots are cast. Negotiation of pacts is strongly encouraged when there are significant challenges to elections or when an especially powerful party or faction seeks to boycott an election. This challenge of 'permanent exclusion' is often found where a minority ethnic community and a large ethnic majority live in the same country or electoral district(s) and in situations in which people are expected to vote their identity—elections may become an 'ethnic census'. The ill-fated 29 February 1992 referendum on Bosnian independence from the former Yugoslavia was the trigger that ignited the civil war, in part because of Serb fears of becoming a permanent minority in an independent Bosnia and Herzegovina. That would have been a significant change in both real and perceived power, given that Serbs were the largest identity group in the former Yugoslav federation as a whole.

Incentives also affect the likelihood of election-related violence. A central factor often cited is the role of so-called ethnic entrepreneurs—political leaders who articulate beliefs in kinship bonds and common destiny, and who mobilize and organize groups to press group claims. Ethnic entrepreneurs may be perceived as benign 'interest aggregators' who serve a critical representative function, or as manipulative and exploitative power-seekers who mobilize on ethnic themes for their own individual aggrandizement. Political leaders, seeking to capitalize and gain on mass sentiments, outbid moderates by decrying acts of accommodation as a 'sell-out' of group interests, citing collective betrayal and humiliation. Manipulation of identity to frame

<sup>18</sup> Communication with the author (Chris Spies).

<sup>19</sup> For an analysis of the post-occupation violence in Iraq, including issues regarding election issues, see Diamond (2005). For a broader analysis of the issues of ethnic census voting, expectations in electoral contests, and the effects of electoral system choice in such considerations, see Reilly (2007).

<sup>20</sup> For a recent, comprehensive analysis of the debate over various power-sharing institutions, see Roeder and Rothchild (2005).

disputes in ethnic terms by political leaders heightens the breadth and depth of inter-group conflict. Ethnic outbidding—and mass responsiveness to ‘playing the ethnic card’—is an especially acute problem because a moderate multiethnic centre is often unable to sustain itself against the centrifugal (outward-spinning) forces unleashed by the heated rhetoric of ethnic intolerance.<sup>21</sup>

Some countries have decided that one way to manage the tendency of party politics to contribute to ethnic enmity is to ban political parties that purport to represent an ethnic, tribal, or racial identity. While this may be effective in some circumstances in reducing ethnic-based conflict and power struggles, in others it may contribute to a sense of alienation among minority groups

that can contribute to tensions and violence, or it may be regarded as an unjustified limitation on the rights of persons belonging to minorities.<sup>22</sup> It is important, therefore, to evaluate how political parties that define themselves as broadly ‘nationalist’—or standing for everyone in a united country—define the political community and whether these parties are sufficiently inclusive to draw in members of minority groups and take their interests into account. The concern with identity-based parties is that in the cacophonous environment of newly formed transitional democracies, political parties with very narrow mandates can seize power on divisive ethnic, racial, or religious themes and end democracy, ironically, through the ballot box. At

### BOX 3

#### ACTORS AND AGENTS IN ELECTORAL CONFLICT

The list below provides some initial typology of the actors and agents in electoral conflict. While not an exhaustive list, it does reflect common patterns seen in societies experiencing high levels of election-related conflict.

- **Political parties and candidates**, especially those parties with armed wings or with ties to paramilitary groups; indeed, a common phenomenon is violence perpetrated by bodyguards of candidates or a close cabal of supporters around them (whether authorized by the candidate, or not).
- **Citizens**, who engage in direct acts of violence against supporters of other factions.
- **The State**, such as police, army units, or special intelligence or internal security services who target opposition groups and candidates or enable violence by failing to act to prevent violence by others and/or clamp down on media coverage.
- **Non-state security services**, such as rebel factions, militias, or vigilante groups.
- **Civil society**, or organizations of citizens or individuals with particular interests or agendas (such as the politically mobilized youth groups and martial arts clubs in Timor-Leste).

<sup>21</sup> The problem of ethnic outbidding is not only one of errant or manipulative political leadership, but also a more general one of collective action. If appeals to ethnic solidarity did not resonate among the populace, political leaders would have very little incentive to resort to them. For a formal theory treatment of the problem of outbidding, see Rabushka and Shepsle (1972). For updated articulation and analysis of these issues, see Reilly (2001, 2007).

<sup>22</sup> The handbook ‘Guidelines to Assist National Minority Participation in the Electoral Process’, OSCE Office for Democratic Institutions and Human Rights, Warsaw, 2001, points out that the European Court of Human Rights has ruled consistently that any restrictions on freedom of association should be narrowly construed, and that this principle applies to minority political organizations, provided that they act democratically and do not call for violence. Online: [www.osce.org/odihr/item\\_11\\_13589.html](http://www.osce.org/odihr/item_11_13589.html).

least one strategic entry point for the mitigation of social tension is through the skilful regulation of political parties.

## 2.4 Motives and methods

▪ Violence perpetrated to affect an electoral process begs an important question: who are the perpetrators, and what are their motives? While it is impossible to make a broad generalization in response to this question, a careful and systematic analysis of the causes and manifestations of violence needs to address the usually organized and purposeful nature of the problem. Although small-scale acts of violence may be perpetrated by lone individuals, usually endemic or chronic election violence is the consequence of extensive organization and mobilization. Moreover, as suggested in the definition provided in Box 1 of destructive electoral conflict, at least a significant portion of electoral violence is not accidental or spontaneous (as riotous clashes among rival groups of supporters might be); violence is purposeful or instrumental and thus is organized and mobilized. Overall, the literature on political violence suggests that extensive or instrumental use of violence requires leadership, organization, and resources.<sup>23</sup>

▪ **Leadership.** The implication is that instrumental violence is **strategic**—calculated to achieve a specific effect—and that the articulation and design of strategies in which violence is an element requires a leadership cohort. (This understanding about the role of leaders in

mobilization for violence has strong implications for conflict prevention, as described in Section 3).

- **Organizational factors.** Likewise, there is a structural or organizational aspect of many acts of violence. Whether initiated from within political parties or from militias or armed groups associated with political parties, large-scale political violence requires an organizational element that bridges leaders and rank-and-file; that creates the logistical requirements needed to perpetrate acts; and that creates an associational or community representation dimension. Often, such organizations are political parties themselves, but sometimes they can be more loosely organized and linked to civil society organizations. Likewise, research has shown that linkages between political groups and organized criminal elements often constitute the key organizational aspect required for extensive election-related violence.
- **Resource capacities.** Finally, the literature on political violence also focuses on the importance of resources that allow leaders and organizational structures to foment violence. Such resources may well be human, in the presence of large numbers of often young, disaffected, and commonly unemployed young men susceptible to recruitment; or, resources can be material, such as access to money (e.g., from trade in drugs or other 'lootable goods') or access to small arms.

<sup>23</sup> For works on social and political violence, see for example, Tilly, Charles, *The Politics of Collective Violence* (2003). Donald Horowitz, in the final chapter of his book *The Deadly Ethnic Riot*, provides an especially cogent and clear evaluation of alternative theories of violence, arguing that at the end of the day the essentially orchestrated nature of political violence can be described as 'calculated passion' (Horowitz 2001: 523-525).

**BOX 4****EVALUATING CAUSES OF ELECTION-RELATED VIOLENCE:  
ANALYTICAL INDICATORS**

<b>Context</b>	<ul style="list-style-type: none"><li>▪ A pervasive culture of ethnic rivalries and violence</li><li>▪ A proliferation of personality-driven political parties</li><li>▪ Corruption and a fragile justice system</li><li>▪ Perceptions of unresolved historical injustices</li><li>▪ International dynamics (e.g., bilateral donors' insistence on pushing for elections against the wishes of one of the parties)</li></ul>
<b>Process actors</b>	<ul style="list-style-type: none"><li>▪ Elections are seen as an event instead of a longer-term process</li><li>▪ Lack of adequate ground rules (codes of conducts) or contested legal contexts.</li><li>▪ Zero-sum approaches to decision making instead of exploring common ground.</li><li>▪ Weak facilitation of meetings and forums. Protocol dictates that powerful individuals lead negotiations, no matter how (un)skilled they are in process issues or the extent of their emotional or social intelligence.</li><li>▪ Lack of organizational development assistance for election-related bodies.</li><li>▪ Resistance to and rejection of advice from well-meaning election experts, especially apropos of the independence of the EMB</li><li>▪ Neglect of 'the attitudinal dimension of divided societies'—which refers to situations in which different groups within a state do not perceive themselves as parts of the same national community<sup>24</sup></li><li>▪ Lack of emphasis on attitudes and value-based leadership (e.g., the belief that a procedurally flawless election will guarantee acceptance of the results and healing of relationships)</li><li>▪ Fundraising from 'undisclosed benefactors'</li></ul>
<b>Relationship factors</b>	<ul style="list-style-type: none"><li>▪ The attitudes and behaviour of politicians and officials often have destructive effects on relationships, especially as election time draws closer</li><li>▪ Lack of trust in EMB or among the members of the EMB</li><li>▪ 'Elite-driven style' of elections as opposed to simple and transparent communication processes</li></ul>

<sup>24</sup> Wolpe and MacDonald (2008)

**BOX 4 (cont'd)**

<b>Political factors</b>	<ul style="list-style-type: none"><li>▪ Weak governance could mean that governments may act as potential instigators of violence<sup>25</sup></li><li>▪ Extreme political fluidity and recurring inter-party conflict</li><li>▪ Lack of political party guidance/capacity</li><li>▪ Intra-party divisions and power struggles often leading to a proliferation of political parties along lines of overlapping social differences of identity and class<sup>26</sup></li><li>▪ Non-consensual political re-demarcation of election district boundaries</li><li>▪ Unclear mandates of EMBs, exacerbated by the electorate's high expectations that the EMB should intervene in cases of corruption</li><li>▪ Unresolved issues from previous elections and failure to correct past mistakes<sup>27</sup></li><li>▪ Political culture of 'the politics of the breadwinners' due to the fact that elected officials do get a salary and would therefore protect their jobs at all costs</li><li>▪ Political culture of seeing elections as a game of 'winner takes all'<sup>28</sup></li><li>▪ Political culture of blaming versus proactive dialogue</li><li>▪ Pre-mature victory claims</li><li>▪ Non-acceptance of election losses even when the results are affirmed or verified by neutral third-party missions</li><li>▪ Exclusion, in some cases, "may lead to violent conflict because it provides the grievances that generate potential support for protests"<sup>29</sup>, but many excluded groups, on the other hand, do not resort to violence</li></ul>
<b>Media</b>	<ul style="list-style-type: none"><li>▪ Bias of and accessibility to the state media</li><li>▪ Absence of broadcast legislation</li><li>▪ Unregulated proliferation of personality-driven and political candidate sponsored radio and TV stations that are often guilty of hate speech and incitement to violence</li><li>▪ Lack of codes of conduct, which allows undisciplined and conflict-generating programs and talk show hosts to fuel violence (as in Guyana, Malawi and Rwanda)</li></ul>

<sup>25</sup> Stewart (2001):7-8

<sup>26</sup> Patel (2007): 223

<sup>27</sup> A Human Rights Watch background briefing about the Nigerian 2007 elections noted the following: "Violence, actual and threatened, restricts the ability of ordinary voters to participate in the forthcoming elections and will empower some politicians to subvert the electoral process before and during the April polls. This is precisely what happened in Nigeria's 2003 elections, and yet the authorities have done little to prevent the emergence of similar abuses in 2007 or to deal with them effectively in places where they have occurred." Online: <http://hrw.org/backgrounder/africa/nigeria0407/4.htm>.

<sup>28</sup> Jonathan Moyo, a former minister of information and current independent MP in Zimbabwe, commented as follows at a Mass Public Opinion Institute Public Seminar in Harare on 31 May 2007: "I have come to appreciate that reformers who want a new democratic constitution must be prepared to do the necessary political work that can enable them to implement that constitution only if and when they are in power through the democratic process. In my view, it is unrealistic for a political party to expect its political program that may include a new constitution to be implemented by its rivals. That's not how politics play out in the real world. Every political party, together with its associated organisations, must carry their own cross."

<sup>29</sup> "The socially excluded are generally severely economically deprived and lack access to political power. Because of their economic situation, they appear to have little to lose by taking violent action—indeed some might gain by getting some sort of employment in rebellious armies, while they are likely to be sanctioned to loot and make other illicit gains." Stewart, Frances, 'Social exclusion and conflict: Analysis and policy implications'. Online in PDF format: [www.gsdrc.org/docs/open/CON34.pdf](http://www.gsdrc.org/docs/open/CON34.pdf). In Malawi, election violence in one of the districts erupted when independent candidates who were excluded from the Multi-party Liaison Committee (MPLC) did not feel bound by the code of conduct (Patel 2007: 231).

**BOX 4 (cont'd)**

<b>Administrative inadequacies</b>	<ul style="list-style-type: none"><li>▪ EMBs without adequate capacity or lacking in impartiality and transparency</li><li>▪ Unresolved issues from previous elections, e.g., the failure to record and learn from past mistakes</li><li>▪ Logistical flaws and inaccurate databases and voter lists</li><li>▪ Failure to secure and tighten operational procedures, e.g., tallying, announcement of the results</li><li>▪ Poor communication i) between election commissions and parties, and ii) from those entities to voters.</li><li>▪ Lengthy and inadequately explained delays in the announcement of election results</li><li>▪ Absence of transparency in election result tabulation</li><li>▪ Lack of transparency in procurement of election-related resources, including supplies and personnel</li><li>▪ Absence of an effective and impartial judiciary or other system to resolve and provide remedies for complaints</li></ul>
<b>Corruption</b>	<ul style="list-style-type: none"><li>▪ Abuse of state resources</li><li>▪ Vote rigging</li><li>▪ Impunity enjoyed by political leaders</li><li>▪ Actors involved in illegal economic activities sponsoring candidates or controlling media</li></ul>
<b>Security and policing</b>	<ul style="list-style-type: none"><li>▪ Reactionary policing<sup>30</sup></li><li>▪ Police inaction to apprehend culprits</li><li>▪ Lack of capacity to investigate</li><li>▪ Availability of small arms</li></ul>

<sup>30</sup> Frances Stewart says that the “overwhelmingly most important” issue that “makes groups take to violence as against peaceful protest... appears to be government reactions.” Citing examples in Aceh (Indonesia), Guatemala, Sri Lanka and other countries, Stewart says that peaceful protests turn violent when governments take violent and exclusionary action. These actions unify rebelling groups and turn mainly peaceful protests into violence. She notes: “In contrast, in countries which have avoided major violence, the government reacts to small violent incidents by trying to sort out the issues” (Stewart 2001).

**BOX 5****MATCHING ELECTION TYPE TO CONFLICT CONSIDERATIONS**

Type of election	Electoral system considerations	Conflict considerations/ common types of violence seen	Issues and analysis
<b>Presidential</b>	<ul style="list-style-type: none"><li>▪ By definition are majoritarian, winner-take-all contests</li><li>▪ May be single or two-round</li></ul>	<ul style="list-style-type: none"><li>▪ Usually high-stakes contests</li><li>▪ State repression of opposition; destabilization of voters; crystallization of conflict among two principal factions</li></ul>	<ul style="list-style-type: none"><li>▪ Much depends on the incentives generated by the details of the electoral system, including whether there are super-majority requirements</li><li>▪ Elections for presidents with limited executive powers are likely to be less contentious</li></ul>
<b>Parliamentary</b>	<ul style="list-style-type: none"><li>▪ Common distinction between district or constituency voting for one or more candidates; in PR list, for political parties</li><li>▪ Can lead to very high disproportionality in outcomes depending on the type of electoral system used, especially in first-past-the-post elections</li><li>▪ Can be mixed in myriad, often complicated ways</li></ul>	<ul style="list-style-type: none"><li>▪ Political parties tend to feature more prominently in parliamentary polls</li><li>▪ Party and candidate rivalries are most acute</li><li>▪ Effects of boundary delimitation strongly affect identity conflict dimensions</li></ul>	<ul style="list-style-type: none"><li>▪ Election violence is not evenly distributed, and certain high-risk areas could be mapped prior to elections to identify these areas</li><li>▪ Critical to determining the extent to which an election result is broadly inclusive of a country's diversity</li></ul>

**BOX 5 (cont'd)**

<b>Local and municipal</b>	<ul style="list-style-type: none"><li>■ Can be mayoral or council (or mixed), mirroring presidential and parliamentary considerations</li><li>■ Similar choices among electoral systems</li></ul>	<ul style="list-style-type: none"><li>■ Localized rivalry and attacks on candidates more likely</li><li>■ Competition may be high-stakes for control of local power and resources</li><li>■ Personalized attacks on candidates and communities</li></ul>	<ul style="list-style-type: none"><li>■ Local elections involve hundreds and even thousands of candidates and potential offices, and because of the scale more diffuse opportunities for intervention strategies</li></ul>
<b>Constituent assembly</b>	<ul style="list-style-type: none"><li>■ Choosing representatives for constitution-making processes</li><li>■ Tend to be PR in some form</li></ul>	<ul style="list-style-type: none"><li>■ Often very high stakes as the composition of the assembly affects core constitutional matters</li></ul>	<ul style="list-style-type: none"><li>■ Although rare in occurrence, such elections—because of their high stakes—deserve especially conflict-sensitive assistance missions</li></ul>
<b>Referendums</b>	<ul style="list-style-type: none"><li>■ Majority-rule (50 percent) or super-majority (66 percent+) requirements; or, in federal systems, sometimes a requirement that a certain proportion of states or provinces approve</li><li>■ Often resolve major issues, including sovereignty</li><li>■ Can contribute to or work against peace</li></ul>	<ul style="list-style-type: none"><li>■ May generate significant pre- and post-election violence</li><li>■ Losers have intense preferences that may surface much later</li><li>■ Can lead to armed rebellion or mass rioting</li></ul>	<ul style="list-style-type: none"><li>■ Commonly used to decide major issues such as sovereignty; however, many analysts question whether such measures are appropriate for such volatile questions</li></ul>

## 2.5 Phases of the electoral cycle and common patterns of violence

Despite the absence of a clear data set or even the existence of a broadly accepted typology of election-related violence, it is clear that there are common patterns of violence seen across various cases or across time within cases. Likewise, it is useful to catalogue the types of election-related violence that are commonly associated with a typical election cycle.<sup>31</sup> In this section, the phases of an electoral cycle are related to common types of violence seen during each phase.<sup>32</sup>

### ***Phase 1: The long run-up to electoral events (18 months to three months prior)***

During this phase, the targets of electoral violence are often incumbent state officials or emerging candidates from political parties. Rivalry violence can be within parties—such as contests between hard-liners and moderates or among various factions drawn on other lines—or between political parties. Often the objective of political violence during this phase is to eliminate or weaken an opponent, to affect early the shape and nature of the voting process, or to establish a dominant position within a particular district by eliminating or threatening potential adversaries. Common types of violence seen in this period include:

- intimidation or removal of independent judges;
- intimidation or targeting of election officials or security forces;

- intimidation or harassment of journalists;
- incitement to violence in the media or other public forums (such as places of worship);<sup>33</sup>
- police or internal intelligence services targeting of meetings of opposition figures;
- protecting, expanding, or delineating turf or ‘no-go zones’; and
- hostage-taking, kidnapping, extortion.<sup>34</sup>

### ***Phase 2: The campaign’s final lap (three months prior to election day)***

Campaign conflict often involves rivalry-based violence, efforts to intimidate or influence voters and candidates, and efforts to affect participation (usually to limit it through creating insecurity); often, such violence intensifies in the final weeks leading up to elections. For example, less than 24 hours before voters were to cast ballots in Taiwan’s presidential elections in May 2004, President Chen Shui-Ban and his vice-presidential running mate, Annette Lu, were shot and injured by unknown assailants.<sup>35</sup> In Pakistan, former Prime Minister Benazir Bhutto was assassinated in December 2007 while campaigning for a return to office. Common patterns of violence seen in the final laps of campaigns include:

- clashes between rival groups of supporters;
- attacks on election rallies, candidates;
- bomb scares;

<sup>31</sup> For a comparative analysis of election violence in East Africa, see the study conducted by the Friedrich Ebert Stiftung, ‘Political and Electoral Violence in East Africa’, Working Papers on Conflict Management No. 2 (2001).

<sup>32</sup> An ‘election cycle’ usually refers to a period of at least one year prior to an actual election event.

<sup>33</sup> In Guyana the relative lack of election violence in 2006 is attributed by some commentators to the absence of three prominent talk show hosts, who are believed to be partly responsible for the incitement of disgruntled opposition factions during the previous election in 2001. One talk-show host is still awaiting trial after five years on a charge of treason and is linked by the authorities to the attack on the presidential offices that led to a fire that demolished part of the building. Another talk-show host was gunned down by a group of assassins in January 2006, and the third had migrated to the United Kingdom.

<sup>34</sup> In some situations, such as in Nigeria, hostage-taking has also been seen to rise dramatically in the run-up to elections. See ‘Nigeria: Sharp Rise in Hostage May be Linked to Upcoming Elections’, Reuters (AlertNet) 2 February 2007 (online: [www.alertnet.org/thenews/newsdesk/IRIN/42c5ee17c5a9427fff7e1fedf6244e44.htm](http://www.alertnet.org/thenews/newsdesk/IRIN/42c5ee17c5a9427fff7e1fedf6244e44.htm)). In this and in other cases such as the Philippines, the increase in kidnapping appears to be related to efforts to use ransom moneys as campaign funds.

<sup>35</sup> Some opposition parties publicly speculated whether the wounds were self-inflicted, as they are believed to have generated considerable ‘sympathy votes’. An official investigation pointed to a single subject. Chen went on to win the poll by a narrow margin.

- attacks or intimidation of election officials; and
- attacks on observers, domestic and international.

### **Phase 3: Polling day(s)**

- Polling day can be especially bloody (as in Egypt in December 2005, when allegedly some voters were kept away from the polls and confrontations emerged between security forces and voters).<sup>36</sup> However, there are also interesting cases in which the run-up to elections were particularly violent, but somewhat surprisingly the actual days of voting turn out to be relatively peaceful.<sup>37</sup> South Africa's celebrated transitional elections of April 1994 are one such example; despite predictions of violent encounters based on serious pre-election conflict in some provinces (notably KwaZulu-Natal), the actual days of voting were quite peaceful (perhaps because of the extensive security force deployments). When voting days are violent, common types of election violence are the following:

- attacks by armed rebel groups to disrupt the polling, to limit turnout, or to attack security forces or police stations;
- intimidation of voters to compel them to vote, or to stay away;
- attacks on election administrators, observers or polling stations; and
- physical attacks on election materials, such as destruction of ballot boxes.

### **Phase 4: Between voting and proclamation**

The period between voting and proclamation—while election officials are tabulating results, or during the period between a first and second round of elections (in cases of run-offs)—can be especially perilous. For example, in the Democratic Republic of the Congo elections in October 2006 there was a dramatic escalation of violence that occurred following the first round of presidential elections and a second round.<sup>38</sup> Violence during this period can take several forms:

- armed clashes among political parties;
- violent clashes among groups of rival supporters;
- vandalism and physical attacks on property of opponents; and
- targeted attacks against specific candidates or political parties.

### **Phase 5: Post-election outcomes and their aftermath**

Perceptions of fraudulent or stolen elections are a strong predictor of violence; elections of this type can precipitate armed conflict and even civil wars. At the same time, vehement minorities who have lost in election contests perceived as fraudulent may also turn out in the streets to protest the outcome. Governments may repress protests when they have conducted a fraudulent poll, creating the classic dilemma between mass action and the government's security imperatives. For example, following a UN-sponsored independence 'consultation' on 30 August 1999 on the sovereign status of the then-East Timor,

<sup>36</sup> See Slackman, Michael, 'Election-Day Violence Fuels Anger in Egypt', *New York Times*, 9 December 2005.

Online: [www.nytimes.com/2005/12/09/world/africa/09iht-egypt.html?\\_r=1&scp=1&sq=Election-Day%20Violence%20Fuels%20Anger%20in%20Egypt&st=cse](http://www.nytimes.com/2005/12/09/world/africa/09iht-egypt.html?_r=1&scp=1&sq=Election-Day%20Violence%20Fuels%20Anger%20in%20Egypt&st=cse). As reported in this article, there are allegations that the violence was perpetrated by elements of the incumbent government in efforts to keep likely supporters of the Muslim Brotherhood away from the polls.

<sup>37</sup> This pattern has been observed by Rappaport and Weinberg (2001).

