CHAPTER III: ELECTORAL SYSTEMS AND PROCESSES

1. Introduction to Electoral Systems and Processes in Post-Conflict Situations

Elections have become an integral element of many United Nations peacekeeping missions over the past decade and are today a major focus of UN operations in post-conflict contexts such as Afghanistan and Iraq. In many post-conflict societies, elections represent a key step in a broader process of building political institutions and legitimate government and yet they can also be a lightning rod for popular discontent and extremist elements. A common mistake is to hold elections too soon after conflict, before national political issues have progressed and before the routines of normal peacetime politics have had time to develop. In such a situation, elections can become a focus for violence, as the groups previously engaged in combat continue their conflict via the electoral process. While elections are part of the broader process of democratization, ill timed, hurried, badly designed or poorly run elections can actually undermine that process in fragile post-conflict environments. Because of this, great attention needs to be given to the details of elections in post-conflict situations, including the context, the steps needed and the level of security surrounding the process.

2. Main Issues for Electoral Systems and Processes in Post-Conflict Situations

2.1   Although some generalizations are possible based on experience, what and how long it takes to organize credible, free and fair elections will depend a great deal on what there is to work with in the immediate post-conflict environment. There are no hard and fast rules of thumb which stipulate, for example, that every country conducting elections must run elections via a national permanent and independent electoral management body or that creating a voter registry is going to take precisely one year. These determinations depend on a variety of factors, including: the nature of the institutions that are already in place; who has the capacity and credibility to conduct elections; whether there is a pre-existing voter registry or civil register; the number of voters and their locations; whether IDPs and refugees are a concern; the number of external voters; the size of the territory; how porous the borders are; and the various forms of identification people have. There is thus no "how to" step-by-step guide to follow in providing post-conflict electoral assistance; rather, the context will be a determining factor in the type of support requested and provided.

2.2   UN electoral assistance comes in two forms, each of which has distinct characteristics. The two types are (i) major electoral missions and (ii) standard electoral assistance.

2.2.1   *Major electoral missions* require a mandate from the UN Security Council or General Assembly and are considered exceptional activities of the organization. Such missions are usually part of comprehensive peacekeeping missions that include an electoral component. These missions include the organization and conduct of elections (the UN assumes the role normally

fulfilled by national electoral authorities, e.g., Timor-Leste from 1999 to 2002); supervision and control of elections (equally rare, this type of mission has taken place largely in the context of decolonization and a Special Representative of the Secretary-General (SRSG) must certify the results of the elections and all stages of the process, e.g., Namibia in 1989); verification of electoral process (the host government remains responsible for the organization and conduct of the elections and the UN is mandated to observe and verify the legitimacy of the various stages of the electoral process and the compliance of the national electoral authorities with the electoral regulations; international observers are deployed throughout the country to follow closely all aspects of the electoral process and provide the basis for the final statement of the SRSG on the conduct of the elections, e.g., El Salvador, in 1994). There are also combinations or elements of the above, such as the current support in Afghanistan.

2.2.2   *Standard electoral assistance* is the form most such assistance provided by the UN takes today and does not require a specific mandate from the Security Council or the General Assembly. Standard electoral missions typically involve, inter alia, provision of technical assistance, support for national election monitors, support to the coordination of international observers, and so forth. It is in standard electoral missions that UNDP typically provides its maximum support as an organization focused primarily on capacity development of democratic institutions and processes. UNDP plays a singular role in the delivery of electoral assistance. Without UNDP's contribution, the UN's ability to provide electoral assistance would be severely restricted. Although the Under-Secretary-General of DPA is the designated focal point for electoral matters and provides expertise on political and technical issues through the UN's Electoral Assistance Division (EAD), UNDP's permanent field presence, country knowledge and impartiality enable it to forge strong relationships with government officials and international donors.

2.3   There are three crucial influences on post-conflict politics in most countries and any framework for electoral systems and processes support in post-conflict situations needs to take these three influences into account. They are (i) timing, (ii) mechanics, and (iii) the effect of the elections on political parties.

2.3.1   *Timing*: In general, it is better to avoid holding national elections immediately after a conflict. Instead, a period of time is needed for political consensus to build for having elections and for peaceful political routines and issues to come to prominence.

