Conference Paper

1 | 2011

Ballots or Bullets: Potentials and Limitations of Elections in Conflict Contexts

swisspeace Annual Conference 2010

Andrea Iff, Editor

swisspeace

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Table of Contents

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List of Abbreviations

AU	African Union
CCM	Civil-Military Committee
CENI	Independent National Electoral Commission (Guinea)
CoE	Council of Europe
CPA	Comprehensive Peace Accord
CPN(M)	Communist Party of Nepal (Maoist)
DRC	Democratic Republic of the Congo
ECOWAS	The Economic Community Of West African States
EISA	Electoral Institute for the Sustainability of Democracy in Africa
EMB	Election Management Body
FDFA	Swiss Federal Department of Foreign Affairs
FOSSEPEL	Special Force for the Securisation of the Electoral Process
HLPC	High Level Peace Commission (Nepal)
IDPs	Internally Displaced Persons
IGAD	Intergovernmental Authority on Development
IDEA	Institute for Democracy and Electoral Assistance
IEC	Independent Electoral Commission
IFES	International Foundation for Electoral Systems
ISAF	International Security Assistance Force
KOFF	Center for Peacebuilding (swisspeace)
MEC	Malawi Elctoral Commission
OAS	Organization of Amercian States
OSCE	Organisation for Security and Co-operation in Europe
PCMC	Peace and Conflict Management Committee
SADC	Southern African Development Community
SDC	Swiss Agency for Development and Cooperation
SFCG	Search for Common Ground
UML	Communist Party of Nepal – Unified Marxist-Leninist
UNDP	United Nations Development Programme
UNITA	The National Union for the Total Independence of Angola
USAID	United States Agency for International Development

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Abstract/Zusammenfassung/Résumé

Over the last decades, there has been an increasing reliance on electoral processes as the principal way to legitimize governance at national, regional, and local levels. Besides this positive potential of elections, there is also a growing awareness of problems that might arise during and after elections in (post-)conflict situations and in fragile contexts. Even though in recent years there has been more work on the topic, it remains unclear when and why elections are a catalyst for and when they are a peaceful way of resolving violent conflict. The Conference Paper brings together analytical and practical insights into the question of elections as a peace building instrument in post-conflict societies. On the one hand, it tackles structural, macro-level issues like the relevance of elections within the liberal peace paradigm and the relationship between violence and elections. On the other hand it gives more practical, process and actors-related insights on how to include conflict sensitivity in electoral support or how the international community can best use elections as a peace building instrument.

Im Verlauf der letzten Jahrzehnte, entwickelten sich Wahlen zum wichtigsten Weg um Gouvernanz auf nationaler, regionaler und lokaler Ebene zu legitimieren. Neben diesem positiven Potenzial von Wahlen wächst auch das Bewusstsein für Probleme, die sich während und nach Wahlen in (post-) Konfliktsituationen und in fragilen Kontexten ergeben können. Obwohl in den letzten Jahren viele Arbeiten zu diesem Thema erschienen, bleibt weitgehend unklar, wann und warum Wahlen als Katalysator gewaltsamer Konflikte wirken und wann sie zu einer friedlichen Konfliktlösung führen können. Das vorliegende Conference Paper vereint die analytische und praktische Perspektive auf Wahlen als ein friedensstiftendes Instrument in Postkonflikt-Gesellschaften. Auf der einen Seite greift es strukturelle, auf der Makro-Ebene liegende Themen auf, wie die Bedeutung von Wahlen innerhalb des liberalen Friedens-Paradigmas und die Beziehung zwischen Gewalt und Wahlen. Auf der anderen Seite vermittelt das Paper einen praktischeren, auf Prozesse und Akteure bezogenen Eindruck, wie Konfliktsensibilität als Unterstützung bei Wahlen einzubinden ist oder wie die internationale Gemeinschaft Wahlen am besten als friedensstiftendes Element einsetzen kann.

Au cours des dernières décennies, on observe une dépendance croissante sur les processus électoraux comme principal moyen de légitimer la gouvernance aux niveaux national, régional et local. Outre le potentiel positif des élections, il y a aussi une prise de conscience accentuée des problèmes qui pourraient survenir pendant et après les élections dans les situations de (post-) conflit et dans des contextes fragiles. Même si ces dernières années, il y a eu plus de travaux sur ce sujet, on ignore encore quand et pourquoi les élections sont un catalyseur pour les conflits violents et quand ils sont un moyen pacifique de les résoudre. Le document de conférence réunit des éléments analytiques et pratiques sur la question des élections comme instrument de promotion de la paix dans les sociétés post-conflit. D'une part, il souligne des questions structurelles comme la pertinence des élections au sein du paradigme de la paix et la relation entre la violence et les élections. D'autre part il donne un point de vue plus pratique, lié aux processus et aux acteurs, sur la façon d'inclure la sensibilité aux conflits dans le soutien électoral ou comment la communauté internationale peut utiliser au mieux les élections comme un instrument de consolidation de la paix.

1 Election and Violence – What do we Know, What do we Need to Know?

Andrea Iff

1.1 Introduction

Over the last decades, there has been an increasing reliance on electoral processes as the principal way to legitimize governance at national, regional, and local levels. Besides this positive potential of elections, there is also a growing awareness of problems that might arise during and after elections in (post-)conflict situations and fragile contexts. Well known recent examples are Afghanistan, Côte d'Ivoire, or Sudan. Albert (2007: 133) defines electoral violence basically as "all forms of organized acts or threats – physical, psychological, and structural – aimed at intimidating, harming, blackmailing a political stakeholder before, during and after an election with a view to determining, delaying, or otherwise influencing an electoral process." Electoral violence is often perceived as a sub-category of political violence (Höglund & Jarstadt, 2010; Höglund 2009; Höglund et al., 2009; Fischer, 2002), which has an important implication with regard to explaining it. Political violence is the result of systemic and long standing grievances where the political will of a specific group is not responded to. Therefore, even though electoral violence occurs in connection with an election, the event itself is rarely the root cause of a conflict. It is still not clear, when and why elections are a catalyst for conflict and when they are a peaceful way of resolving violent conflict.

This is why swisspeace dedicated its 2010 Annual Conference to the question of electoral violence with the title 'Ballots or Bullets – elections in post-conflict contexts'; the proceedings are now published in this Conference Paper. In the following, an introduction on the field of elections and conflict shall be given, and the contributions of the authors of the Conference Paper will be introduced along the different research issues. First, the pro's and con's of holding elections in a post-conflict environment will be enumerated. As there is no empirical certainty whether elections are a trigger or a healer of conflict, in a second step, the theoretical underpinnings of elections as part of a peace process will be elaborated and criticized within the liberal peace framework. Third, the relevance of specific factors that can influence the level and severity of political violence are discussed (e.g. the party or electoral system). As a fourth important element issues of mediation or conflict prevention are presented. Finally, the role of the international community in post-conflict situations is assessed and this introduction ends with a caution that apart from better understanding the interlinkages of violence and elections, it is always crucial to thoroughly understand the overall conflict history of a country when assessing elections related violence.

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swisspeace experience in electoral violence

swisspeace has broad experience in the field of elections and conflict. It conducted various activities that are directly linked to the field of elections support in conflict-affected contexts. In October 2010, swisspeace supported the Political Division IV of the Swiss Foreign Department in organizing an expert workshop on the 'Prevention of Election Related Violence'. The mediation program of swisspeace has also implemented concrete activities in the field. One project was a capacity building program for electoral mediators in Guinea in 2010/2011, in cooperation with International Alert (see more details below). In spring 2011, swisspeace conducted an evaluation mandate of the 'Election Support Learning Project' of the SDC's 'Decentralisation and Local Governance Network' (see more details below). Furthermore, swisspeace has first-hand knowledge of the elections and conflict nexus through its research activities on (South) Sudan and Côte d'Ivoire.

Mediation in the context of election-related conflicts – a project by swisspeace, International Alert and EISA
In the context of the presidential elections in Guinea in 2010, International Alert, EISA and swisspeace jointly organized workshops on 'The Role of Mediation in the Context of Elections' to sensitize 115 representatives of civil society, the administration and election-management bodies. Following the training, the participants engaged in conflict prevention activities during the first round of presidential elections. Among these activities was the founding of a network of 'Civilian Mediators' that has been given an official mandate by the Economic and Social Council of Guinea. In early 2011, swisspeace and International Alert conducted debriefing workshops with all the participants in the four regions in order to assess their needs for future actions.

SDCs good practices in election processes – swisspeace evaluation and support
Elections are a crucial element of democratization processes. However, as many examples have shown in recent years, the conflict potential of elections is important. Elections can either (re-) ignite dormant conflicts, open up new arenas for violent confrontation, or lead to a return to war. SDC, in particular in the framework of its country cooperation strategies, also supports democratic institutions and processes. swisspeace supported the 'Learning Project on SDC's Good Practice on Promoting Democratic Practices in Election Processes'. The primary objectives were to highlight the comparative advantages of SDC interventions and elaborate synergies under a 'whole of government approach' with other Swiss institutions active in the field of election support.

1.2 Elections – Trigger or Healer?

Almost all peace treaties of the recent years foresaw elections as part of the transition process to peace. They should guarantee that a country, after years and years of no or military rule, is led by a legitimate government. The question, whether they contributed to peace or rather triggered conflict is strongly debated by scholars and practitioners alike. Theoretically, there are convincing arguments from both sides.

Several scholars argue for elections after violent conflict based on the reasoning that they are the main way to democratization providing possibilities for practicing political pluralism (Lindberg, 2003; Berman, 2007; Carothers, 2007). Elections are expected to transform a violent conflict into a non-violent one and to contribute to the institutionalization of a conflict resolution mechanism in the regular political institutions (Taleski, 2010). Other scholars mainly argue from a peace promotion point of view: the promise of early elections facilitates peace settlements and convinces foreign countries to contribute peacekeeping forces to post-conflict settings by providing them with a clear end date for the peacekeeping mission (Lyons, 2002).

In contrast, sceptics of elections in post-conflict settings question the healing effects of elections because they take place in an insecure environment, where former combatants have not yet demobilized, and among politicians who make nationalist, sectarian, and radical appeals (Reilly, 2002; Paris, 2004; Mansfield & Snyder, 2007; de Zeeuw, 2008). Furthermore, in terms of democratization, it seems that elections in conflictive circumstances seldom lead to pluralist political systems (Rakner & van de Walle, 2009) or, because of weak institutions, they result in more authoritarian rule (Rakner & Rønning, 2010; Brinkerhoff, 2007). In addidtion, Brancati and Snyder (2010: 19) show that the increasingly common combination of early elections and inconclusive civil war outcomes create exactly the conditions which make elections especially dangerous. Based on these considerations, the sceptics sum up that elections generally increase the likelihood of (renewed) intrastate conflict and violence (Snyder, 2000; Mansfield & Snyder, 1995, 2005).

An assessment of the question whether elections in post-conflict settings are 'good or bad' based on specific case studies does not support either view empirically. Ndulo and Lulo (2010: 156) but also Almami (2010: 1) state that although it is true that post-conflict elections have resulted in violence in some countries, it is important to keep in mind that this scenario is not the whole story. The experiences of Namibia (1989), Cambodia (1993) South Africa (1994), Mozambique (1994), El Salvador (1994), East Timor (2001, 2002) and, in many respects, Sierra Leone (2002), and Liberia

(2005) are notable examples of successful elections held in so-called 'fragile' countries. Other authors assert that luckily, most elections are not intensely violent although the media may focus on these horrific events and they account 'only' between 19 to 25 percent of all elections in Africa to be violent (Bekoe, 2009; Straus & Taylor, 2009; Fischer, 2002).

Given these different empirical and theoretical considerations, it becomes clear that the links between elections, peace, security and democratization are not 'automatic'. They are contingent upon many factors. In some cases, elections build and enhance democracy and its institutions, while, in others, elections lead to contested results and violence. This is why context, but also other historical, societal and institutional factors seem key for elections to be either advantageous or injurious to post-conflict democratizations.

1.3 Right Thing Wrong Time? Elections in Liberal Peacebuilding

Most of the critique that is mentioned above stems from the conceptualization of elections within the overall liberal peace paradigm. It is well established that liberal democracies wage less war against each other (Russett, 1995; Doyle, 1999; Russett & Oneal, 2001). Yet, because most of the armed conflicts since the end of the Cold War have been internal conflicts (Gleditsch et al., 2002), the focus has moved towards the question whether the concept of 'democratic liberal peace' also applies to such internal conflicts. Research results on this issue are still sparse: states enjoying a liberal democratic system are found to face a smaller probability of armed conflict (Hegre et al., 2001), but transitional democracies are found to be more war-prone (Mansfield & Snyder, 2005). More recently, authors such as Ottaway (2002) or Paris (2002; 2004) have criticized the uncontested underlying liberal democratic assumptions.

In the theoretical model of liberal peacebuilding, elections play an important role (Brunell, 2006; OECD, 2010). Within the overall framework of liberal peace and peace missions they are however seldom viewed as a first step towards democracy, but rather as the final point in an external intervention. After the elections, there is often not the same level of commitment of the international community, instead, troops and administrators are withdrawn and a shaky political situation left behind (Ottaway, 2002: 1010). Such a conceptualization however does not take into account that even though elections can be held soon after the signing of a peace accord and show a tangible result, political institutions to which public officials are elected take much longer to develop or consolidate (Paris & Sisk, 2007: 5). In the transcription of her keynote, Marina Ottaway elaborates on the relevance of elections within the bigger liberal peace framework (page 16-20). She concludes that we should develop a more modest approach to peacebuilding; as we do not know how to build institutions, what should be done first in post-conflict situations is to build systemic conditions that elections can be held in the first place. If this is not possible, strategies for postponing elections should be established. For this, a better understanding of so called interim phases is needed.

The fundamental problem of elections as part of a peace process is that they take place under different conditions than in a 'normal' democratization process: the aim of elections in a post-war situation is that they should end a conflict; the aim of elections in a democratization process is that they should foster pluralism. "Competitive elections have the potential to be deeply destabilizing events, even more so in a post-conflict situation (Mbugua, 2006: 24). In the following table, some of the main differences in function, occurrence, etc. of elections in these two different environments have been enumerated. Democratization by its very nature undermines established political orders, (…) highlights social cleavages, subverts existing power relations, and threatens incumbent authority" (Reilly, 2008: 163).

Table: Elections in peace and in 'normal' democratization processes

	Elections in peace process	Elections in democratization process
Function	End intrastate conflict Step towards democratic institutions	Affirmation or change of political force
Overall situation	Insecurity, militarization, violence as an option, weak institutions	Relative stability, freedom of movement, expression and organization, rule of law
State structure	Weak state structures	Established administrative system
Occurrence	After negotiation of peace accord	Regularly, based on constitution
Political players	All conflict parties; excluding parties that have not taken up arms	All established political parties, with the possibility of new actors to join in
Political parties	Former rebel groups, former government parties	Established political parties
Political competition	Polarization based on hostilities during conflict	Pluralism based on changing cleavages in society, tolerant political culture
International actors	External actors play major role; pressure from international actors; interference from neighbouring countries	Internal actors
Outcome	Decision over the survival of an ethnic or political group; access to resources and services	Decision over political power over next few years

Source: present author based on data from Lyons 2002, Gaber 1998, Kumar 1998, Brinkerhoff 2007

Given the different conditions under which elections in a post-conflict environment take place, it seems that some preconditions need to be in place for elections to have a transformative character. Kühne (2010: 3) enumerates three context elements: (1) a secure environment – if an election is ruled by the guns and not by political ideas, there is a higher likelihood of violence. (2) administrative and communication infrastructure – this is not only needed for the elections themselves, but also with regard to related activities like voter registration, civic education and so forth. (3) functioning police and justice system – these administrative bodies have to be able to deal with fraud, abuse or other criminal issues during the elections, otherwise the population at large will have no confidence in the fairness of the elections.