<sup>38</sup> See the International Crisis Group Report, 'Securing Congo's Elections: Lessons from the Kinshasa Showdown', Africa Briefing N°42, 2 October 2006 (online: [www.crisisgroup.org/home/index.cfm?id=4412](http://www.crisisgroup.org/home/index.cfm?id=4412)) and 'Tense Congo Awaits Poll as UN Rescues Politician', Reuters, 27 October 2006 (reprinted online: [www.thezimbabwestandard.com/index.php?option=com\\_content&view=article&id=15213&catid=3:international-news&Itemid=58](http://www.thezimbabwestandard.com/index.php?option=com_content&view=article&id=15213&catid=3:international-news&Itemid=58)).

hundreds (and perhaps thousands) died in a rampage of killing allegedly organized by Indonesian armed forces and local militias in a ‘punishment’ campaign as a consequence of the strong majority support for independence. The violence only ebbed following an Australian-led military intervention.<sup>39</sup> Some examples of post-election violence include:

- attacks on rivals who have either won in elections, or were defeated;
- violent street protests and efforts by armed riot police to maintain or restore order; teargas, firing on protestors, attacks by protesters on property or the police;
- emergence of armed resistance groups against an elected government (as in Algeria in 1992); or
- escalation or perpetuation of ethnic or sectarian violence (as in Iraq in 2005).

## 2.6 Monitoring electoral conflict

In recent years, practitioners have developed impressive tools to monitor or track election-related conflict by type and location over time, as well as innovative methods of reporting such results and then linking the results to specific interventions designed to manage and mitigate the conflict. At the forefront of these efforts has been the work of Derrick Marco of the Institute for Democracy in Southern Africa (IDASA), who has been involved in developing an integrated approach in Nigeria. His experience is highlighted in Perspective 1.

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<sup>39</sup> For an account and analysis, see Chopra (2000).

## PERSPECTIVE 1.

### ELECTORAL VIOLENCE AND CONFLICT TRACKING IN NIGERIA 2007

**Derrick Marco**

Institute for Democracy in  
Southern Africa (IDASA)

IDASA Nigeria tracked election-related conflict and violence during the 2007 election cycle.<sup>40</sup> The system, called an Information-Communication Hub (I-C Hub), functions as an early warning system. Some of the more critical features of the dossier as the first outcome of the I-C Hub are:

- diagrams illustrating the problems;
- GIS maps that plot the gravity of the problem across the country;
- analysis of the data; and
- thematic chapters dealing with specific issues and also serving as resource materials for those advocating change or improvement.

The network of NGOs involved was carefully selected and trained in conflict tracking and verification methods. At present there are approximately 170 organizations trained and a core group of approximately 20 groups that IDASA works with at any given time. This process of action-oriented information gathering on election-related conflict and violence has produced positive results over the election period especially at the level of methods of communicating the information. The conflict-tracking dossier is one means of action while the system also uses other means of communicating the information and acting on the information to pre-empt violence, mitigate violent conflict, or contribute to reduce the level of impact the conflict has on the citizens.

Through the I-C Hub system confidence is built, communities are mobilized, political parties are kept in check and security agencies respond much more positively to the plight of the people. While the 2007 election can generally be regarded as seriously flawed, the level of participation and expression of interest and involvement to reduce levels of conflict and violence were remarkable.

The information gathered through the I-C Hub has also contributed to contextualisation of problems in the country. It served as a good reference for international agencies for observation and security-related planning and provided the EMB and other agencies with sufficient information to act on—if they wanted to.

When all else fails—but recognizing that not all violence will be stopped—national campaigns can be introduced against election-related violence. These campaigns are strategic interventions that can be done successfully, but they need to be planned in a very careful manner. Target audiences (e.g., youth), communication mechanisms (media, road shows, etc.), messages and symbols around which the campaigns are organized are of critical importance.

The longer-term contribution of electoral assistance is a focus on the promotion of reconciliation, nation-building and accompaniment of political and development processes in the country. The different tiers of government and a stronger emphasis on local government elections where governance impacts directly on the daily lives of communities are important considerations. A third area of focus is the strengthening of EMBs, especially permanent office holders, who hold and carry forward the institutional memory.

<sup>40</sup> For additional information on the IDASA experience with conflict tracking in Nigeria, see the references to the work of Derrick Marco in the References section of this Guide.



# 3 PLANNING:

Strategies and Principles  
for Conflict Prevention

unfair election

# 3 PLANNING:

## Strategies and Principles for Conflict Prevention

What principles and strategies for external assistance programming can guide efforts to address the underlying social, economic, and political conflicts that give rise to destructively conflicted electoral processes

International electoral assistance through UNDP and its partners provides an important entry point for strategic planning for conflict prevention over the course of electoral processes. These processes offer unique opportunities for fostering inclusion, developing capacity (human and institutional), and assisting in the professionalization of electoral administration in a way consistent with increasingly well-developed international best practices and standards.

Among the most significant findings on strategic planning are some important ways to strategically design electoral assistance to include a focus on conflict prevention. One way is to 'mainstream' conflict prevention into electoral assistance by focusing on a wide range of approaches and tasks developed by UNDP and a range of other organizations in the public policy network around electoral processes, democracy and governance assistance, and those focusing on related topics such as gender, human rights, and poverty reduction. By working together in a broader network, tasks that are specialized to some entities—such as election monitoring—can contribute in a coordinated way to the tasks of conflict prevention.

Mainstreaming also, critically, involves a sequential aspect: that is, conflict prevention activities should be introduced throughout the entire electoral cycle (described in Section 3.2), in order to be effective. Last-minute or *ex post facto* attention to conflict prevention in situations where there is high susceptibility to election-related conflict is unlikely to be sufficiently strategically designed or robust to manage the complex dynamics of social conflict.

Another way to infuse conflict prevention into strategic engagement in electoral assistance is to focus on the core principles of procedural fairness. In those situations where the process of elections is grounded in core principles (such as inclusion, tolerance and coexistence, and a set of basic principles for the process, including honesty, impartiality, and transparency), programming is more likely to be effective at creating the institutions and processes for preventing electoral conflict.

Finally, it is also useful to emphasize international and regional norms and guidelines that specify the conditions for credible elections and provide benchmarks against which any particular electoral process can be compared.

### 3.1 Working together: Coordinating approaches

The network of actors involved in providing electoral assistance has expanded dramatically in the last decade, as have the experience and lessons learned with implementing such assistance. There is a growing and impressive body of knowledge regarding the importance and usefulness of conducting democracy needs assessments; designing and planning of electoral assistance programs; emphasizing capacity-building for national, and local election authorities; and nurturing a transnational network of regional organizations, international and intergovernmental organizations, and transnational and local civil society groups.

Across a number of policy domains, it is useful to think of international coordination in terms of 'global public policy networks' that link up to coordinate and to address collective problems. In electoral processes, as in other areas, UNDP and other UN entities have emerged as a critical coordinator or 'hub' in such networks.

The international community has come to appreciate that integrating conflict prevention into electoral assistance programs should be an essential part of a wide variety of work by an entire network of organizations. For example:

- The role of UNDP in coordinating electoral assistance support of donor countries and other international organizations in countries such as Bangladesh, Guyana and Nigeria, for example, has been an important element to harmonizing potentially conflicting agendas and avoiding duplication. Many of the lessons learned highlighted in this Guide focus on the experience of UNDP acting in concert with other actors.
- In countries in transition, it is now more fully appreciated that extensive election monitoring is essential to ensuring credible election outcomes and in mitigating the tensions that arise from widespread perceptions of 'stolen elections' (Bjornlund 2004; Abbink and Heselling 1999). International observers and innovative observation methods such as parallel vote tabulations by trusted external organizations can help reassure the public that official elections results are legitimately determined (see Section 4.6, which discusses monitoring or verifying election processes).
- The move toward 'integrated missions' in UN peace operations now more directly links security and conflict management, human rights, humanitarian, development and democratization efforts into a common country-level plan and a headquarters and on-the-ground set of processes for coordination.<sup>41</sup> Recent UN-managed post-war elections in the Democratic Republic of the Congo, Liberia and Timor-Leste, for example, have generally been successful in ensuring that new governments are credibly elected to the fullest extent possible in the circumstances.
- At the intergovernmental level, the Organization for Economic Cooperation and Development's Development Assistance Committee (OECD DAC) has created guidelines for development aid (to include governance aid) and conflict prevention,<sup>42</sup> and other intergovernmental organizations such as the International Institute for Democracy and Electoral Assistance (International IDEA)

<sup>41</sup> See 'Note from the Secretary-General: Guidance on Integrated Missions', 9 February 2006. See Security Council Resolution 1719 (2006) on the establishment of "the United Nations Integrated Office in Burundi (BINUB) help support the Government in its effort towards long-term peace and stability and coordinate the work of the Organization's agencies in the country under the leadership of the Executive Representative of the Secretary-General, who would also serve as Resident Representative of the United Nations Development Programme (UNDP) and Humanitarian Coordinator." Online: [www.un.org/News/Press/docs/2006/sc8857.doc.htm](http://www.un.org/News/Press/docs/2006/sc8857.doc.htm).

<sup>42</sup> See the OECD DAC 'Tip Sheet on Democratization and Violent Conflict' which is based on a study for the Swedish Agency for International Development Cooperation (SIDA) conducted by Thomas Ohlson and Mimmi Söderbergh, 'Democratization and Armed Conflict in Weak States'. The Ohlson and Söderbergh study is available online at [www.sida.se](http://www.sida.se).

looked into a wide range of ways in which democratic processes can contribute to human security and to human development in turbulent transitions and in terms of longer-term outcomes that contribute to conflict amelioration (Large and Sisk 2006).

- Regional organizations have made great strides in integrating norms into specific electoral standards that implicitly or explicitly include efforts to prevent and manage election-related conflict. The Organization of American States and Southern African Development Community's regional guidelines on election processes both directly acknowledge an elections-conflict nexus (for example, through emphasis on regional monitoring missions). Likewise, the Organization for Security and Cooperation in Europe (OSCE) has included measures for ensuring that regional minority rights norms are integrated into its monitoring, election assistance, and observation activities in broader Europe.<sup>43</sup>
- Non-governmental organizations (NGOs) such as IFES (International Foundation for Electoral Systems) have created new, dedicated programs in some countries for conducting pre-, during, and post-election violence mitigation strategies, and other NGOs such as the Electoral Institute of Southern Africa (EISA) have been conducting programs that link conflict prevention and election assistance quite directly.<sup>44</sup>

These and many other examples reflect that there is a widespread appreciation for conflict prevention in electoral processes; at the same time, there is still a considerable deficit in knowledge about how programming can more consistently and effectively address the causes, manifestations, and consequences of election violence. The overall strategy of electoral-conflict mitigation thus implies not just integrating conflict-mitigation measures into election-specific assistance packages, but it should also include a continuous effort to assist the strengthening of the entire range of governance institutions that are essential for election process success.

Among this broader array of important actors are political parties, the judiciary, human rights monitoring groups, legislatures, electoral management bodies, security forces, civil society groups and the media (de Zeeuw 2005). Indeed, efforts to anticipate and prevent election violence in Nigeria's 2007 elections were informed by experiences of malpractice and violence in prior elections in the country, particularly the 2003 polls, and the need to broaden the scope of activities aimed at reducing propensities for violence.<sup>45</sup> Even with extensive preventive efforts, as the discussion of conflict tracking in Section 2.6 attests, the Nigerian elections were seen as violence ridden and thus have been seen by some observers to have undermined the credibility of the newly elected government.<sup>46</sup>

<sup>43</sup> See 'Guidelines to Assist National Minority Participation in the Electoral Process', OSCE Office for Democratic Institutions and Human Rights, Warsaw, 2001. Online: [www.osce.org/odihr/item\\_11\\_13589.html](http://www.osce.org/odihr/item_11_13589.html).

<sup>44</sup> The IFES program Election Violence Education and Resolution (EVER) supports and trains civil society organizations for observation and documentation of election-related violence, reporting findings, and building relationship and dialogue processes during and between election cycles.

<sup>45</sup> See Ibrahim, Jibrin, 'Nigeria's 2007 Elections: The Fitful Path to Democratic Citizenship', United States Institute of Peace Special Report, January 2007. Online: [www.usip.org/resources/nigerias-2007-elections-fitful-path-democratic-citizenship](http://www.usip.org/resources/nigerias-2007-elections-fitful-path-democratic-citizenship).

<sup>46</sup> See the International Crisis Group report, 'Nigeria: Failed Elections, Failing State?' Report No. 126, 30 May 2007. Online: [www.crisisgroup.org/home/index.cfm?id=4876](http://www.crisisgroup.org/home/index.cfm?id=4876).

### 3.2 Working throughout the electoral cycle

Election periods are characterized by contested spaces, competition and political tensions that often overflow to the support bases. When elections are seen as **events** rather than **processes** that require consistent and continuous development, election programming tends to become more of a crisis management exercise. It is important to use a lens that enables those involved to view the different election cycles as one continuum which should have an upward trend and direction towards excellence and non-violence.

The concept of electoral cycles emerged as a response to the findings of UNDP's 10-year review in 2000 of its work in election assistance over the course of the 1990s.<sup>47</sup> The approach informs the present UNDP Practice Note on electoral assistance and, more recently, is explicitly used as the approach in the UNDP Electoral Assistance Implementation Guide. The electoral cycle approach is the basis for most UNDP electoral assistance projects that are now being designed over multi-year cycles. (See also the illustration in Box 6.)

#### BOX 6 THE ELECTORAL CYCLE



<sup>47</sup> For an updated version of this work, see the 2007 'UNDP Electoral Assistance Implementation Guide' Online in PDF format: [www.undp.org/governance/docs/Elections-Pub-EAGuide.pdf](http://www.undp.org/governance/docs/Elections-Pub-EAGuide.pdf).

In sum, the approach emphasizes that:

- election events are only one part of a continuum of institutions and processes that go through different phases and play different roles depending upon where in an electoral cycle the country is;
- support to the electoral cycle should, over time, reduce the cost of elections and result in a decline in the level of external engagement in and funding for elections;
- each electoral cycle is connected to the next in one ongoing process;
- each subsequent election should be an improvement on the previous one, because the lessons learned are acted upon and implemented in the time between elections;
- there is a direct correlation among the quality of elections, trust in governance and the election process, and (non)violence;

- elections of poor quality tend to be characterized by violence and crisis management;
- as elections improve and violence becomes less of a factor, pre- and post-election crisis management decreases in importance over time as proactive election programming is bearing fruit and continues to build momentum and gain importance;
- post-conflict crisis management should eventually disappear as trust in the election process increases; and
- free, fair and non-violent elections are a function of good governance, thereby increasing the electorate's trust in the system and helping ensure that policies, mechanisms and political culture continue to change positively.

The figure in Box 7 illustrates relationships between conflict prevention approaches throughout a series of election cycles.

#### BOX 7

#### ILLUSTRATION: CONFLICT PREVENTION OVER SUCCESSIVE ELECTORAL CYCLES

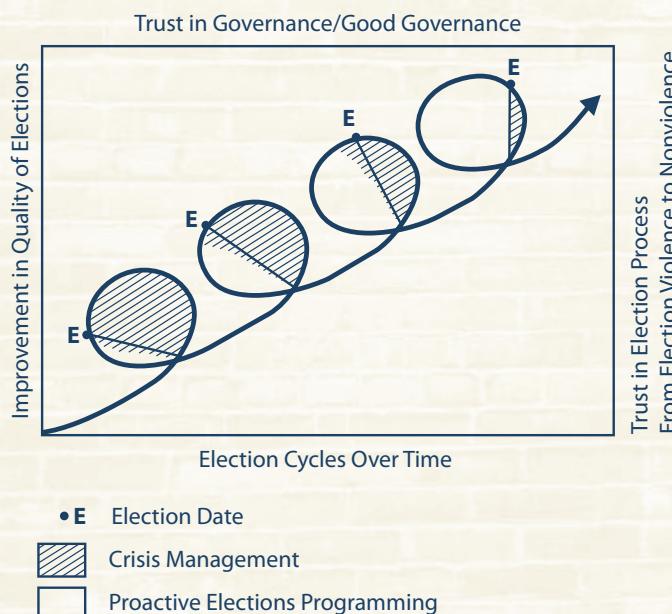


Illustration designed by Chris Spies

### 3.3 Highlighting values and principles

Election programming can be viewed as proactive cohesion-building processes that help develop rules, norms and values for fair play. Therefore, the social infrastructure for peace and the empowerment of election officials to organize high quality free and fair elections are important contributions to political stability.

A strategic objective for programming is the concept of 'procedural fairness', whereby there is a clear set of rules for electoral competition and the winning of representation and political power, and there is sufficient social cohesion such that politicians, political parties, government officials, and civil society all abide by the rules and guidelines established. UNDP and its partners also understood that translating lessons from past experiences into careful design in both the 'hardware' (technical, resource and logistical support) and 'software' (conflict transformation) approaches is critically important.

In Perspective 2, two practitioners with UNDP experience in Guyana reflect on the core principles that underlie conflict prevention programming in electoral contexts. Their reflections highlight the importance of emphasizing values and principles in terms of 'procedural fairness' and the implications that flow from the values in terms of implications for conflict-prevention program design and for operational implementation when working with the parties.

The example of including those displaced from their homes by conflict in electoral processes illustrates an important finding—that the failure to include key sections of the population (i.e., to limit their voice and participation) poses more risk than including them. This is elaborated in more detail in Perspective 3.

As with any electoral process, there are risks involved with systems that enfranchise refugee and IDP populations. These include avenues for fraud and intimidation, time considerations, and the possibility of reigniting conflict. Systems to enfranchise refugees and IDPs can be costly, place extra strain on weak infrastructures, introduce administrative complications, and can mandate that new protections be put in place to protect against fraud. The lack of accurate population data (the result of conflict-forced migration) also presents unique challenges to constituency delineation in post-conflict elections.

However, it is important to recognize that these risks are not unique to refugee and IDP participation. Rather, they are simply a different dimension of risk that exists within any post-conflict electoral context. The risk of **not** including conflict-forced migrants is far more dangerous. Widespread disenfranchisement diminishes the universality of the vote and the credibility of the results; it could therefore reignite or perpetuate the conflict with significant consequences for stability in the country and often the region.

## PERSPECTIVE 2.

### WHAT VALUES UNDERLIE CONFLICT PREVENTION APPROACHES?

#### **Chris Spies and Mike James**

Former Peace and Development Advisor,  
UNDP Guyana and former UNDP Elections  
Unit Manager in Guyana, respectively

In so many cases where electoral violence is triggered by preventable mistakes in the elections design and management, the problem does not lie with a lack of knowledge of the elements of good programming. It is mostly a case of failure to muster the political will to examine the reasons why the same mistakes are repeated and why parties and officials seem unable to break out of paralyzing cycles of repeated mistakes.

What is needed is a process through which the *de facto* values and principles, such as inaction, event- and symptom-driven reactions, violence, power politics, and corrupt practices, for example, can be critically examined and corrected. It should be a process that leads to a change of attitude and practice, without which no change would be forthcoming. The following general principles and values could serve as guidelines for UNDP's election programming:

- **Process is as important as outcome.** Elections are a process, not an event. Practitioners in the field are emphasising the point that process planning for elections should be longer term and sustainable, driven by national participation and local ownership and integrated into election assistance programming. In practice this is often not the case.
- **Non-violence.** A public commitment by all stakeholders to non-violence as a first response to tensions can go a long way. Do not underestimate the power of violence fatigue. The ordinary public, and more specifically the vulnerable, are generally

speaking sick and tired of conflict and violence. This factor is an important entry point to mobilize people for non-violent action and was used effectively by the Inter-Religious Organization in Guyana (IRO) when it developed with political parties a code of conduct that put great emphasis on a commitment to non-violence. Although the main opposition party did not sign the code of conduct, it committed to the spirit and content of the code (see Annex 9).

- **Value-based leadership.** From a conflict transformation perspective it is important that political, civil society, and election institution leaders guide their parties and organizations to foster non-violence and consensus, rather than to continue the usual election hype that radiates a confrontational winner takes all style. The instinct to adopt a power-based approach to the resolution of disputes can be ameliorated through processes that build collaborative capacity among leaders.<sup>48</sup>
- **Transparency.** It is understandable that close to election time, political parties are often reluctant to disclose campaign strategies, sources of funding and post-election distribution of positions. The institutions set up to organize and run elections, however, should be the prime example of transparency. They should have no secrets besides security arrangements to ensure the safety of ballots, equipment and lives. The rest, such as preparation progress, verification of voter lists, operational plans and procedures, all issues related to procurement and funding, reports on meetings with political parties (who and when they are meeting where), donor support, etc., should be public knowledge.

<sup>48</sup> Howard Wolpe and Steve McDonald (2006) describe the process of training leaders in Burundi and strategic approaches to linking leadership development with peacebuilding and democratic development. In Sierra Leone, the UNDP focused on on-the-job management training of secretariat staff; and in Guyana political leaders and key persons in civil society were trained in conflict transformation workshops.

## PERSPECTIVE 2. (cont'd)

- **Information sharing.** All observers would agree that the issue of sharing information is a vital component of violence-free election planning. Yet, in practice, there are almost always complaints by vital role players and officials that they were not properly informed by others.<sup>49</sup>
- **Accountability through participation.** In many countries, during election periods, voters rely only on the information given to them through party rallies and the media. They do not realize the power they have to call politicians to citizen-initiated meetings. Whether formally organized into civil society organizations or acting informally on their own, citizens can have significant influence. When civil society takes control of the information process and calls a cross-section of politicians to the same forum to explain to the voters their policies on matters that affect them, civil society moves into the role of voters who hold politicians accountable, not only on voting day, but continuously on the basis of promises made in public.<sup>50</sup>
- **Accountability through codes of conduct.** Political leaders are unlikely to come up with a commitment to sign a code of conduct alone. More often than not it has been civil society that facilitated processes and applied pressure to commit to a code of conduct or an accord. Codes of conduct for the media have been successful in Guyana and Sierra Leone, among other countries.
- **Inclusion and flexibility.** Participation, freedom, understanding, protection, and identity are all fundamental human needs that have to do with the value of inclusion.

Exclusion leads to the frustration of these needs, which in turn could lead to violent resistance. The principle of inclusion is often sacrificed on the altar of rigidity, justified by slogans such as 'we don't talk to terrorists' or 'you have not been elected', or 'first suspend the armed struggle before ...', 'we refuse to recognize your right to exist', etc. All sustained violent conflict either ends with total destruction or at a peace negotiation table, and in all cases the violent conflict should have been prevented in the first place.<sup>51</sup>

- **Collaboration instead of competition.** An attitude of 'the-winner-takes-it-all' may very well lead to a situation where everybody loses it all, because 'triumphalism' has a tendency to blur the victor's vision so that contributions of those who now find themselves on opposition benches are not recognized as something of value. Those who propose anything, whether they are in government or opposition, are usually suspected of sinister motives. The attitude is mostly to deny credit for progress to others outside of 'our party'. Such situations are often made further intractable in the presence of economic hardships, which are often the result of unresolved political power struggles, and which inevitably lead to pathologies of hopelessness for those at the bottom of the political, economic and social ladder.
- **Justice.** Unjust economic, political and electoral policies are the fuel for violent conflict. Governments, often with the support of the international community, turn a blind eye to their responsibility to ensure that fairness and inclusiveness are hallmarks of democratic governance. This is

<sup>49</sup> In its report on the 2006 elections, the Election Assistance Bureau (EAB), a civil society initiative in Guyana, emphasises the importance of good communication and information sharing, especially among volunteers, monitors and the election commission. (EAB 2007:41).

<sup>50</sup> The advocacy slogan of the Campaign for Good Governance, a Sierra Leone civil society organization, is 'Election business is everybody's business'.

<sup>51</sup> In the immediate period before the first democratic elections in South Africa in 1994, violence was at its worst levels. Staff members and volunteer monitors of the National Peace Accord structures at regional and local levels attached high value to the principle of flexibility. They 'overstepped' their official mandates and played roles that defused tensions dramatically by virtue of their approach to include, rather than exclude, angry mobs and protestors in negotiations at ground level. A potential civil war was averted when, at the last minute, stickers with the name of Inkatha Freedom Party (IFP), were pasted on the printed ballot papers.

## PERSPECTIVE 2. (cont'd)

especially a problem in cases of deep rooted conflict that runs along lines of ethnicity and class.