2.3.2   *Mechanics*: The mechanics of elections themselves raise many questions: who runs the elections? How are voters enrolled? What electoral formula is used? All of these decisions impact upon the type of party constellations that form and the kinds of appeals they make to voters and thus to the nature of electoral campaigning.

2.3.3   *Effect of the elections on political parties*: Particularly in cases of weak civil society, political parties are the key link between masses and elites, and play an

absolutely crucial role in building a sustainable democratic polity. The aim should be to promote the development of party organizations with real links to the community, democratic internal structures and broad, multi-ethnic programmes.

2.4   As noted above, one key lesson learned to date regarding post-conflict electoral assistance, is that ill timed, hurried, badly designed or poorly run elections can actually undermine the process of reconciliation and rebuilding in fragile post-conflict environments. Great attention therefore needs to be given to the details of elections in post-conflict countries, including the context, steps needed and level of security surrounding the process.

2.5   For UNDP, the quality of its interventions with at least a year's head start was much higher than those that had less time. Projects with shorter lead times run the risk of having to cut corners in order to meet short deadlines and can result in mistakes, higher costs of procurement, inadequate consultation time, and reducing important activities such as training. Sufficient lead-time is also important in reducing the costs of an election. Election materials will inevitably cost more and procurement options will be limited with shorter delivery time prior to the elections. Governments facing upcoming elections should be made aware that a timely request for assistance will be better managed by the UN system, resulting in more effective resource mobilization and subsequent delivery of support services. Only very limited support, if any at all, can be provided to last-minute requesting countries. No truly substantive electoral assistance is viable less than four months before election day.

2.6   Another lesson regards security, and the need for demobilization to take place before elections both to give the electorate adequate security but also to deprive would-be spoilers to take a military option if they are dissatisfied with the electoral results. Hand-in-hand with the importance of demobilization is the importance, in some contexts, of militias that have prosecuted the conflict transforming themselves into political parties that compete for power via the electoral system rather than on the battlefield. Where this transformation has been successfully effected, the former militias have managed to become broader-based institutions than they were originally and thereby part of the post-conflict political fabric.

2.7   Yet another lesson addresses the role of women in post-conflict electoral processes. Post-conflict elections in particular need to be and be seen as transparent and fair so that representation is based on popular support rather than imposed. The participation of women, as voters and candidates, in post-conflict elections is a key indicator of representation. Women constitute at least 50 percent of the voting population – often more, in post-conflict situations – and their exclusion or under-representation diminishes a post-conflict government's claims to popular legitimacy.

3. Entry Points for Electoral Systems and Processes in Post-Conflict Situations

In post-conflict elections, the first step needed is to conduct an assessment of whether there is consensus to have elections in the first place, and whether conditions on the ground are conducive to the conduct of safe and free elections. In *self-enforcing*

cases[14], there is typically consensus within society on the need to proceed with elections; additionally, in such cases, conditions on the ground usually lend themselves to the conduct of secure, free and fair elections early on. In *mediated cases*, conditions usually permit the conduct of elections in a relatively short timeframe, but attention needs to be paid to ensuring that elements in society other than the previously warring factions are permitted and resourced to form viable political parties; additionally, stakeholders should be alert for potential intimidation by former combatants newly minted as politicians. In *conflictual cases*, the premature conduct of elections can be a source of major instability: one or more major factions might repudiate the results, not to mention the electoral process itself, intimidation and violence oftentimes mark the both the registration and the vote, and conflict can resurface either during or after an election for which limited consensus exists. As such, more time, consultation and dialogue will be needed at each stage of electoral preparation.

Some electoral systems and processes service providers focus on "D-day" or the election itself, and therefore stress the human, financial and materiel resources that need to be in place to pull off a good election. Other service providers focus more on building longer-term capacities and strengthening institutions and processes before but also between elections, with a view to eventually removing the demand for assistance in this area. There are thus differences in the types of electoral systems and processes support that might be offered in the immediate post-conflict environment and those that might be offered on a more ongoing or long-term basis. This being said, however, the differences between immediate post-conflict and medium to longer-term electoral support lie not so much in different entry points (though there are some), as they do in the sequence of those entry points and details of assistance within them. Some of these distinctions are detailed below.