1.4 The Link Between Elections, Violence and Peace

Given the lack of empirical evidence, it is important to find out why in some cases elections have strengthened democratic systems capable of handling conflicts while in others they have promoted violence. There is a need for better understanding the interlinkages between elections and conflict dynamics in post-conflict societies.

A large number of single factors have been identified in the literature that influence the occurrence of electoral violence. For example, the composition of political parties or the nature of the electoral system. In the former factor, it is mainly of interest how armed groups transform into parties and how this transformation influences their ability to restrain from violence (Manning, 2007; Lyons, 2004; Harris, 2003). The nature of the electoral and the party system is another important factor that can accelerate or mitigate conflict in the electoral process (Sisk & Reynolds, 1998; Elklit, 2007; Bjornlund et al., 2007: Horowitz, 2001; Reynolds, 2002; Lijphart, 2004; Reilly, 2006). Giving an overview on the relevance and the problems throughout the electoral cycle, Georg Lutz in his contribution, stresses that the main problems don't arise because of the choice of a particular party or electoral system, but because of the decision process leading to that choice (page 21-26). He concludes that while the focus of electoral design and electoral reform has been on the technical structure, the general rules and principles, most of the conflicts are related to an inadequacy of the electoral process.

Aside from these studies that concentrate on single factors that influence violence, there are a few studies that include multiple factors (Jarstad & Sisk, 2008; Jarstad, 2008) or which stress the interrelatedness of these (Mitchell, 2006; 2009; Horowitz, 2001; Reilly, 2006; Straus & Taylor, 2009). One such study categorizes the critical factors in the electoral process to explain the occurrence or absence of violent conflict behavior as related to actors, institutions and stakes (Höglund et al., 2009). In his encompassing article, Sead Alihodzic is presenting the approach that his organization, International IDEA, applies in their work on electoral violence (page 27-35). He concludes that election related violence is country specific and that factors of electoral violence have different characteristics. Thus, comprehensive strategies for prevention and mitigation of election-related violence must encompass short term electoral management strategies but also extend beyond electoral cycle to include long-term actions and social transformation.

1.5 Management of Electoral Violence

Recent policies on electoral violence mainly concentrate on guidelines how to manage or prevent it. For example, the 'Do no Harm' concept (Anderson, 1999) developed as a tool to minimize the negative and maximize the positive impact of development aid on conflicts has been expanded to electoral assistance (UNDP, 2009; OECD, 2010). Furthermore, Höglund & Jarstad (2010) distinguish different management strategies that can be taken up by different actors: (1) The presence of monitors can be instrumental in preventing electoral violence through naming and shaming mechanisms and by creating awareness of tensions building up. (2) Mediation can be carried out in high-tension situations to solve an ongoing election-related dispute. (3) The legal framework and institutional design provides the basis for combating impunity and for creating conditions discouraging violence. (4) Law enforcement highlights the deterring function of security forces. (5) Voter-focused strategies emphasise the importance of long-term prevention though the cultivation of democratic norms and tolerance in society at large. Lukas Krienbühl in his contribution collected different civil society initiatives to manage and prevent conflict in Guinea during the two rounds of presidential elections in 2010 and assessed them (page 36-41). He concludes that those initiatives by different actors including media, local capacities for peace, security actors and local mediators show that many efforts to prevent and mitigate election-related violence at an early stage were undertaken. Even if they might not be transferred to other context, they can serve as an inspiration source.

The second management (but also prevention) strategy, mediation, can play an important role not only during, but also before and after elections, if violence is imminent and systems for legal recourse or conflict resolution mechanisms are inexistent or insufficiently developed (Tip, 2008). However, there is only very limited academic literature on the topic of mediation in election processes. Considering the various potential flashpoints in an election cycle such as the design of the electoral framework, access to the public sphere or the polling day, entry points, opportunities and challenges for mediation have been identified (Fomunyoh, 2009). As one of the main advantages of

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this alternative conflict resolution mechanism, mediation can bring about a resolution of the election-related conflicts among parties in privacy (Tip, 2008). Others have considered the different levels mediation efforts can address in election-related violence (Ibrahim, 2008). In her contribution, Illona Tip shows how her organization, EISA, applies the instrument of Conflict Management Panels (CMP) (page 42-51). She emphasizes that CMPs should work together with the official electoral authority. Like this, the establishment and implementation of such panels is a collaborative process between all the relevant stake holders and more importantly, it ensures mutual legitimacy and credibility.

Gienath (2008) established different guidelines how electoral violence could be prevented: He strongly focuses on Election Management Bodies, their independence, transparency and access to resources. Apart from these, he states that formalized dialogue between the political parties and the electoral body, voter education, the unity of the electoral commission and the participation of political parties at all the important stages of the electoral process as relevant for conflict prevention. Impartial and legitimate electoral management bodies have proven important to address the issue of violence in relation to elections. In his vivid contribution, Markus Heiniger elaborates the possibilities and challenges of electoral conflict management based on his experiences with the 2008 election in Nepal (page 52-58). Based on his insights, Heiniger puts together different lessons learned. Amongst them is that it is necessary that all elections related work in conflict affected and fragile situations is carried out with a conflict sensitive approach, strategically and operationally, not to fuel (violent) conflict and to analyze the political overall set up in depth to make sure to be perceived as impartial.

1.6 The Role of the International Community

Since the late 1980s, the international community is involved in the execution, support and monitoring of elections in post-conflict societies. Aside from conducting peacekeeping operations to establish security for voters, probably the most conspicuous role of the international community is helping the country to develop a legal and institutional electoral infrastructure. By drafting electoral laws, carrying out civic education and assistance in planning and organizing the elections, as well as monitoring, the aim is to execute free and fair elections (Kumar & de Zeeuw, 2006). There is also a specific reason for international involvement in elections: the international community can only get involved in a comprehensive reconstruction program once a legitimate government has been identified (Garber, 1998). Elections are commonly seen as providing such a legitimate authority. Not holding elections or refusing to provide a timetable for elections might raise questions about the commitment of the conflict parties to a democratic future (Brunell, 2006).

There are different levels of involvement by the international community ranging from fully-fledged internationally organized elections like in Cambodia to moderate forms of involvement such as monitoring like in the example of Byelorussia (Reilly, 2003). The international involvement has been following different priorities since the early 1990s, evolving from direct assistance for the organization of elections towards media assistance or voter education (Kumar & de Zeeuw, 2006). Those academic questions on the holding of elections, the timing as well as the degree of involvement can be considered in the light of new empirical evidence from Afghanistan, where the difficult context coupled with an overwhelming international presence provide for an excellent case study (Maass, 2008; Alami, 2010).

As can be read in the contribution of Sara Hellmüller on the role of the international community (page 59-65), there is a move away from understanding elections as a 'final task' in an intervention or a mere technical issue. It has been realized that capacity building is necessary mainly for the voters and the professionals active in the electoral process, whereas the international staff is able and willing to mentor the local personnel. She concludes that when elections are seen as part of a longer process – and not just an exit strategy for international actors – will they lead to the overall objective that they are supposed to fulfil: sustainable peace and stability.

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In this Conference Paper, the authors collect the state of the art of what we know about elections. Based on several examples, they collect insights into what triggers and what possibly hinders electoral violence and how it can be managed. At the same time, it becomes clear that there are still some 'blind spots'; for example, we don't know how to postpone elections when the time is not ripe and we don't know how elections can best help to build sustainable democratic institutions. This leaves room for further research. What seems to be crucial is that in post-conflict contexts specifically, all actions are undertaken in a conflict sensitive manner. This means that it is in any case necessary to pay appropriate attention to local conflict dynamics in which elections are held. Despite the different insights in the normative underpinnings, the interlinkages between conflict and elections, and the management of electoral violence, every context is different with its own history of violence in which a new institutional framework is to function. In establishing this analysis, it will become clear that electoral violence – even though it occurs in connection with elections, is itself rarely the cause of a conflict.

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2 Right Thing Wrong Time? Elections in Liberal Peacebuilding

Marina Ottaway

2.1 Introduction

Since the end of the Cold War, elections have become the only tool used to form a government in post-conflict peacebuilding/nationbuilding/statebuilding. Simply put, the international community no longer considers other possible ways of forming a government in the aftermath of conflict, no matter the conditions on the ground. Any process of government formation other than elections is considered at best a stop-gap measure that should be used for as short a period as possible.

The issue of elections in peacebuilding and post-conflict situations is becoming increasingly controversial. There is growing evidence that elections are a not very successful tool in peace building. Elections are at best a double edged sword; in some cases they work well, in other cases they are very dangerous, entailing a lot of violence. And the problem is not only violence on Election Day, not just violence during the election campaign, in more than one case, elections have also been the beginning of a return to war.

2.2 Arguments for Elections Within the Liberal Democratic Peace Paradigm

Many arguments can be set forth to justify the holding of elections soon after a conflict has ended - and in many cases, as in Iraq or Afghanistan, when a conflict is still underway. The most general argument is that international intervention is not justified if it does not lead to the development of a democratic system of government. Putting in place another authoritarian government, even a relatively benign one, is not a politically or morally acceptable option. Other arguments that are put forward for elections within the liberal peace paradigm are the following.

- **Legitimacy:** One argument that is brought forward is the fact that elections are the only way to create legitimacy in the country. I really like to question that assumption. We have to ask ourselves: legitimacy in whose eyes? Legality may be given by the constitution, by the legal structure, but legitimacy is something else and it really is in the eye of the beholder. And for the international community an election is a tool to create legitimacy. For most people in a country, talking of a post-conflict situation, elections do not bestow legitimacy. The legitimacy of leaders comes from their position in the community, comes from the past, and comes from what they have done in the period of violence, what their role has been. So essentially, there are many different types of legitimacy that compete with the legitimacy that is created by elections, and that legitimacy tends to be rather weak.

- **Economic recovery:** It is often argued that in a post-conflict period you not only need democracy and elections, but you also need economic reconstruction, and democracy is a tool that facilitates economic reconstruction. The evidence is simply non-existent. There have been dozens of studies in all parts of the world, trying to show whether democratic governments are more successful in terms of economic development than authoritarian governments and the answer is that there is no clear evidence one way or the other. I'm not arguing that authoritarian governments are more successful in terms of development; there is no evidence of that. But you cannot prove it one way or another.

- **Democratic peace:** Another argument is the so called democratic peace argument. It asserts that democratic countries are much less likely to go to war, certainly with each other but also

against other countries. And here again there are studies that show, rather conclusively, that this is not the case, that in fact weak democracies, and let me point out that new democracies tend to be weak democracies by definition, are in fact more likely to go to war, or very likely to go back to war. Some very interesting work done recently on that, very discouraging: it is quite clear that there is no built-in propensity for peace in democratic systems.

It is important to keep in mind that there is very little evidence that elections really serve the purpose of stabilizing a country after a conflict. Historically, I cannot think of any example were a state was built through a democratic process. States have been built usually through force. The process of state building has never been a democratic process. States have become democratized once they were consolidated. All the cases of democratic transformation, going back to the 19th century and the early cases of democratic transformation, democracy became consolidated long after the state was built. The United States likes to think of itself as a country built through a democratic process, but in reality it was built through a war against Britain. This historical reality forces us to ask: why is it that states have never been built through democratic processes? Why have states become consolidated before elections could take place?

2.3 Why are Elections Still so Appealing?

I have used democracy and elections interchangeably. However, we all know that democracy cannot be boiled down to elections. How many times have we heard the refrain that "elections do not make a democracy." Democracy is more: a system of values, real pluralism in society, respects for human rights, the existence of certain institutional frameworks, and so on. The fact is that in the end, in this variety of values and institutions that we call democracy, there is only one that can be quickly introduced: elections. Nobody has the illusion that you can turn the culture of a country around in a matter of months, but you can organize elections in a matter of months. This is why elections are used as an exit strategy and why they lend themselves as a technical fix.

Exit strategy

Elections have become the dominant exit strategy for the international community. Peacekeeping/peace-making/nation-building/state-building interventions, whatever name you want to call them, are extremely costly. It is difficult for the international community to maintain a sustained engagement in a country particularly if the country is large because size drives up the cost of an intervention. It is much easier to intervene in smaller countries. Statistically, most interventions take place in small countries, like Bosnia, Sierra Leone, Liberia and East Timor. These are countries where the intervention is not too taxing on the interveners. We never talk about countries like the Congo, because nobody wants to touch an intervention in a country that size. However, no matter how small the country is, these interventions are costly and difficult, and the interveners, the international community, as we like to call it, are looking for an exit strategy. In order to have an exit strategy you need to have a closure of sort, you have to say we have reached a certain landmark. Elections lend themselves admirably as an exit strategy. Why? They are finite events. You have an election in one day, in some cases the election may be several days but in any case, elections have a beginning, they have an end.

Technical fix

We do elections, because we can do them, we know how to do them and the new democracies do elections because this is the easiest path to go. Elections are a technical process and we have the expertise. A colleague of mine in the field says that they could organize elections on the moon; they could fly out the voters as well as the ballot boxes and the observers. But we have no idea how to create a democratic culture in a country that we don't understand. How can we implant a democratic culture in Afghanistan where we don't even begin to understand how that country funct-

ions? It is already bad enough that we have organized elections in that country without even understanding how this country really functions. We are smart enough not even to try to change the culture, we are aware of the fact that it is not possible for us to do so.

As a result, post-conflict elections are held before any other aspects of the system are in place. You hear the refrain all the time that is not enough to have the elections that we have to build the institutions. Well, nobody quite knows how to build institutions, so building institutions is reduced again to technicalities, for example helping a country to organize its parliament better. You look at the democracy promotion programs that are carried out by donors, and there is a great deal of similarity in what governments are doing, there is a fair amount of similarity in what the United States is doing and in what the European countries do.

2.4 Conditions for Holding Early Elections

Elections as part of the democratic process are by definition a way of managing and regulating conflict, that is, of transforming conflict from something which is highly destructive into a regulated process in which all sides acknowledge their differences and settle them through elections. There is no doubt that in the best circumstances democracy really functions that way, that democracy is a form of conflict regulation, in line with Ralph Dahrendorf who says that democracy is government by conflict. At the same time, for a democracy to be an instrument of conflict regulation, several conditions need to be present, two are mentioned below.

Existing state structure

You cannot have elections in anarchy. What is the implication of the existence of a state? First and foremost, the groups that compete in an election must agree that they are part of the same entity, that they are all competing in the same arena. Democracy is not an instrument of conflict regulation if you have groups that want to secede from the country. Under this circumstance, elections become an instrument for destroying the state entity rather than for electing a government within the state entity.