- **Independence, impartiality and competence of electoral management bodies (EMBs).** In most cases EMBs are said to be, or claim to be, free from political interference. Yet, EMBs often comprise political appointees and struggle to function independently from governments that legislate into law safety mechanisms to stay in power and which supply the funds for the operations of the EMB. It is vital that election mechanisms are indeed free of partisan approaches in their policies and operations. EMBs that ignore well-meaning advice on how to improve operations run the risk of igniting uncontrollable violence and hardship.
- **Trust-building.** Mistrust destroys relationships and fuels suspicion and subsequent violence. Although codes of conduct are mechanisms intended to minimize trust-breaking behaviours, they are not enough to restore trust. Trust is built over time through consistent constructive behaviour that gives credence to intentions, statements and codes of conduct.
- **Action-learning:** While evaluations are often done and many recommendations proposed and accepted, there is often a huge gap because the lessons are not recorded and implemented. Even if they are, there is little guarantee that the same mistakes will not be committed in future. Members of the Malawi Multi-party Liaison Committees told observers that they have learned that “prevention is better than cure” (Patel 2007: 231). Why does it need a crisis to take the lesson seriously and to prepare for prevention?
- **Proactiveness.** Election violence does not normally erupt without any prior warnings and signs. Failure to de-escalate tensions often stems from a lack of proper planning and action, and the failure to apply lessons from previous mistakes. There is therefore a need to shift towards a more proactive approach that identifies, analyzes and anticipates potential triggers and remedies **well ahead of the elections.**<sup>52</sup> The most potent proactive key to open the release valves of societies under pressure is deep listening through generative dialogue.
- **Interaction and interdependence of civil society, business and politics.** The interaction and interdependence of the three realms of culture (through civil society), polity (through government) and the economy (through business) are of crucial importance. Elections are normally the time when most of the focus is on the polity who, when left on their own, are locked in competition and often destructive power struggles. But civil society, especially NGOs, have proven to be champions of processes that seek to open up spaces for sustained dialogue over the longer term.
- **Coexistence:** Societies under duress often show cracks along ethnic or class lines despite anti-discrimination legislation and constitutional safeguards. These cracks need to be healed through the cross-stitching effect of interdependence and the promotion of non-partisan approaches by leaders who have experienced the power of ‘collaborative capacity-building’ and dialogue.
- **Respectful support:** Support is more than financial support. The most significant changes will not come as a result of material or process support. Nor will they come from more knowledge and stronger skills. They will come from a change in attitude that moves to deeper levels of respect to local actors and understandings, emphasising in the process synergies with international norms and values.

<sup>52</sup> A good example of reflective and proactive preparation for elections is UNDP’s assistance in Sierra Leone to local role-players to facilitate an agreement on a code of conduct for political parties. The code was signed into legislation by the parliament well ahead of the national elections. An example of a code of conduct, from Guyana, is included in Annex 9.

## PERSPECTIVE 3.

### REFUGEES AND INTERNALLY DISPLACED PERSONS IN ELECTION PROCESSES

**Brett Lacy**

National Democratic Institute  
for International Affairs (NDI)

The participation of refugees and internally displaced persons (IDPs) in post-conflict elections is critical to ensure governance that is legitimate and accountable. Inclusive electoral processes in post-conflict societies can create an environment for reconciliation and lay the foundation for the development of strong democratic institutions.

If a part of the population is excluded from the electoral process, the resulting system of governance can suffer from a lack of legitimacy, accountability and sustainability, particularly in fragile democracies or post-conflict environments. Furthermore, in order for a newly democratized nation to address its past and move towards a shared future, full participation of the society, including those who are victims of the conflict, is critical. Enfranchisement of the displaced is an important stepping stone towards transcending the wounds of conflict and moving towards sustainable peace and reconciliation.

These recommendations emerge:

- When designing a system to enfranchise displaced voters, a number of questions must be answered, including i) who is eligible to register to vote, ii) what identity documents will be required and how IDPs who lost their documents can have them easily replaced, iii) how these voters will be assigned to electoral constituencies and iv) what procedure will be used to facilitate the casting of ballots.
- When determining the method of voting, election administrators must consider the geographical dispersion of potential voters, estimated levels of participation, relationships with countries hosting eligible voters, and the number and location of diplomatic missions. Possible methods of voting include the following: voting in person outside one's home country in consulates, embassies, or other sites; voting by post; voting by proxy; returning home to register and to vote; or voting in a new or temporary place of residence, such as an IDP camp.<sup>53</sup>
- In some cases where systems have been in place to facilitate refugee voting across borders, voting has been arranged through agreements directly between the host country and the EMB that is conducting the election. In other cases third parties have been contracted to help in implementing the external voting program. The International Organization for Migration (IOM) has played this role in Bosnia and Herzegovina, Kosovo, Timor-Leste and, most recently, Afghanistan and Iraq (IOM 2003a, 2003b).
- Increasingly, memorandums of understanding (MoUs) are signed between countries where external voting takes place, and there are a number of developing standards for these agreements. Where host countries may play a role in the registration process by providing demographic data, it is important that protections be put in place to prevent registration data from being used for non-electoral purposes.
- Displaced voters require special programming to understand their rights, enfranchisement procedures, and the positions of candidates and parties on issues important to these constituencies. Displaced voters often do not have access to traditional means of obtaining news and information.

### 3.4 Emphasizing international and regional norms

In recent years there has been a dramatic growth in the development and application of international and regional norms on election standards and administration, together with a look at how reference and implementation of these norms—especially together with regional and intergovernmental organizations—assists in conflict prevention activities. These new norms build on the longstanding global norms such as the 1966 International Covenant on Civil and Political Rights (ICCPR).<sup>54</sup>

From Africa to the Americas, and from European states to nascent efforts in Southeast Asia, regional and sub-regional organizations have taken the lead in developing cross-border professional organizations that have developed extensive technical and normative principles and guidelines that link the procedural and technical aspects of holding elections to collective monitoring and observation. In addition to the Southern African Development Community (SADC) Parliamentary Forum's work (highlighted in Box 8), at the forefront of the development of such regional codes are the Organization for Security and Cooperation in Europe's Office of Democratic Institutions and Human Rights (OSCE ODIHR)<sup>55</sup> and the Organization of American States through its Department of Sustainable Democracy and Special Missions. The work of the OAS, for example, is guided by the landmark 2001 Inter-American Democratic Charter, and it has conducted electoral assistance missions in dozens of countries in recent years.<sup>56</sup>

These principles or norms have emerged as a way for regional organizations to play constructive roles providing a set of professional standards and common principles for what constitute free and fair elections and that address key issues of conflict prevention—deterring fraud, improving access to electoral processes for potentially marginalized groups, and providing the 'eyes and ears' of the international community to ensure processes are free and outcomes fair. In strategically planning electoral assistance, awareness of and the development of programming (such as training) in reference to these norms are often a salutary way for UNDP and other international actors to engage, precisely because they provide a common, collectively accepted set of principles, values, and procedures.

<sup>54</sup> The text of the ICCPR is available online: [www.unhchr.ch/html/menu3/b/a\\_ccpr.htm](http://www.unhchr.ch/html/menu3/b/a_ccpr.htm).

<sup>55</sup> The OSCE ODIHR conducts numerous election observation missions each year and provides public assessment reports on the extent to which a specific election process conforms to the regional and international norms. Additional information is available at the OSCE ODIHR website: [www.osce.org/odihr-elections/](http://www.osce.org/odihr-elections/).

<sup>56</sup> A summary of OAS work in this area may be found on the organization's website: [www.oas.org/key%5Fissues/eng/KeyIssue\\_Detail.asp?kis\\_sec=6](http://www.oas.org/key%5Fissues/eng/KeyIssue_Detail.asp?kis_sec=6).

## BOX 8

### REGIONAL ORGANIZATION PRINCIPLES ON ELECTORAL PROCESSES: THE SADC PARLIAMENTARY FORUM'S NORMS AND STANDARDS

The Parliamentary Forum of the Southern African Development Community (SADC) adopted in March 2001 a set of 'norms and standards for the conduct of elections in the SADC region'. The document acknowledges the gains that were made, especially in the 1990s, in introducing multiparty democracy in the region, but acknowledges that there is "still need to address issues relating to leveling of the playing field for all the players contesting elections, inequality in the funding of political parties, and inadequate access to state-owned media and election-related violence." The SADC norms address these critical issues:

- voter registration and the elimination of discrimination on the basis of identity;
- 'secret voting' and measures to prevent intimidation, vote buying, and election violence from affecting voting processes and outcomes;
- freedom of association and expression, to allow for the exercise of voice and the formation of political parties without threat of violent retaliation;
- affirmation of the tolerance and the principle of multiparty political culture;
- transparency and predictability in the announcement and conduct of elections, to prevent political party boycotts;
- measures to foster transparency and integrity in the electoral process to include standards for registration of voters, voter education, boundary delimitation, nomination of candidates, and funding of political campaigns; and the role of the courts in addressing electoral dispute resolution; and
- efforts to ensure that election campaigns are peaceful and that there are codes of conduct, safeguards, and access for all parties and candidates contesting the poll.

The SADC guidelines have enjoyed broad acceptance among election specialists. However, their application in the region has been troubled in instances (such as Zimbabwe's elections in 2005 and 2008), where there have been significant allegations of election fraud and significant violence. For further observations on the SADC Parliamentary Forum and other African regional guidelines and their implementation (in observer mission reports), see the online resource center of the Electoral Institute of Southern Africa (EISA) at [www.eisa.org.za/EISA/eppepg.htm](http://www.eisa.org.za/EISA/eppepg.htm).

# 4 PROGRAMMING:

## Examples, Issues and Options

recount re-vote  
or revolt

# 4 PROGRAMMING: Examples, Issues and Options

What types of programming have been seen to be effective in preventing election-related violence

Translating strategy and principles into programming involves thinking through various ways in which international assistance can be targeted to address the underlying, root causes of conflict; the institutional framework under which electoral processes unfold; the processes of political competition and the relationships among the key protagonists; and developing crisis management methods to deal with potential situations of conflict when they occur. Although programming needs to be tailored to the context, this section provides an overview of some of the ways in which external assistance has been used to promote conflict prevention in electoral processes.

## 4.1 Promoting social cohesion

Social cohesion is characterized by the reshaping of relationships that make it possible for people to overcome resistances to collaboration for the sake of developing the country as a whole in a sustainable manner: in personal, societal, cultural, political, economical and ecological dimensions. UNDESA's working definition of social cohesion is:

*A socially cohesive society is one where all groups have a sense of belonging, participation, inclusion, recognition and legitimacy. Such societies are not necessarily demographically homogenous. Rather, by respecting diversity, they harness the potential residing in their societal diversity (in terms of ideas, opinions, skills, etc.). Therefore, they are less prone to slip into destructive patterns of tension and conflict when different interests collide. (UNDESA 2007)*

In deeply divided societies the situation is complex, as civil society, polity and business are also divided along the fault lines of ethnicity, class or status. Social cohesion programming should aim at strengthening the 'cross-stitching' effect (Kraybill 2000) whereby new relationships across the divides are formed around issues all people have in common.

Preventing election-related violence is thus about promoting social cohesion, in a broad sense and directly around a particular electoral process. Conversely, fostering social cohesion is most certainly one of the most effective safeguards against outbreaks of violence during times of high tension. Research has shown that where civil society is more integrated across

divisions in society, such as along religious lines through interfaith linkages, there is a reduced propensity for violence (Varshney 2001).

The following types of programming have sought to foster social cohesion during election times:

- Voter education campaigns and public awareness efforts that focus on fundamental human rights, such as the right to a free and fair vote and freedom from harassment or intimidation, may limit the ability of actual and presumptive leaders to use violence and intimidation as a way of securing public support.
- Conducting political party workshops to foster negotiation among rivals and to work with them to arrive at mutually acceptable codes of conduct are useful ways to build confidence, relationships, and trust among contending party cadres.<sup>57</sup>
- Training for political parties on peaceful methods of campaigning can limit parties' ability and inclination to promote or fail to address election-related violence. Such efforts might consist of working with party leaders on measures such as training party 'marshals' (who monitor behaviour internally during marches or rallies) and party poll-watchers.
- Engagement with the media (including through workshops) on the problem of election-related violence offers a strategic entry point for their role as monitors, investigators, and reporters. This approach recognizes that increased professionalization and autonomy of the news media is essential in societies where violence is employed to influence the public through reporting.

- In communities prone to election violence, creating structures for community conciliation—regular forums where local political leaders from various groups and factions can meet, for example in 'peace committees,'—provides a measure of local resilience to cope with violence when it does occur and to prevent its occurrence through collaborative approaches and open lines of communication.
- Working with the vulnerable or displaced populations is an essential community- or social-level area of strategic intervention. In these instances, voter education on citizen rights, measures to improve voter turnout, and measures to ensure the hearing and adjudication of complaints by these communities are important for conflict prevention strategies. Likewise, in many cases it has been learned that working with diaspora communities to facilitate their constructive involvement in peaceful electoral processes is critically important.

## 4.2 Civil society and public engagement initiatives

The following list includes examples of active involvement of civil society in election violence-prevention activities:

- **Multi-stakeholder forums and consultations in preparation of a public campaign** (Nigeria, Guyana). One of the main reasons for dissatisfaction with political parties and policy-making bodies is that often people feel they were not properly consulted. Recent publications provide excellent material on good process for participatory and democratic dialogue (UN Department of Economic and Social Affairs, 2006; Pruitt and Thomas, 2007).<sup>58</sup>

<sup>57</sup> Schimpp and McKearnan report that USAID assistance for "getting parties and candidates to agree to adhere to codes of conduct and non-violence pledges has deterred violence in places like Senegal, Lesotho and Cambodia. Dialogues may be organized so that leaders who do not usually communicate can air concerns and voice grievances in a mediated setting" (2001: 5). They add that party pollwatcher programs have also been effective in Nicaragua in mitigating the potential for violence on key days such as voter registration periods or election days.

<sup>58</sup> See also the Democratic Dialogue initiative, at [www.democraticdialoguenetwork.org](http://www.democraticdialoguenetwork.org).

- **Electoral assistance groups.** In many countries civil society members volunteer their services to form and/or assist civilian election assistance or monitoring groups. Political parties are usually only reluctantly supportive of civil society's engagement in electoral assistance and monitoring. However, they usually cooperate with such efforts because they believe—rightly so, in most cases—that voters would hold lack of such support against them at the ballot box.
- **Peace campaigns.** Civilians are in most cases at the receiving end of any outbreak of violence. Careful support for civil society peace campaigns could shift the balance from fear to come out openly against violence to the ability to mobilize support for non-violence through peace campaigns. Umbrella bodies of religious, youth, women's and cultural organizations usually take the lead in what can be creative campaigns that unlock the energies of the ordinary person on the street to become involved.
- **Religious and cultural leaders' forums.** In many countries religious groups are by far the best vehicle to reach people at community, family and individual levels. Not only do they have the infrastructure to meet with people, but most also have the capacity to facilitate multi-directional flow of information, which is crucial in settings of high political and social tensions. Cultural organizations are often closely linked to religious organizations. Unfortunately, when some religious and cultural leaders preach and practice exclusivity and intolerance, religious and cultural leaders' forums are paralyzed and too divided to work meaningfully towards cohesion. It is therefore of crucial importance to help create safe and empowering spaces that promote viable dialogue, tolerance and co-existence.<sup>59</sup>
- **Traditional leaders' forums.** The clash between traditional norms and practices and democratic systems will continue for the foreseeable future. Where traditional leaders feel marginalized by political party democratic systems, they are unlikely to support government programs. However, their support and constructive engagement can be secured by voicing and showing respect and appreciation for their help in preventing election-related violence. Forums aimed at that objective, especially those held in remote areas, can be a powerful entry point for ordinary people to contribute effectively to peace.
- **Strategic leadership development and training.** Longer-term and intensive capacity-building of people in strategic positions in politics, business and civil society has proven to be a powerful approach to mitigate election violence (e.g., in Burundi, Guyana and South Africa).

Some of these points and issues are discussed in greater detail in Perspectives 4 and 5—one featuring experiences from Guinea-Bissau, and another looking at the elections in 2006 in Guyana. Box 9 offers some lessons learned from Kyrgyzstan.

<sup>59</sup> The Guyana Inter-Religious Organisation helped to secure commitment of political parties to sign a code of conduct (see Annex 9). Nandini Patel describes in an article, 'Troublemakers and Bridge Builders: Conflict Management and Conflict Resolution', how the Catholic bishops in Malawi played a big role in triggering the transition to democracy through pastoral letters: "Prior to the 2003 election, at a time when the president sought to change the constitution to stand for a third term, the bishops again issued a pastoral letter, 'Choosing Our Leaders in the Forthcoming Elections', which was regarded as a guideline on whom to vote for, or rather, whom not to vote for. The letter advises the MEC (Malawi Elections Commission) to avoid being partisan and perform their duties for the good of the nation without fear of favour.... The letter then goes on to identify qualities of leadership: Leaders should be honest, trustworthy, fair, truthful, with good reputation and integrity." (Patel's article appeared in Ott, M., B. Immink, B. Mhango and C. Peter-Berries (eds.), 2004. *The Power of the Vote. Malawi's 2004 Parliamentary and Presidential Elections*. Zomba, Kachere Books, No. 14.)

## PERSPECTIVE 4.

### PREVENTING ELECTION VIOLENCE IN GUINEA-BISSAU: THE ROLE OF THE CITIZENS' GOODWILL TASK FORCE

**Evan Hoffman**

CIAN

Guinea-Bissau currently has many features commonly associated with failed states, including chronic and severe poverty, weakened governance, corruption, drug trafficking, porous borders, violent power struggles, and overall political instability. Moreover, Guinea-Bissau has a troubled history marked by a civil war in 1998, several unsuccessful and successful coups, and politically motivated assassinations.

Within this context a presidential election with the potential for triggering widespread violence took place on 19 June 2005 after being delayed for several months due to internal political turmoil. The election was viewed by national and international observers as significant. For international observers, the issue of Guinea-Bissau's ability to hold a fair and peaceful election served as an important indicator of the country's progress toward stabilization and its readiness to receive greater international assistance. Therefore, expectations surrounding the election created a heightened emotional environment for many months before, during, and after the event.

Moreover, adding to the already heightened sense of importance, two more unexpected developments occurred that raised the already elevated state of tension. First, a past president who had been ousted during a bloodless coup suddenly returned and put forward his candidacy, despite having signed a transitional charter stating that he would not do so. Second, another former president made a surprise entry into the race.

The election did occur without widespread violence, because a series of potentially explosive incidents were defused. Unfortunately, the incidents did result in the deaths of some young protestors as well as property damage. One activist group was

particularly instrumental in contributing to the fair and largely peaceful election.

Prior to the election, since the fall of 2004, the International Peace and Prosperity Project (IPPP) focused on preventing political violence and state failure in Guinea-Bissau. It used a unique project methodology that stimulates and strengthens local capacities through facilitation, collaboration, and other forms of assistance. While the IPPP undertook a series of pre- and post-election communications with senior members of the armed forces and the government in order to encourage and support them, it also played a key role in the formation and support of an initiative inspired and directed by the citizenry to reduce election violence in Guinea-Bissau.

Early in April 2005, the IPPP convened a multi-stakeholder meeting in Bissau to consider whether a collaborative effort could be mounted that would help to advance the existing momentum toward national reconciliation. Members of the meeting decided to form a new group called the Citizens' Goodwill Task Force (CGWTF). To support this sudden and unexpected development, the IPPP provided a small grant for the creation of the CGWTF.

One of the first issues that the newly formed task force tackled was the legality of the transitional charter and the consequent legal implications for some of the more contentious presidential candidates. The task force thus sought the opinion of several international lawyers who attested that the charter's legal status would likely have to be recognized by the High Court.

While the High Court deliberated on the delicate matter of which candidates would be allowed to run, the CGWTF approached the IPPP for support to develop an electoral code of conduct. The IPPP canvassed broadly and provided the CGWTF with several codes. The CGWTF was able to quickly prepare a final

## PERSPECTIVE 4. (cont'd)

version and to obtain the signatures of all but one of the presidential candidates. The code was then translated into French and Arabic for distribution outside urban centres. Periodically, the chair of the CGWTF made radio broadcasts and met with the candidates and their supporters to urge compliance with the code.

Meanwhile, the CGWTF undertook a national campaign to promote peaceful elections. The campaign involved several media events and candidate debates. The CGWTF also distributed t-shirts and banners promoting the message that voters should not base their voting on ethnicity or promised favours.

Moreover, during the pre-election period the CGWTF met with some outside parties, including Senegal's President Abdoulaye Wade, to urge them to remain neutral.

Recognizing that neutral and balanced media coverage could also help to reduce pre-election tensions, the CGWTF provided assistance to nonpartisan journalists. On election day, the CGWTF mobilized a large number of people throughout the country to help distribute ballots and to work as 'peace brigades'. The peace brigades worked as unofficial observers around polling stations and intervened in case of disturbances. The contribution of the peace brigades was later recognized by European Union election observers as being significant.

The CGWTF continued its activities for several months after election day, meeting with various candidates and urging them to accept the election results. It also provided praise and encouragement to those who contributed to a peaceful election. Moreover, it specifically recognized the key role that the military had played not only in maintaining a professional distance from political matters and the outcome of the election but also in defusing several potentially explosive situations.

After the election, many observers within and outside of Guinea-Bissau remarked that the task force was an unprecedented and positive

development that made a significant contribution to holding a peaceful election. This experience from Guinea-Bissau offers a number of poignant lessons:

- Establishing a clear, concrete goal early in the process facilitates development of appropriate activities.
- Increased election tensions and the possibility of election violence are easily predictable. However, the sudden increase in tensions due to unexpected factors is far more difficult to predict. Therefore, readiness to complete planned activities while concurrently managing new crises is important.
- Timing and responsiveness are important not only for reacting to crises but also for galvanizing and supporting the momentum of unexpected positive developments. The right combination of resources does not necessarily require a large amount of financial assistance. The CGWTF in Guinea-Bissau demonstrated that even modest funding injected at a crucial moment can be dramatically effective.
- Identifying and supporting local leadership is crucial. Potentially powerful and effective local leaders can exist even in states considered to be 'failed'. These leaders, once recognized and provided with the right combination of resources, can in turn mobilize large segments of the population.
- Balancing grassroots initiatives (like the peace brigades) with initiatives that can influence the upper echelons of society is important. Working both vertically and horizontally increases the overall impact and effectiveness of both dimensions.
- Finally, perhaps the most important lesson learned from the Guinea-Bissau case is that pre- and post-election tensions can be effectively managed through a creative mix of techniques; tension reduction can help prevent the escalation of election violence.

## BOX 9

### THE IFES EVER PROGRAM IN KYRGYZSTAN 2005: LESSONS LEARNED

IFES's Electoral Violence Education and Resolution Program (known as EVER) worked in Kyrgyzstan in 2005 to develop a methodology for the reporting of election-related violence incidents and a series of programs aimed at mitigating and preventing such violence. The program was developed following the disputed and troubled parliamentary elections of February 2005 and presidential elections in July 2005 that set the stage for a period of unrest (and subsequent snap parliamentary elections in late 2007). As the scale and scope of the disputed elections became clear in 2005, IFES worked with partner and local organizations—such as election officials, civil society, security officials, and international observers with the Organization for Security and Cooperation in Europe—to “coordinate responses to critical and evolving priorities identified through monitoring and reporting that relate to political conflict and security during the electoral process.”\*

Among the activities conducted were the following:

- application of IFES's EVER methodology on evaluating, monitoring, and tracking election-related violence and adaptation of the methods to the context of Kyrgyzstan;
- together with the Foundation for Tolerance International, developing a series of training programs to develop local capacities to conduct conflict analysis and reporting;
- conducting continuous monitoring during the pre-election period, during election day, and in the volatile post-election and pre-proclamation period; and
- continuing the monitoring and incident-reporting through to local elections held later that year.

Among the lessons learned from self-evaluation of the activities were:

- the timeliness, quality and efficiency of the reports on election-violence incidents were critical and under constant scrutiny as the information was used directly in intervention efforts to prevent further violence;
- the publication of weekly bulletins provided objective, informative evaluation of the nature, extent, and locality of problems and efforts to manage election-related conflicts; and
- the trainings and collaborative work with local non-governmental organizations allowed for the efficient development and transfer of capacity to Kyrgyzstani organizations.

\* This quote is from 'IFES Early Warning for Confidence Building in Kyrgyz Republic', page 3. The report is available online in PDF format: [ever.ifes.org/files/IFES\\_EVER\\_Kyrgyzstan-FinalNarrativeReport.pdf](http://ever.ifes.org/files/IFES_EVER_Kyrgyzstan-FinalNarrativeReport.pdf). See also the IFES Web page for Kyrgyzstan at [www.electionguide.org/country-news.php?ID=117](http://www.electionguide.org/country-news.php?ID=117).