UNDP is currently working in approximately thirty countries to provide electoral systems and processes support. Much of this is focused on getting to "D-day" and supporting the day itself, but equally important is the growing area of work UNDP is doing between elections on ongoing civic education to familiarize citizens with their rights and responsibilities and with the features of the political system, longer-term capacity development support to electoral management bodies, and working with women as candidates and then elected representatives. These types of support fit into UNDP's larger democratic governance agenda. Some examples of UNDP entry points in terms of technical assistance before and during "D-day", many of which segue into

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[14] This paper utilizes a three-pronged typology identified by CMI to analyze different post-conflict settings and proposing governance interventions, as follows:

(i) *Self-Enforcing Cases*, in which one side is overwhelmingly victorious, usually with the defeated party territorially displaced (e.g., post-colonial or separation situations); there is typically substantial consensus in society about political developments in the aftermath of the cessation of hostilities (e.g., Timor-Leste and Eritrea).

(ii) *Mediated Cases*, in which two or more previously warring factions agree to a peace settlement, which typically includes agreement on subsequent political development; however, mistrust usually remains, and, moreover, other elements of society are unable to voice their concerns, given the dominance of the previously warring factions (e.g., Cambodia and Mozambique).

(iii) *Conflictual Cases*, in which one side achieves a military victory *per se*, but there is no comprehensive peace settlement to resolve the very issues that led to and exacerbated the conflict. The risk of renewed hostilities is high (e.g., Rwanda and Afghanistan).

longer-term capacity building support, are detailed in this section, while the next focuses on the longer-term capacity building support per se. As noted above, however, in conflictual post-crisis situations, external partners should be wary of facilitating the premature conduct of elections.

3.1 Immediate Post-Conflict Assistance

3.1.1   *Support to electoral systems*, or the design or revitalization of an electoral system, is particularly important for post-conflict countries or those that have experienced a rupture in the political system and need to revisit the type of system that responds best to its needs; for example, majoritarian systems versus proportional versus some combination of both. A given electoral system will not necessarily work the same way in different countries. Important determinants include the socio-political context in which it is used, such as, how a society is structured in terms of ideological, religious, ethnic, racial, regional, linguistic, or class divisions; phase/stage of the democratic process; whether there is an established party system or an incipient one, whether parties are embryonic or well formed, and whether supporters of the political parties are geographically concentrated, or dispersed throughout the territory of a country. In post-conflict elections, the question of ethnic minorities and women's representation is often a focus of concern. For example, whether quotas should be used to ensure a certain threshold of diversity, or whether the incentives for diversity should otherwise be built into the electoral or legal framework. Support for new or revitalized electoral systems is often an entry point UNDP uses in the immediate post-conflict environment to help prepare for D-day. This is often delivered in conjunction with constitutional drafting, interim legislature and other support.

3.1.2   *Support to electoral administration*, which is a priority area of assistance for UNDP, is the building of independent and permanent electoral management bodies. Support to electoral management bodies is a feature of almost all UNDP electoral assistance activities; in the immediate post-conflict context, this support can tend on building up quickly the capacity of the interim, permanent or other type of electoral body to manage the election day itself. This can focus on preparing the voters list, setting up the format for the election day count and recount of results, and coordinating the observation missions of all international observers.

3.1.3   *Support to voter registration and other processes*. This often involves support for low-cost, free and fair elections, and can take many forms, although in the immediate post-conflict context, this assistance is often focuses on voter registration. Generally, the voter registration exercise is the single most expensive administration component and can account for as much as half of the overall election budget, particularly if something new and/or complicated is envisaged. In countries such as Afghanistan, where a voter registration exercise needs to take place from scratch and there is a large number of internally displaced people, voters in other countries, disenfranchised women, etc., this is the focus of a large portion of the UN's 0 to 18 months post-conflict support and funds. In other post-conflict contexts, however, such as Iraq, extensive civil

registry and other information exists from which a voter's register can be built. Therefore, voter registration will likely take up less of the overall assistance focus.