So there is this basic condition of a state. However, no one in the international community asks "Is there enough of a state" in case of an intervention. We should have asked the question in Afghanistan. Is there a sufficiently cohesive entity there, a single arena in which all groups are competing? Is there any basic agreement on what are the rules of the game that make it possible for elections to be held in a meaningful way? We tend to take the answer to those questions for granted. All too often we focus on the technical aspects of elections. How do you set up a process for registering voters? How do we make sure that there are enough polling stations, and ballot boxes in the polling stations? How do we ensure that there is not much violence on election days, how do we control violence in the process? How can we control the fairness of elections, how can we make sure that there is not much cheating?

Example Angola 1990

Before the elections in Angola, both sides were convinced that they were going to win. Both, the MPLA and the opposition party UNITA, were going around announcing the inevitability of their victory. Both sides, months before the elections, were going around stating that "there is no way we can lose these elections, if we lose, it means that there has been massive fraud." Yet the international community insisted elections go ahead as scheduled. Here, the international community has to take some of the responsibility of the outcome. The elections could not have been held without massive international intervention, from the logistical point of view and from the political point of view. I remember asking international workers involved in the preparation of the elections: what is going to happen when both sides are saying they are going to win the elections and then one side loses, as it is bound to happen? And the reply was: "No, it's good that they both believe that they are going to win the elections, because that way they will stay

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> in the election process." Well, they stayed in the election process and yes, of course, they went back to war as soon as the election results were announced.

Pluralism in society

We should not go to elections where all the power is concentrated in the hands of one group and there are no viable opposition groups. However, what makes people willing to accept election results even when they lose is the knowledge that within a few years, election results are probably going to be reversed, that they will have a second chance. Because elections do not transfer power unless there is a strong opposition.

> **Example Iraq 2010**
>
> What really happened in the elections in Iraq in 2005 was papered over by the fact that there was such a massive presence of U.S. troops in the country. The United States was running the country for all practical purposes. But the problem overlooked in 2005 is becoming very clear after the 2010 elections. The elections took place in March of 2010 and the government has only been formed in late December. Why did it take so long until a government could be formed? Because it has become quite clear that while the international community is backing the elections and was thinking of an election that would lead to the formation of the government for the next four years, in the minds of the Iraqi contestants, these elections are going to settle who is going to be in power forever. Or if not forever, for the long run. In other words: if these are elections that in the minds of most Iraqis are going to be leading to the choice of a prime minister for life, and if Maliki gets reelected as prime minister, there is no doubt that that's what he is trying to do.

2.5 What are the Alternatives to Early Elections?

The international community mainly continues to insist on elections because we really do not know what else to do. We have become incapable in recent years to think about ways of replacing a government with another other than by elections. I'm certainly not trying to say that elections must never be held, obviously I believe in democracy and we have to come to elections at some point. So if we say "no" to early post-conflict elections it is our duty, to start thinking about what the alternative could be. What do we do in the meantime? How do we get to the point where elections are the answer? What else could happen in a country, what else could be done in a country that can be a substitute for early elections but is not as dangerous? I do not have the answer to this neither, but I have some suggestions:

Develop ways to postpone elections

There are lucky situations like the one of South Africa between 1990 (the release from prison of Nelson Mandela) and 1994 (the transitional elections that laid the way to the end of apartheid) when elections could be postponed because there was already a functioning government. It was still the old, all-white, apartheid government, but its worst characteristics had started dissipating once it was clear that the transition was coming. So the elections could be postponed for a few years. Those few years were crucial to reach the agreements needed to make the transition peaceful. It is much more difficult to postpone elections in a post-war situation in which there is no government. In that case, a government has to be formed somehow as somebody has to run the country. And very often that somebody cannot be the international community because we are not that good at running countries, and also because an international presence very often leads to a great deal of resentment so that the peace keepers themselves become part of the conflict. So how to form a transitional government and diminish the likelihood that the transitional government becomes a permanent government?

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Develop systematic conditions for peaceful elections

It is not just a question of election design, but there are also conditions. I have been talking in very general terms about some of them, like a functioning state, pluralism in the society, and we should not go to elections where all the power is concentrated in the hands of one group and there are no viable opposition groups. However, we really need to go back and have a look at the elections that have been held in conflict situations. In particular the ones have not worked the way they were expected to. And try to ask the question which conditions were missing. Or, conversely, what conditions existed that should not have been there? If we start developing a better sense of those problems, then we are perhaps in a better position to move towards the future.

Develop a more modest approach to peacebuilding

The international community has become more and more ambitious about what needs to be accomplished in a post-conflict situation. And we are now in a position where we promise infinitely more than we can deliver. We promise to do things we are incapable of delivering. And I think one question that we need to ask ourselves is what can we really do? What are we really capable of doing? And this is a very difficult situation because when you get down to it, the things that we do best are the technical things.

Develop an understanding of interim phases

We need to give a lot more thought to what are the interim phases? How do we set up a transitional government? How do you make this transitional government open for more negotiation, for more pact-making among the various groups? We have some insight in how some successful transitions have happened. There is for example all the literature on political transition that comes out of Latin America that provide a lot of information about how these transitions came about, and some of these ideas can perhaps be applied to post-conflict situations. The success of the liberal peacebuilding model depends a lot on what happens in this transitional period when the conflict is beginning to settle and you have to create a new government but it is very unwise to try and create this government through an electoral process.

3 Electoral Design to Reduce Tensions in Post-Conflict Countries

Georg Lutz

3.1 Introduction

Once the Cold War and the opposition of two different models of states and society came to an end, many believed that we will see the beginning of a new era. In the most provocative form, these hopes were expressed by the US historian and political scientist Francis Fukuyama, by then member of the policy planning staff under president George Bush in his book 'the end of history' in the 1990ties (Fukuyama, 1989; 1993). In this book he expressed the hope that after the end of the Cold War liberal democracies and liberal economy will prosper around the world because this has shown to be the superior model. This book was as controversial as influential in the public debate and for US foreign policy.

Influenced by such hopes, global players and various international organisations believed that democratisation can be achieved on the fast track. In order to achieve democracy, countries with a communist past or countries that just ended a civil war with a peace agreement, were supported to organize elections very quickly. It was envisioned that these countries first need to put a decent legal framework in place and then make sure that elections are conducted in a reasonably free and fair way. Then, the international community can certify the elections through sending a sufficient number of electoral observers to monitor the elections. Thus, it was assumed that as soon as you have a newly elected government, liberal democracies will begin to prosper. The first elections were supposed to at the same time terminate civil wars, turn warlords into politicians, armed movements into parties and create both legitimate governments and a lively civil society. Furthermore, policy makers had the vision that countries like Afghanistan and Iraq would not just turn into democracies with liberal societies and economies, but that this will be the seed for democratisation of entire regions.

Disappointment followed shortly after. Democratisation is not a fast process where elections are at the endpoint. To the contrary, elections are at best the beginning of a process of democratisation. Democratisation is a slow process and in several countries elections have brought not less but more violence. There are many examples of violence related to elections (Reilly, 2002; Dunning, 2011) at different stages of the electoral process. Elections also rather help to stabilize authoritarian regimes than stimulate open democratic competition (Lindberg, 2009).

Fischer (2002) distinguishes five different types of electoral related violence (see also Höglund, 2009):

- Identity conflict during the registration process when citizens cannot establish or re-establish their officially recognition as voters.

- Campaign conflicts as rivals seek to disrupt the opponents' campaigns, intimidate voters and candidates, and use threats and violence to influence participation in the voting.

- Balloting conflict on election day when rivalries are played out at the polling station.

- Disputes over election results and the inability of judicial mechanisms to resolve disputes a fair, timely, and transparent manner.

- Representation when elections are organized as 'zero sum' events and 'losers' are left out of participation in governance.

Aside from the fact that elections can also trigger and not only hinder violence, there was also some more direct critics against electoral support activities. Electoral support happened in many cases too late in the electoral process and was not very sustainable either. Electoral support was also too isolated and did not take into account sufficiently the broader framework of democratisation. International or development agencies had to learn that democratisation is not just a technical process but a very political process, with many risks of failure. Electoral politics can be a very messy business.

This disappointing lesson made many international or development agencies stay away from electoral support because they did not have the capacity or willingness to enter the game of politics. This is however a wrong conclusion from the difficulties international actors were facing when they wanted to support democratisation. Elections are a key mechanism to provide good governance since it gives all people in a society a voice and holds governments accountable. As such, they are part of the enhancement of good governance, as one of the key elements in democratization processes. Consequently, the UN has identified the 'global partnership for governance' as one of the Millennium Development goals.[1] Thereby elections will of course not bring a functioning democracy, but it is impossible to imagine a democracy without free and fair elections.

As a consequence, the question is not so much if pushing for elections and electoral support makes sense, but how elections can be supported in a way that they contribute to democratisation and bring conflicts in a society in the framework of democratic processes and good governance.

3.2 The Election Cycle Approach

There is an agreement among electoral scholars and practitioners that a comprehensive program to support democratisation and good governance through elections and to reduce tensions around election time should focus on long run and not on short term interventions. Elections are not a one day event but the preparation for elections takes place months or even years before election day and it ends weeks and months after the election day. Any analysis of what could be done in order to guarantee free and fair elections and to minimise conflict has to include the entire electoral cycle (see Figure 1).[2]

The different phases include:

- The establishment of a comprehensive legal framework for elections and a feasible electoral system. Without a legal framework accepted by all major parties, there is a risk that unclear rules, procedures and responsibilities become subject of political dispute.

- Voter registration usually starts many months before the election. Voter registration is a great source of manipulation and as a consequence conflict, especially in societies where specific groups have been marginalised for some time. Voter registers are important in many ways. In absence of a reliable census, the number of registered voters is used to allocate seats to electoral districts. Voting registers are also targets of manipulation. If you want to cheat after elections for example through stuffing ballots, you have to inflate your voter register in order not to end up with more votes than voters in an electoral district.

- Procedures for candidate and/or party registration. In many countries ruling parties try to prohibit candidates and parties, which have a good chance to even run for elections through putting up all kind of unnecessary requirements to run for an office.

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1 See http://www.un.org/millenniumgoals/

2 See IDEA 2008 or http://aceproject.org/ace-en/focus/focus-on-effective-electoral-assistance/the-electoral-cycle-approach

- Campaign regulations and financial regulations to make sure all parties have a fair chance to speak to voters. This also includes access to media.

- Voting day operations, followed by counting and verification of results are very critical for the acceptance of final results. This has always been a key focus of electoral observation missions.

- Finally, mechanisms to resolve electoral disputes throughout the entire electoral cycle should be in place. Those mechanism have to provide possibilities to handle election related charges in an efficient and independent way, because compared to other legal processes, you cant just easily delay election procedures or the announcement of a final results.

Figure 1: The Electoral cycle approach
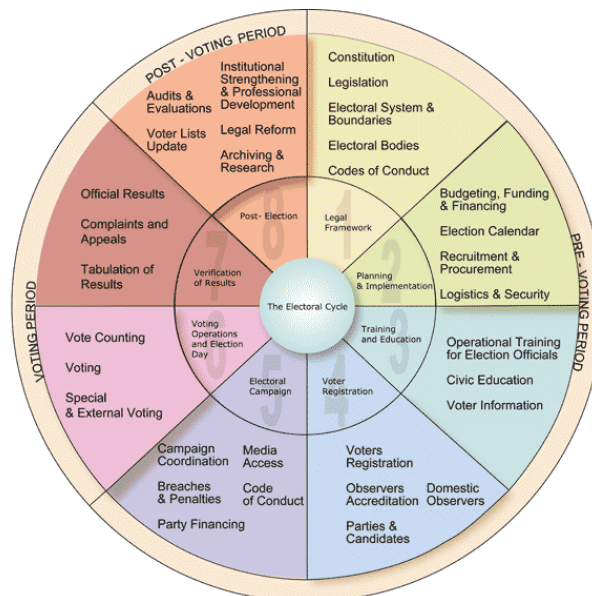
Source: European Commission (2006, 46)

3.3 The Politics of Electoral Design

One of the key questions is which electoral and party system serves best to reduce the risk of election related conflict. Elections in post-conflict or vulnerable countries face a number of challenges in this regard:

There are a number of political challenges. Divisions are the nature of politics and they are naturally highlighted and not moderated in electoral campaigns, because political opponents want to distinguish themselves from one another. The aim of elections is not to avoid political divisions but to keep political division with non-violent boundaries and within democratic processes. As a consequence an electoral process has to be organized in a way that the outcome is recognised as free and fair by all parties, especially the losers of an electoral contest.

In addition, many countries face enormous logistical challenges. Especially in post-conflict situations, elections have to be organized in divided countries, with a lack of a favourable political climate, limi-

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ted social and economic stability, a damaged or absent institutional infrastructure and even a lack of political will to mount successful elections. Linked to this are some critical conditions which increase the risk of failure of an electoral process. One of the critical conditions is the lack of statehood. Post-conflict states or states in transition tend to lack control over their entire territory. This can have administrative reasons, simply because state structures are weak in general, however it can also have reasons related to civil war. If a state can not guarantee a minimal level of security and administrative control over its entire territory, it becomes very difficult to organize elections at all.

With regards to the specific design of electoral processes, there are more and less favourable systems to reduce tensions in a society. In general, there is some agreement among scholars that power sharing helps to reduce conflict (Hartzell & Hoddie, 2002). Electoral systems have to be inclusive and provide fair representation of all important groups in a society. A pluralistic party system should reflect all important cleavages in a society, however the party systems should not be too polarised.

In general, the 'design' options are often limited. It is almost impossible to manufacture a party system and it is also not very desirable. Parties have to form themselves from the inside of a country in order to survive and to represent political cleavages in a meaningful way. It is slightly easier to design an electoral system, because you can write electoral systems in constitutions and laws. Unfortunately there is no agreement among electoral system scholars what system guarantees at the same time the inclusion of all major groups in society and leads to stable parliaments and governments. The choice of a political system also depends a lot on the social and political context of a country. It is probably better to have some form of proportional representation, but there is a lot of room how you can design an electoral system in detail.

In very many situations there is not much room to change the general rules and principles, and thus to define an electoral system from scratch for several reasons. First, in many countries, also in post-conflict countries, constitution or laws can't just easily be changed because constitutional amendments have to follow specific procedures and amendments take time. Often, if elections are far away, there is not enough interest in a constitutional amendment and if it gets closer to elections there is no time anymore.

Second, the definition of electoral rules is part of the political game and they usually follow a power-logic instead of an 'intelligent design' logic. It is almost natural that parties try to design rules in a way that they are better off. This is happening everywhere, also in established democracies. For example, districting in the US is a highly political. Democrats and Republicans in the US draw districts in a way that it helps their party if they have the power to do so. That is what is called gerrymandering. This is of course not very different in a post-conflict situation and it is natural that parties think about rules in a simple logic: are they better off or are they worse off.

In such a politicised environment, it is sometimes very difficult to make a systematic argument what system is best. It is not easy to make an argument that a system where you elect a single candidate in a district is evil, given that's exactly the system you have in the US or in the UK. There is no systematic argument that you should rather vote for candidates than for parties because many countries use a proportional representation system. Furthermore, with regards to campaign financing, there are countries like Switzerland that don't even have comprehensive campaign finance regulation. In Switzerland there is no transparency whatsoever on where money for political campaigns comes from and where it goes to.