## PERSPECTIVE 5.

### GUYANA'S MEDIA DURING THE 2006 ELECTION

#### ***Mike James and Tim Neale***

Former Program Manager of UNDP's Election Program Unit and Commonwealth Media Advisor, respectively

As is the case in a number of other countries in transition to democracy that are plagued by recurring elections violence, a striking common trend in Guyana's 1992, 1997 and 2001 election campaigns was the conduct of irresponsible media which incited extremist elements to ethnically motivated violence. In 1992, the then-government's radio station incited its supporters to violent protests against alleged disenfranchisement of voters, and a mob attacked and almost overran the headquarters of the Guyana Elections Commission (GECOM). In 1997 and 2001 similar roles were played by private, ostensibly independent, television stations which instigated ethnic-based community conflict.

The main purveyors of incitement to elections violence were several hosts of TV call-in programs who encouraged anonymous callers to make unsubstantiated racist allegations. One popular TV talk show host, who reportedly incited opposition supporters to riot against alleged vote rigging by the ruling party, subsequently led a group of protesters that occupied the Office of the President. Two of the protesters were shot and killed by presidential security guards and a section of the presidential offices were burned down. The talk show host was incarcerated in a drawn-out trial process including a 2004 hung jury verdict on treason charges.

For the 2006 elections, the Guyana Press Association (GPA)—which mostly represents journalists outside the state-owned daily national newspaper and the state-owned radio monopoly—announced its commitment to developing an elections media code of conduct. The donor community and the UNDP Elections Management Unit provided the financial and coordinating support.

Approached by the Press Association to assist in the process, the Media Adviser facilitated a series of meetings to which all media practitioners and media house owners were invited. Government, private media and party-aligned media houses all participated fully in the development of the code, which specifically committed signatories "to refrain from the publishing or broadcasting of any matter with the potential for, or likelihood of promoting or inciting racial hatred, bias or contempt or any matter with the potential for, or likelihood of, promoting or causing public disorder, posing or becoming a threat to the security of the nation."

Two owners of major television stations, one severely critical of government and the other of opposition political parties, resisted signing the code. They eventually signed after peer pressure from their media colleagues and full endorsement of the code by civil society and the business sector. Eventually all media house owners and directors signed. This contributed to the media playing a significantly improved role in dissuading electoral violence and ethnic-based confrontation.

The GECOM established a Media Monitoring Unit (MMU), supported by a Media Adviser provided by the Commonwealth Secretariat. Seventeen Guyanese were recruited to the MMU; in the eight months leading up to the August 2006 elections, the unit analyzed the political content of broadcast news and current affairs programs and of the main daily papers. The MMU published weekly, unchallenged assessments of the balance and discouragement of violence achieved by each media house. After some initial support and training, the MMU reports were prepared almost in their entirety by the local professional staff.

In contrast to previous elections, no violent incident was blamed on the media. Many, including the Elections Commission, the parties, the international community and both

## PERSPECTIVE 5. (cont'd)

internal and external observers, came to the conclusion that the Commonwealth's media project contributed substantially to the peaceful outcome. While not perfect, there was a welcome and unexpected step towards democratic journalism.

The role of UNDP and the international donor community was critical to the peaceful elections process. They endorsed local peace

initiatives, such as the media code of conduct, the Independent Refereeing Panel and the Media Monitoring Unit, and supported them with flexible, prompt financial arrangements. They engaged in low-profile lobbying with state and private media owners to remain faithful to their commitments in the media code of conduct.

### 4.3 Facilitating constitutional and legal framework reform

What types of programs help address the fundamental constitutional and legal framework in which electoral processes are held? Assistance at the level of the design and implementation of a constitutional or legal framework is an important structural approach to conflict prevention. Already, considerable attention is paid to the overall issue of constitution-making for democracy building and for conflict mitigation. Strategic assistance at this level is critically important because the right choices made at the right moment may be absolutely critical in the subsequent conduct of an electoral process; on the other hand, poor or inappropriate choices can lead to substantial problems in future (Large and Sisk 2006).

Among the key considerations in this area are:

- in the most divided societies, negotiating pre-election pacts that, for example, may assure minority representation and veto over special matters to the community or that provide for guaranteed representation through quotas of specific identity or disadvantaged groups. Such measures are often found in immediate post-war societies (as in Burundi,

for example, which assures a 60/40 Hutu/Tutsi representation in many institutions of government);

- reviewing and further developing codes of conduct and specific legal requirements regarding the conduct of elections, such as restrictions on firearms near voting stations or legal measures aimed at preventing the formation of political-party militias;
- reviewing and revising political party registration requirements that may contribute to conflict mitigation (Reilly 2006);
- working with legislatures and political parties on legal frameworks that respond to international electoral standards;<sup>60</sup> and
- assisting electoral system or election law reform processes and providing specialists on electoral system design in efforts to encourage the adoption of systems that foster i) inclusive outcomes, ii) simplicity in design, iii) proportionality of representation, and iv) avoidance of systems that lead to 'minimum winning coalitions' that may encourage extremism.

<sup>60</sup> For a complete guide to these activities, see *International Electoral Standards: Guidelines for Reviewing the Legal Framework of Elections*, Stockholm: International IDEA: 2002.

## 4.4 Working with the electoral management body

Assistance for electoral administration is a critical component of electoral conflict-mitigation efforts.<sup>61</sup> Research experience has shown that the structure, balance, composition, and professionalism of the electoral management body (for example, an electoral commission) is a key component in successful electoral processes that generate legitimate, accepted outcomes. (Pastor 1999; Lopez-Pintor 2000, Wall et al 2006). The key components of a legitimate electoral process are that it is free and fair in both political and administrative terms, that it is inclusive of all elements of society through a well-considered law of citizenship and of voter registration, and that it offers meaningful choices to the population (Pastor 1999).

Substantial literature is available on most aspects of electoral assistance, including a variety of issues pertaining to EMBs.<sup>62</sup> Understanding the dynamics of power, influence, the quest for professionalism and independence, as well as the contextual pressures on the EMBs, is crucial. Frustrated or unrealistic expectations cause mistrust and a possible breakdown of trust and collaboration.

The following questions point to the kind of issues that should be part of an open dialogue process between the EMB and all the other stakeholders:

- From the EMB's perspective, what are the key elements of constructive electoral assistance from outside (donors, international NGOs, the UN, etc.) that will help the EMB in its planning and execution of elections?

- From the UN's perspective, what are the key lessons from past experiences insofar as interaction with and support of EMBs are concerned?
- What are the dilemmas and challenges that both EMBs and the UN/outside helpers have to overcome/work with?
- From the perspective of the electorate, what is expected of the UN/donors in terms of its interaction with EMBs?
- From the perspective of political parties, what advice would they give the UN/donors in its dealings with EMBs?
- In general, what are the underlying socio-economical and political dynamics in the society that could undermine the integrity of the elections or trigger violence during the time of national stress?

Capacities to monitor compliance with international professional best practices, legal requirements, and to deter fraud and intimidation are essential. Likewise, the capacity for electoral dispute resolution is also a key component of effective electoral administration.

Boundary delimitation processes may also be especially prone to inducing violence, and consensus-oriented or carefully arbitrated or adjudicated approaches are required to prevent violence emerging in this highly charged and politically sensitive task.

When proclaiming results, EMBs may adopt policies to limit the effects of some information on conflict escalation tendencies; for example, an EMB may decide to withhold the results of specific outcomes in a given community or ward to prevent clear knowledge of how that

<sup>61</sup> For comprehensive information on electoral administration, see the website of ACE: The Electoral Knowledge Network at [www.aceproject.org](http://www.aceproject.org).

<sup>62</sup> See for example, the European Commission publication 'Methodological Guide on Effective Electoral Assistance', October 2006; online in PDF format: [http://ec.europa.eu/europeaid/where/worldwide/electoral-support/documents/election-assistance-methodological-guide\\_en.pdf](http://ec.europa.eu/europeaid/where/worldwide/electoral-support/documents/election-assistance-methodological-guide_en.pdf). Also see UNDP's 'Electoral Assistance Implementation Guide (2007)'; online in PDF format: <http://aceproject.org/ero-en/topics/electoral-assistance/UNDP%20Electoral%20Assistance%20Implementation%20Guide%20%282007%29.pdf>.

community or set of individuals may have voted. Such measures relate to the critical importance of protecting the secrecy of balloting as a method of minimizing the effects of voter intimidation. In general, however, full transparency of the tabulation is an important principle and best practice of sound election administration, and is necessary to ensure public confidence in

the outcome. Any limitations on transparency of the results should therefore be strictly limited to situations in which the release of specific results would present a clear threat to the security of voters. Otherwise, the absence of transparency in tabulation can itself lead to suspicions of manipulation that could provoke violence.

#### BOX 10

#### ELECTORAL ADMINISTRATION AND CONFLICT PREVENTION: KEY QUESTIONS

Some questions that routinely arise and that are essential in assuring the fairness necessary for electoral processes to be conflict-mitigating include the following.

- Is the electoral management body balanced along a wide range of social variables, such as political party affiliation (in situations where EMB are not solely independent experts), gender, ethnicity, race, religion, and geography? Is the body free from political control or undue interference?
- Are political party registration criteria reasonable and transparent? Is political party funding a level playing field? Are political parties able to canvass all possible voters, or are there 'no-go' zones?
- Are parties and candidates able to campaign freely, on an equal basis and without harassment or fear of intimidation?
- Is media access guaranteed to all parties, and is the media independent and free from pressure or intimidation? Do journalists abide by the highest professional standards?
- Are citizenship laws fair and fairly applied? Are some important social segments, such as internally displaced persons or those outside the country, denied representation because they are not legally defined as citizens or because they cannot physically access the opportunity to vote?
- How appropriate is ballot design for the society, and does ballot design contribute to ease of voting and the limitation of misunderstandings and 'wasted votes'?
- Is balloting carried out in secrecy, where voters are free from influence, intimidation, or repercussions for their choices?
- Is the counting process professionally handled and transparent such that the process is verifiable throughout, down to the last ballot cast?
- Are electoral disputes handled in a professional and legal manner? Are those elected installed into office?

## 4.5 Security sector engagement and election-related security

The role of security forces—primarily police, but in some instances regular or national-guard/gendarmerie military as well—is critical to free and fair elections. Security forces, in the best of times, have a complex mission with multiple objectives—securing of the electoral processes can include measures such as protecting voting places and officials; ensuring the safe, untampered delivery of ballots and boxes; and (ideally) protecting candidates and preventing intimidation of voters. Moreover, they must work carefully with other rule-of-law actors to include investigators and prosecutors as well as judges and other dispute resolvers. The key to effective security sector engagement is a focus on professionalism and standards, and clear rules of engagement for officers and other security personnel. Moreover, emphasis on the human rights aspect of professionalism is also critical.

In any electoral process, there are two principal risks regarding the security sector:

1. They will fail to do their job adequately because of scarcity of skills, training, resources, or other capacities; for example, police may use excessive force, or fail to act at all when violations occur.
2. They will not do their job because the security sector has been politicized: that is, police or military officers and rank-and-file fail to act in a neutral way (i.e., with their mandate to protect society and uphold constitutional law) because they act on behalf of incumbent governments or specific factions.

Recent experience is rife with examples of electoral processes that failed or were conflict-inducing when security-sector reform had been insufficient (e.g., Angola in 1992, Haiti in 2006), and those where extensive security-sector reform had progressed sufficiently to allow for reasonably free and fair elections (e.g., Liberia in 2005).

Commonly, security forces may have loyalties primarily to the incumbent government. Police and security forces have at times been given wide-ranging latitude to use force to secure ‘peaceful elections’ or to prevent disruption of the elections by protests. Then-President Pervez Musharraf declared in the run-up to the 18 February 2008 elections in Pakistan that he had ordered the military to open fire on those seeking to disrupt the elections. “Let me assure you that we are going to instruct the rangers and army to shoot miscreants during elections,” he was quoted as saying.<sup>63</sup> This example illustrates a core lesson learned emphasized in this Guide: the need for broader social engagement to resolve the underlying sources of social tension that give rise to election-related violence and the difference between conflict suppression (by preventing protests, or ‘voice’) and conflict prevention and management.

In order to achieve professional and neutral action by the security forces, the focus of engagement with them (often facilitated or conducted in partnership with the international community) is centred around training, restraint, public-order policing, dispute-resolution skills, and the specific provisions of electoral law (such as managing crowds or preventing campaigning at polling stations) or to ensure an orderly balloting process. The example of Nigeria in 2007 provides an insight into strategic development, conduct of training, and outcomes assessment (see Annex 7).

<sup>63</sup> Haider, Zeeshan, ‘Troops Told to Shoot Rioters Ahead of Polls’, Reuters, 15 January 2008. Reprinted online: [http://archive.gulfnews.com/indepth/pakistanelection/more\\_stories/10182125.html](http://archive.gulfnews.com/indepth/pakistanelection/more_stories/10182125.html).

## 4.6 Election monitoring or verification

Election monitoring refers to evaluations by internal and external neutral organizations on all aspects of the electoral process. Verification, meanwhile, is more extensive: it refers to instances in which organizations actually oversee and verify that the electoral management body has run the election fairly. The role of international observers has emerged in the 1990s and 2000s as an essential element in most transitional and post-war elections precisely because domestic observer capacities are weak. Extensive electoral observation in high-conflict elections is a necessary component if the results are to be accepted both internally and externally as the result of a process that is free and fair in both procedural and substantive terms. The presence of international observers can sometimes in itself deter violence or electoral fraud.

Most important has been the development of commonly accepted international standards for the observation of elections and a code of conduct for election observers. In October 2005, at the United Nations in New York, most of the major organizations involved in international electoral assistance (including the UN as well as regional organizations and international NGOs) adopted the Declaration of Principles for International Election Observation and Code of Conduct for Election Observers.<sup>64</sup>

The implications for election monitoring of a more conflict prevention-oriented approach include the following critical tasks:

- training monitors and those involved in verification missions to i) observe more effectively the indicators of likely electoral violence, ii) be able to issue accurate and timely warning, and iii) when appropriate, devise on-the-ground

strategies for mitigation (such as through mediation, problem solving, agreement writing, etc.);

- ensuring an additional deployment of election observers to particularly conflict-prone or potentially volatile areas;
- undertaking approaches such as parallel vote tabulation or other confidence-building measures to limit fraud and improve transparency and accountability of the election administration process;
- ensuring that local monitoring teams reflect the wide range of diversity within a given society and that they are professionally trained to intervene in conflicts that may occur in a given setting, such as a polling place or counting centre; and
- linking electoral observation efforts with security strategies, especially in the context of specific events that may be prone to experiencing violence (rallies, offices of the EMB, etc.).

## 4.7 Electoral dispute resolution

Judicial processes are often the most important formal method for resolving election-violence related disputes. Procedures for handling electoral disputes through impartial, efficient, and legally valid and widely accepted mechanisms are crucial even in the most advanced democracies. The timeliness of dispute resolution is an especially important factor in election cases, since a delayed judicial decision can be largely meaningless (for example, if a disqualified candidate is reinstated too late to campaign effectively). Accidents happen, mistakes are made, and trust is low: the institutions and procedures for dispute resolution need to be established and tested

<sup>64</sup> The Declaration can be found on a number of participating institutions' websites including this posting on the OSCE website, in PDF format: [www.osce.org/documents/odihr/2005/11/16968\\_en.pdf](http://www.osce.org/documents/odihr/2005/11/16968_en.pdf).

early in the electoral process so that by the time voting day arrives there is trust in the fairness of the mediation and arbitration process. Without such institutions and mechanisms for dispute resolution, parties may well turn to violent means to press their interests in an election dispute.

There is a burgeoning literature available on electoral dispute resolution that is of direct relevance to the users of this Guide, cataloguing a wide variety of processes, institutions, and case studies on the critical topic of electoral dispute resolution. Such processes generally distinguish between formal institutions, such as special election courts or judicial processes, and informal processes, such as dialogue series. It has become increasingly clear that effective conflict prevention is achieved through a holistic system of formal and informal processes. Some options include the following:

- Special election courts may offer clear and well-articulated processes for the lodging, investigation, adjudication of complaints of fraud, intimidation, or instances of violence. Their independence and autonomy are essential, particularly if the allegations are lodged against government officials, electoral management bodies, or security services.
- EMBs also require well-developed processes for monitoring, investigating, and responding to election violence. They should also develop broadly accepted processes for sensitive matters such as declaring void ballots or results in areas where election-related violence may have directly influenced results.

■ EMBs also need to have developed crisis management plans in the case of a serious or prolonged election dispute that directly threatens to escalate into catastrophic violence. Such plans often involve closely developing relationships with key protagonists such as the principal political parties and political leaders, as well as close ties with international observer missions, regional organizations, and professional networks.



# 5 CONCLUSION:

## Some Lessons Learned from UNDP Experience

auditability =  
legitimacy

# 5 CONCLUSION:

## Some Lessons Learned from UNDP Experience

What summary lessons have been learned from UNDP experience in programming and engagement to prevent the escalation of election-related conflict



The case studies in Annexes 2–8 offer some detailed examples of how UNDP has engaged in election-related conflict prevention in a variety of contexts. As a conclusion to the Guide, this section seeks to tease out some of the common lessons learned from the case studies as a way to augment the understandings presented in earlier chapters. The lessons learned presented here underscore and complement some of the general principles articulated in Section 3, and also present findings that are unique to the UNDP experience.

It is hoped that by articulating some of the lessons learned in these settings, UNDP professionals and network partners can borrow from and improve upon the work of those who have preceded them.

### 5.1 UNDP's unique role

UNDP plays a unique role in the network of partners providing electoral assistance. As part of the broader UN system, the organization is often seen as uniquely impartial in the field, and it is able especially to engage on equal terms with ruling regimes, opposition parties, and civil society organizations. In Bangladesh, for example, UNDP was tapped to conduct the sensitive work of preparing a fresh voter register precisely because of local perceptions of neutrality and

its ability to harmonize and coordinate donor contributions; in Sierra Leone, meanwhile, UNDP was especially well placed to allow for long-term predictability in donor support for electoral processes in efforts to limit the 'aid volatility' problem that is common in other contexts.

Long-term relationships and 'staying power' in the field are also unique qualities that characterize UNDP's elections-related initiatives. Because of a long-term country presence, UNDP is often able to build relationships of trust and professional linkages with key entities (such as an EMB) over time. If and when a crisis arises, these underlying relationships yield dividends in terms of trust and commitment by local partners.

Similarly, UNDP's ability to work closely with regional organizations has proven to be an important element in election assistance, particularly on questions of monitoring or verification missions. Finally, the critical role of UNDP leadership (including country officers and resident representatives) emerges as an important finding in several case studies; transferring capacity over time and encouraging courageous leadership within UNDP country offices was an important lesson in several of the cases, such as Guyana and Lesotho.

UNDP is also able work as a catalyst and coordinator of the contributions of bilateral donors and others involved in electoral assistance efforts. In several of the case studies, such as Bangladesh and Ghana, UNDP played a coordinating role by working with others as manager of a basket approach to external funding or in direct operational partnership with others, to include programs that link host governments and their constituent elements (such as the police or EMB) and organizations in international and local civil society.

One area of special comparative advantage stands out in several of the case studies, such as Nigeria and Sierra Leone: the ability of UNDP to engage with the security sector on the critical questions surrounding election-related security and professional impartiality of the police.

## 5.2 Entry points and sustainable programming

Technical assistance to electoral processes and activities such as training and education projects provide a strategic entry point for conflict prevention programming; such activities can involve direct efforts (as in Guyana) or indirect efforts (as in Nigeria). Because electoral assistance is often provided throughout the electoral cycle, this gives an opportunity to give operational practice to the idea of mainstreaming (see Section 3); as is suggested in the Kenya case, short-term crises often generate the need for long-term reforms.

Technical assistance is directly related to capacity development, particularly in the context of extending the reach of professional standards and best practices. This lesson resonates in several of the case studies and is a thread that is woven throughout many of the experiences of UNDP field professionals working with EMBs and civil society groups. In several of the cases, such as Guyana and Kenya, UNDP was seen as especially well suited to addressing professional standards and codes of conduct by the news media and in the arena of voter education. In

addition, UNDP's work with political parties in many of the case studies stands out as a particularly effective focus of effort with regard to conflict prevention.

Conducting programming that focuses on stakeholder consultations and inclusive dialogue processes has proven time and again to be an effective approach to conflict prevention programming. Indeed, virtually all of the case studies illustrate in a direct way the value of a dialogue-based approach to programming. While it is not in all cases easy or inevitable to involve all major stakeholders in such dialogues, the principle of inclusiveness recurs as an important lesson learned in these cases. Local ownership and leadership development seem to be the critical ingredients of successful dialogue processes, along with the importance of focusing the substance of the dialogue on general principles which all stakeholders can support.

While focusing on electoral cycles and key election events (e.g., voting, counting, proclamation), many of the case studies reveal the importance of revisiting the electoral system and constitutional and legal frameworks under which elections are held. In Ghana, for example, a lesson learned is the need to engage the stakeholders in dialogues with experts on the range of electoral system options available and the matching of these options to local conditions. Similarly, it was deemed important in Sierra Leone not just to focus on high-profile national elections that make the international press, but also on local or municipal elections that may garner less attention from outside but are critical to establishing processes and relationships among local stakeholders.

## 5.3 Minimizing risks, maximizing returns

There are clearly limits to what UNDP can achieve in volatile contexts. Even though a widespread and well-considered assessment of risks was conducted in Kenya, for example, and a program of preventive measures was put into place, the

violence that erupted after the December 2007 election results were announced unfolded too quickly and with too much ferocity for it to be fully prevented.

Likewise, even the best intentions and well-considered ideas, if pushed from outside, may meet stiff resistance from local stakeholders. In both Bangladesh and Kenya, a sensitive and 'light-touch' approach by the international community can be counselled, even though there is a risk that internal resistance will mean a less effective conflict prevention effort. Another clear risk is seen in programming that is designed or implemented 'late' in the electoral cycle, as was the case with training of police officials in Nigeria when the training took place late in the process and too close to the voting period.

Even when all due diligence is done to evaluate the context, strategically design programming, and put into place measures to pre-empt a turn to violence, preventive measures are not inevitably successful. It is never clear whether more preventive action would have been successful, or whether the preventive actions that were taken helped to prevent a bad situation from being even worse. The limits to understanding what could have been done—or done differently—to prevent a worse outcome are inherent in the challenge of conflict prevention when crises and violence erupt.

Similarly, because electoral conflict is related to longstanding and deep-rooted social tensions, preventive efforts are long-term processes that involve transformation of these root causes over time. This lesson counsels some degree of patience in working with local stakeholders and their relationships, and for the need for resources and strategic design that focuses on long-term, sustainable efforts over several electoral cycles. Just as an electoral event passes, it is never too early to begin working to begin the analysis, design, and programming in anticipation of the very next electoral process.

## 5.4 Overview of lessons learned from case studies

The case studies in Annexes 2–8 provide detailed information on both the political context and UNDP programming in a number of countries. The major lessons learned are listed below by country. In most cases the lessons learned should be considered applicable in numerous other contexts, depending on the specific circumstances.

### *Bangladesh*

- Building trust among the key players and parties in a society is a long-term investment that may require repeated efforts over many electoral cycles. Trust-building is an ongoing process that involves working with electoral management bodies as well as the aspirants to political office.
- An accurate, legitimate voter roll is an essential underlying element of a successful electoral process. Successfully developing and maintaining one can be aided by new technological innovations that allow for more accurate identification of voters and for database management of eligible individuals. Engaging all stakeholders in an extended and ongoing process of creating a voter roll that all parties find legitimate is an essential part of any approach.
- UNDP's engagement in electoral assistance over many electoral cycles can help build the kind of trust and rapport with government and other political actors that ensures that when a crisis emerges or a conflict occurs, the organization is well placed to serve as a technically capable, neutral interlocutor with the various parties.

### **Ghana**

- A strong focus should be placed on building an electoral system that is broadly supported; this should be a continuous process instead of one-stop, periodic election-year support. Comprehensive planning and timely implementation of planned activities, as well as appropriate ongoing monitoring and evaluation, are crucial ingredients of this strategy.
- A violence prevention strategy that seeks to engage all relevant stakeholders in an ongoing process of dialogue and joint problem-solving is effective. Key elements of such a strategy are: local ownership and leadership (as was provided by a well-respected national Advisory Group); skilled facilitation of dialogue processes (provided by UNDP staff and persons trained by UNDP); and an impartial, respectful and patient attitude towards all concerned.