3.1.4   *Voter education*, with a particular focus on enhancing women's role in the electoral process. As election day nears, these activities have the main goal of getting out the vote to help ensure as high a turnout as possible both to legitimize the first post-conflict election and help ensure its credibility with a presumably divided population. UNDP has helped to produce voter education materials for TV, radio, print, folk media, posters, flyers, leaflets and stickers that were distributed through government and non-government channels to create awareness and motivate voters to enlist on the electoral roll and participate in elections.

3.1.5   *Mobilization and coordination of resources.* UNDP often serves as a conduit for third-party financial resource contributions, and often coordinates donor assistance or even helps coordinate international electoral observation, as seen in many post-conflict contexts. In some countries, where there is a UN Security Council mandate, UNDP implements key portions of the electoral and governance assistance usually in close coordination with the civilian affairs component of the UN peacekeeping mission on the ground.

3.1.6   *New areas of support such as electoral disputes*. UNDP's work in this area includes reaching consensus on the legislative framework around elections and building confidence in the electoral rolls and aggregation of results processes. It is one of the entry points UNDP has used, and is using more and more, from the immediate post-conflict context through the holding of the first election.

3.2 Medium-Term Post-Conflict Support

3.2.1   *Support to electoral systems*, including political institutions and institutional reform, e.g. through design and reform of electoral systems, which can help to build links of accountability between government and the governed. UNDP uses this entry point in the immediate post-conflict environment but also in its longer-term assistance to countries that may wish to revisit their systems after the first post-conflict elections are held, as in the case of a country such as Mali.

3.2.2   *Support to electoral administration*, which is a priority area of assistance for UNDP, involves, over the longer-term, the building of independent and permanent electoral management bodies. This assistance takes the form of institutional strengthening; assistance for legal reform; professional development programmes; greater public information and outreach capacity; and resource management. As noted above, support to electoral management bodies is a feature of almost all UNDP electoral assistance activities, and is in many cases part of a larger programme that provides assistance to the electoral management body in the inter-election period in preparing and maintaining voters list, in conducting civic education and in inputting to civil registry and other public administration processes. Longer-term support to electoral

administration also can tend to focus on support to local, as opposed to presidential or legislative, elections.

3.2.3   *Support to voter registration and other processes.* This often involves support for low-cost, free and fair elections, and can take many forms in the medium to long term, although typically assistance is focused on issues of election planning, monitoring and budgeting, and voter registration and civil registry support. In some post-conflict countries, such as Cambodia, UNDP has also supported the evolution, in the longer-term, from a periodic register to a permanent or continuous one.

3.2.4   *Voter education*, in the medium- to longer-term, aims to raise awareness and highlight the rights and responsibilities of citizens inherent with a functioning democratic society. In the immediate post-conflict, post-election environment, voter education is often transformed into more of a civic education focus (see below).

3.2.5   *New areas of support* such as political parties and ongoing civic education. UNDP's work in this area includes involving political parties in electoral list validation; and in conducting ongoing civic education. Bringing political parties into the electoral and political processes and ensuring ongoing civic education, often effectively linked to peace and reconciliation initiatives, are particularly salient for post-conflict settings.

Annex I: Illustrative Entry Points and Sequencing for Electoral Systems and Processes in Post-Conflict Situations