In conclusion, every system will produce winners and losers and losers are more likely to accept the outcome it the process was free and fair – or to put it differently, non-compliance with the general rules will make it very easy to compromise the electoral process at any stage for a party. As a consequence, there is a single most important principle what rules are best: Those rules that have

been agreed upon by all major stakeholder in an electoral process before the electoral process begins. In most cases it is less important how the rules look like, but that everybody accepts the rules of the (electoral) game. Rules should not be changed during the electoral process for political reasons either. If a party accepts the rules, it will make it more likely that the party commits to the electoral process and that the party will also accept the outcome of the elections.

3.4 The Importance of the Process

While the focus of electoral design and electoral reform has been on the general rules and principles for a long time, there has been recognition in the last years that this may not be the most important element to guarantee free and fair elections. Although there are conflicts related to flawed electoral system and electoral designs, most of the conflicts are related to an inadequacy of the electoral process. Not surprisingly many organisations have started to focus more on questions of electoral management rather than electoral design (see for example IDEA, 2006).

A good electoral management can guarantee that elections are conducted throughout the entire cycle in a sound and transparent way. This includes an electoral management body that can organize elections in an efficient way and independent from political pressure throughout the electoral cycle. It also includes mechanism and procedures to register all eligible voters and that candidates and parties that want to run can run actually run without any unnecessary thresholds. Parties and candidates have to be allowed to campaign freely and media has to be accessible to everybody in an equal way. Finally voting day operations and the counting process has to be free and fair and there needs to be a sound and reasonably fast legal process to resolve electoral disputes.

To improve the 'small print' of electoral procedures and to strengthen electoral management is also easier, since it usually does not require changes of constitutions. Sound electoral procedures can often reduce the risk of election related violence a lot. It is also easier to insist on coherent procedures, because there are clear and applicable international standards which most countries have formally committed to.

Within the management of elections, a special focus also has to be put on timing of an election. The international community often pushes for early elections. However this may not always be wise, given that a flawed electoral process may increase the risk of failure rather than that it marks the beginning of a process of democratization. Brancati and Snyder (2010: 34) state that "in post-conflict settings, holding elections too early, as our analysis shows increases the likelihood of a return to war." It is clear that in many situations it is not possible to wait for too long as most conflicts are rooted in the perceived or actual marginalization of one group in the political process which is exactly what should be changed through elections. However as long as there are no decent standards of security in a country and as long as you can not assure to master all the other political and logistical challenges, it might be better to wait. The question of timing also includes thinking about the sequencing of elections at different levels. Sometime it may be better to start with local elections, because it makes it easier to overcome political barriers and gain experience for the political parties and the electoral management with electoral processes.

A final point is that one should think beyond the electoral cycle, like the electoral management approach does. There are far too many examples where international actors financed the first elections with a lot of money. It is easy to organize elections even under critical conditions if lots of resources are available. However, procedures should be in place that a country can organize the next elections with its own available resources, as often after four years normally, the international donors have a reduced willingness to make recurring contributions. Concluing, this means that the international community has to balance ownership of the process and the guarantee of free and fair elections.

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4   Elections, Violence and Peace

Sead Alihodzic

4.1 Introduction

Elections, while representing an essential feature of representative democracy, are also intrinsically conflictual. Election-related violence causes death and suffering, destroys communities and cripples local economies and development prospects. Moreover, it harms credibility and faith in democratic processes and institutions. Recent outbreaks of election-related violence in Kenya, Mongolia, Pakistan, Iran, Cote d'Ivoire and elsewhere are stark reminders of such destruction.

Philip Alston's UN report (2010) states that there is a lack of academic research on this subject and points to the fact that there is no commonly accepted terminology or definition on 'election-related killings'. Furthermore, it finds that research gaps include work on the causes and effects of election-related violence.

The objective of this paper is to point to the multiplicity of factors behind election-related violence, explore dynamics between them and suggest some practical approaches to election-related violence.

The paper will first provide a general introduction on the phenomenon of election-related violence. In doing so, it will address terminological issues, examine motives of different actors for resorting to violent means and point to some consequences of election-related violence. The paper will next present a wider conceptual framework to help our understanding of the dynamics between process related factors (internal or endogenous to electoral processes) and structural factors (external or exogenous to electoral processes). In this context, the potential of peacebuilding efforts in preventing and mitigating election-related violence will be explored. The concept is then translated into a wider analytical framework.

In conclusion, the paper will suggest a set of overarching principles for addressing election-related violence. It will argue that efforts to address election-related violence must be country and election specific. They must be designed to bring onboard expertise from multiple arenas, elections and conflict in particular, and include both short and long term strategies.

4.2 Definition

There is no single definition of election-related violence or a commonly accepted terminology on this topic. Philip Alston's report (2010) constitutes the most comprehensive mapping of academic research on election-related violence thus far. Alston (2010: 5) finds that many definitions focus on intent or motive elements. This paper will address different motives for resorting to violence separately in the next section and will instead point to definitions which focus on acts, manifestations and timing of election-related violence. Some popular definitions such as those offered by Fischer (2002) and Sisk (2009) describe electoral violence as acts of threat, coercion, intimidation, blackmail, physical harm including assassinations and killing directed against electoral actors, events and materials. Höglund (2009) distinguishes election-related violence from other forms of political violence because it is carried out during the election period with the objective to influence the process and its outcomes. However, Alston (2010: 6) points to prosecution and execution of individuals convicted for involvement in the post-election protests against the Government of Iran and argues that although these killings did not take place during the election period, they can still be characterised as election-related violence.

Accordingly, election-related violence can be defined as acts of violence directed against electoral actors, facilities, events and materials in the context of electoral processes or its outcomes.

4.3 Motives for Election-Related Violence

Election-related violence may occur spontaneously, but researchers point to numerous cases where election-related violence was organized to influence electoral outcomes (Alston 2010: 9). Hence, one possible way to obtain better insights into the phenomenon of election-related violence may involve analyzing perpetrators' motives to resort to violent means. The perpetrators' position in elections may help understanding their incentives for resorting to violent tactics. These incentives include:

Seeking electoral advantages – is usually an incentive for those who compete in elections or their supporters. Violent acts are directed against political competitors and their supporters. Such acts include threats, coercion, intimidation, assassinations, etc. This type of violence has been seen in the context of many African elections.

Disrupting elections – is often an incentive of those who do not compete in elections. They may be excluded from the electoral processes (disfranchised groups), or have particular interests in elections being spoiled or not taking place at all. Violent tactics may include terrorist acts targeting electoral actors, events and materials. This type of violence was seen in the context of the Afghan, Iraq and Colombian elections.

Preventing election manipulations – is an incentive of those who share perceptions that elections are manipulated or rigged. Electoral processes may be designed and implemented in a way which will favour one electoral contestant over another. Party and individuals who feel that the process is manipulated in their disadvantage may take action to bring an end to such practices, even through violent means. Election rigging usually takes place in the later stages of electoral processes and may cause violent reactions. In addition to opposition parties, protesters may include civil society organizations and other social groups and individuals who feel that they are pursuing their legitimate rights. Violent acts are often directed against government buildings and offices. Such protests and violent outbreaks were witnessed in Iran (2009), Guyana (1992, 1997, 2001), Serbia (2000) and elsewhere. However, recent elections in Kenya (2007), Zimbabwe (2008) and Cote-d'Ivoire (2010) have seen rejections of election results, claims of rigged elections and violent threats or actions by loosing incumbent parties. These strategies have worked well in securing power-sharing agreements favourable to the loosing parties.

Violence as a response to initial violence – is also a likely development in all of the above scenarios. Even the most righteous protests may involve violent episodes. However, governments' responses, such as in Iran (2009), may escalate violence.

4.4 Consequences of Election-Related Violence

There is no cross-national research that explains or measures the full magnitude of negative consequences of election-related violence. In broad terms, the consequences of election-related violence may include the following:

Human rights violations – These may include disfranchisement through deprivation of citizens' or groups' right to vote and compete. Moreover, election-related violence often causes human suffering and deaths.

Economic implications – Elections are the largest administrative undertakings in democratic societies, and consequently the costs associated with elections may represent a major financial burden. In some cases, governments are unable to finance elections and depend on international electoral assistance. In addition, electoral competition and election monitoring involve significant expenditures for political parties, and domestic and international monitoring groups. Election-related violence will not only squander those resources, but will further cause destruction of local communi-

ties and infrastructure with numerous negative economic and developmental consequences, both direct and indirect.

Diminished trust in democratic processes and institutions – In conflict prone societies in particular, electoral processes have become strongly associated with suffering and death, destruction and economic downturns. The inability of the international community to effectively support the organization of elections in some countries has led to disputes, paralysis and even humiliation of the international actors. In some contexts, elections have already become synonymous with trouble and danger. Such associations have devastating effects on trust in democratic processes and institutions.

4.5 Conceptual Framework – Dynamics of Factors of Election-Related Violence

One way to gain insights into, and understandings of, the occurrences of election-related violence is to understand the multiplicity of factors which generate, trigger, or contribute to triggering, election-related violence. Scholarly research about causes and triggers of election-related violence is mainly focused on national studies with few cross-national research efforts. In some cases, researchers will focus on mismanaged electoral processes and how they triggered violence (Suberu, 2007; Bamfo, 2008). Other studies include more elaborate analysis of structural factors of conflict in a given social context and point to how these conflicts escalate during the electoral period (Höglund, 2006; Basedau et al., 2007; Kaya, 2007; Laakso, 2007; Uno, 2007).

Accordingly, a wider conceptual framework for mapping factors of election-related violence should make a distinction between process (election-related) and structural (societal) factors. Such a distinction will help our understanding of the dynamics between the factors and causes that generate conflict.

Process factors – internal (endogenous) to electoral processes

It is well established that elections can trigger violence in conflict prone societies. Different factors within the electoral processes may trigger or contribute to triggering of election-related violence in virtually any phase of the electoral cycle. Combinations of risk factors may be different for different elections, and also the ways in which they correlate. Examples of process factors include a) contested and unfit legal frameworks for elections; b) ineffective and mistrusted dispute resolution mechanisms, c) lack of trust in electoral management bodies; d) technical problems, which as a consequence may disfavour particular political actors; e) hate speeches during election campaigns; f) mismanagement of appeals, etc.

Structural factors – external (exogenous) to electoral processes

Elections do not take place in a vacuum. There is always an underlying social context in which elections take place and it may include existing violence (ethnic, religious, organized crime, violence against women, terrorism, guerrilla fighting, etc.), tensions in society (latent conflicts including segregation, discrimination, etc.) and structural factors (unemployment, corruption, poverty, etc.). The organization of electoral processes in violent and volatile surroundings always entails risks for electoral actors, events and materials.

Figure 1: Occurrence of Election-related Violence – Endogenous and Exogenous Factors
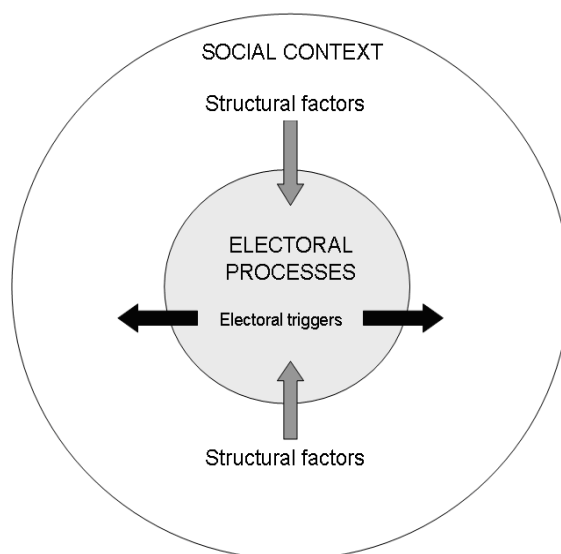
Election-related violence is best understood by focusing on the dynamics between process factors and structural factors (see Figure 1). Elections are instinctually conflictual processes involving heated political contestations. The design and technical management of electoral processes may create an unlevelled playing field for electoral contestants. This may undermine the prospects of particular electoral actors to win elections while at the same time creating a favourable environment for rival political camps. Given the high stakes of electoral outcomes, in particular in conflict prone societies and transitional democracies, weak electoral engineering, including technical mistakes, may trigger violence. However, even when electoral processes are implemented with the highest standards and able to facilitate a levelled playing field for all competitors, they may not be immune to election-related violence. This is true e.g. in situations when the incumbent president decides to use violent tactics to oppress political opponents and their supporters. Also, the design and technical management of electoral processes may face very different challenges in environments which already experience high levels of violence. Organized crime groups, terrorists groups and guerrilla fighters may use violent tactics to disrupt electoral processes by perpetrating violent acts directed against electoral actors, including candidates, voters, officials, election facilities and election materials. In such scenarios, the quality of electoral processes will be measured in relation to how well it is designed to protect actors, events and materials from violence.

In reality, there may be no clear divide between factors of conflict which are internal and external to electoral processes. In fact, a single electoral process may face multiple challenges, including technical complexities in the planning and implementation of the election which in turn may impact the credibility of the electoral process, political pressures, social volatility and high violence rates. These factors will differ from country to country and even from election to election.

4.6 Elections, Violence and Peacebuilding

One way to address election-related violence may be through state and peacebuilding efforts. Peacebuilding efforts include issues like capacity building, reconciliation and societal transformation (Boutros, 1995). As such, peacebuilding encompasses an array of efforts focused on capacity building of political institutions, economic development initiatives, human security, reconciliation processes, promotion of justice and rule of law etc. These processes can help channelling deeply rooted social conflicts into institutional frameworks, thus making electoral processes less exposed to external (exogenous) influences. In particular, it may be important to establish trusted and effective justice mechanisms, an inclusive political system, transparent governance practices, and to limit the

extent to which holders of political power are able to establish control over economical resources and use security structures to maintain power.

Figure 2: Peacebuilding effort in the context of electoral volatility
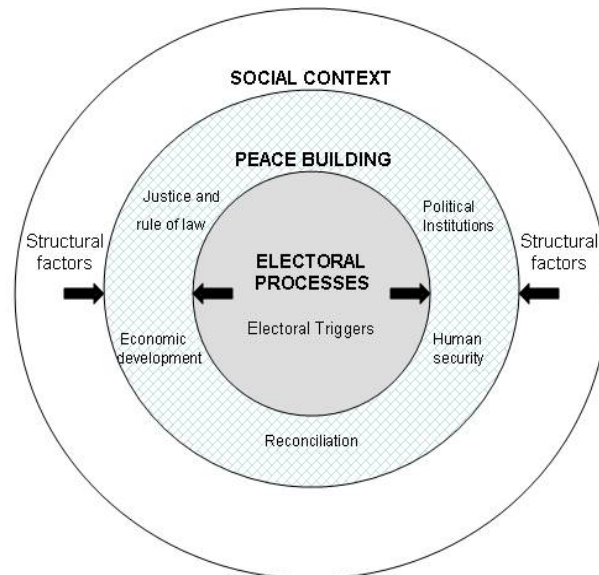
The importance of effective state institutions and a democratic culture for preventing and mitigating election-related conflicts and violence is shown by many well established democracies. Examples can be found in the USA, India and many countries in Europe, as well as some transitional democracies, such as Ghana.