### **Guyana**

The Guyana 2006 General Election process illustrates how peacebuilding initiatives conceived, led, coordinated, pursued and sustained by credible local stakeholders with support and facilitation by the international community converted what was almost universally expected to be an elections process fraught with violence into the most peaceful and universally endorsed electoral process in Guyana's 40 years of post-independence history. A key lesson learned is the following:

- While local stakeholders played the main roles both in the development and the implementation of the Code of Conduct, the donor group played a low-key but vital role along with the UNDP and UNICEF.

### **Kenya**

Domestic and international observers of the late 2007 elections found the electoral process to be generally free and credible, allowing citizens to peacefully and freely exercise their right to vote. They found the process of counting in polling

stations to be credible and fair, but observed that the tallying, transmission and announcement of the results (specifically the presidential results) were grievously flawed, throwing into doubt the credibility of the process overall. The innovative, creative and outstanding work done in the election assistance program was sadly overshadowed by the last moments of the process in the results tallying and announcement and its tragic aftermath. Key lessons learned from Kenya include the following:

- Any attempt to push local partners to undertake initiatives suggested by outsiders will often be met by resistance, reluctance and mistrust (e.g., the disregard of the Electoral Commission of Kenya for well-intended warnings about the tallying process). Empowering processes require high levels of mutual respect and trust, which only come about as a result of longer term, consistent support over a longer period.
- The role of a professional, objective, neutral and non-partisan media sector in an election cannot be overemphasized. Media capacity to professionally self-regulate the sector should be supported.
- There is continuing need to support local-level reconciliation and for building a more robust national conflict prevention architecture. Support should also be provided for interventions aimed at addressing regional inequalities and youth unemployment, including supporting relevant actions resulting from commitments made in the Kenya National Dialogue and Reconciliation (KNDR).

### **Lesotho**

- UNDP's contribution was focused both on building the technical capacity of the electoral system, and on facilitating consensus on fundamental political values and practices. The lesson that stands out in this case is that preventing electoral violence is as much about transforming the political culture as it is about enhancing electoral systems and practices.

- In Lesotho's case it was of critical importance to work with a core group of local 'champions', i.e., persons of high standing in civil society. The partnership with a core of respected religious leaders and social activists proved to be mutually beneficial. UNDP benefited from their advice, stature and expertise, while they benefited from operating under the auspices of the UN at times when there was need for an impartial platform.
- Engaging in this highly sensitive issue of political mediation needs not only circumspection, but the courage and willingness to push the envelope. Successive UNDP resident representatives, functioning as coordinators of the UN system's Operational Activities for Development, took responsibility for standing firm to negotiate an environment of tolerance that made discussions among various stakeholders possible.

### ***Nigeria***

UNDP managed the Joint Donor Basket Fund (JDBF) project, together with the INEC, the National Human Rights Commission, and the Police Service Commission, which was organized to provide training to district level police officials from throughout Nigeria. Some 1,600 district officers participated in the programme. Critical lessons learned include the following:

- the training is most effective if all institutions responsible for election security plan the training program jointly;
- the training is conducted sufficiently early to ensure effective step down trainings;
- the conduct of security forces during elections should be made part of basic police training and continuous education; and

- a police deployment plan (operational plans) should be finalized taking in to account the views of opposition political parties and also other critical stakeholders.

### ***Sierra Leone***

The 2007 presidential and parliamentary elections in Sierra Leone represented both a milestone and a giant leap forward in the consolidation of the peace process and of democracy in a country that is emerging from a decade-long civil war, protracted instability and unrest. The remarkably peaceful elections were the result of well-designed and -managed election and election support processes that saw all stakeholders make peaceful elections a major priority. The following are three notable lessons learned from the build up to and holding of presidential and parliamentary elections in 2007:

- the commitment exhibited by of UN system, particularly the resident coordinator and UNDP country director, was essential;
- the political commitment by the national government, political parties and civil society organizations (particularly national ones) was solid and persistent; and
- long-term institutional capacity-building or strengthening is critical for the success of future development of internal, national abilities to manage potential conflict.



# ANNEXES

your voice  
counts

# ANNEX 1.

## Lessons Learned Questionnaire for UNDP Country Teams

This section provides the case study protocol developed for this project. The protocol may be a useful template for subsequent evaluation of lessons learned in the work of UNDP.

### Introduction

- Brief overview to include principal findings, nature/approach of UNDP programming, and principal insights from the case study; implications for future programming in this case

### 1. Context and principal actors

Provides a brief introduction to the context of the country in which the electoral process is conducted and some of the specific detail about the process. The following are among the key issues covered:

- context of democracy or democratization;
- context of incumbent and opposition;
- role of the international community in the transitional or electoral process;
- nature of the electoral process (e.g., presidential, parliamentary, local, referendums, etc.); and
- key electoral process details, including an overview of the electoral system, nature of the EMB, administrative issues or concerns, timeline, and outcome (information may be presented in a brief table or summary such as bulleted list).

### 2. Conflict analysis: Focal points of conflict

- What are the putative root causes of conflict in this case? For example, what were the principal social tensions or party-political tensions? What issues were contested that gave rise to destructive conflict or violence? To what extent was the electoral process itself seen as widely legitimate?
- How did electoral mobilization affect the propensity or nature of conflict, and what were the escalatory or incident dynamics in this case? What were the salient conflict issues and who were the principal actors?
- How did conflict evolve or change over the course of the electoral process?

### 3. UNDP's engagement and programming

- **Entry.** What was the rationale or context for UNDP's initial engagement in electoral assistance programming in this case? What attributes—legitimacy, partnering ability, neutrality—made UNDP's entry feasible and desirable? In sum, what conditions in this country made conditions right for UNDP to be engaged, and why? Were there preconditions to entry?

- **Pre-engagement preparation/points of engagement.** On what basis and in what way did UNDP staff determine the best way to engage in the electoral process or in ways designed to address the challenge of election-related tensions? Was an assessment or consultative process conducted, and, if so, how was this carried out? Did the electoral assistance component build on an existing UNDP program or project and expand, or were new programs or project put into place? What was the most useful approach to finding the entry points (e.g., working with women in parliament, civic education, engaging with the EMB, leadership training, working with the media), and what preparatory work went into developing specific programming?
- **Project, programs, processes.** How did UNDP go about creating projects, programs, or processes to address election-related tensions? What were the design elements? How did projects or programs relate one to another? To what extent did UNDP work more-or-less alone or in specific partnerships with other entities? How did UNDP work with other UN, regional, or transnational civil society organizations? How were the projects or programs sustained over time—for example, across more than one electoral cycle or throughout an entire single electoral cycle? [Please provide some specific examples of programming.]
- **Cost and administrative considerations.** How much financial and how many human resources did various types of programming require? What were the implications of the level of resources available and how did this affect the quality or success of the programming?

**4. Lessons learned/reflective summary**

- **Challenges and opportunities.** What were the principal challenges for UNDP programming in this case? What were the principal opportunities for UNDP programming? How were the challenges met or opportunities realized?
- What was achieved in this case with regard to conflict mitigation? What were the factors that made UNDP programming successful (or not)?
- What were the innovations from this case that could be useful for UNDP programming elsewhere? If there is one essential insight, innovation, or experience from this case for broader UNDP work, what would it be?
- What are the implications of the UNDP experience in this instance, for this case in the future, for the region, or for further engagement by the UN in electoral conflict mitigation?

# ANNEX 2.

## Case Study: Bangladesh

*Timothy Sisk*

**Josef Korbel School of International Studies,  
University of Denver (USA)**

Bangladesh's history of intense, protracted, and deeply bitter competition between the two main political parties—the Awami League and the Bangladesh National Party (BNP)—since shortly after the country's independence in 1971 has produced a deep distrust in democracy and electoral processes. From 1991 to 2006, the two parties led alternating five-year governments that in turn suppressed opposition and led to widespread protests and extra-institutional political action, including use of terror tactics (Stiglitz 2007).

Legacies of political violence, martial law, and election-related conflict bedevil efforts to consolidate democracy in the country and to peacefully manage social conflict through electoral competition. Moreover, the parliamentary system in Bangladesh has set up an essentially winner-take-all character to electoral processes—it is a plurality-rule, single-member constituency electoral system with 300 elected members. Together with very highly organized political parties, this means that political leaders, especially the prime minister, are extremely powerful figures. Consequently, political competition is extremely high stakes with few checks on the power of the ruling party.

This case study evaluates the linkages between election administration and conflict prevention in Bangladesh and highlights the role of UNDP in helping to create an accepted voter roll with photographs on which to base elections.

The project unfolded following the deferral of elections in January 2007 while the work on improving election administration continued.

### 1. Context

In 1996 and 2001, parliamentary polls were accompanied by high levels of election-related violence, reinforcing the mutual and long-standing mistrust between political parties and the deeply disputed nature of elections (and another major issue in Bangladesh, corruption). The politicization of electoral management had, in the past, further undermined confidence in the Bangladesh Election Commission (BEC) to independently and professionally conduct elections and to arbitrate the tensions between the two major political parties.

Bangladesh has also seen a form of political transition whereby caretaker governments assume power during election contests to provide an impartial environment and a level playing field for the elections, and thus to facilitate the transition of power from one elected government to the next (usually with a 90-day mandate). The constitution specifies that the most recently retired chief justice should lead the caretaker administration as the chief adviser. In 2006, the opposition party refused to accept the appointment of the most recently retired chief justice, K.M. Hasan, and the next four constitutional options were either unavailable or rejected by one of the parties.

President Iajuddin Ahmed then exercised the constitutional option to appoint himself as the chief adviser in October 2006. This decision was highly controversial because the administration under his presidency was perceived as favouring the most recent ruling party, the BNP. The opposition's challenge to this decision induced a political crisis. In November 2006, a coalition of 14 political parties, led by the Awami League, campaigned for the removal of the controversial chief election commissioner of the BEC, M.A. Aziz, who was appointed by the president.

The Awami League-led coalition alleged that the BEC under Aziz and the other commissioners would be unable to conduct a free and fair parliamentary election—slated for January 2007—and made its participation in the poll contingent on satisfactory meeting of a set of demands around electoral administration reforms. Principal among the demands were the reconstitution of the BEC, along with cleaning up the allegedly corrupt public administration, depoliticizing the police, ceasing the harassment of opposition politicians, and developing new voter lists with photographs in place of the then existing voter lists.

In the months following the dissolution of parliament, tensions and violence escalated as demands mounted for Aziz's ouster and for reform of the BEC. In reaction to the threatened boycott and heightened tensions, as well as the prospect of substantially increased violence, a state of emergency was imposed by the interim administration. Following the Proclamation of Emergency a more widely acceptable chief adviser, Dr. Fakhruddin Ahmed, was appointed. He initiated a re-shuffling of many key posts, including the appointment of a new chief election commissioner and two other election commissioners who were widely respected and perceived as neutral.

Tensions over the voter lists go back to the disputed polls of 1996, prior to which the chief election commissioner at the time moved (per

tradition) to create new voter lists for the poll. The party in opposition took exception to that step and challenged the move in court, arguing that the voter rolls should be updated rather than created anew for each election. The High Court sided with the opposition, and one result of this bitter legal challenge was the deepening of conflict between the two parties over the voter lists. In October 2006, the heightening tensions surrounding the accuracy of the voter lists contributed further to the discord regarding electoral administration and the assumption that election commissioners would be unable to manage the poll impartially.

Among the concerns were the manipulation of voter enumeration, including the existence of an estimated 14 million 'ghost voters', and a lack of accountability over the processes of review and revision of the list. The Washington, D.C.-based National Democratic Institute (NDI) conducted an assessment of the voter lists in 2006 and found that there were significant and widespread problems with the list; 6 percent of the names included were erroneous and 7 percent were duplicate names of voters who registered in more than one location. Issues with inaccuracy of the voter lists were further complicated through the lack of election-day controls to accurately identify and verify voters against the names on the voter lists. Thus, the **perception** of the public was that it would be impossible to hold a free and fair poll without the creation of new voter lists which would also carry the photographs of the voter, to ensure accurate identification on Election Day.

The reformed interim administration postponed the elections in part to allow for the creation of a fully transparent and authentic voter lists including photographs, with a view toward holding elections with the new list by the end of 2008. (The poll did in fact take place, in December 2008, and was largely considered free and fair. Election-related violence was relatively minimal.)

## 2. UNDP's facilitation of Preparation of Electoral Roll with Photographs (PERP) project

UNDP has been involved in providing assistance to the Bangladesh Election Commission since 1997, and over this decade the agency has emerged as the lead provider of technical and comparative experience to the BEC. In turn, this has allowed UNDP to develop a rapport with the BEC Secretariat through measures such as the Building Resources in Democracy, Government and Elections (BRIDGE) training program and computerization of the election system. Other related areas of governance assistance in Bangladesh have been UNDP's involvement in a police reform program, an initiative focusing on a broader set of policing issues and not solely on election-related security, and an ongoing UNDP parliamentary strengthening project.

As a result of these programs, there was considerable experience and relationship-building between UNDP and the BEC on a wide range of issues, particularly in the context of the overall Support to the Electoral Process (the ongoing UNDP program for electoral assistance in Bangladesh). Following the leadership shake-up in the Election Commission in early 2007, UNDP's long-term relationship in providing assistance gave it a certain comparative advantage when the government decided to initiate a project to establish a photographic voter register with assistance from international development partners. Due to the trust that was developed over 10 years, as well as UNDP's perceived neutrality and professionalism, the BEC Secretariat and the newly appointed election commissioners viewed UNDP as a natural partner for the Preparation of Electoral Roll with Photographs (PERP) project.

UNDP was also able to serve as an umbrella or 'basket' function for a number of bilateral donors. The PERP project comprised a project budget of

over US\$84 million with support stemming from the Bangladesh Government and approximately US\$50 million from a total of nine aid agencies.

The project was implemented using a solution that electronically captured voter information, along with a digital photograph, fingerprint and signature. A benefit of the biometric elements of the enumeration effort was the ability to use the data for crosschecking and removing duplicating registrations, as well as being useful for the eventual creation of a national identification card. Pilot efforts tested the approach and allowed for a countrywide, door-to-door enumeration and registration centre process to unfold. The successful completion of this process required fast tackling of some challenges and designing innovative responses, such as the use of local mosques to educate women about the importance of registering and the acceptability of taking their photograph.

Other challenges included reaching minority, rural, and other marginalized populations, as well as the matching of internally migrating individuals to particular constituencies.<sup>65</sup> The project, which was implemented under the supervision of the BEC, was carried out to a large extent with assistance from the Bangladesh Army for technical and logistical support. The Bangladesh Army's extensive experience in UN peacekeeping operations made it well-suited to take on some of the considerable logistical and organizational tasks involved.

The PERP project aimed at several specific results to improve the credibility of the election process in Bangladesh, thus contributing to the easing of tensions and the prevention of election-related violence. Among these were i) the creation of a credible national electoral roll with photographs; ii) the development of central and country-wide technology infrastructure for updating the photo voter lists; and iii) the development of local capacities and skills to maintain

<sup>65</sup> Bangladesh does not have external voting for migrants outside the country.

and update the national list thereafter. UNDP also provided ongoing technical assistance to the BEC in a number of areas, including skill development, boundary delimitation, establishing a nationwide candidate declaration system, creation of a nomination and results system, and completion of an organizational assessment to improve institutional effectiveness and to ensure sustainability of electoral and institutional reforms. The new photographic voter lists worked well on election day in December 2008, which was largely peaceful, in contrast to many previous election days in Bangladesh.

### **3. UNDP's involvement in the Translucent Ballot Boxes project**

UNDP's involvement in the Translucent Ballot Boxes project was also largely induced by the professionalism shown by UNDP in the coordination and management of the PERP project, as well as its long standing relationship with the BEC.

Following demands from the political parties, the BEC decided to use translucent ballot boxes in the 2008 parliamentary elections. They replaced the previously used steel ballot boxes.

Owing largely to its success with the procurement process of the PERP project, UNDP was then requested by the BEC to channel funds received from the Canadian Government and procure the 240,000 translucent ballot boxes required for the 2008 parliamentary elections. The initiative was also a step forward in building people's trust in the electoral management system and preventing election-related violence.

### **4. Lessons learned**

UNDP's investment in building long-term relationships of trust in the country, both with the BEC and the donor community, enabled it to be a key player in sensitive initiatives such as the photo voter lists project. Its decade-long program of election assistance meant that when the BEC decided to complete a new voter list with photographs, rapid action to design the project and sign agreements with the host country and with donors was possible for UNDP. This relatively quick ability to put such a complicated project in place was critical in helping to facilitate the political transition in Bangladesh.

Jessica Murray of UNDP Bangladesh noted the following in December 2007: "UNDP's methodology for nationally implemented projects is well suited for initiatives like this, which have to be fully owned and implemented by the government. UNDP was able to meet the needs of the government rapidly at a very sensitive time. Developing relationships with the Election Commission well before an urgent need appears is an important lessons learned."<sup>66</sup>

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<sup>66</sup> Interview with the author (Timothy Sisk), 12 December 2007.

# ANNEX 3.

## Case Study: Ghana

*Andries Odendaal*

**Independent Conflict Transformation Specialist**

Ghana's Fourth Republic has shown encouraging progress regarding the entrenchment of multi-party democracy and electoral efficiency. UNDP has been a consistent partner in enhancing this process both by its technical and logistical support to the electoral system and by its innovative project to address a specific problem that had the potential to derail elections.

### 1. Context

Relative to most other African countries, Ghana has a long history of elections. Prior to its independence from British colonial rule in 1957, Ghanaians had experienced three general elections, in 1951, 1954 and 1956. However, the period from 1957–1992 was one of political instability where elected governments were regularly replaced by military regimes. During that time, three multi-party elections were conducted (in 1960, 1969 and 1979) and three referendums were held (1964, 1978 and 1992). The referendum of 1992 adopted the constitution that founded the Fourth Republic of Ghana.

The Fourth Republic has been characterized by growing stability and political maturity. The presidential elections of 1992 were declared 'free and fair' by Commonwealth observers; however, voter turnout was just 48 percent and the opposition claimed the poll was faulty, an allegation that prompted it to boycott subsequent parliamentary elections. Some electoral reforms subsequently took place in preparation for the 1996 elections. This event, funded with US\$23 million in foreign aid, saw the incumbent, President Jerry Rawlings, returned to office.

Again the opposition alleged unfair practices, though the general sense amongst observers was that it was technically well run and 'free and fair'.

The elections of 2000 strengthened an emerging alternative trend in African politics, following Senegal and Mauritius, with opposition parties winning the election and the ruling party accepting the verdict. Ghana was widely congratulated for this achievement. The 2004 poll further consolidated the trend of well-run and credible elections, with a closely contested campaign, an 84 percent voter turn-out and a relatively problem-free election process. A further encouraging sign of voter maturity was the decline in regional loyalties.

Although numerous political parties have contested elections, the tendency that is common where a first-past-the-post model is followed—namely, dominance by two major parties—is also seen in Ghana. The current ruling party, the New Patriotic Party (NPP), and the National Democratic Congress (NDC), which ruled during the first two terms of the Fourth Republic, are the major contenders for power.

### 2. Electoral system

The electoral system of Ghana has the following characteristics:

- Parliamentary democracy constituted by a president who is head of state and government, and a unicameral parliament.
- President elected by a single national constituency.

- Parliament elected on the basis of a single member constituency, first-past-the-post system. The parliament currently has 230 seats.
- Presidential and legislative elections take place every four years.
- The Electoral Commission is a seven-member statutory body with constitutionally guaranteed independence. Members are appointed by the president after consultation with the Council of State, a 25-member body of respected figures and former officials charged with advising the president on appointments and other matters. The chairman serves under the same conditions as a justice of the Court of Appeal and the two deputy chairmen serve under the same conditions as a justice of the High Court—which means that they serve until retirement at ages 70 and 65 years, respectively. This provision means that they enjoy tenure, which guards the independence of the commission.
- While donor support for the elections is welcomed, the government accepts full financial responsibility for the elections and determines spending priorities.
- Civil society plays an active role, i.e., deploying observers across the country before and during elections.

### 3. Challenges

The progress made in Ghana should be considered in view of a number of challenges that need to be responded to in order to strengthen Ghana's democracy. Among them are the following:

- **The legacy of authoritarian rule and the search for security.** The memory of authoritarian rule (1981–1991) has generated a political culture anchored on the need for stability, national cohesion and deepening democracy. The journey to national stability requires efforts towards a more inclusive society—most notably in terms of region, gender,

youth—and in addressing violent conflicts such as the lingering chieftaincy conflicts in Dagbon and other emerging ones which tend to feed into the political divide.

- **Community mobilization and development.** Ghana has made important strides towards achieving the Millennium Development Goals (MDGs), reducing the percentage of the extreme poor by half. However, poverty and unemployment remain relatively high, and such conditions are often destabilizing in all societies, democratic or not. Community mobilization and development will have to expand especially in the poorest regions of the country to transform the powerful energies of their youth to positive development ends.
- **Corruption.** Perceptions of corruption were one of the major sources of instability in Ghana and were advanced in some quarters as part of the justification for all its coups d'état. The government has enacted a host of legislation, including adopting the AU Convention on Corruption. Official commitment to rooting out corruption will need to be continuously supported.
- **Local level instability.** Several community-level violent conflicts have demonstrated their capacity to affect national stability.
- **Consolidating the transition to democracy.** The 2000 general elections marked a watershed in Ghanaian politics following a peaceful handover of power. The 2008 general elections were another important milestone for Ghana. President John Kufuor had completed eight years in office and was ineligible for re-election. The successful management of the transition was crucial to consolidating the important gains that Ghana has made as a thriving democracy in Africa.

#### 4. UNDP's engagement and programming

UNDP has largely followed a two-pronged approach regarding the prevention of electoral violence. Firstly, it focused on enhancing the overall efficiency of the electoral system. Activities in this respect included:

- **A strong partnership with the Electoral Commission (EC)** aimed at building the capacity of the EC. The support included the training of EC staff in electoral management and the use of information technology, and provision of technical advice and logistics. This support was substantial and focused on enhancing the overall efficiency of the EC. The EC has achieved a strong reputation in the region for relative efficiency, professionalism and conflict-resolution capacity. Its strategy of working with political parties in defusing potential flash points has been highly commended by international observers.
- **Facilitating dialogue between the relevant national institutions** such as the judiciary, the Electoral Commission and the Office of the Attorney General to reach a consensus on how to deal with election-related petitions, and to support the EC to strengthen its processes for vote tabulation and publication of results.
- **Enhancing popular participation in elections**, especially of women and disadvantaged groups, and the publication of a booklet on electoral processes. In particular, UNDP supported the National Commission for Civic Education to produce and disseminate a civic education manual on the elections, and several civil society organizations used this manual in their civic education efforts.
- **Providing support for the development of national capacity to observe the elections** and to effectively coordinate the participation of international observers.
- **Promoting dialogue and peer review within the media** to strengthen professionalism within the industry. This involved facilitating i) capacity-building training for regional networks of journalists, ii) the review and updating of guidelines for political reporting, iii) the issuance of guidelines on equitable coverage of the political parties by the state owned radio and television stations, iv) the development of a policy framework on the limits to the invasion of personal privacy of public office holders, and v) the development of guidelines on local language broadcasting.
- **Capacity-building support to the police** to maintain law and order in the form of training on human rights issues.

Secondly, UNDP launched its **Peace and Governance Project** in September 2004 after the murder of the Ya Naa in Dagbon. In partnership with the Ministry of the Interior and informed by a well-respected national Advisory Group, the project initially focused on reducing the possibility of violence in the north during the December 2004 elections. The rationale for the project was that the situation in the north was seen as serious and a potential threat to peaceful elections. Its initial strategy was to engage a broad range of local stakeholders in dialogue on the issues of violence prevention and peacebuilding.

This initiative was widely credited for its contribution to a largely violence-free election in the north in 2004. Following the elections, the project continued to facilitate negotiations between the various factions, leading to the signing of a road map to peace in March 2006 and the attainment of critical milestones in the peace process. A Final Report and Implementation Plan for resolving the issues in the conflict was produced by the Committee of Eminent Kings charged by the government with the resolution of the conflict.

The UNDP project also focused on working with the Ministry of the Interior in the development and implementation of a national framework for peacebuilding in Ghana called **The National Architecture for Peace**. The broad objective was to institutionalize processes of conflict resolution by engaging all the relevant stakeholders in cooperative problem-solving. The strategy included the institution of a National Peace Council (NPC) as well as Regional and District Peace Advisory Councils, which have the mandate to promote peace and facilitate conflict resolution by working with all stakeholders.