SELF-ENFORCING[15] POST-CONFLICT SITUATIONS		
Strategic Entry Point	**Immediate Post-Conflict**	**Medium-Term**
Electoral Systems	- Design or revitalization of electoral system - Consideration of ethnic or other minorities in system - Sequencing of legal framework, constitution, referenda, elections, etc.	- Revision of the electoral system - Institution of quotas to enhance women's participation - Enhancing the link between the elected and those they represent
Electoral Administration	- Establishment of interim, permanent or other kind of electoral body - Basic capacity development support aimed at smooth coordination and execution of the election - Logistical support to plan, budget, etc. for election - Coordination of international observers	- Building longer-term capacity for electoral administrators - Support to local elections - Professional development, outreach capacity, public information functions - Maintaining voter's lists and civil registry data - Civic education functions in inter-election period, if relevant
Voter Registration	- Production or revision of voter registry - Enabling process of registration, particularly among internally displaced persons, refugees, women, etc.	- Revision of voter registry - Evolution from periodic list systems to permanent registers - Linkages between voter registry and civil registry
Voter Education	- Emphasis on importance of voting, particularly among potentially disadvantaged groups - Emphasis on the mechanics of voting, particularly if a new system is being used	- Raising awareness of citizens' rights and duties in a society - Transformation from voter education to civic education in the post-election environment
Resource Mobilization and Coordination	- Conduit for third-party financial resource contributions - Coordination of international electoral observation, as required - Liaison with UN peacekeeping missions civilian affairs component	- Is done in the longer-term but often folded into larger democratic governance programme support within the country programme
New Areas	- Electoral dispute resolution – both involving the legal context pre-elections and contention around results post-election	- Support to political parties in the electoral and political processes Support for ongoing civic education in the inter-election period

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[15] A *Self-Enforcing* Case is one in which one side is overwhelmingly victorious, usually with the defeated party territorially displaced (e.g., post-colonial or separation situations); there is typically substantial consensus in society about political developments in the aftermath of the cessation of hostilities (e.g., Timor-Leste and Eritrea).

MEDIATED[16] POST-CONFLICT SITUATIONS

Strategic Entry Point	Immediate Post-Conflict	Medium-Term
Electoral Systems	- Design or revitalization of electoral system - Consideration of ethnic or other minorities in system - Sequencing of legal framework, constitution, referenda, elections, etc.	- Revision of the electoral system - Institution of quotas to enhance women's participation - Enhancing the link between the elected and those they represent
Electoral Administration	- Establishment of interim, permanent or other kind of electoral body - Basic capacity development support aimed at smooth coordination and execution of the election - Logistical support to plan, budget, etc. for election - Coordination of international observers - Special attention to monitoring pre-election campaigning, with a view to stemming intimidation	- Building longer-term capacity for electoral administrators - Support to local elections - Professional development, outreach capacity, public information functions - Maintaining voter's lists and civil registry data - Civic education functions in inter-election period, if relevant
Voter Registration	- Production or revision of voter registry - Enabling process of registration, particularly among internally displaced persons, refugees, women, etc.	- Revision of voter registry - Evolution from periodic list systems to permanent registers - Linkages between voter registry and civil registry
Voter Education	- Emphasis on importance of voting, particularly among potentially disadvantaged groups - Emphasis on the mechanics of voting, particularly if a new system is being used	- Raising awareness of citizens' rights and duties in a society - Transformation from voter education to civic education in the post-election environment
Resource Mobilization and Coordination	- Conduit for third-party financial resource contributions - Coordination of international electoral observation, as required - Liaison with UN peacekeeping missions civilian affairs component	- Is done in the longer-term but often folded into larger democratic governance programme support within the country programme
New Areas	- Supporting the formation and viability of parties other than those that were previously factions/combatants in the preceding conflict - Electoral dispute resolution – both involving the legal context pre-elections and contention around results post-election	- Support to political parties in the electoral and political processes Support for ongoing civic education in the inter-election period

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[16] A *Mediated Case* is one in which two or more previously warring factions agree to a peace settlement, which typically includes agreement on subsequent political development; however, mistrust usually remains, and, moreover, other elements of society are unable to voice their concerns, given the dominance of the previously warring factions (e.g., Cambodia and Mozambique).