Indeed, one of the best examples showing how democracies are able to prevent outbreaks of election-related violence after contested elections comes from the USA where contested 2000 presidential elections delayed the announcement of the final election results for over a month. George Bush was declared as the President of USA only after a recount of controversial butterfly ballots[3] in Florida, controversies with overseas' ballots and a fierce judicial battle between the Republicans and the Democrats. However, strong democratic institutions and the democratic culture in the country were powerful guarantors that the USA election would remain peaceful. Conflict prone societies across the world have seen election-related violence in less contested situations.

State building is a long term process which may take decades to complete. Elections however, can not be put on hold indefinitely and must be organized, even if it entails certain risks.

4.7 Analytical Framework

Elections are very complex, dynamic and high-stake processes. Election-related violence is a moving target for researchers and practitioners trying to develop an understanding and strategies to address the problem effectively. To help focusing violence prevention and mitigation efforts, the conceptual framework presented earlier may be translated into practical analytical framework.

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3 Requires voter to punch a hole beside their candidate's name in a strip between two facing pages that listed the presidential contenders.

The table below presents a list of factors compiled from different research papers, election reports and other relevant publications. These documents suggest links between a particular factor, or combination of factors, resulting in an increase of election-related tensions and outbreaks of election-related violence. Following the concept presented in the paper, the table organizes factors into internal and external columns. The list of internal factors is ordered to reflect the chronology of the electoral process. The list of external factors distinguishes between existing forms of violence which can impact electoral processes and those factors that could potentially spark election-related violence.

Figure 3 – Analytical framework: List of factors of election-related violence internal and external to electoral processes

Internal Factors	External Factors
Electoral Legislation • Contested Electoral Law • Unfit electoral system • Lack of adequate administrative regulations **Planning and Implementation** • Inadequate operational planning • Inadequate funding, financing and budgeting • Inadequate security arrangements • Inadequate timeline planning • Poor performance of the Electoral Management Bodies • Inadequate system for the resolution of electoral conflicts **Training and Education** • Poor or no training for electoral officials • Poor or no training for political parties, civil society organizations and media • Poor or no training for law enforcement officials • Poor or no civic education • Poor or no voter information **Registration process** • Problematic voter registration • Problematic registration of political parties and independent candidates • Problematic accreditation of election observers **Electoral campaign** • Limited media access • Public incitement to violence through the media • Intimidation/violence against media • Public incitement to violence at political party rallies • Provocative and violent actions by political parties **Voting operations and election day** • Problems with provisional voter registers • Deficit/destruction/loss of sensitive and non sensitive materials • Lack of transparency of special and external voting • Election Day problems • Problematic ballot and result tallying • Lost/destroyed tabulation forms • Fraud suspected **Election results** • Mishandling a final round of complaints and appeals • Delay in announcing the official results • Rejection of results	**Existing Violence** • Intimidation/harassment • Kidnapping/extortion • Assassination/homicide • Gender based violence • Violence against property **Risk Factors for Violence** • Security sector actors • Regional weak state presence and control • Neighbouring violence spilling over boarders • Poverty and socio-economic conditions • Increased unemployment • Increased ethnic, cultural, religious and linguistic related tensions • Changes in power dynamics among actors • Violation of human rights • Sensitive processes involving fear and/or expectations • Arbitrary arrests and lack of due process • Impunity • Forced displacement • Presence of non-state armed actors • Organized crime • Access to small arms • Natural hazards • Unfit political system • Spoiler political parties and organizations • Lack of democratic culture • Manipulative media

There are two divides for clustering particular factors into internal and external columns. The first divide relates to the extent to which given factors exist outside of the electoral context. External factors exist outside of electoral processes but play an important role in elections or can influence electoral processes. E.g. the role of political parties and media is very important during elections but their purpose is not only election specific. Similarly, internal factors are those that do not exist or have any relevance outside of the electoral process.

The second divide relates to factor dynamics. Internal factors are triggers. A single hate speech during an electoral campaign can create trigger violent reactions. Some internal factors will be relevant only during a particular phase of the electoral cycle. On the other hand, external factors are structural and more resilient. They include deeply rooted conflicts and social structures which can change only in the long run but can be triggered at any point of time. Accordingly, it is very likely that structural factors of concern in one electoral cycle will maintain the same level of risk in the next electoral cycle. It should be noted that elections may be seen as structural factor of social conflict and violence, but such paradigm is out of the paper's scope.

The list is not exclusive and can grow to include additional factors or proxies. Also, the way in which the list is organized can be changed and improved. For example, more extensive efforts can be invested in analysing the significance and power of factors in relation to election-related violence. Also, correlations between different factors can be investigated. However, such cross-national research would require a set of quantitative data which may not be available at the moment.

Nevertheless, despite the fact that more thorough analysis may help identifying statistical significance and measuring explanatory powers of different factors, narrowing the analytical framework described in this paper would not bring any practical value. Numerous studies point to the particular importance of the electoral system design and the level of trust in electoral management bodies as well as the role of media and political parties in triggering election-related violence. There are however violent contexts in which these factors have not been relevant or most prominent. If less important factors are omitted from the analytical framework, its flexibility and adaptability would decrease which consequently could impact its relevance. Furthermore, factors which are less prominent, such as voter education, observer registration, unemployment and poverty are very important in creating enabling conditions for violence to take place and therefore need to be included.

4.8 Toward Conclusions – Preventing and Mitigating Election-Related Violence

This paper has provided a wider introduction to the phenomenon of election-related violence by addressing some terminological issues, motives and consequences of election-related violence. Furthermore, it presented a way to conceptualize and understand election-related violence. The concept distinguishes between the process factors internal to electoral processes and structural factors which are external to electoral processes. This concept was then placed in the context of peacebuilding initiatives. Finally, the concept was translated into a more comprehensive analytical framework for addressing the problem.

In line with the concepts and argumentation presented above, this paper suggests the following overarching principles for addressing election-related violence:

Election-related violence is country and election specific. Efforts undertaken to prevent occurrences of election-related violence must be focused on critical factors, critical geographic areas and be manageable with the resources available. This comprehensive analytical framework can assist with tailoring country and election specific models for focusing and designing preventive strategies.

Factors of election-related violence, internal and external, have different characteristics. Electoral experts have a good understanding of electoral processes, critical phases, electoral events and actors and are able to understand how deficiencies in one phase may affect the credibility of electoral processes and risks associated with the process. However, their understanding of election-related conflicts and violence may be limited to electoral perspectives. Conflict and security practitioners on the other hand have a good understanding of structural factors, deeply rooted conflicts, security issues and how these affect elections. They may however lack an understanding of the electoral process. In reality, these communities do not always collaborate and share knowledge and expertise to maximise their understanding of election-related violence. Strategies for prevention and mitigation of election-related conflict and violence need to draw on expertise from multiple arenas.

Comprehensive strategies for prevention and mitigation of election-related violence must encompass short term electoral management strategies but also extend beyond electoral cycle to include long-term actions and social transformation. Peacebuilding efforts make up a solid framework for pursuing these changes.

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5 Doing Something for Peaceful Elections – But what Exactly? A Case Study of Guinea

Lukas Krienbühl[4]

5.1 Introduction[5]

Free and fair elections provide electoral legitimacy. Such legitimacy presupposes that violence does not occur during the electoral process, since acts of violence undermine the very democratic character of elections. However, the electoral competition is unlikely to lead to cooperative behaviour between political actors (Horowitz, 2001). Tensions may even run so high that elections trigger violence. Empirically understanding the causes of such complex phenomena is a challenging task for both academia (Höglund et al, 2009; Kitasei, 2009) and practice (Fischer, 2002; UNDP, 2009; Höglund & Jarstad, 2010; USAID & Creative Associates, 2010). The recent rise of interest in the topic of election-related violence is linked with electoral crises such as in Kenya in late 2007 or the Ivory Coast since the end of 2010, largely covered by the international media. Focusing on cases which are characterised by deep political crisis and massive violence helps to understand causes, it is, however, less useful for lessons learned in terms of prevention of election-related violence.

Thus, what could be done to prevent or mitigate election-related violence at an early stage? Much could be done. In fact there is often too much to do. This case study[6] aims to describe mostly civil society-based initiatives in Guinea during the two rounds of the presidential elections in June and November 2010. In Guinea these first democratic elections led to the accession to power of the historic opponent Alpha Condé (EU, 2010). The runner-up Cellou Dalien Diallo accepted his defeat. Despite violent incidents, the peaceful outcome in a region marked by armed conflicts makes Guinea an important positive example. This case study does not claim to be exhaustive, but intends to show some actions to prevent and mitigate election-related violence in the Republic of Guinea.

Good organisation and management of elections by the responsible electoral institutions (Höglund et al, 2009; UNDP, 2009), be it an independent, mixed or governmental body (Lyons, 2005; International IDEA, 2006), is a central aspect to avoid frustrations and therefore violence. Violence may indeed be triggered by suspected or proven electoral fraud (Kitasei, 2009). In Guinea efforts to support the Independent National Electoral Commission (CENI) and improve electoral administration throughout the electoral cycle have been important. Yet, this contribution will focus on other actors with strong preventive potential including media, local capacities for peace, security forces and local mediating actors.

5.2 Guinean Media in Elections

Media play a central role in electoral processes. It can be positive, but media can also spread rumours and broadcast hate speeches (Wachira, 2010). Therefore, both awareness raising on the role of media in elections and trainings in electoral reporting have preventive value (UNDP, 2009). Media can also commit through a code of conduct[7] to the prohibition to publish calls inciting electoral violence or the obligation to respect professional standards (USAID & Creative Associates, 2010).

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4   Lukas Krienbühl was Mercator Fellow on International Affairs. He has been working on a project on violence prevention in electoral assistance with the International Institute for Democracy and Electoral Assistance (IDEA) in Stockholm and the International Foundation for Electoral Systems (IFES) in Republic of Guinea.

5   Views and opinions expressed in this case study are those of the author only and do not necessarily reflect the views of the organisations mentioned.

6   Collected information is partly based on informal interviews and discussions with representatives of civil society organisations and NGOs in Guinea.

7   For more information on Media Code of Conducts see ACE Electoral Knowledge Network (2010), http://aceproject.org/ace-en/topics/ei/eic07/eic07a

In the Republic of Guinea, where radio broadcasting represents the main communication and information channel, Search for Common Ground (SFCG) networked various local, community and independent broadcasting stations into a Media Synergy (SFCG, 2010). Ahead of the elections trainings in electoral reporting were organised. Modules covered the phases of the electoral process in order to enable media to participate in civic education as well as the role of media in elections. They also strengthen professional journalistic capacities. This coalition was able to deploy reporters throughout the country, exchange and share information on the electoral process (SFCG, 2010). The network of radio stations also signed a media code of conduct. It contributed to defuse the many rumours circulating during the electoral process.

On the 22nd of October rumours swelled that the water poisoning during a meeting of the Rassemblement du Peuple Guinéen of the presidential candidate Alpha Condé in Conakry led to hundred of deaths. In Conakry radio stations were able to check the health condition of the poisoned supporters, which was not that serious (Guinéenews, 2010). Nonetheless, in the interior of the country where rumours continued to spread violence broke out in some localities.

5.3 Local Capacities for Peace

Mobilising local capacities for peace ahead of elections in tense environments may be an effective mechanism to prevent election-related violence (Sharma & Kammerud, 2010). Civil society peace campaigns mobilising ordinary people at the local level can "shift the balance from fear to come out openly against violence" (UNDP, 2010: 39). Such campaigns can rally strong support for non-violence.

Ahead of both June and November elections in Guinea, massive efforts by civil society organisations to spread peace messages and promote civic education took place across the country. Authorities based on traditional leadership such as the Council of the Sages[8] (AGP, 2010) and the Traditional Communicators were asking their communities to stay calm and explained the dreadful consequences of violence for everyone in society. In a public statement aired on rural, community and national radio stations, the Grand Imam of Labé in the name of the nobility and the Sages of the Foutah Djalon strongly called upon citizens in all communities of the Moyenne Guinée to protect their neighbours regardless of ethnic or political identity (GuineeTV1, 2010). As respected religious and traditional authority it was an important message to reassure communities and mobilise for peace.

Another initiative mobilised women across the country through a participative dialogue project aimed to reconcile women among themselves and become active in their family and area to achieve peaceful elections (IFES, 2010).[9] Youth Committees[10] supported by the International Foundation for Electoral Systems (IFES), the National and Regional Councils of Civil Society Organisations (CNOSC; CROSC)[11] and many other networks all mobilised their members across Guinea to work and campaign for peaceful elections. Peace campaigning efforts covered various activities from messages and debates in the media to people-to-people dialogue. The Orientation Council for Peacebuilding and Local Peace Committees[12] mobilised members in Labé for example in the context of increasing tensions. They set up an Urban Network of Peace Volunteers which could spread messages of tolerance, quickly react to rumours and defuse conflict in public places in Labé including market places, bus stations, bars, restaurants and around administrative buildings.

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8   Conseil des Sages in French is an institution at district level, which has been formalised by a decree in 1985. The Council of the Sages is elected among the elders, religious leaders and founding lineages of a district (Rey, 2007).

9   This Women Caravan project is a common initiative by the Ministry of the Women Promotion and Childhood, BEFORE and IFES.

10 Comités Jeunes Citoyens in French.

11 Conseil National/Régional des Organisations de la Société Civile in French.

12 Conseil d'Orientation pour la Consolidation de la Paix; Comités Locaux de Paix in French.

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5.4 A Force to Provide Electoral Security

Securing an electoral process is a complicated task, especially in a tense environment in which security forces do not enjoy the trust of the populations (Graham, 2006). In Guinea in 2010 the Special Force for the Securisation of the Electoral Process (FOSSEPEL) was created in order to provide security throughout the electoral process. It was under the control of the electoral commission. This force was only composed of police and gendarmerie units (Guinee24, 2010b). Various civil society organisations trained those forces, covering topics such as the different steps in the electoral process, human rights, rights of voters as well as the role and rules of engagement of the forces during the various election phases. The preventive potential of such special security arrangements and trainings ahead of elections exists, but preparation and training should be done well in advance of elections (UNDP, 2009; USAID & Creatives Associates, 2010). In Guinea, however, the preparation period after the creation of the FOSSEPEL in May 2010 was too short in order to make a decisive impact. When violence erupted ahead of the second round of the presidential elections a curfew had to be established to calm down the situation (Guinee24, 2010a).

Moreover, good electoral security planning and management needs to be based on accurate information on tensions and violence (International IDEA, 2010). In many countries, civil society organisations are present in all localities and well placed to monitor the electoral process. In particular information on monitored violent incidents during elections can be fed back to responsible authorities. A project by IFES and the National and Regional Councils of Civil Society Organisations built up an observation network mainly to monitor and report on political developments and the electoral process. It also monitored violent incidents. This information and data was collected at the prefectoral level and passed to a national data-gathering centre on a weekly basis. This data was then used by the CNOSC to attract the attention and call the authorities to adapt security measures accordingly, in particular the CENI and the FOSSEPEL.

5.5 Local Mediation of Election-Related Conflicts

Mediation at the local level is considered as having a strong preventive potential, since mediation techniques allow to defuse conflicts around elections at the local level before they escalate into violence (UNDP, 2009). However, those local mediating actors must work within the electoral process and cannot replace electoral dispute resolution mechanisms (International IDEA, 2010). In Guinea trainings in mediation techniques to strengthen the capacities of local mediators were organised in Labé, Kankan, N'Zérékoré and Conakry by International Alert and the Mediation Support Project (KOFF, 2010). Such local mediators need to have the social legitimacy and authority in order to be mediate local conflicts (International IDEA, 2010). In fact, many of the local capacities for peace structures in Guinea were engaged in mediation efforts. At the same time, they need to be visible so that citizens can call them to mediate and defuse election-related conflicts. Therefore, in Guinea trained mediators were equipped to show their presence through visible clothes or the diffusion of mediators' phone numbers in local communities.