The NPC was very active in mediating a number of potential conflicts at the national level in 2008. Regional Peace Advisory Councils were established and operated in seven of the ten regions with full-time peace promotion officers who provided mediation and analytical support services to the regional governments, communities and groups in conflict. This process was complemented by other initiatives facilitated by UNDP to support national actors in building capacity to manage election-related petitions; deepen national discourse to focus on issues around the elections; expand civil society participation in the electoral process; coordinate development partners' support to the elections; and strengthen media monitoring and capacity-building in elections and conflict reporting.

The two-pronged approach of UNDP, therefore, focused on promoting an efficient electoral system on the one hand, while on the other hand engaging with specific serious conflicts that had the potential to derail the elections. As an outcome of the latter approach, Ghanaian society is developing a fairly unique system of institutionalizing social and political conflict resolution.

The two rounds of elections on 7 and 28 December 2008 were largely calm and peaceful, despite some inflammatory language by candidates. The elections were assessed positively by domestic and international observers.

## 5. Lessons learned

- The focus should be on building an effective electoral system, which should be a continuous process instead of one-stop, periodic election-year support. Comprehensive planning and timely implementation of planned activities, as well as appropriate ongoing monitoring and evaluation, are crucial ingredients of this strategy.
- The involvement of key stakeholders, especially political party representatives, in making key decisions relating to elections contributes significantly to conflict prevention and management.
- While the primary focus has been and should be on building an effective electoral system, attention also should be given to addressing specific issues that have the potential to spur or sustain conflict and violence.
- The violence prevention strategy that sought to engage all relevant stakeholders in an ongoing process of dialogue and joint problem-solving was effective. Some of the critical ingredients of this approach were local ownership and leadership (as was provided by the Advisory Group); skilled facilitation of dialogue processes (provided by UNDP staff and persons trained by UNDP); and an impartial, respectful and patient attitude towards all concerned.
- Promotion of a political culture of dialogue and joint problem-solving is a key ingredient of deepening democracy and therefore of peaceful elections.

# ANNEX 4.

## Case Study: Guyana

*Mike James*

**Former Programme Manager of UNDP's  
Election Program Unit, Guyana**

The Guyana 2006 general election process offers several examples of how peacebuilding initiatives conceived, led, coordinated, pursued and sustained by credible local stakeholders with support and facilitation by the international community converted what was almost universally expected to be an elections process fraught with violence into the most peaceful and universally endorsed electoral process in Guyana's 40 years of post-independence history.

Since 1955, politics in Guyana have been dominated by ethnicity, with the ruling People's Progress Party Civic (PPPC) drawing most of its support from Guyanese descendants of indentured workers from India (43 percent of the population) while the main opposition People's National Congress Reform (PNCR) is backed by the majority of the population of African origin (28 percent).

### 1. Code of Conduct and Peace Pact

The Guyana Elections Commission (GECOM) comprises three nominees from the ruling party, three from the political opposition, and a chairman agreed on by both the president of Guyana and the leader of the opposition. GECOM had sponsored two previous attempts to have political parties endorse and implement voluntary codes of conduct for contesting general elections in 1997 and 2001.

Parties signed the 1997 code but almost immediately began flagrantly flouting it with slanderous political platform attacks on opposing candidates and inciting supporters to racial violence. Incompetent ballot tabulation and

documentation by polling officials and a two-week delay in the official announcement of victory by the ruling political party contributed to massive opposition demonstrations in the capital city, Georgetown. Widespread arson, looting, and several shooting deaths followed—all contributing to a governance crisis which required mediation by the Caribbean Community of Nations (CARICOM). For the 2001 elections, political parties were so polarized that none signed the draft code of conduct. The main opposition party again rejected the election results and the pattern of violent post-election street demonstrations resumed.

In 2006, the Inter-Religious Organization (IRO), which includes representatives of the three main religious faiths in Guyana—Christian (50 percent), Hindu (38 percent) and Islam (8 percent)—took the initiative to lobby and work for a peaceful electoral process. The IRO sponsored and led the process of encouraging political parties to commit to an elections code of conduct. Key to its success is the fact that such a joint religious initiative appeals to the population across the political/racial divisions that fuel election-related violence in Guyana.

The IRO identified as facilitator of the process the head of the Faculty of Social Sciences at the University of Guyana, an academic widely respected as a sensitive and objective local expert on issues of race and politics in Guyana. The facilitator met with all the major political parties to brief them and receive suggestions at the beginning of the process. The draft code of conduct was developed in close dialogue with the membership of the IRO and the Elections Commission and submitted to all contesting parties for review.

The IRO also mobilized public support and demands for a peaceful elections process, including public marches for peace and a button-wearing campaign with the word 'Peace' in English, Hindi, Arabic and a local indigenous language. It also organized a public campaign for the signing of a Peace Code.

The formal signing of the Political Party Elections Code of Conduct took place on the grounds of the National Assembly on the day the parliament was prorogued prior to the elections. The main invitees were representatives of all political parties contesting the elections and school children. Representatives of all the major faiths, the Elections Commission, and all the major donor governments and development agencies, including UN agencies, witnessed the ceremony. A highlight of the ceremony was the voices of children, invisible to the audience, reading out short messages they had composed themselves on what they expected for their future from political leaders.

However, on the day of the signing the main opposition political party informed the IRO that it would not be signing the Code of Conduct. The party's general secretary arrived at the end of the ceremony to explain to the IRO, representatives of donor governments and the gathered press why the party would not sign. It wanted the Code of Conduct to include an additional clause that would commit all signatories to one of the opposition party's main objectives: that the elections not be held without house-to-house verification of all persons on the voter lists from the previous 2001 elections. During the ceremony, opposition demonstrators attempted to draw attention to their concerns with chants of 'No verification, no peace'. While the facilitator and IRO were subsequently unable to convince the opposition party to formally endorse the Code of Conduct, the party, in contrast to previous campaigns, generally fully observed the spirit and letter of the Code of Conduct.

## 2. Lessons learned

While local stakeholders played the main roles both in the development and the implementation of the Code of Conduct, the donor group—the USA, Britain, Canada and the European Union (the so-called ABCE countries), which signed a memorandum of understanding (MoU) in support of the elections process jointly with the Government of Guyana and GECOM—played a low-key but vital role along with UNDP (the facilitator of donor support) and UNICEF.

The donor group, which held weekly meetings under UNDP chairmanship in support of the process, met several times with representatives of the IRO to be briefed on the progress of the Code of Conduct and Peace Pact and to exchange ideas. The donors provided the main financial support for the IRO peacebuilding initiatives through the UNDP-administered Election Project Management Unit. UNICEF facilitated the contacts with schools and coordination for the children to make their inputs into the signing ceremony. It also supported radio and TV spots throughout the campaign featuring the same voices of children demanding peace from political leaders. UNDP's Social Cohesion Project also supported several peace promotion initiatives of local NGOs including several rides for peace across Guyana's main population centres by Bikers Uniting Guyana, an interracial group of motorcyclists.

# ANNEX 5.

## Case Study: Kenya

*Chris Spies and Margie Cook*

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Kenya had been regarded as a beacon of stability in Africa until tragic post-election violence erupted, leaving more than 1,500 people dead and hundreds of thousands displaced in January and February 2008. It took more than eight weeks and the intervention of African leaders before negotiations facilitated by former UN Secretary-General Kofi Annan brought about an end to the carnage. A mediated agreement on power sharing was signed by the president and the leader of the opposition at the end of February 2008.

Most domestic and international observers found the electoral process to have fallen short of key international standards, although the polling was generally well administered and citizens could freely exercise their right to vote. They found the process of counting in polling stations to be credible and fair, but observed that the tallying, transmission and announcement of the results (specifically the presidential results) were grievously flawed, throwing into doubt the credibility of the process overall.

This case study examines Kenya's political background; the causes of the post-election instability and conflict; responses by UNDP and the international community; and lessons that can be drawn from this experience.

### 1. Context

Kenyan politics take place in a framework of a presidential representative democratic republic, whereby the country's president is both head of state and head of government, and of a pluriform multi-party system. Executive power is exercised by the government. Legislative power is vested in both the government and the National Assembly. The judiciary is independent of the executive and the legislature.

Kenya faces significant problems and challenges, including in regard to land ownership, scarcity of water and pastures, corruption, and structural issues such as i) the marginalization of out-of-power ethnic groups; ii) the formation of political parties along ethnic lines; iii) socio-economic deprivation and inequity; iv) the lack of institutional capacity to manage political and social conflict effectively; and v) many leaders' impunity from legal action or pressure from citizens' and civil society groups.

The fact that party politics in Kenya is largely driven by tribe, personalities, male domination and money increases the propensity for the triggering of violent conflict, especially during election times. Although women make up half of Kenya's population, only 8 percent of MPs are women. Political parties' gender-blind policies have directly or indirectly discriminated against women. The nature of the local political environment, often characterized by corruption, violence and intimidation, also works to discourage greater participation by women.

In the 1990s, when the government was forced to introduce a multiparty system, it actively undermined freedom of expression and contributed to and promoted a culture of impunity and growing violence, with the aim of undermining genuine and meaningful reforms. Pressure for reforms was continually met with a combination of sticks and carrots, in the form of brutal state violence tempered by promises of change. Demands for an open and inclusive process of constitutional reform have provoked government threats to de-register non-governmental organizations and persistent harassment of human rights activists.

In 2002 voters got a brief respite from divisive politics when opposition parties, united as the National Rainbow Coalition, achieved a historic presidential election victory. This brought to an end 24 years of rule by the main political party, the Kenyan African National Union (KANU). Barely two years after that election, however, the coalition disintegrated and key members broke away and joined forces to form a formidable opposition. Buoyed by success in the Constitutional Referendum of 2005, in which the government-sponsored draft constitution was rejected, the opposition galvanized together to mount the most hotly contested elections in Kenya's history.

In 2007 the old patterns of ethnic politics and 'informal repression'—the secret employment of surrogate agencies, such as ethnic or religious militias, to attack supporters of opposing political parties or government critics—returned. From media reports it was evident that organized groups of youth, many of them often armed with crude weapons, were being used by politicians from across the political spectrum to provoke and sustain ethnic-based violence. This was not limited to pro-government politicians but included pro-opposition politicians. Militias, mostly ethnic-based, were formed across the country, usually in support of one of the two leading presidential candidates.

## 2. Ethnic dimension

The ethnic basis of the Kenyan political party structure is at the core of election-related violence. While the situation is clearly complex, in very simple terms, the leading three parties and respective presidential candidates in the 2007 election represent three major tribal groups:

- **President Mwai Kibaki**, a Kikuyu, enjoyed support from a large percentage of the Kikuyu and from other ethnic groups. Former President Daniel Arap Moi, a Kalenjin, endorsed Kibaki—but it should also be noted that the Kalenjin largely voted for his main opponent, Raila Odinga.
- **Raila Odinga** of the Orange Democratic Movement (ODM), a Luo, largely represented the Luo ethnic grouping, as well as many others from practically every ethnic group in the country. The Luo have historically voted as a block, and so he had close to 100 percent support from the Luo.
- **Kalonzo Musyoka** of ODM-Kenya<sup>67</sup> belongs to the small Akamba ethnic grouping. After the election, Musyoka was appointed vice-president.
- The rivalry between the two principal presidential candidates, the incumbent Mwai Kibaki and his former close compatriot Raila Odinga, was renewed when it was believed that the memorandum of understanding between their merged parties had not been honoured. In the build up to the referendum of 2005, in which the government-supported constitutional reform draft was rejected by the people of Kenya, the lines were drawn and the rivalries between the two made plain. The referendum was in fact the birth of the Orange Democratic Movement—the symbols used for the referendum were a banana for a 'yes' to the government-supported constitutional reforms proposed, and an orange for a 'no'.

<sup>67</sup> ODM split in August 2007. See, for example: <http://news.bbc.co.uk/2/hi/africa/6947576.stm>.

Share of ethnic group in Kenya	%
Kikuyu	23
Luhya	14
Luo	13
Kalenjin	11
Kamba	11
<b>Sub-total</b>	<b>72</b>
Kisii	6
Meru	5
Mijikenda	4.8
<b>Sub-total of three groups</b>	<b>16</b>
Remaining other groups	11
<b>Total</b>	<b>100</b>

In order to appreciate the role of ethnic politics, it is important to understand the ethnic make-up of Kenya's population. A total of five ethnic groups make up over 70 percent of the population, but no single group comprises more than one quarter of all Kenyans.

The ECK, which runs and manages elections, is an independent body as enshrined in the Constitution of Kenya Section 41 sub Section (9) which stipulates that

*...in the exercise of its functions under the Constitution, the Commission shall not be subject to the direction of any other person or authority...*

The ECK is expected to be a neutral arbiter in the electoral process. Other institutions that work closely with the ECK include the Registrar of Births and Deaths, the Kenya Police, the Ministry of Immigration, and the political parties. In 2002, appointments to the ECK were endorsed by a multi-party process with representation coming from a range of political parties. In 2005 this informal agreement was overturned with new appointees being made by the president alone without recourse to multi-party consultative processes, another trigger to suspicion as to the independence of the electoral management body.

### 3. Electoral process

Party constituency nominations are finalized through a system of primary elections, which normally take place approximately two months before the general elections.<sup>68</sup>

The National Assembly [unicameral] has 224 seats to which 210 members are elected by direct popular vote in single-member constituencies using the 'first-past-the-post' (simple majority) system. Twelve are 'nominated seats' allocated by the Elections Commission of Kenya (ECK) proportionately under a formula linked to the number of seats won by a party in the election; names are then provided through the ECK to the president, who makes the formal appointment. Two seats (the attorney-general and speaker) are ex-officio members. Members serve five-year terms.

One of the key recommendations to the reform of the electoral process is to have electoral commissioners be independently appointed after very strict vetting, a step that would ensure they are able to have full independence from the executive as well as from political parties that have in the past nominated commissioners.

### 4. Conflict-mitigating mechanisms

In addition to following the longer route of the justice system, the Electoral Code of Conduct makes provision for the use of conflict management and resolution mechanisms such as the use of the **Electoral Code of Conduct Enforcement Committee; mediation; and liaison consultative meetings**. The ECK attempted to facilitate peaceful campaigns through establishment of

<sup>68</sup> The ECK had initially set a deadline of 19 November 2007 for submitting the list of contenders to prevent candidates from defecting after losing in their parties. The commission later retracted and allowed losers to defect to minor parties, however.

constituency-based Peace Committees aimed at helping to engender transparent, free and fair elections.

It is, however, quite striking that there is no reference to prevention in the role of or guidelines for the ECK Peace Committees. The lack of effective, proactive, and coherent violence prevention policies and programs by the state at national and local levels, and the reactionary emphasis on crisis management and retributive justice (dealing with the symptoms), rather than proactive responses, such as generative dialogue on root causes of violent conflict (dealing with the causes), effectively contribute to recurrent cycles of election-related violence.

The ECK was criticized for being 'toothless' when dealing with violations of the Electoral Code of Conduct, with the severest penalty being meted out in the campaign period being a monetary fine. Many incidents of blatant violation went un-punished, reinforcing the culture of impunity.

There were other, separate 'peace committee' structures also working through the Office of the President, including the development of a draft Conflict Resolution and Peace Building Policy Document. In addition, the National Democratic Institute (NDI) supported Inter-Party Peace Committees in 13 'hot spots', and NGOs were also engaged in peace and conflict resolution activities at the community level. This collection of initiatives was independent of the ECK peace committee structures.

The media-harmonization strategy focused on the following issues:

- The role of women in electoral politics
- Ethnicity and nationhood
- Constitutionalism and citizenship
- Poverty inequality and unemployment
- The ECK and management of elections
- The role of youth in politics
- Corruption and mismanagement of public resources
- Political leadership and accountability
- The power to vote
- The ECK and the management of the electoral process

## 5. UNDP's engagement and programming

The 2007 Election Assistance Program was initiated by a request to UNDP from the Government of Kenya. UNDP and the UN Electoral Assistance Division (EAD) conducted a needs assessment mission in July 2006, consulted widely with stakeholders including the ECK and donors, and drafted a project document. UNDP in consultation with the ECK and donors developed the proposal further. The 2007 program planning reviewed the domestic and international observer reports and recommendations from 2002 and also reviewed lessons learned from the 2005 constitutional reform campaign.

The mandate of the one-year 2007 Election Assistance Program, which officially commenced in February that year, was to help build capacity for the administration of justice and guaranteeing of human rights as part of an effort to hold high-quality elections. The program had two main goals: i) contributing to elections that would be free and fair; and ii) increasing voter turn-out.

The issue of electoral violence was important and embedded in the voter education and media programs but was not elevated as a highest priority. Electoral violence emerged subsequently and even more recently as a major voter education concern. A unique element of the Kenya Election Assistance Program was the emphasis on guiding principles such as harmonization and complementarity with ongoing programs, instead of many discrete but separate activities. Local ownership and focus on long-term capacity-building was emphasized, as well as accessibility, especially for the disabled, non-urban dwellers and the illiterate.

## 6. Program management

A group of donor and non-donor international development partners signed a Joint Statement of Intent with the ECK in line with the Paris Declaration on Aid Effectiveness. The partners also formed the Election Support Donor Group (ESDG) with USAID as the lead donor. A Steering Committee chaired by the Electoral Commission of Kenya and facilitated by the UNDP Program Management Unit (PMU) was set up to oversee program implementation. UNDP engaged an international elections expert to head a dedicated PMU, which was staffed by six full-time people and additional consultants as required. Within the UNDP Country Office, an elections focal point was supported by donor funding to assist the processing of necessary documentation in the country office.

## 7. Approaches

The program sought to contribute to the development of an open and accountable political system of governance and the conduct of a peaceful and informed electoral process by encouraging competitive issue-based politics, education and tolerance through support to voter education,<sup>69</sup> media training, media campaigns and media monitoring; to the reduction of hate speech; to improved political accountability and to domestic observation processes. The 2007 Election Assistance Program recognized Kenya's vulnerability to violence as a major theme, embedded in the voter education program. The Election Assistance Program supported the ECK's anti-violence media strategies, which included media messages and advertisements calling for peaceful elections. The Election Assistance Program's harmonized media strategy produced more than 400 television and radio programs as well as billboards nationally, an SMS (text-messaging to mobile phones) campaign and other initiatives, many of which focused on issues of ethnicity, violence and peaceful elections. The media training program trained more than 400 journalists and broadcasters on the critical role played by the media in editorial commentary and news reporting.

The media was regularly monitored (and at times, chastised) through a public media monitoring process which found the national broadcaster seriously deficient in its duty to be fair and equitable. The media monitoring program highlighted the problem of hate speech and the language used to incite ethnic divides; this problem is particularly significant in small community-based radio stations broadcasting in vernacular languages in limited regions. Many of these fly-by-night stations have been set up by politicians.<sup>70</sup> Warning bells were sounded in the

<sup>69</sup> See, for example, a video produced by the ECK. Online: <http://uk.youtube.com/watch?v=MkKrtWkV2RU>.

<sup>70</sup> For reporting on the media, see the BBC news report 'Kenya's Vibrant and Critical Media'. Online: [news.bbc.co.uk/2/hi/africa/7171372.stm](http://news.bbc.co.uk/2/hi/africa/7171372.stm).

work of the Kenyan National Commission on Human Rights (KNCHR) on hate speech and abuse of state resources. The KNCHR has, as an ultimate sanction, the power to prosecute offenders. The election program's baseline indicators tracked the response rate (minimal) of the ECK to reported instances of violence and it and also supported a joint ECK/KNCHR rapid response investigative process.

**Support for police.** Initially the project envisioned other specific activities focused on electoral violence including training with the police and support to the ECK's peace committees. By the time UNDP was able to meet with the relevant police section, the available time for the creation and implementation of a sound peer-level police training program had lapsed and the program was not able to respond to requests for rapid response mobilization, and other capital intensive infrastructure support suggestions. In addition, despite the indications given otherwise, the KNPF was, in 2007, not responsive to external offers of training support. Another lesson in hindsight is that training of security agencies ought to take place well before the campaign period is in top gear. This is important because, unsurprisingly, as the election draws near, campaign fever mounts and tension builds up across the country, the priority of the security agencies is not training, but of actual on-the-ground provision of security and maintenance of law and order.

**Collaboration.** The program built on strong links with other UN agencies, KNCHR (focusing on human rights and the importance of reducing hate speech); and the UNIFEM Gender and Governance Program (GGP) to advance women's political cause. GGP, which aims to ensure equal participation of women in all spheres of leadership, is focused on building the capacity of aspirants and women already holding political positions.

## 8. Lessons learned

**Lack of capacity to intervene even in one critical process—in this case results tallying—can destroy much of the good work.** The innovative, creative and outstanding work done in the election assistance program was sadly overshadowed by the last moments of the process of results tallying and announcement and its tragic aftermath. The program contributed substantially in many creative and innovative ways to significantly increasing the level of voter registration; in encouraging citizens to come out in record numbers to vote; in raising the standards and contributions of media in relation to issues-based discussion in an electoral environment; and through its inputs into the ECK's voter education and anti violence initiatives. The harmonized issues-based media strategy was widely hailed as raising the bar in terms of issues- versus personality-based election debates.

**Violence was expected, but not to such an extent.** Despite all of these interventions and programs run directly under the auspices of the program, in parallel with the program, or independently of it, the level of violence that eventuated was never foreshadowed. What was foreshadowed however, by the PMU Coordinator to the ECK and the donors, was that violence *should be expected* as an outcome of the ECK's decision to stick with 1992 modes of tallying and transmission of results. The post-election violence was triggered by issues concerning the tallying and announcement of results—aspects of electoral administration not supported by the program, but about which much advice was provided (yet not taken). The violence was then exacerbated by the longstanding issues outlined previously in this paper and by opportunistic criminal elements. It is a sad fact that most general elections in Kenya have been preceded by outbreaks of violence but in the past these have been limited to a few particular areas of the country.

What was unique to the violence that erupted after the 2007 elections was the scale and extent of the violence and the tragic loss of over 1,000 lives and mass destruction of property. Could violence of this magnitude have been foreseen and also prevented? This sadly remains a moot point. In retrospect, the following factors appear to be the most salient.

- **Flawed party nominations.** The manner in which the party nominations were conducted should have been a warning signal to all those involved in the electoral process that the elections would turn out to be violent. They were nothing short of chaotic, and left disgruntled elements spoiling for battle.
- **Weak institutions increase the potential for destructive conflict.** In the lead up to the 2007 elections the ECK's organizational, communications and other structures were extremely fragile. This was manifested by some commissioners identifying the ECK's dominant leadership as a root cause of many problems in that the chairman is perceived 'to be the ECK';
- **Internal power plays.** For example, some commissioners complained that they were excluded from the information loop, including on the results tallying and transmission problems.
- **Prevailing inexperience of commissioners.** Only 4 out of 22 commissioners for the 2007 elections ECK had had any prior experience of running elections.
- **Failure to ensure the security of the tallying and counting process.** Most notably, ECK bypassed IFES and, without the knowledge of the chairman, outsourced the design and building of a nominations and results database to a local organization that failed to complete the database in time for the elections.
- The **ignoring of warnings from various sectors** that trouble would ensue from the slowness of the results and that electoral officials would be accused of, at best hiding, and at worst, rigging the results, unless they upgraded their processes. Officials were also warned numerous times that the media would have the results first. Their response was that they would advise the public not to believe the media.
- Electoral officials resisted **introducing technology** and processes that may have reduced the risk of deceitful human intervention in the results tallying and transmission processes.
- Numerous **attacks on and rebuttal by the ECK in the media** contributed greatly to a loss of faith in the credibility and competence of the ECK.

Weakness and frailties of the institutions mandated to administer elections and the lack of any adequate legislative framework governing the registration, conduct and financing of political parties enabled an environment in which various factors collided, without controls, in an unprecedentedly tight contest. As Kofi Annan said during the February 2008 mediation process: "At the end of the day I hope we will have proved that institutions are more important than any individual.... We need strong institutions, strong democratic foundations, and I hope we will be able to give you that."<sup>71</sup>

**The failure to address internal conflict among local organizations could prove to be catastrophic.** Despite the strengths of the program generally, the domestic observation component of the program was beset from the outset by political and organizational rivalries, in-fighting, incompetence and personal ambition. In hindsight, these problems reflected the fracturing of the political environment generally. The domestic observation effort appears to have failed in its

<sup>71</sup> 'Kenya Parties Seek End to Conflict', Reuters, 5 February 2008. Reprinted online: [www.christiantoday.com/article/kenya.parties.seek.to.end.conflict/16666.htm](http://www.christiantoday.com/article/kenya.parties.seek.to.end.conflict/16666.htm).

fundamental task of engagement in verifiable, impartial, certain and independent observation in both thematic and election-day observation.