CONFLICTUAL[17] POST-CONFLICT SITUATIONS

Strategic Entry Point	Immediate Post-Conflict	Medium-Term
Electoral Systems	- Promoting dialogue on the design or revitalization of electoral system - Consideration of ethnic or other minorities in system - Sequencing of legal framework, constitution, referenda, elections, etc.	- Revision of the electoral system - Institution of quotas to enhance women's participation - Enhancing the link between the elected and those they represent
Electoral Administration	- Fostering dialogue on the establishment of interim, permanent or other kind of electoral body	- Basic capacity development support aimed at smooth coordination and execution of the election - Logistical support to plan, budget, etc. for election - Coordination of international observers - Building longer-term capacity for electoral administrators - Support to local elections - Professional development, outreach capacity, public information functions - Maintaining voter's lists and civil registry data - Civic education functions in inter-election period, if relevant
Voter Registration	- Planning voter registry process	- Production or revision of voter registry - Enabling process of registration, particularly among internally displaced persons, refugees, women, etc. - Evolution from periodic list systems to permanent registers - Linkages between voter registry and civil registry
Voter Education	- Emphasis on importance of voting, particularly among potentially disadvantaged groups	- Emphasis on the mechanics of voting, particularly if a new system is being used - Raising awareness of citizens' rights and duties in a society - Transformation from voter education to civic education in the post-election environment
Resource Mobilization and Coordination	- Coordination of dialogue and voter education processes	- Conduit for third-party financial resource contributions - Coordination of international electoral observation, as required
New Areas		- Electoral dispute resolution – both involving the legal context pre-elections and contention around results post-election - Support to political parties in the electoral and political processes - Support for ongoing civic education in the inter-election period

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[17] A *Conflictual Case* is one in which one side achieves a military victory per se, but there is no comprehensive peace settlement to resolve the very issues that led to and exacerbated the conflict. The risk of renewed hostilities is high (e.g., Rwanda and Afghanistan).

Annex II. Resources and Partners

Resources

Post-Conflict Elections: War Termination, Democratization and Demilitarizing Politics, Terrence Lyons, George Mason University (February 2002):
http://www.gmu.edu/depts/icar/Work_Paper20.pdf

Democracy and Deep-rooted Conflict: Options for Negotiators, Peter Harris and Ben Reilly, International IDEA (1998):
http://www.idea.int/publications/democracy_and_deep_rooted_conflict/home.htm)

Electoral Choices for Divided Societies, Matthijs Bogaards, University of Southampton (April 2001):
(http://www.essex.ac.uk/ecpr/events/jointsessions/paperarchive/grenoble/ws13/bogaards.pdf)

Electoral Systems and Their Goals: A Primer for Decision Makers, Donald Horowitz, Duke University (January 2003):
(http://www.cic.nyu.edu/pdf/E6ElectoralSystemsHorowitz.pdf)

To Craft Democracies: An Essay on Democratic Transitions, Giuseppe di Palma, Berkeley, University of California (1990).

UNDP's Electoral Support Retrospective: 10 Years of Experience, BDP, UNDP, New York (February 2001).

Gender and Electoral Assistance, UNDPKO Draft Chapter of Gender Resource Package (due to be published in 2004).

Partners

UNDP maintains partnerships on elections within the UN system, including with the Electoral Assistance Division (EAD) of the Department of Political Affairs (DPA) (www.un.org/Depts/dpa/ead/eadhome.htm); the United Nations Department of Economic and Social Affairs (DESA) (www.un.org/esa/desa.htm); and the United Nations Volunteers (UNV) (www.unv.org).

Over the past few years, UNDP has signed a number of Memoranda of Understanding with organizations that provide services in the electoral assistance sector. These include:

The International Foundation for Election Systems: www.ifes.org
IFES provides professional advice and technical assistance in promoting democracy. Working in over 100 countries, it lends its expertise in elections, rule of law, governance and civil society.

International IDEA: www.idea.int
International IDEA was established to promote sustainable democracy worldwide, engaging in a wide variety of activities designed to advance democracy and to improve the quality of democratic governance, nationally and internationally.

The National Democratic Institute for International Affairs (NDI): www.ndi.org
NDI calls on a global network of volunteer experts, providing practical assistance to civic and political leaders advancing democratic values, practices and institutions. NDI works in every region of the world to build political and civic organizations, safeguard elections, and to promote citizen participation, openness and accountability in government.

Other actors in the field include:

- Electoral Institute of Southern Africa: www.eisa.org.za
- Association of Central and Eastern European Election Officials, ACEEEO: www.aceeeo.org
- The Office for Democratic Institutions and Human Rights, OSCE: www.osce.org/odihr
- The International Republican Institute (IRI): www.iri.org
- The Westminster Foundation for Democracy: www.wfd.org
- The Carter Center: www.cartercenter.com