The Civil-Military Committee (CCM)[13] for example defused during the electoral process conflicts between security forces and civilians. The CCM is a civil society-initiated dialogue platform between representatives of the military, the gendarmerie, the police and civilian groups. The Committee was active in mediating conflicts between the FOSSEPEL security agents and politicians during the electoral campaign when a convoy was blocked and politicians could not attend their electoral campaign rallies for example. A representative of the CCM was called and went to the scene in order

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13 Comité civilo-militaire in French (CCM).

to mediate a solution, focusing in particular on clarifying the status and role of the FOSSEPEL to both sides of the conflict. As co-organiser of trainings for the FOSSEPEL the CCM had the legitimacy to mediate such conflicts.[14]

5.6 Conclusion

Those snapshots of initiatives by different actors including media, local capacities for peace, security actors and local mediators during the 2010 elections in Guinea show that many efforts to prevent and mitigate election-related violence at an early stage were undertaken. Such peacebuilding actions may not be transferred to other contexts, but can serve as inspiration source. Hard work by civil society groups and other actors may not be enough to secure peaceful elections. Too many factors and events can trigger electoral violence. In the Republic of Guinea despite all peacebuilding efforts, violence erupted between supporters of the two alliances in Conakry and inter-ethnic localised violence took place in some places including Kouroussa, Dalaba and Siguiri. Despite those violent incidents, the relatively peaceful outcome of elections in Guinea makes it an important case study. Initiatives by a wide range of actors can contribute to violence-free elections or at least to mitigate the worst manifestations of violence.

One should not forget that despite the best-planned and implemented projects and initiatives to prevent electoral violence and despite highly motivated civil society actors, elections in tense environments will only be violence-free if there is a minimum consensus among political actors to avoid violence. Kenya, Ivory Coast, Zimbabwe, Zanzibar or Nigeria in the past should be reason enough to strengthen initiatives to prevent election-related violence. Ahead of the upcoming legislative and local elections in Guinea much remains to be done.

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14 Informal interview with Colonel Cécé Balamou, Vice-President of the National Civil-Military Committee.

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6   Do No Harm: Conflict Sensitive Election Design

Ilona Tip

6.1 Introduction

"Peace is not the absence of conflict but the presence of creative alternatives for responding to conflict -alternatives to passive or aggressive responses, alternatives to violence."

Dorothy Thompson

Conflict is part and parcel of our interaction as human beings, whether it is a conflict of conscience where we grapple with a choice we need to make, or a conflict between partners such as a husband and wife, between families, between communities, between clans or between nations. Societies all over the world experience conflict in some form or other with most societies tolerating conflict as inevitable. Indeed one may argue that the basis of democracy is establishing an environment in which rigorous debate and difference of opinion, values and ideas can be expressed. It is conflict that manifests itself in unacceptable ways such as violence to people, to property and the environment that is not tolerated. If we accept that conflict exists in every society, what we need to find are effective mechanisms that constructively manage conflict; ways in which we can bring opposing sides together in a constructive way and where practical and acceptable outcomes can be achieved. The conflict model introduced needs to be sensitive to country and cultural context and requires the 'buy in' and 'ownership' from all stakeholders to succeed.

Within this context elections are no different and by their very nature are adversarial as they involve a contestation for power. How election conflict is managed can 'make' or 'break' an election.

This paper looks specifically at election related conflict and mechanisms that can be put in place to resolve election related conflict and highlights the EISA Conflict Management Panels model for managing election related conflict.

6.2 Causes of Conflict

The holding of an election can provide an opportunity or trigger for conflict while election related violence has its roots in a broader context.

Mark Anstey in 'Managing Change, Negotiating Conflict' identifies a range of sources of conflict. These include:

Scarcity of resources – this creates a tension in any society and is inevitable as there is competition amongst people for limited resources. We have seen this all too often in our situation, whether it is scarcity of land, access to water in particular in informal settlements, and rural areas, access to housing, medical care etc. There is the view that the election related violence in Kenya for example is mainly a conflict about migration and land.

Identity – people and groups define themselves in terms of different lifestyles, cultural practices, ideologies or religion and often deep rooted conflict is manifested in protracted violence. We also find that in several situations identity and access to resources go hand in hand. For example a particular 'group' through being in power has access to resources thereby excluding other parties. Whilst this may simply be a matter of control of resources it manifests itself into only a particular group has access because they are 'better', 'cleverer' etc whilst denying another 'group' access because they belong to that group. If we look at the situation in Rwanda for example a particular group the Tutsi's had access to political power and their own perception was that they had power

because they were superior to the Hutu's. This situation creates hostilities between people. Competitive politics during elections especially offers the possibility to make use of such differences for electoral gains.

Structural imbalances – structural imbalances occur when there is actual or perceived inequality of control of resources, ownership or resource distribution. Groups who have access to these resources and power are able to entrench their authority. We have seen this in many countries, from the government in power during apartheid South Africa, which even went as far as to control the movement and removal of large sections of the African population in particular. This is also evident amongst many of our neighbours' where ruling parties have access and control the media and state resources and are able to access, use and abuse them particularly when it comes to the pre-election period. In these situations, elections therefore are situations with a lot of stakes involved.

Ambiguity – Conflict occurs where there is uncertainty as to what the rules of the game are. We see this in particular in countries in transition or who are undergoing change. This creates opportunities for unrest and tension. South Africa is a case in point where prior to the first democratic elections held in 1994 we saw rising tension between ethnic groups and political organisations. In particular KwaZulu/Natal and Gauteng between hostel dwellers and residents. Tensions were created and communities manipulated on the basis of fear and uncertainty.

Differing goals – again organisations and institutions (which can be political parties) have different goals and priories different issues. A government in power may be of the view that the foremost issue is decreasing foreign debt whilst to homeless people the first priority should be to build houses. Marrying and agreeing on priorities is an important mechanism for reducing conflict.

Information – access to information enables some groupings, institutions or political parties to place themselves in powerful positions. Michael Meyer in his book 'Stupid White Men' very aptly describes the culture of fear that he suggests is deliberately created through the television and print media in the USA. Especially in situations of electoral campaigning, radio stations and television have an important role in enabling an environment for a non-violent conduct of elections.

Interpersonal relations – these relations are complex and difficult. Often an interpersonal relationship between two individuals in the political arena translates itself into a larger conflict between groups. The conduct of an election provides the opportunity for this to come to the fore.

In addition weak administrations that are unable or unwilling to interact with the causes of conflict as well as a non-unified army and police can aggravate the potential for conflict resulting in the inability to contain or manage it.

Within the parameters of causes of conflict outlined above electoral conflict can emerge due to an environment that is not conducive to holding credible elections through:

Erosion of law – For example a country that disregards the due process of law be it by the appointment of judges to ensure the outcome of cases, or changes in legislation especially related to election matters including demarcation of constituency boundaries, registration of voters, eligibility of voters etc

Human rights abuses – This can include victimisation and intimidation of opposition supporters and leaders, restricting the space for campaigning and canvassing, placing restrictions on holding meetings and rallies etc.

Misuse/abuse of state resources – This is a particularly vexatious issue and countries and electoral management bodies are constantly grappling with how this can be controlled. There is a thin line between an incumbent president, cabinet ministers etc 'doing their duty' and using state resources

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to campaign and canvas for election purposes. This includes for example providing agricultural resources shortly before an election, building clinics etc and providing services that have not been provided in most of the preceding years and only become evident shortly before an election.

Restriction on access to state owned media – This has frequently been used by incumbent governments to prevent opposition parties from the opportunity to address and access the electorate. In several countries we have seen the prospective candidates, particularly presidential candidates, owning their own media be it television, broadcast or print to enable them to put their points of view across to citizens. In severe situations we have seen the closure of privately owned media and often arrest, intimidation and assault on journalists regarded as a threat to the ruling party.

6.3 Elections and Conflict

As indicated in the introduction, while conflict generated during the course of an election may pertain specifically to the electoral process it may be embedded in the broader historical and political context and manifest in the form of electoral conflict. However it does not follow that this conflict should be negative or destructive. Conflict is often a catalyst for change, transformation or progression.

The general understanding is that democratic government has become to be understood as the most effective way of managing or processing conflict. Elections are seen as the main tool through which conflict can be managed. However there has also been argument that elections contribute to conflict as we have seen in Uganda until recently, where, after the successful 1996 elections, President Museveni introduced the 'Movement' system. Essentially a one-party state where political parties were not expressly forbidden but were not permitted to field candidates officially for elections as Museveni blamed political parties for dividing Uganda along religious and ethnic lines, leading Uganda to civil strife following independence. This system was introduced as a more effective way in contributing to the building of a nation state while multi-party elections was perceived to serve to heighten the cleavages between ethnic groups. Either way modern studies of political transition from conflict or authoritarianism emphasise bridging processes to full democracy that include power sharing, amnesties, loser guarantees etc. Another example is that of Angola following the election of 1992 when Jonas Savimbi, the leader of UNITA (the Union for Total Independence of Angola) refused to accept the outcome, citing the elections as "neither free nor fair" and following his refusal to participate in the second round Presidential elections the country went back to a lengthy civil war.

6.4 Election Conflict Interventions

Generally a sign of a healthy democracy is one that is tolerant of opposing points of views or ideas and ensures an environment conducive for the articulation of such views. For example in an election political parties competing with each other will have different manifestos and policies which may not necessarily translate into overt conflict. It becomes problematic when conflict manifests itself in unacceptable ways such as physical violence, destruction of property, or harm to individuals. It is important that appropriate mechanisms are developed to effectively manage conflict so that it does not manifest itself in a destructive or negative way.

However there are situations where continuing conflict may be perceived by one or other of the role-players as positive, in terms of maintaining power, accesses to resources etc. The resolution of conflict must contain sufficient incentives to entice the role-players to seek a solution.

Commonly long established democracies use the formal approach to resolving electoral conflict that includes the judicial and administrative approach. Over the past ten to fifteen years we have seen a more informal approach to conflict resolution in conflict prone societies, alongside the formal legal and diplomatic approaches.

6.4.1 Diplomatic Approach

In countries emerging from conflict the action of the international community and its support towards the electoral process is often necessary. This support is usually conducted either at state level or by international, continental or regional agencies and institutions such as the United Nations, the African Union, the Southern African Development Community (SADC), the Economic Community of West Africa (ECOWAS), the Intergovernmental Authority on Development (IGAD) ETC. It can also take the shape of financial, technical, material and expertise assistance and can be conducted on a multi or bi-lateral level. It can also take the form of voluntary action or the establishment of high level officials such as former heads of states or heads of state still in office.

6.4.2 Legislative and Regulatory Approach

The necessary constitutional, legislative and regulatory framework needs to be in place that provides for the management of election related conflicts. This can include the establishment of election tribunals or electoral courts. For example the table below outlines the mechanisms for resolving election disputes in SADC countries.

Table: Mechanisms for resolving election disputes in SADC countries

Angola	All decisions of the National Electoral Commission (CNE) on challenges to voting irregularities and counting tabulations are heard by the Constitutional Court, but must be filed within 48 hours of notification of the decision of the CNE.
Botswana	Election petitions are heard by the High Court. Petitions must be submitted within 30 days of the announcement of the result disputed. If petitions are withdrawn the costs devolve on the petitioner.
DRC	Teams of mediators are deployed during the election period to resolve disputes. Petitions are heard by the courts.
Lesotho	The Independent Electoral Commission (IEC) appoints a tribunal to hear and rule on complaints. Election petitions against IEC decisions are heard by the High Court. Petitions must be submitted within 30 days of the end of the election period and the petition must be heard within 30 days of lodging.
Madagascar	All complaints and disputes heard by the High Constitutional Court.
Malawi	Election petitions and complaints are handled by the Malawi Electoral Commission (MEC). Appeals against the MEC rulings are made to the High Court. Election petitions of the Presidential result must be received by the High Court within 48 hours of closing of polls.

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Mauritius	No formal conflict resolution mechanisms. In the event of electoral disputes, petitions are heard by a court with at least two judges sitting on the bench. Election petitions must be submitted to the courts within 21 days after the date of the return of results.
Mozambique	Petitions are made to the National Electoral Commission (CNE) within two days of the results being published. Appeals against decisions made by the CNE are made to the Constitutional Council within three days of the decision being published and must be decided on within 5 days.
Namibia	Election petitions are heard by the High Court and petitions must be submitted within 30 days of the announcement of the result disputed. The decision of the Court must be rendered with 60 days of the registration of the petition. Appeals may be lodged with the Supreme Court.
Seychelles	In the event of a dispute over the results, the Constitutional Court has authority to hear complaints. Decisions may be appealed in the Seychelles Court of Appeal.
South Africa	The Independent Electoral Commission (IEC) and its officers are empowered to resolve objections, appeals and code of conduct disputes through conciliation. Election petitions are heard by the courts with the Electoral Court acting as final court of appeal. Parties must submit complaints within 48 hours of the announcement of results.
Swaziland	High Court adjudicates petitions regarding elections.
Tanzania	Presidential election results are not subject to challenge under the law. Election petitions for parliamentary elections must be presented to the High Court within 14 days of the announcement of results. Resident Magistrates hear cases for local elections if submitted within 30 days of the announcement of results.
Zambia	Election petitions are heard by the High Court. Petitions must be lodged within 30 days of the disputed results being declared. The ECZ is empowered to resolve conflicts and disputes through conciliation or mediation and to set up conflict management committees to resolve disputes.
Zanzibar	The constitution prohibits enquiry by the courts into "anything done by the Electoral Commission in performance of its functions". The Electoral Act provides for other petitions to be heard by the High Court.
Zimbabwe	Election Petitions are heard by Electoral Court.

Source: http://www.eisa.org.za

In addition legislation can also include the formulation of codes of conduct for electoral stakeholders (this may be included in a general code of conduct or separate codes for observers, political parties, the media etc), establishment of multi-party liaison committees or even resolution of conflict by mediation or conciliation as is the case in South Africa (103 A insertion to the 2003 amendment to the Electoral Act, no 34, 2003).

This approach, in the main, relies on the judicial system requiring them to be efficient and court officials (judges, magistrates etc) to be perceived as independent and well trained.

6.4.3 Election Management Bodies

Election Management Bodies (EMBs) are central to any election and in turn to responding to election conflict as they are tasked with administering, co-ordinating, supervising and managing the electoral process for the purpose of choosing representatives for purposes of governing the country. In essence EMBs are the conductors and executors of transparent, accessible and credible elections. Given that elections are a vehicle for the distribution of power, EMBs are subject to close scrutiny. Any perception of bias, partisanship or lack of integrity in the administration of elections impacts on the outcome of elections and holds the potential for election conflict. EMBs therefore need to be:

- Independent – for an EMB to effectively carry out its mandate it needs to be free to act in the interests of all voters and not of any particular candidate or party, irrespective of the incumbent party.

- Impartial – is an essential characteristic in building trust. To gain the confidence of all stakeholders EMBs must apply the law and regulations in a fair and consistent manner.