**The root causes of post-election violence are linked to the broader socio-political situation.** While violent conflict was in part planned, it was fuelled by deep-rooted and long held ethnic divisions, socio-economic disparities, poverty and endemic corruption, all of which require long-term solutions. Elections do not cause violent conflict, but unresolved deep-rooted frustrations do. What is generally acknowledged is that over the years, the fundamental causes of the conflict have not ever been adequately addressed and dealt with.

The problems Kenya has are related more to weak governance institutions and less to ethnicity. The GIS MAP of parliamentary representation shows that ODM is spread all over the country with exception of Central Kenya. However, it must be emphasized that at a **political** level, ethnically based patronage politics is a key factor leading to incitement to violence and contributes to other structural causes of insecurity, such as social and economic marginalization of communities, inequitable distribution of resources, an erosion of state capacities, and widespread corruption. Corruption has both led to (and resulted from) the existence of strong vested interests and a culture of impunity.

While this particular case study is mainly concerned with conflicts that focus on elections, it may be necessary to also look at other factors that influence conflict or can be a trigger to conflicts around elections. Kenya, having avoided large-scale conflict since independence, is often described as an island of peace in a troubled region. However, the country does suffer from high levels of armed violence which constrain prospects for development.

It is instrumental to note that the Kenya National Dialogue and Reconciliation, which brought together both PNU and ODM in a mediation overseen by Kofi Annan, issued a statement on 23 May 2008 re-affirming commitment to addressing the long-term issues around:

- constitutional, institutional, and legal reform;
- land reform;
- poverty, inequity and regional imbalances;
- unemployment, particularly among the youth;
- consolidation of national cohesion and unity; and
- transparency, accountability and impunity.

**Short-term crisis resolution requires longer term reforms.** Rebuilding confidence in the electoral process and integrity in the institutions mandated to conduct elections in Kenya will be long and complex and should be driven by a reform agenda that actively addresses weaknesses and loopholes in the constitutional, legislative, regulatory and election administration environments. The erosion of credibility in core institutions of governance must be addressed through an impartial, respected dialogue that could pave the way for a reform agenda process that has integrity and is acceptable to all stakeholders.

**There is a vital need for judicial reform.** ODM's disinclination, after the announcement of the 2007 presidential election results, to seek redress in the courts of law as mandated by the electoral laws was a grave indictment of the judiciary and serves to illustrate the lack of confidence in this core institution of governance. The judiciary has the constitutional mandate to uphold the rule of law and to protect the constitutional rights of citizens. It goes without saying that among the most pressing reform issues in Kenya today are judicial reforms.

In a testimony provided to the US House of Representatives Committee on Africa and Global Health on 6 February 2008, the outgoing chairman of the Kenyan National Commission of Human Rights noted four forms of electoral violence in Kenya:

- **spontaneous uprisings of mobs** protesting the flaws in the presidential elections. These mobs looted, raped and burnt down buildings in an anarchical manner;
- **violence organized by ODM-supporting militia** in the Rift Valley that was aimed at perceived political opponents. The initial militia action attracted organized counter-violence from Party of National Unity (PNU) supporters especially in Nakuru, Naivasha areas of the Rift Valley, and Nairobi;
- **excessive use of force by the police** in ways suggesting 'shoot to kill' orders against unarmed protesters, mainly in ODM strongholds including Kisumu, Kakamega, Migori, and the Kibera slum of Nairobi. Policing was uneven in its implementation. In some strong ODM areas, the police shot to kill, while when confronted with pro-PNU militia, they opted to negotiate with the groups. However, in the Eldoret area, the police largely stood by and watched as pro-PNU supporters were killed and their houses burnt; and
- in response to a flow of IDPs from the Rift Valley, **local militia in pro-PNU areas mobilized in sympathy and turned on perceived ODM supporters**, killing them, and burning their houses.

## 9. Implications for UNDP programming

- The prevention of violent conflict, especially during elections, has to be the focus of the longer term development process in partnership with governance and civil society institutions. It cannot be adequately addressed through short-term election-specific technical programming. Reactive and retributive advocacy or security approaches to deal with perpetrators are not sufficient in the absence of a generative dialogue process that enables people to see and cooperate for the bigger picture.
- While the principle of local ownership and partnership is important, the UN would do well if election support programming revolves around the principle of giving the highest priority to finding and utilizing the best appropriate resources (human, technical and financial) to safeguard and guarantee the integrity of the election process. International experience and expertise must be allowed to contribute both to national institutions and to support the development of national drivers where none exist. Partnership with local institutions should be an integral requirement of any internationally-sourced service provider. The independence of the EMB and the sovereignty of the government mean nothing if people reject the outcomes as a result of the EMB's refusal to learn from best practices elsewhere.
- Any attempt to push local partners to undertake initiatives suggested by outsiders will often be met by resistance, reluctance and mistrust (e.g., the disregard of ECK for well intended warnings about the tallying process). Empowering processes require high levels of mutual respect and trust, which only come about as a result of longer term, consistent support over a longer period.

- A high priority on monthly activity and financial reporting to donors through regular meetings assures confidence in the management structures. While UNDP is the implementing agency, respect for the various donor contributions, funds and programming priorities and differences is an essential element of harmonious donor coordination. In the same vein, where donors have given UNDP the mandate to manage their resources and implement a program, donors must also appreciate and respect UNDP's rules and regulations and also appreciate the overall mandate of the UN based on its neutrality and impartiality.
- Enough time for program set up, recruitment and development must be allowed to ensure implementation is effective. Ten months is too short. An election program should aim at the entire, multi-year election cycle. Additionally, adequate time and capacity must be dedicated to the program close-out phase.
- The focus on electoral cycle support must go hand in hand with programs that deal with the complex problems of poverty, inequality and poor governance, which are at the very heart of the crisis in Kenya. A well-managed and efficient electoral management body and good electoral laws will not mean much to ordinary citizens painfully struggling to exist on less than one dollar a day.
- The role of a professional, objective, neutral and non-partisan media sector in an election cannot be overemphasized. Capacity of media to professionally self-regulate the sector should be supported. Numerous tragic examples abound in Africa of the effects of an irresponsible, unprofessional and unregulated media.
- The following are paramount to the continued effectiveness of this important tool: i) the establishment of a national driver for domestic observation activities, with established and clearly understood policies and procedures, and ii) an effective and efficient management structure, governance framework and capacity.
- Support should be provided for local-level reconciliation and for building a more robust national conflict prevention architecture. Support should also be provided for interventions aimed at addressing regional inequalities and youth unemployment, including supporting relevant actions resulting from commitments made in the Kenya National Dialogue and Reconciliation.
- Support should be provided for fundamental reform of the ECK, to ensure that the same problems do not recur when the next general elections are held. One priority of such support should be improving urban governance so as to reduce the security vacuums in the urban slums, which are easily activated during elections.
- Support should be provided for constitutional reform to improve the incentives for good governance and reduce the winner-take-all nature of Kenyan politics, and for addressing land reform with a conflict-sensitivity lens.

# ANNEX 6.

## Case Study: Lesotho

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In Lesotho, electoral violence was closely associated with the search for an appropriate electoral model and building consensus on 'the rules of the game'. UNDP's contribution was consequently focused both on building the technical capacity of the electoral system, and on facilitating political consensus on fundamental political values and practices. The lesson that stands out in this case is that preventing electoral violence is as much about transforming the political culture as it is about enhancing electoral systems and practices.

### 1. Context

Lesotho has a troublesome electoral history. On the eve of the country's independence from Britain in 1966, the Basotholand National Party (BNP) was voted into office. The party's leaders nullified the next election, in 1970, and refused to release the results after it became clear that the opposition Basotholand Congress Party (BCP) was favoured by most voters. The BNP's leaders declared a state of emergency, banned the opposition and ruled unilaterally by decree until the military took over in 1986—apparently at the instigation of apartheid South Africa in response to the BNP government's overt support of the then-banned African National Congress (ANC). Multi-party democracy was restored in 1993.

The most serious obstacles to democratic stability in the post-1993 period proved to be the resistance of the military to democratic transition and, more fundamentally, the appropriateness of the Westminster electoral model. In 1993 the BCP won all 65 seats in the legislature,

but with only 60 percent of the popular vote. The BCP subsequently mutated (in 1997) into the Lesotho Congress for Democracy (LCD) in a controversial exercise to deal with internal strife. The LCD contested the next election in 1998 and captured 79 of the (now) 80 seats with roughly the same share of popular support. This meant that about 40 percent of the voting public were essentially disfranchised because the opposition had only one seat in the parliament.

Frustrated at their continued exclusion, and convinced that large-scale electoral fraud had taken place, opposition parties organized and led popular street protests in the immediate aftermath of the 1998 elections. The protests effectively paralyzed government. Rumours of a pending coup d'état were rife. In light of its recent history of government control, the Lesotho Defence Force was not politically neutral and was perceived as favouring the opposition. At the request of the prime minister, the Southern African Development Community (SADC) sent a multi-country armed force into Lesotho in late 1998 to stabilize the situation. What was supposed to be a peacekeeping mission, however, triggered widespread local anger that resulted in the looting and the destruction, by arson, of the business centres of the capital, Maseru, and two nearby towns.

The major political fault line at the time lay in the inter-party acrimony engendered by the split within the BCP, the BNP's refusal to accept electoral defeat as a reflection of popular will, and the latent tension between the monarchy and the government over the division of executive authority. The situation was further compounded by the historical rivalry between the Protestant and Catholic communities and

the close affiliation of each of the two main parties with one denomination. Added to this was the deep distrust emanating from memories of injustices and atrocities that were committed during the time of authoritarian rule.

The fault line ran through the whole society which was, in ethnic terms, a homogeneous society. The first-past-the-post electoral model meant that the opposition—those who grew accustomed to power during the pre-1994 period—was effectively emasculated as far as formal governance was concerned. Nor had the military, having tasted power, fully embraced the democratic norm of loyalty and subservience to elected authority.

The catastrophe of 1998 spurred SADC, the Commonwealth and Lesotho's civil society into action. Much work was done to facilitate dialogue and to broker a new political deal. The result was the establishment of the Interim Political Authority (IPA), a multi-party body comprising the 12 parties that had contested the 1998 election. The IPA was tasked to review the constitution, specifically the electoral model, and prepare the ground for new elections within 18 months. The IPA's solution to the problem was to change the electoral model and enlarge the national parliament to 120 seats. Of these, 80 constituencies would be contested on a first-past-the-post basis, while the additional 40 seats would, in a compensatory manner, be distributed among parties according to their percentage of the popular vote.

This mixed member proportional (MMP) system was first tested in the 2002 elections, which by all objective accounts were well-run, free and fair. The main opposition party, the BNP, did cry foul again and went to court for remedy, but with little sympathy from objective observers. More significantly, the election resulted in a record 10 political parties holding seats in the elective National Assembly. The ruling LCD won nearly all of the 80 'first-past-the-post' seats, but

the new system ensured that opposition parties were allotted most of the other 40 seats based on their share of the overall vote.

The general election of February 2007 presented fresh challenges to the newly adopted electoral model. The ruling party and the major opposition were accused of having made unconventional pre-election alliances with smaller parties. These alliances, it was widely charged, had betrayed and compromised the spirit of the new electoral model.

When the new parliament sat, five major opposition parties staged a sit-in within the National Assembly and threatened to boycott its further operation. Some went to court. At stake were the allocation of the 40 proportional representation seats and the regulation of pre-election alliances.

In practice, the post-election allocation of seats to the smaller parties effectively strengthened the bigger parties and thus negated the spirit of the MMP model, which was to compensate smaller parties and ensure greater inclusion and more effective representation. SADC again became involved to break the impasse, as did an array of civil society organizations. Lesotho still has some distance to travel to find complete consensus on the rules for contesting power.

## 2. UNDP's program in Lesotho

Since the onset of the new democratic era in 1993 UNDP has been an active, front-line partner among organizations seeking to deepen the quality of democracy and deal with the various electoral crises. UNDP supported both the acquisition of democratic 'hardware' and 'software'. The 'hardware' refers to UNDP's substantial support to the Independent Electoral Commission since its establishment in 1997. This included substantial logistical support, as well as support to the training needs of staff and civic education organizations.

The 'software' support took various forms:

- Following tensions between sections of the army and the new government after Lesotho's return to elective democracy in 1993, UNDP forged a relationship with the Lesotho Defence Force (LDF), the police and the national security service and engaged them in a series of workshops, seminars and conferences on civil-military relationships and their role within a constitutional democracy. International experts were used as resource persons to help instil professionalism in the army and the police. Political parties were also invited to some of these events. There is widespread consensus among analysts that the LDF has transformed substantially, as can be seen from the role that it played during the past two elections, and that the efforts of UNDP have made a significant contribution in this respect.
- In 1995 UNDP was a partner supporting an epoch-making **National Dialogue of Basotho**, in which politicians, academia, church leaders, civil society organizations and eminent persons convened to address the frail state of democracy at the time. Primarily a civil society initiative, the National Dialogue in particular urged the establishment of an independent electoral commission and called attention to the inefficiencies of the electoral model. Hitherto, elections were administered by a civil servant who served as chief electoral officer.
- UNDP provided substantial logistical support to the **Interim Political Authority** in 1999, accommodating its staff at UN House for the first few months of its existence and providing the authority with administrative support. UNDP believed that the IPA was a critical instrument to instil a culture of dialogue and collaborative problem-solving in Lesotho and, therefore, continued to support it, in collaboration with the British High Commission and Irish Aid. This support would continue even after the government had withheld its budgetary support to the authority.
- In the year prior to the 2002 election, opposition parties demanded the use of **high-technology fingerprinting devices** to prevent electoral fraud. The issue led to an impasse and threatened to jeopardize the conduct of elections. UNDP brought in an international expert from Jamaica to explain the complexity of the technology and the fact that it was not feasible in Lesotho given the short time scale. The intervention laid the matter to rest.
- In 2002 UNDP lent its auspices to a successful **mediation exercise, led by civil society actors**, to deal with the impasse after the opposition refused to accept defeat and threatened to boycott the parliament. The opposition was persuaded to accept electoral defeat with grace and the LCD to be magnanimous in victory. In 2005 UNDP facilitated discussions between political parties and the Independent Electoral Commission (IEC) when the opposition parties threatened to boycott the first ever post-independence local government elections. The inter-party dialogue which ensued managed to defuse some of the tension.
- All of the various **SADC missions** that visited Lesotho to facilitate multi-partisan discussions following the 2007 general election were supported by UNDP in one form or other.

UNDP's approach in Lesotho to preventing electoral violence can thus be summarized as follows:

- Ensuring that the formal election process took place as professionally as possible. This included supporting the capacity of the IEC as well as the civic education and watchdog civil society organizations. It also included the deployment of a media monitoring panel to ensure equitable access by different political

parties to state media during the campaign period. The support also facilitated deployment of mediators to constituencies during election periods. The support given in this respect was long term and developmental in nature.

- Supporting the formal election system, which also meant attention to the need to find consensus on the substance and rules of the electoral system. Therefore, support was given to processes to facilitate dialogue and consensus-building.
- Establishing partnerships with credible local and international organizations that had the potential to influence the transformation of political culture and work with them in medium and long-term processes. In Lesotho's case the rationale for UNDP's involvement in what was, on the surface, a political process was fairly obvious. The catastrophe of 1998—which started as a seemingly manageable discontent but mutated into a serious conflict—cost the fragile Lesotho economy some US\$500 million and effectively ended a period of 10 percent annual gross domestic product (GDP) growth. Any developmental vision could not ignore the desperate need for political stability.
- Utilizing the credibility and impartiality of the UN to facilitate dialogue or mediation when needed in order to defuse crisis situations.

### 3. Lessons learned

A number of key lessons stand out regarding UNDP Lesotho's experience:

- The prevention of election violence is a long-term process because it actually means the transformation of a political culture. The 'hardware' of technical support needs to be complemented with the 'software' of finding consensus on appropriate values and practices.

In the same vein, it is critical to ensure availability of resources to sustain support to the process over a long period of time.

- Ensuring peaceful and credible elections requires engaging with stakeholders across a broad spectrum. It is important to build relationships not only with the formal IEC and political parties, but also with security forces and civil society, as well as regional and international partners.
- It is important to work consistently with key stakeholders in a manner that does not push for a specific outcome, but that instead continuously encourages constructive dialogue. It is therefore critical to safeguard the impartial nature of the engagement.
- In Lesotho's case it was of critical importance to work with a core group of local 'champions', i.e., persons of high standing in civil society. The partnership with a core of respected religious leaders and social activists proved to be mutually beneficial. UNDP benefited from their advice, stature and expertise, while they benefited from operating under the auspices of the UN at times when there was need for an impartial platform.
- Engaging in the highly sensitive issue of political mediation needs not only circumspection, but the courage and willingness to push the envelope. Successive UNDP resident representatives, functioning as coordinators of the UN system's operational activities for development, took responsibility for standing firm to negotiate an environment of tolerance that made discussions among various stakeholders possible.
- Nurturing and fostering democratic governance, an ultrasensitive area of UNDP's mandate, calls for consistent and meaningful programmatic support.

# ANNEX 7.

## Case Study: Nigeria

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Since a return to multiparty democracy in 1999 after a period of military rule, Nigeria has experienced political competition and social tensions that make electoral processes volatile and, often, violent. In 1999, 2003 and 2007 electoral processes were accompanied by questionable legitimacy, severe logistic and election-management challenges, and social tensions that stemmed from and mirrored party-political, regional, ethnic, religious, and ideological lines. Certainly the conditions for a significant escalation of violence were present in the hotly contested elections in April 2007 in which political confrontation and intrigue, public dissatisfaction, and exceptionally trying electoral logistics set the stage for a potentially widespread and serious electoral conflict.

### 1. Context

The electoral process in 2007 was deeply divisive, and conflict in the run-up focused on two major sets of issues: i) the struggle for power in Nigeria's central government, and ii) the long-simmering struggle in the oil-rich Niger Delta region, where rebel violence has limited the electoral administrators and where there was limited ability to send out significant international election observers due to the security situation.

In the immediate months before the election, a deep dispute emerged between the country's incumbent president, Olusegun Obasanjo, and the vice-president, Atiku Abubaker, over

the failed attempt by Obasanjo to amend the country's constitution to allow him to run for a third presidential term, and subsequently the question of whether Abubaker would be allowed to contest the April 2007 polls against 21 other candidates. Both the central-power and Niger Delta conflicts contained a real possibility of escalation in the election process, and both points of contestation—along with many locally focused contests for parliamentary and state-level posts—led to significant violence and intimidation in the pre-, during-, and post-electoral phases.<sup>72</sup>

A last-minute Supreme Court judgment allowing Abubaker to contest the presidential election was a significant development that helped minimize the potential for pre-election violence. However, the lateness of the decision required the Independent National Electoral Commission (INEC) to reprint ballots and other significant documents (e.g., results sheets) and distribute the new ballots and materials nationwide against a tight timeframe.

In 2007, elections were held on 14 April to choose the state governors and members of state legislatures, and on 21 April for the president and the national legislature. The challenge of conducting these polls across the large and populous country appeared to exceed the operational capacity of INEC. On the poll days significant shortcomings were evident, including late arrival of materials, violent confrontations, intimidation, and allegations of cheating and electoral fraud. The International Crisis Group reported that

<sup>72</sup> See 'Nigeria: Sharp Rise in Hostage May be Linked to Upcoming Elections', Reuters (AlertNet) 2 February 2007 (online: [www.alertnet.org/thenews/newsdesk/IRIN/42c5ee17c5a9427fff7e1fedf6244e44.htm](http://www.alertnet.org/thenews/newsdesk/IRIN/42c5ee17c5a9427fff7e1fedf6244e44.htm)), and Polgreen, Lydia, 'Millions Vote in Nigeria, but Intimidation is Widespread', *New York Times*, 15 April 2007.

there was a ‘rigging epidemic’ in the elections; it noted, among other things, intimidation of voters and election-station monitors, voting by ineligible persons, improper control of ballot papers and election materials (such as results sheets) by INEC officials, theft of ballots and boxes, violation of procedures on conferring with party representatives, and deliberate withholding of voting materials in some stations, and reported partisan behaviour by INEC and security-force (police) personnel.<sup>73</sup>

There was considerable international and domestic attention given to the management of electoral conflict, driven by the realization that stability and governmental legitimacy in Nigeria—Africa’s most populous country—is critical for the region and the broader international community. There was significant consensus around comments such as the following from Jibrin Ibrahim: “While the integrity of the elections can be protected effectively only by a vigilant citizenry, the international community has an important supporting role.”<sup>74</sup> The results of the election, which saw a new president and national assembly inaugurated by the end of May 2007 (with Umaru Musa Yar’Adua of the People’s Democratic Party who allegedly won the presidency with 24.6 million votes), were deeply disputed and raised serious questions about the legitimacy of the new government.

Political violence during the electoral process involved clashes among supporters of the major parties, intimidation of opposition figures, and intimidation of monitors and observers (see Perspective 1 in this publication, in which Derrick Marco discusses electoral violence and conflict tracking in regards to the 2007 Nigerian elections). However, in Nigeria, levels of violence accompanying the electoral process were lower in 2007 than in the most recent prior election,

2003, which were even more severely troubled. In 2007, an estimated 200 deaths were attributed to election-related violence by European Union observers, whereas in 2003 nearly double that amount were reported by international monitors to have been directly linked to the elections process.

Much of the attention with regard to the prevention of electoral violence was focused on the Nigerian Police Force (NPF), and in particular the allegations of bias among the security forces in favour of the ruling party. During the 2003 polls, police allegedly were directly involved in rigging election results and other forms of political intimidation; the International Crisis Group reported, for example, “Instead of providing security, the police were often deliberately used to scuttle the electoral process.”<sup>75</sup> Thus, there was a strong focus on developing professionalism with the police force to assist in providing neutral and effective ways of complying with national and international standards of conduct.

## 2. UNDP’s engagement and programming

UNDP managed the Joint Donor Basket Fund (JDBF) project together with the INEC, the National Human Rights Commission, and the Police Service Commission, which was organized to provide training to district level police officials from throughout Nigeria. Some 1,600 district officers participated in the program. UNDP Country Officer Anand Kumar noted that the training sought “to inculcate the values to protect the constitutional and civic right of the citizens to vote and also make security forces familiar with the voting process and electoral offences.”<sup>76</sup>

<sup>73</sup> See the International Crisis Group report, ‘Nigeria: Failed Elections, Failing State?’ Report No. 126, 30 May 2007. Online: [www.crisisgroup.org/home/index.cfm?id=4876](http://www.crisisgroup.org/home/index.cfm?id=4876).

<sup>74</sup> Ibrahim, Jibrin, ‘Nigeria’s 2007 Elections: The Fitful Path to Democratic Citizenship’, United States Institute of Peace Special Report, January 2007. Online: [www.usip.org/resources/nigerias-2007-elections-fitful-path-democratic-citizenship](http://www.usip.org/resources/nigerias-2007-elections-fitful-path-democratic-citizenship).

<sup>75</sup> See the International Crisis Group report, ‘Nigeria: Failed Elections, Failing State?’, No. 126, 30 May 2007, p.9. Online: [www.crisisgroup.org/home/index.cfm?id=4876](http://www.crisisgroup.org/home/index.cfm?id=4876).

<sup>76</sup> Communication with the author (Timothy Sisk).

The training for the first time brought together all the institutions with the responsibility for creating an atmosphere during the election period in which citizens felt confident of exercising franchise as per their own will without any fear and also providing a level playing field for the participating political parties and candidates. Security forces, if trained properly, can effectively handle common problems such as intimidation of voters, obstruction of voting, ensuring security at campaign events and, on polling day, crowd control and avoiding arrests targeted at opposition parties.

The training was carried out rapidly in four phases spread over two weeks prior to the polls, when the training program was most relevant to equip the security officers with the information and skills that would enable them perform their duties in the expected manner on the election days. The project provided technical inputs to the Nigerian Police Service Commission for preparing the guidelines and code of conduct for the police and other security officials and also printed 300,000 copies each of the booklet 'Guidelines and Code of Conduct for the Police' and a pocket card titled 'Code of Conduct for the Police'. The guidelines and code of conduct for the security officers included specific measures about neutrality, professionalism, use of force, conduct during elections, electoral law and election-related offences, reporting protocols, and protection of the electoral process. Both these documents served as ready references for the security personnel on the election days. The training definitely changed the outlook of police and security personnel engaged for election duty to a large extent and contributed to their improved performance during 2007 elections when compared to 2003 elections.

The neutral image of UNDP and the UNDP-managed JDBF project, and the trust which UNDP enjoyed with the national partner, INEC, and with the national government, were the two reasons why the project was able to conduct the training program for security agencies in Nigeria during the sensitive election period.

The program to provide human rights and election-related training to all security personnel in association with relevant national institutions was a key strategy for mitigating the election-related conflicts. The following were among the important features of the pre-election training program:

- the ability to bring together the various key national institutions in Nigeria to design a common program which is taken seriously by the force;
- the ability, because the project had done advance planning, to hold quick-successive training phases in key centres such as Abuja, Lagos, Kano and Umuahia;
- the involvement of international police professionals from other countries in designing the program; and
- the preparation, printing and supply of material (guidelines and code of conduct) indicating clearly as to what was expected of security personnel.

### 3. Lessons learned

UNDP Country Officer Anand Kumar highlighted these lessons learned from the training of security forces in Nigeria:<sup>77</sup>

- the training is most effective if all institutions responsible for election security plan the training program jointly;
- the training is conducted sufficiently early to ensure effective step-down trainings. The step-down trainings and effectiveness of the program were somewhat limited because the trainers were trained too close to the election days;
- the principal training organizer and other identified trainers should closely supervise the step-down trainings to ensure quality of training in the divisional and sub-divisional police commands;
- there should be a final brush-up on training shortly before the elections to make the security personnel aware of latest instructions, guidelines or information;
- it would be useful and appropriate if conduct of security forces during elections is made part of basic police training and continuous education; and
- the police deployment plan (operational plans) should be finalized taking into account the views of opposition political parties and also other critical stakeholders.

The main aim of the police and security agencies during elections, as stated previously, is to maintain public order and to create, by means of effective policing, a favourable climate in which a credible election can take place. Effective policing, besides protecting the rights of citizens and maintaining a level playing field, can also become instrumental in reducing the use of money power by enforcing the law of the land. To make police and security agencies neutral and insulate them from the party in power, they can be brought under the direct supervision and disciplinary control of the EMB during the election period.

Some of the additional lessons learned by the JDBF project in Nigeria include the need to work more closely, if possible, to provide extensive advice and knowledge to the national security forces for the creation of an effective election-related security plan. In a populous country like Nigeria perhaps phased elections, as conducted in India, could be the solution for providing effective security. The focus of the future should be capacity-building of the security forces through effective training programs and to work with various Nigerian stakeholders to consider the ways in which more impartial and extensive monitoring and oversight of the police can occur in future election processes.

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<sup>77</sup> Communication with the author (Timothy Sisk).

# ANNEX 8.

## Case Study: Sierra Leone

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### 1. Context

The 2007 presidential and parliamentary elections in Sierra Leone represented both a milestone and a giant leap forward in the consolidation of the peace process and of democracy in a country that is emerging from a decade-long civil war, protracted instability and unrest. The remarkably peaceful elections were the result of well-designed and -managed election support processes that saw all stakeholders make peaceful elections a major priority.

The first post-conflict election in Sierra Leone (2002) was conducted by the United Nations. During the 2007 elections, there were no UN peacekeepers on the ground. For the very first time, a national electoral institution, the National Electoral Commission (NEC), was formally in charge of organizing and implementing all phases of the electoral process. These elections were recognized as a crucial political test and had one key goal among others: they had to be as transparent, credible and peaceful as possible for their outcome and results to be respected by all parties and electoral stakeholders, for the elected government to be legitimate and acceptable to all electoral stakeholders, and for ensuring the durable peace and stability that Sierra Leone so strongly required and desired.

### 2. Achievements

The cohesive approach of key electoral stakeholders in their integrated provision of electoral support played a role of paramount importance for the 2007 elections. The work of the NEC, the

extensive support of the international community and the integrated assistance provided by the United Nations Integrated Office in Sierra Leone (UNIOSIL) and UNDP all contributed to ensuring that the 2007 elections met higher levels of credibility and legitimacy than any previous election and that they would mark an advancement in electoral administration in Sierra Leone.

The main achievements of the 2007 elections included:

- the significant reduction of political and election-related violence;
- more professional and neutral performance of the Sierra Leone Police;
- the first alternation of power achieved through democratic means;
- an unprecedentedly open and sustained political dialogue. For example, the levels of political dialogue, consultation and sharing of information among the key electoral stakeholders that took place throughout the various phases and operations connected to the 2007 electoral process had no precedent in the history of the country;
- despite the high political tension experienced in the run-up to the presidential and parliamentary elections, as well as the subsequent presidential run-off elections, these consultative and mediation elements heavily contributed to favour and sustain an overall relatively peaceful environment and to prevent the much feared uncontrolled escalation of election-related violence;

- the strong democratic awareness and inclusion of the Sierra Leonean electorate, demonstrated through broad citizen participation in the voter registration and election process;
- a strengthened and more credible electoral management body, which has been transformed into a new, stronger and independent institution with higher levels of credibility than ever before attained in the country;
- a technically sound and transparent administration of the elections with a major decrease in the number of electoral irregularities and fraud compared to previous elections; and
- the prompt adjudication of electoral disputes, facilitated by a sound legal framework for the elections, prevented degeneration into violence and armed confrontation.

### 3. UN preparations

The polarized pre-election environment that characterized the highly contested run-off presidential election in 2007, particularly in the period between the rounds, dramatically increased the potential for civil unrest and widespread election-related violence. The Sierra Leone Police (SLP) had limited resources, means and capabilities to fulfil adequately its security role during the elections and was in need of extensive support in order to successfully maintain law and order and an overall peaceful electoral environment.

To effectively hold such complex and politically contested elections, major supporting efforts for restructuring, institutional strengthening and professional development of the NEC needed to be accomplished in a short period of time. In addition, an extensive number of reforms and major electoral operations had to take place before the elections could be held, namely: considerable changes to the electoral system, amending and strengthening the electoral laws, drafting electoral procedures, redrawing the electoral constituencies, and creating entirely new voter lists.

The UN assistance for the 2007 elections started two years ahead of the elections—a factor many recognize as an important element for the success of the elections. The preparation phase included the following:

- A joint DPKO, DPA, OCHA and UNDP Assessment Mission to Sierra Leone in March 2005 recommended a post-UNAMSIL comprehensive peacebuilding strategy aimed at addressing the root causes of conflict, which were viewed as significant challenges to sustainable peace, development, and the protection of human rights. The mission noted that capacity-building of state institutions was crucial for post-conflict peacebuilding, governance and human rights.
- A follow-up integrated UN mission in December 2005 consulted widely in Sierra Leone and developed a Peace Consolidation Strategy (PCS). The thrust of the PCS included programmed interventions aimed at assisting national actors in building their capacities for the prevention, management, and resolution of violent conflict, and at catalyzing 'attitudinal change'.
- UNDP/UNIOSIL provided support in May 2006 for the Political Parties Registration Commission (PPRC) to strengthen the capacity of political parties and the PPRC to anticipate and respond to conflict and crisis, work effectively in diverse political environments, and defuse conflict. The agencies also provide them with conflict resolution tools and techniques. This initiative was part of the UN Electoral Reform Project that aimed to develop the institutional capacity in Sierra Leone to ensure the delivery of fair and free elections in 2007–2008 and beyond. A number of recommendations were made to further build the capacity of the PPRC and other electoral institutions.
- UNDP/UNIOSIL assisted the PPRC in October 2006 to engage in a consultative dialogue with political parties to design a code of conduct that would help political parties establish

trust and behavioural monitoring mechanisms among themselves and the PPRC as a deliberate effort to enhance democratic principles in the electoral process.

- UNDP/UNIOSIL engaged a long-term technical advisor in January 2007 for eight months to work closely with the PPRC, UNIOSIL and the UNDP electoral team to ensure that proper planning, coordination and execution of the commission's activities for the 2007 presidential and parliamentary elections.

In order to give substance to the recommendations of capacity-building, UN-supported consultations led to the creation of a basket fund. Managed by UNDP, this fund supported the development of the capacities of electoral and democratic governance institutions in Sierra Leone—including the PPRC—to fulfil their mandates in regard to the national elections, then scheduled for August 2007.

Under the aegis of the PPRC, a series of conflict mitigation and mediation/negotiation training workshops were held for PPRC and NEC staff, women's groups, youth leaders and leaders of political parties at national and provincial level. The aim was to ensure nonpartisan and fair interaction with political parties and candidates and to create an environment conducive for free, fair and peaceful elections in 2007.

In order to facilitate Sierra Leonean ownership and leadership of the process of institutional reform and development of national institutional capacity, a cadre of 20 Sierra Leoneans was trained as trainers in conflict transformation—and continued after the elections to serve as the foundation of longer-term conflict transformation capacity-building in Sierra Leone. Since building management skills was identified as a strategic requirement if the PPRC were to carry out its mandate effectively, secretariat staff received on the job management training over a six-month period, as well structured training by management experts.

The UN System, through the basket fund, assisted the PPRC in organizing a dialogue on a code of conduct for political parties. The two-day participatory negotiation process, facilitated by an international expert, was attended by 171 participants—45 from political parties, 109 from civil society organizations and others (including SLP) and 17 international organizations—and was held in the presence of significant press representation as observers.

The intense and often animated negotiation process produced a revised final draft, which was discussed, negotiated, re-negotiated and finally agreed to article-by-article in a plenary session on the second day. The final draft of the code of conduct for the August 2007 general elections was adopted by acclamation.

Two months later, after delegates had fully briefed their principals, the code of conduct was signed in a well-publicized public national event on the premises of the parliament—which, after all, was the coveted prize for each of the political parties. A key element of the code was the formation of a Code Monitoring Committee (CMC), chaired by the PPRC and comprising representatives of political parties, a representative of Sierra Leone Police, two representatives from civil society, one representative from the National Commission for Democracy and one from the Inter-Religious Council to function as a forum for discussion of issues of common concern, including breaches of the code before, during and after the elections. The CMC received training in mediation skills, and its activities were funded as an integral component of PPRC.

District Code Monitoring Committees (DCMC), whose composition mirrored the CMC, were established in each of the 14 districts of Sierra Leone—and also received basic training in conflict mitigation, conducted by national training of trainers graduates referred to above. Their activities leading up to the elections were also funded by the international community.

## 4. Lessons learned

The UN in Sierra Leone organized a participatory lessons learned exercise to gather, document and analyze feedback on critical issues that influenced the implementation of the electoral process. Participants mentioned that the exercise helped to bring a sense of completion and closure to the whole electoral process and established a solid basis for the design of future efforts, programs and operations.

The drafters of the report on lessons learned arrived at a single general conclusion: that the considerable levels of credibility and transparency achieved in the preparation of code of conduct for the 2007 presidential and parliamentary elections were only possible due to the cohesive, coordinated and balanced support provided by the UN system, the international community and certain national actors.

Participants reflected on six main strategic areas of the electoral process: the security sector; political environment; electoral operations; capacity-building and advisory services; media and public and voter information; and stakeholders' management and donor coordination. Lessons learned from each of those main strategic areas are discussed in detail in Sections 4.1 through 4.6 of this Annex below.

### 4.1 *The security sector*

Effective security coordination mechanisms directly contributed to maintain the generally secure and orderly environment in which the 2007 presidential and parliamentary elections were planned, organized and conducted. Such mechanisms promoted efficient coordination, consultation, sharing of security information and intelligence among the various entities comprising the security sector. Specific lessons learned from these efforts included the following:

- Strengthening of the Sierra Leone Police (SLP) was vital. The sustained training of and logistical and operational support provided to the SLP were instrumental to ensure that it could perform its role and provide services in most instances in a timely, efficient, independent, professional manner and in compliance with international standards.
- The Sierra Leone Armed Forces Military Police's support helped the SLP to perform its security mandate and it provided an additional level of safety.
- The responsive and innovative use of the UN Peacebuilding Fund (PBF) allowed for prompt availability of funds as well as creative and responsive solutions to address evolving and unforeseen security-related problems.
- The creation of a High Court dedicated to electoral issues enabled the prompt and independent adjudication of a number of electoral disputes that arose during the two rounds of elections.<sup>78</sup> This contributed effectively to defuse the high potential for the escalation of post-election-related violence.
- Adequate security meant higher voter turnout. The widespread presence of well-equipped and well-trained police forces, and the consequent perception of the SLP as a homogeneous, independent and functional body, provided a sense of confidence to Sierra Leonean voters.
- Putting mechanisms in place to combat the security implications of misinformation was important. The two main regulatory mechanisms for ensuring a professional, objective and independent coverage of the elections by the Sierra Leonean media were: i) a media code of conduct, which promoted factual and

<sup>78</sup> The 2007 elections, given their highly contested nature and for the operational and political complexities that they involved, inevitably generated some election-related disputes and controversies. In terms of resolution of electoral disputes, the High Court comprised two distinct sections: the Election Petition Rules Courts dealt with all civil matters that were specifically connected to the results of the elections, while the Electoral Offences Court played a key role in handling criminal matters having specific reference to the offences prescribed in the Electoral Laws Act. The creation of these two courts of law (under the Electoral Laws Act 2002) dedicated to resolving electoral issues was a crucial measure to ensure not only a credible outcome for the 2007 elections, but also the full legitimacy of the elected bodies.

objective reporting by Sierra Leonean journalists, and ii) the Independent Media Monitoring and Refereeing Panel, a temporary body established with the function of monitoring the compliance of the national media with the media code.

#### **4.2 The political environment**

A significant number of measures and regulatory mechanisms were consistently put in place to create an overall political environment conducive to a credible electoral process, such as:

- the enhancement of the security sector;
- the promotion of a constant, open political dialogue through unprecedented levels of consultation, conflict mitigation and resolution mechanisms; and
- the efficient and intense coordination and sharing of information among all the principal electoral stakeholders, with the ability to exert significant pressure to ensure that political contestants would comply with established rules and procedures.

All of the following elements jointly contributed to defuse the increasing political tension that preceded both rounds of the presidential elections and to guarantee the ensuing peaceful transition of political power that took place through the ballot box.

- The strong mandate of UNIOSIL and the extremely dynamic role of the Executive Representative of the Secretary-General (ERSG) were pivotal to ensure the open and sustained political dialogue that prevented the much-feared election-violence from escalating. Such efforts effectively succeeded in accomplishing the transition of the UN role in Sierra Leone from peacekeeping into peacebuilding.

■ A forum for high-level political consultation, the International Stakeholders Meetings, chaired by the ERSG, provided for a regular, high-level consultative mechanism on political, human rights, electoral and other issues. This forum played an important mediation role, and exerted diplomatic pressure on political parties, leaders and presidential candidates to overcome disputes, to comply with the electoral law and procedures and to urge political supporters to refrain from resorting to violence.

■ Assistance for electoral administration is a critical component of electoral conflict-mitigation efforts.<sup>79</sup> Research experience has shown that the structure, balance, composition, and professionalism of the electoral management body is a key component in successful electoral processes that generate legitimate, accepted outcomes.<sup>80</sup> The key components of a legitimate electoral process comprise being free and fair in both political and administrative terms, inclusive of all elements of society through a well-considered law of citizenship and of voter registration, and offering meaningful choices to the population.

- The sustained capacity-building, professional training, technical advisory services and operational support provided to the PPRC rapidly transformed this newly established body into a credible national institution.<sup>81</sup>
- A code of conduct for political parties, a clear regulatory framework for political party behaviour, which did not exist previously, was established.

<sup>79</sup> For comprehensive information on electoral administration, see the website of ACE: The Electoral Knowledge Network at [www.aceproject.org](http://www.aceproject.org).

<sup>80</sup> See, for example, the following sources, all of which are listed in the References section of this publication: López-Pintor (2000), Pastor (1999) and Wall (2006).

- The establishment of Political Party Liaison Committees served as an effective consultation and communication vehicle between the NEC and the political parties to maintain cooperation and share information on all aspects of the electoral processes.
- Acting quickly in cases when electoral officials were perceived to be politically biased proved to be an important element to mitigate conflict. The swift disciplinary actions endorsed by the NEC against some election officials who performed their duties with lack of integrity and political bias quickly discouraged unethical behaviour.

Given its focus on conflict mediation and resolution and the outstanding results achieved in a short period of time, the PPRC model (unique to Sierra Leone) could be used as a case study of good practice and for possible adoption by other countries with similar highly contested political environments, or post-conflict and transitional democracy settings.

#### 4.3 *Electoral administration*

- The personal integrity, commitment and expertise of and the quality relationships among the NEC chairperson, the ERSG and the chief technical advisor were absolutely crucial.
- The UN's integrated approach contributed significantly to the successes.
- Operational transparency was vital to credible elections.
- Ensuring compliance with international standards was a crucial element of credible elections.

- One of the most frequent constraints faced by still developing electoral management bodies is their limited ability to effectively retain important operational and institutional memory gained from one election event and to apply such a memory to the next election. An important lesson learned was the value of integrating a comprehensive post-election evaluation into the project.

#### 4.4 *Capacity development*

The UN Electoral Assistance Team (EAT), which comprised 28 international electoral advisors operating at the NEC headquarters and 37 United Nations Volunteers electoral advisors operating at district level, contributed significantly to the success of the elections. The team also included a permanent advisor to the PPRC. The mandate of the EAT placed strong emphasis on the development of the necessary institutional and operational capacity of the NEC, on building of **local ownership** in the planning and administration the electoral process and on the sustainable strengthening of the professional capacities of the NEC staff.

The overall lesson learned is that professional development advancements of the NEC staff were achieved, but the NEC's capacity-building needs were far from being permanently addressed and continued investments for longer term professional development efforts were still required.

<sup>81</sup> In the electoral context of Sierra Leone, the PPRC represented an extremely positive innovation because it formally detached from the NEC the mandate of handling regulatory issues relating to the political parties (which often may become highly contentious). That step lessened the potential for conflict and mistrust between the parties and the electoral management body and turned the role of the NEC into a much more 'technical' and less 'political' one. In addition to fulfilling its party registration and regulatory tasks, the PPRC, in collaboration with the NEC and the UN System in Sierra Leone, led the process of adopting a code of conduct for political parties. Furthermore, the PPRC also undertook significant efforts for its dissemination (and the understanding) of its rules through a series of training sessions for political and traditional leaders and of public information campaigns in the various districts of the country. The PPRC also conducted extensive public information campaigns to promote violence-free elections and intervened to mediate political tensions. IFES provided significant support to the PPRC and helped facilitate its rapid growth and transformation into a credible national institution. Most notably, IFES assisted the PPRC in developing regulations mandating that political parties disclose their campaign finances and supporting its 14 district committees in performing their functions to monitor and resolve conflicts that could potentially have led to violence at the local level.

#### ***4.5 The media***

The fluent cooperation and sharing of information between the NEC and the media was instrumental to disseminate independent, accurate and timely information about the electoral process to the Sierra Leonean electorate and to all other stakeholders. The media support that the UNDP Communication Unit provided to the NEC proved extremely useful. However, despite the integrated public information strategy and the signing of a media code of conduct that encouraged and promoted factual and objective reporting by Sierra Leonean journalists, there were cases of inflammatory reporting by politically biased media outlets that posed threats to the security situation and the electoral process.

#### ***4.6 Stakeholders' management and donor coordination***

In addition to the importance of coordinating mechanisms and the quality of collaboration and relationships between international, regional and local stakeholders mentioned previously, participants in the lessons learned exercise identified the following lesson: the timely and adequate availability of funds was a key element in ensuring the success of the 2007 elections. In extensively supporting the electoral process, the international donor community demonstrated high levels of generosity and flexibility in which significant financial resources.

# ANNEX 9.

## Sample Peace Pact and Code of Conduct (Guyana 2006)

The Peace Pact and Code of Conduct listed below were developed for political parties contesting the 2006 general and regional elections in Guyana.

### 1. Peace Pact

We pledge to one another and to the Guyanese people to:

- uphold and defend the Constitution of Guyana;
- honour our National Pledge;
- talk and act in peace with fellow Guyanese;
- work hard to promote harmony and peace among members and supporters of all political parties;
- help eliminate all forms of violence; and
- encourage and demonstrate love, forgiveness and protection especially for children under stress as we strive to develop our native land.

### 2. Code of Conduct

Peace and public order, freedom of political campaigning, verification and compliance with electoral laws and regulations are essential to the conduct of free, fair and credible elections and the ready acceptance of results.

In furtherance of these objectives, we, the leadership of the political parties of Guyana:

- affirm our belief in the sanctity of human life and abhor taking human life or the violation of the person of anyone because of that person's political allegiance;

- declare our opposition to and rejection of the use of violence and intimidation by any of our members or supporters as a means of expressing political support or furthering political objectives;
- denounce the procurement, possession or distribution of weapons or ammunition of any sort by our members or supporters for use in political activity;
- affirm our commitment to non-violent relations between the members and supporters of all political parties;
- repudiate any action by our members or supporters calculated to provoke, threaten or intimidate the members and supporters of any other party;
- recognize and respect the rights of each party, its members and supporters to express and demonstrate their political views and to conduct lawful, non-violent activities in support of their objectives; and
- agree that we will only offer support to candidates who manifest the highest moral standards and who have not been convicted of any serious crime.

In the belief that the manner in which an election is conducted is crucial to the well-being of Guyana and to its functioning as a democracy, we the leadership of the political parties contesting the 2006 general and regional elections, will urge our candidates, agents and supporters to contribute positively to a peaceful political atmosphere in which our respective policies and

programs for Guyana's future development will be the dominant feature of our campaigns. In this regard, we solemnly declare that:

### ***2.1 Laws, rules and procedures***

- We will act in accordance with all existing laws, rules and procedures governing the election practices.
- We, our candidates, agents, members, supporters will avoid all illegal and corrupt practices. We will insist that our candidates and agents avoid making speeches or statements that promote racial or ethnic tension by using stereotypes and other language to denigrate citizens or groups through derogatory references to race, gender, religious belief or cultural practice.
- We will urge our candidates and supporters to respect the rights of others and, in particular, the right to freedom of speech and the right to hold and express contrary views.

### ***2.2 A peaceful campaign and respect for others***

We will contribute in every way to the goal of peaceful election process and hereby undertake to:

- forbid the use of threats, harassment or tendency to violence that might cause disruption whether at political rallies or elsewhere, or any other form of intimidatory behaviour;
- forbid the use of abusive, slanderous or threatening language, or language to incite people of one group to violence against any person, member or members of any other group;
- forbid the publication of any pamphlet, poster, cartoons or other material containing matters which can offend or incite people to cause public disorder;
- forbid our candidates, members or supporters from all acts of interference with rallies, meetings, gatherings or processions of other parties; and

- forbid all actions aimed at defacing, destroying or damaging any poster, notice or other campaign materials of other political parties.

### ***2.3 Respect for the integrity of the election process***

- We, together with our candidates, agents, workers and supporters, will cooperate with, and give support to, the Electoral Commission, its officials and officers in the proper execution of their functions and duties and we will refrain from attacks, threats or other improper treatment of these officials during the campaign.
- We will ensure that our candidates, agents and supporters refrain from interfering in any way with the polling and counting proceedings and avoid all attempts to spread false rumours about election activities.
- We will urge our candidates, agents and supporters not to cause damage in any way to any premise in which polling places are located or to remove, deface or damage any election materials.

### ***2.4 Cooperation with police, military and security authorities***

- We will show respect for, and give support to, the law enforcement, military and security authorities in the proper discharge of their duties during the campaign, voting and declaration of results periods. We agree that unhelpful behaviour by parties and candidates towards these authorities should be avoided.

### ***2.5 Commitment to implementation***

- We agree that effective implementation of this Code by all parties contesting the general and regional elections will significantly enhance the prospects for a free and fair election and we pledge ourselves to undertake, abide by and act according to its spirit, intent and letter.

- Accordingly, we will issue instructions to our candidates, agents, members and supporters directing them to observe this Peace Pact and Code of Conduct and we pledge to take such other steps as may be necessary to ensure that its principles and practices are widely disseminated and followed.

## ***2.6 Acceptance of valid elections***

- Upon the declaration of the results by the Elections Commission to the satisfaction of the majority of the political parties, accredited observers and invited international visitors, the losing parties and candidates will show graciousness and magnanimity in their acceptance of the elections results and the winning party will pledge itself to govern in the interests of all Guyanese.

## ***2.7 Verification and compliance***

- We agree that a system of verification is necessary to ensure compliance with this Peace Pact and Code of Conduct and will serve to build confidence, enhance credibility and develop trust among all parties contesting the general and regional elections. Accordingly, we agree to institute a system of self-verification as well as support and encourage other cooperative systems of verification as may be necessary to detect and deter any potential or actual act/s of non-compliance and we agree to issue and support public statements of condemnation with regard to such act/s or violations.

# ANNEX 10.

## References

The sources listed below refer to Sections 1 through 5 of this publication only. They are referenced directly in the text and footnotes where relevant. Specific sources for information in the Annexes are noted within each individual Annex.

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