- Competent – an EMB may be the most independent and non-partisan body but if it is not able to deliver an efficient, well run election with competent staff, it will be unable to fulfil its mission. Missed deadlines, inability to register political parties and manage the nomination process efficiently will result in a flawed election and an outcome that will not be accepted. Competent well trained staff contribute to a successful election.

- Efficient – the delivery of elections must be seen to be efficient, as any perception of incompetence affects the ability of elections to be regarded as free and fair. This includes logistics, supply chain, staff, well defined communications systems, counting and announcement processes, good administrative supervision and provision for executive oversight.

- Transparent and open in carrying out its functions – The entire electoral process should be open to scrutiny by the public. An EMB that is open to and engages with stakeholders is more likely to have an outcome that will be acceptable. For example the Electoral Commission of Zambia prior to the 2006 elections invited all stakeholders to a consultative workshop to develop and agree on a code of conduct. The South African Independent Electoral Commission has put in place and regulated the formation of Multi-Party Liaison Committees, providing an ongoing platform for consultation with political parties on all aspects of the electoral process.

Crucial to the credibility of an election is the perception that the EMB is non partisan and independent. This credibility is enhanced by the inclusion of all stakeholders in the electoral process, and in particular political parties who are in fact the main role-players in an election.

Putting in place mechanisms that have the support of all stakeholders enhances the credibility of the EMB and also affects the acceptance (or non acceptance) of election results.

This paper mentions three particular mechanisms, aside from the legislative and regulatory frameworks, that can assist in preventing, managing and minimizing election conflict.

Multi-Party Liaison Committees

For any electoral process to be successful, political parties need to understand and be involved in the different phases of the electoral processes. Setting up forums such as Multi-Party Liaison Committees (MPLCs) provides a structure and framework that enables an EMB to regularly meet and discuss election-related matters with representatives of political parties and those of independent candidates contesting the elections. However this needs to be meaningful engagement as EMBs may be of the view that they have provided such a framework where in effect, they meet with political

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parties to 'tell them' about election issues without providing an opportunity for political parties to table their concerns or issues and seek a common solution. This does not undermine or take away the authority of the EMB as the body with the ultimate responsibility of conducting the election, but rather provides an extremely effective mechanism to ensure that parties are part of the process and that any potential areas of dispute can be tabled and discussed at MPLC meetings. Preferably the establishment of an MPLC or similar structure should be included in the electoral legislation and form part of the mandate of the EMB. Section 5 of the Electoral Act No 73 of 1998, states that the Independent Electoral Commission (IEC) must establish and maintain liaison and co-operation with political parties and the mechanism identified by the South African IEC to do is that of the Multi-Party Liaison Committee which is in place at national, provincial and local level. An example of the IEC's efforts to include contesting parties in decisions relating to elections is that registered parties who are entitled to representation on these committees and for example, have free access to the voters' roll, frequently a source of election conflict.

Codes of Conduct

While the establishment of Codes of Conduct may be included in electoral legislation, if it is not, EMBS should, in consultation with stakeholders, agree to and formulate a code of conduct. This should not only be limited to a Code of Conduct for political parties, but codes for international and national observers, voter educators, the media, security officials can contribute to minimizing and managing election related conflict. Codes of Conduct are instruments which not only prohibit offensive conduct but also impose positive obligations on parties, candidates and supporters to uphold the integrity of the process. In Zambia, for example, in preparation for the 2006 elections, the Electoral Commission undertook an extensive consultative process with all stakeholders to formulate and include in the law a Code of Conduct that pertained to all stakeholders. However the challenge in this regard is that in many countries is the problem of enforcement as Codes of Conduct tend to be voluntary and may result in the electoral authority as being regarded as 'toothless' or ineffective. For this reason consultations with and the inclusion of participation by election stakeholders is necessary to ensure that all concerned contribute to ensuring a peaceful and successful election.

The EISA Conflict Management Panel Model

The EISA Conflict Management Panel Model has been introduced in several countries as an effective mechanism to manage electoral related conflict, particularly South Africa, the Democratic Republic of Congo, Lesotho, and Zambia. South Africa first initiated and considered conflict mediation as a supporting initiative to manage electoral conflict in the 1994 first democratic elections through the interim IEC put in place on a short term basis specifically to manage and supervise those elections. It is noteworthy that during the 1994 elections the IEC received 3 558 complaints concerning no-go areas, political violence and intimidation. During the 1999 international and local observers, NGOs, the media and the IEC reported that there was less violence and intimidation with the total number of reported conflicts totaling 1113 and located mainly in Gauteng, Kwazulu-natal and the Eastern Cape reporting the highest number of incidents. The total number of conflicts reported for the 2000 local government elections was 314.

This EISA Conflict Management Panel model was first introduced in South Africa in the run up to the 2009 national and provincial elections where EISA and the South African IEC collaborated in the preparation, design, establishment and co-ordination of Conflict Management Panels. These panels were subsequently used in South African for local government and national and provincial elections. Conflict panels have the advantage that members of the panel are drawn from communities and agreed upon by the contesting political parties. They therefore have the trust and confidence of the electorate and available as a resource to the electoral authority. They are also a partnership between the different stakeholders and are useful in ensuring that all stakeholders therefore have a commitment to ensure the outcome of a credible election. Conflict Management Panels in South Africa are strengthened by the inclusion of Section 103A of the Electoral Laws Amendment Act No 34 of 2003 that allows the Commission to "resolve any electoral dispute, complaint or infringement

of the code of conduct through conciliation or mediation." It is important to note that the introduction of alternative dispute mechanisms, or informal conflict resolution mechanisms, do not remove or undermine the role of the judiciary or the security forces. Certain issues or incidents cannot be mediated. For example severe instances of intimidation which result in violent assault may require that a criminal charge be laid or a dispute on electoral law or other related electoral legislation. Mediation may be necessary to bring the parties together to agree to how political parties engage and work together to avoid further instances of violence and to help in creating a conducive election environment.

The model has been used and adapted subsequently by a range of electoral authorities including the Zambian Electoral Commission in 2001 and 2006, Lesotho Electoral Commission in 2002 and 2005 for local government elections and extensively by the DRC in the 2005 referendum and 2006 elections where under the co-ordination of the IEC and in partnership with EISA 3000 mediators were trained and deployed countrywide. EISA was also contracted to introduce this model in the recent 2010 presidential and parliamentary elections held in Somaliland. In addition EISA has conducted workshops for all the EMBS in the SADC Region training Commissioners and senior staff in election conflict management skills.

In brief the panels work under the supervision of the relevant EMB and replicated at national, provincial (or district) and local level. The panelists are drawn from community representatives who have the trust and confidence of the community and agreed upon by the contesting parties. For example in South Africa this is done through the Party Liaison Committees where names of prospective panelists are table and agreed upon. In most cases the legal fraternity tends to be the most popular source of mediators followed by clergy and local NGOs. The selected mediators are trained in conflict management skills and provided with the relevant legislation that governs the electoral process. They are called upon to assist with conflicts emanating from the pre, during and counting phases of the electoral process. The public are informed about the availability of mediators as well as political parties. The number of mediators varied from province to province depending on the size of the province, the population size, the demographic makeup etc with an average of 120 provincial panelists deployed for national and provincial elections and an additional 166 municipal panelists deployed during local government elections. Provincial co-ordinators were identified by the IEC in each province to assist in the co-ordination of panelists and EISA designed a program to assist them in carrying out their responsibilities as co-ordinators.

The number of mediators depends on the needs of the country. For example the Democratic Republic of Congo introduced 3000 mediators countrywide in preparation for the 2005 referendum and 2006 Presidential and Parliamentary elections under the CENI. Mediators were identified in consultation with communities and agreed upon by the electoral authority and political parties. As with South Africa, the electoral authority partnered by EISA, oversaw the rollout of the program. Mediators were called upon to resolve disputes ranging from a voter arriving at an incorrect voting station and being precluded from voting to a standoff between supporters of parties wanting to march through an area supported by another party. 300 of these mediators are currently on the ground resolving 'social disputes' which vary from conflict related to family matters to conflict related to land disputes, the integration of refugees into their respective communities as well as recent interventions by mediators to assist women in particular, who have suffered abuse and rape and those responsible for the abuse heal the psychological damage experienced, not only by the women concerned, but also by those who committed the abuse.

A number of important lessons and recommendations have emerged since EISA first introduced this model. Briefly they are:

- Conflict Management Panels should be formed well in advance of the elections and consideration could be given to retaining a small panel available as a resource to the EMB during the period between elections, particularly at local level where by-elections are held.

- The electorate should be fully informed of their existence, their role and function and who the mediators are (mechanisms to do this most effectively must be devised and implemented).

- Mediators must be identified and agreed upon by all the stakeholders.

- The Conflict Management Panels should work with the electoral authority, and in the South African context it was important that they were supervised by the EMB, in order to ensure proper co-ordination firstly and secondly so that they operate under the authority of a central body. This does not preclude, and is in fact vital, that the establishment of such Panels is a collaborative process between all the relevant stakeholders to ensure legitimacy and credibility of the panels.

- Proper training in mediation skills and electoral conflict management is imperative so that a body of well trained, committed and disciplined mediators are available to serve the electorate.

- The program should be ongoing and provided for in the electoral law.

- The approach taken should ensured 'buy in' by all stakeholders.

6.5 Conclusion

The very nature of an election is that it achieves an outcome; a win for a person and/or party and a loss for others. Those given the responsibility of dealing with election conflict need to bear in mind the causes of conflict and that election related conflict may not necessarily take place in isolation of other causes of conflict, be it scarcity of resources, or access to information or group identity. An election often creates the opportunity and platform for such conflict to emerge and that dealing with election conflict requires sensitivity and the ability to accommodate different interests. The legal framework within which an election takes place needs to provide the space for parties to contest in an enabling environment.

Whatever the mechanism is that is in place to respond to election conflict, there are general principles and standards that should be applied to ensure the 'buy-in' of all stakeholders and works towards an acceptance of the outcome of the process.

Firstly, a procedure for complaints and appeals needs to be in place that is accessible to all potential complainants.

Secondly, complaints need to be responded to promptly. If the formal legal route the proceedings should be heard as soon as possible and the parties informed of the outcome.

Thirdly, the procedure needs to be transparent and unambiguous

Fourthly, the process should be impartial, fair and an independent body in place to resolve conflict

Fifthly, the question of sanctions and their application and enforcement is necessary. All too often regulations are in place that are not enforced which leaves the parties concerned frustrated and reduces their confidence in the electoral dispute process.

Sixthly, the acceptability of complaints should be time-bound so that prospective complaints know that election related complaints have to be lodged within a particular time-frame.

Lastly, consensus building should be sought as an option that provides all parties the opportunity to feel that their point of view has been heard and taken into account.

The design and implementation of an effective conflict management program, especially in countries in a transition to democracy and its consolidation is critical to the election outcome and long term well-being of a country and its citizens.

I close with the words of the late Indira Ghandi, former Prime Minister of India that "You can't shake hands with a clenched fist", a necessary basis for conflict sensitive design.

7 Elections in Fragile Situations – When is the Time Ripe for Competitive Politics? The Case of Nepal in 2008

Markus Heiniger

7.1 Introduction

The elections to the Constituent Assembly/the new parliament in Nepal in April 2008 were held successfully, even though the country was in a quite 'fragile' situation. The elections constituted a major step in Nepal's peace process, after the 2006 Comprehensive Peace Accord (CPA) between the government of Nepal and the former rebels, the Communist Party of Nepal (Maoist), CPN(M). However, before and during the elections, a competitive style politics came up and weakened substantially the so far very successful 'consensus politics' between the big political parties, the former parties to the violent conflict. Whilst this consensus politics had led to a period of fast progress in the peace process between 2005 and 2008, the pace process slowed down drastically afterwards. Were these elections hold too early?

Reflections on the timing and sequencing of elections with other key issues of a peace process (like DDR/SSR, reconciliation processes, economic recovery, other elements of state and nation building) in conflict affected situations are of crucial importance. To give effective and relevant support for transition processes, the external actors, developmental, diplomatic and others, should analyze the function that elections have in the overall political 'big picture' (in this case: peace process), and approach them in a conflict sensitive way. Thus, not to look at elections as a singular issue or an 'automatic' step in itself towards 'democracy'.

Nepal, spring 2008: The situation in the country was volatile and tense but very dynamic at the same time. Elections to the Constituent Assembly (CA) which would at the same time constitute the new parliament were to be held on 10 of April. The whole country was focused on this event. Would the elections be held peacefully and relatively free and fair? If yes, it would mean a lot to Nepal's peace process and to the people of Nepal who could then look forward to their first democratically established constitution, which would be legitimated and generated only by the people. In case the elections would fail, many people were afraid of a backlash into a situation of instability and violence, like during the 10 years of internal violent conflict from 1996 to 2006. Furthermore, there was the possibility that the elections went well formally, but that in case of a substantial loss in the elections, the CPN(M), the former rebels, would not accept the result. And there was more uncertainty: A number of then 'new' political actors, like the protesting groups of the population in Terai (the flat land in the south of Nepal), the Madheshi movements, had just a few months ago been convinced to participate in the elections. They settled an 8-point agreement with the Interim Government in February 2008. Would the Madheshi movements really abstain from more street protests?

7.2 Last Minute Violence Prevention in West Nepal to Save the Elections and the Peace Process

Four days before the election, seven young Maoists were shot in an ambush on an open road in West Nepal. Everyone feared that this could start off a local and then maybe nation wide escalation. A delegation comprising one co-convener and two members of the 'Peace and Conflict Management Committee' (PCMC) which the government had created within the Ministry of Peace and Reconstruction (and with which I worked informally as one of the two international advisers), another well known civil society personality and me flew early the next morning by helicopter from Kathmandu to the scene of the incident. There a series of intensive discussions were held with po-

lice, various authorities, political parties and local personalities. Nearby about a thousand young Maoists had gathered around the bodies of the seven who had been shot. They wanted to take revenge on the police and the political masterminds alleged to have been pulling the strings from behind the scenes. It was only with difficulty that the leadership of the CPN(M) managed to keep them under control. The members of the PCMC, personalities known throughout the country for their efforts on behalf of human rights and peace, were successful in restoring calm, so that it was possible to avert the imminent danger of an escalation of violence. Our involvement, as international and national observers agreed, was decisive in bringing about the de-escalation. The situation was indeed so tense that an escalation would have seriously endangered not only the elections in West Nepal but indeed in the whole country, and the peace process as such. The PCMC members argued in the meetings on the spot that it would be better to publicly recognize that something terrible had happened, and that a thorough investigation should be hold, to then promote de-escalation. On return to Kathmandu, to keep our word, we met with the National Human Rights Commission, the UNHCHR mission as well as influential government offices and civil society representatives. It was clear to all concerned that this was potentially an 'emblematic case' for the many human rights violation that had happened during and after the war. It is sad to say that, unfortunately, it was not possible to keep these events on the agenda since. To date neither those responsible nor those who masterminded the crime have been brought to justice. The political circles that were indicated to me as the masterminds of this incident– 'dividers' in peacebuilding parlance – have in the meantime once again risen to a position of respectability within their political party. We did manage to help save the elections, which at the time had everyone's support, in particular that of the 'ordinary' Nepali, and thus contribute to the peace process. As for dealing with the human rights violations however, much remains to be done, including for the families of these seven young men.

7.3 Mechanisms to Prevent Conflict and Violence with Regard to the Elections in Nepal 2008

When trying to understand why the 2008 elections in Nepal were a success, several factors can be introduced that helped to prevent violence.

A relatively strong and professional election commission headed by a respected and independent personality as the chief election commissioner was one factor to help prevent election violence. And so was also the election law: Conflict prevention respectively broad political support was inbuilt in the law trough mechanisms of consensus politics in particular. The law was only approved after intense negotiations. It was a quite complicated law with different quota for women, marginalized groups (casts and ethnic groups, Madheshis in particular). The electoral system applied was a mixture of the first pass the post system (FPTP) and proportional elements. The electoral results showed several interesting outcomes of this law: Thanks to these provisions, the CA became probably the most inclusive political body in the history of Nepal, with almost all minorities that articulated themselves politically in 2007 being represented. Another outcome was however that, also as a result of all these compromises, the CA included as many as 601 members. This made it certainly not as competent as it was in terms of representation, at least not in the beginning. It is also questionable whether it was a good idea to entrust the role of constitutional assembly and parliament to the same body.

A crucial factor helping to build and ensure support for the elections were the efforts of many, including the UN, the regional powers and so many others, to bring as many political actors as possible 'on board' to welcome the holding of elections. Thus, every single actor had to be convinced that he had a chance to win something for his cause in the elections, as only then, he would participate. This might sound simple, however in a conflict ridden situation with new actors emerging and not much political stability, it is not - and it is key. Without all (or as many as possible) relevant actors supporting the elections and thereby calculating some benefit for themselves, elections will most probably rather 'do harm' instead of bringing the relevant overall political process forward.

A huge effort was also made regarding the election monitoring. The international community, on the request of the interim government of Nepal (which included the Maoists) had sent a huge number of elections observers, from governments (EU-mission) and from non governmental organizations from Asia and all over the world (which was important in particular given the topographic nature of Nepal).

The PCMC mentioned above was one specific instrument for conflict prevention. Internally we called it a 'political fire brigade' because of the type of facilitating conflict prevention and conflict management interventions the committee conducted. The PCMC should however have been more influential than a fire brigade, but its mandate was limited. There had been efforts since quite some time to appoint a High Level Peace Commission (HLPC), as foreseen in the CPA, which could, within its general mandate to accompany and lead the implementation of the peace agreements, also serve as a conflict prevention mechanism with regard to the elections. But the main political parties of Nepal had only found a consensus on this very late, end of March 2008, and only for a rather 'light' version of the HLPC, which was the PCMC. The committee was formed too late to systematically build mechanisms for conflict prevention before, during and after the elections. However, it could help prevent escalation in some dangerous incidents, like the one described above.

So far so good. Some relevant conflict prevention factors had been inbuilt into the electoral process, like the PCMC, the election law itself, the broad political support from inside and outside the country.[15] More could certainly have been done, and it is a fact that, several bigger and so many 'smaller' incidences of violence and other problems took place during the election process. But the elections on 10 of April 2008 went all in all relatively well, an observation that was shared right after the election date by all relevant actors including for instance the monitoring observers and actors like India and the US.

7.4 Competitive Politics Weakened 'Consensus Politics'

Despite this success, the question can be asked whether the holding of the election at that point in the peace process was enough conflict sensitive. Because if we look at the story behind the story, meaning the function of the elections within the whole peace process, we can see that, despite their success, they seemed to have weakened the process. For this to explain, we have to have a look at the peace process: From 2006 until the elections in 2008, the fragile coalition of the main stakeholders to the CPA, mainly the big three political parties, was trying to implement the peace accords together. However, because of the elections, competition between the partners of this coalition became the constitutive element in their relationship in 2008. Before, it was the parties' ambition to show the people that they were working together for peace (even though they were not always). During the electoral campaigns though, they had again to point out the differences, to show how much better they are than the others. The consensus politics were weakened - ironically by the common project to hold elections.

The outcome of the elections was unexpected at least for most of the observers: The Maoists won 220 seats (of 601) in the CA/parliament, whereas the traditional big and influential political parties gained much less, the Nepali Congress 110 seats and the UML (Communist Party of Nepal - Unified Marxist-Leninist) 103 seats. (The newly formed Madheshi parties won around 80 seats, which confirmed their decision that it was worth for them to participate in the elections). The proclamation of the republic end of May 2008 was another success of the consensus politics, but then the compe-

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15 Switzerland had supported the elections process through supporting independent Media projects (with Radio Hirondelle and Radio Nepal (Radio), by contributing Swiss long

term and short term observers to the EU election monitoring mission, through the financial support to national civil society election monitors, through the political support

(statements etc) as well as trough the work of the Special Adviser for Peacebuilding, for instance through various facilitation and conflict prevention activities behind the scene,

partly in team with the national facilitators of Nepal's peace process, in particular also trough the technical support to the Peace and Conflict Management Committee PCMC.

tition style started to dominate: There was no consensus election of the new president of Nepal. The Maoists formed a government with UML. The Nepali Congress went into opposition. This process already took half a year. Following, common solutions became rare and the peace process developed slowly into what could be called a crisis. Without going into the details here it can be said that the introduction of the competitive element was one factor that brought legitimacy, but also complication for a smooth implementation of the peace process. Of course there were also other factors that slowed down the pace of the peace process. The product of the elections, the creation of two different areas of politics in parallel, influenced the process however structurally:

Competitive politics: This area was democratically legitimized through the election. It was more or less the 'governance' area dealt with in the parliament. Issues like the budget and many other 'normal' political issues could have been dealt with in this manner, with majorities, government/opposition.

Consensus politics: This area was legitimized by the various peace agreements and the Jana Andolaan II, the people's movement of April 2006, which was a very strong movement with millions of people demonstrating for peace and democracy even before the peace agreement. This area referred more to the structure of making agreements between the stakeholders in the conflict with respect to the peace process. Consensus politics was still necessary during the transition period. It handled – or should have handled – the big and difficult aspects of the peace process and questions of national interest.

It proved to be difficult in practice for the political actors to separate these two areas (competitive and consensus politics) and to act simultaneously according to the different sets of rules governing each system. Ideally (symbolically speaking), in the morning, when the assembly sat as the parliament, the members would be divided into government and opposition, and would try to 'fight' with the other side according to the rules of the parliament. In the afternoon, when the same people would sit together as the Constituent Assembly, they should work in a mood of consensus. It was very important not to mix these two systems – but that is exactly what unfortunately happened. Thus, the peace process was partly used to further party political goals instead of bringing forward the peace process and seeking solutions for Nepal as a country. Also, structurally, competitive politics favored the more skeptical and hard-liner streams within both political camps, which made life sometimes difficult for the moderates who had realized they could only be successful by making compromises with the other camp.

The existence of the two political reference systems is at the same time quite typical during times of transition. Therefore, the CPA also included some mechanisms to deal with this situation: The main idea was to divide the tasks involved in the implementation of the peace process between many shoulders to create a broader base of responsibility for implementation. At the national level, the implementation should be insured through the above mentioned the High Level Peace/Monitoring Commission and various other commissions. The local instrument for implementation was to be the Local Peace Committees (LPCs). As already indicated, these peace implementation structures, which would have involved more actors, were unfortunately not much implemented.

7.5 The Price of the Prioritization of the Elections

In the beginning of 2008 several crucial decisions had to be taken with regards to the implementation of the CPA, and based on decisions of the interim parliament in 2007 and the 23 point agreement of December 2007 between the main political parties:

• The appointment of a High Level Peace Commission (including personalities from the civil society) to oversee the implementation of the CPA,

• Elections to the Constituent Assembly and development of a new constitution,

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- The transformation of Nepal to a republic (from the status of a monarchy),

- The transformation of Nepal into a federal state (as a means to accommodate the variety of the groups with regard to ethnicity, religion and language),

- The rehabilitation into civil life of a part of the ex Maoist combatants and integration of others into the Nepal Army/the security systems (army, police etc.), as well as the 'democratization' of the Army (these military related elements were formulated only relatively vaguely in the CPA which was what could be achieved in 2006 but made it difficult later on),

- The appointment of a commission on disappearances, and

- The appointment of a Truth and Reconciliation Commission.

There was no agreed sequencing of these steps, except that the elections would be held in April 2008 and that the declaration of the republic should take place during the first sitting of the CA. Today, the question can be asked if the elections were hold too early. Or, to put it differently: Would it have been possible to hold elections and at the same time go forward with other key issues in the peace process? Were there no 'early warning' signs that the competitive element becomes too predominant again given the early stage of the implementation of the peace process? On several occasions, experts had questioned the early elections and asked for a careful handling of a prioritization, parallel handling or sequencing of the open issues in the peace process. The military issue (rehabilitation/integration) in particular was looming and negotiations about a basic understanding to make the provisions in the CPA more precise would have been important in 2007 and early 2008. There were voices to warn that it is difficult to have two armies in one country, and that it would be better to negotiate a framework understanding on the issue on how to rehabilitate and integrate the ex Maoist combatants as soon as possible. At the time t was not easy to put these fundamental questions about sequencing and timing forward, when the political and technical preparation of the election was running full swing and had been declared number one priority on the agenda by the government (including by the Maoists) as well as the international community. I remember for instance a meeting with a top Indian official end of 2007 in New Delhi. He made clear that India wanted elections in Nepal. He criticized the Europeans for only talking about the peace process in Nepal, including other issues than elections, whilst actually the agenda should now to create first a democratically legitimized CA/parliament. This issue was of course very important, seen from the Indian view. And, as mentioned, we also were fully supporting the efforts to secure the elections. For example, we were approached for mediation behind the scene by an armed group in the Terai region, to link them to the government, in March 2008. The armed group was against the Madeshi participating in the elections and threatened to kill candidates from the Madheshi political parties. They had in fact already shot one candidate. Intense talks were held, at the same time to convince the group to allow the elections, but in such a way that that did not undermine our potential role as a facilitator, in their assessment, in view of time after the elections (knowing that the peace process would need facilitation between Madheshi groups and 'Kathmandu' in the future as well). After about 7 days an understanding between the group and the government was found.

So, there was agreement that elections should be supported. But why to go exclusively and only for elections? Certain actors have been more in favor of early elections than others. Some saw the elections as a chance to diminish the Maoists power. Because, as the peace agreement was signed between two parties, the Maoists and the government, respectively the Party Alliance backing the government, there existed through the peace agreement a 50:50 relationship. This mirrored the fact that no party to the armed conflict had been able to win the internal war over the other one. The 50:50 formula was reflected during the interim period by the fact that, both groups had a de facto veto influence. This is in fact what was called the 'consensus politics'. It had of course also a very positive notion in the sense that there were common political visions or plans that had been agreed upon in the CPA: First and foremost there was the vision to reform Nepal step by step in peaceful

means, or, in the language of the CPA: „To carry out an inclusive, democratic and progressive restructuring of the state by eliminating the current centralized and unitary form of the state in order to address the problems related to women, Dalit, indigenous and ethnic (Janajatis) people, Madheshi, oppressed, neglected and minority communities and backward regions by ending discrimination based on class, caste, language, gender, culture, religion and region", (CPA, para 3.5.).

For this process to happen through negotiations (which would replace the violent conflict as the earlier form of contest) the new CA was designed to be the platform to negotiate the exact structure of this vision. However, the process of creation of this new platform was strongly shaped by competitive politics. And the competitive dynamic was again multiplied by the fact that the Maoists were not made smaller but actually became the biggest political party. In such a way, the consensus politics that had been so successful between 2005 and 2008 became much weaker. From a democratic point of view, consensus politics in this setting can be criticized as platform for deal making by the most powerful parties. However, from the point of view of the people, this was already better than ongoing violence and conflict and also better than the king's regime since 2005. The people of Nepal also made this clear while gathering in the people's movement of April 2006, 'Jana Andolan II', where they had already fought for basically the same goals as have then later been written down in the CPA: peace, democracy, and equal opportunities for all groups of the society (casts, religions, gender).

In conclusion, the question is not whether to hold elections or not, respectively 'to vote or not to vote', but to be aware of the stakes involved. Timing and sequencing matter. Nepal's elections were a big short term success, but with some serious 'collateral damage' for the long run process: After the elections it became for instance more and more difficult (until today!) to negotiate further the unresolved question of what to do with the around 20'000 ex Maoist combatants. Would it not have been easier to negotiate this question - at least to some degree - before the elections (Attempts were made but had to give way to the elections agenda)? And it got on the other hand more and more easy for skeptics (and 'spoilers') to politicize this complex question and to block attempts for confidence building and further negotiations. Of course it is always easy to discuss things in hindsight. But to learn for future cases, the example of Nepal is worth wile, exactly because this is a peace process that has its big merits, but is nevertheless struggling. No one would of course argue that one should wait too long for elections. But before elections are prepared, at least basic security and dispute-settlement mechanisms should be in place, at least for some key topics of the relevant conflict constellation.

'Conflict Sensitivity' and Support of Elections in Fragile Situations and Conflict Prevention: Lessons Learnt from Nepal

General Lessons
- It is necessary that all elections related work in conflict affected and fragile situations is carried out with a conflict sensitive approach, strategically and operationally, not to fuel (violent) conflict, to analyze the political overall set up in depth, and to be perceived as impartial (without compromising own key values).
- Conflict sensitivity is not only a 'filter' or a 'lens' that you build in the projects, but an issue concerning the whole management structure including the top management.
- Elections are not just a technical, 'neutral' issue that is just happening 'because it is time to have elections'. They have always a significance within a bigger political/social/economic context which has to be analyzed in depth in order for external actors to play a meaningful role (which is related to the own overall strategy in the particular country). The whole election circle should be kept in view, and mechanisms to prevent election violence established early on.
- Election law and electoral institutions are important mechanisms that can be designed in a conflict sensitive way (maybe quotas are necessary) and particularly independent election commissions matter.
- Once the decision on elections is taken, external actors should help to generate broad political support to the elections law, the election commission, the election date, the processes and timelines and in particular strongly support the de facto participation of all relevant political and social groups in the elections. This relates, in particular in volatile situations, first of all to marginalized groups, including women.

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Specific Lessons for External Actors

• work closely with other external actors and contribute to joint analysis and understanding, to understand the elections as a part of the overall political processes.
• insist on realistic timing.
• have the whole election cycle in mind and not only the election day.
• support all actors, the government, the opposition, the civil society through technical assistance and financing in implementation and accompanying measures (education, monitoring, etc.)
• promote independent media coverage before, during, after elections.
• include politicians in events that are not the most prominent ones.
• invite, together with local actors, in time, protagonists of successful elections in other countries with fragile situations for seminars or peer-to-peer exchanges.
• try to work on the sub national level (transparency, registration, early warning, local monitors, local political party sections, civil society protagonists), more specifically external actors should
• support actors and mechanism in favor of inclusive and transparent processes, like the selection of candidates and the process of registration; introduce early warning systems on election related violence, support a constructive design of elections rallies, and educate local mediation actors.
• temporary support political parties on a local level, through technical advice (they are often handicapped, compared to the national party head offices).
• support local civil society personalities / groups outside the political parties.

7.6 SDC and Elections

The support to election in conflict affected situation is an area in which, within the FDFA, the Political Affairs Division IV 'Human Security' is mainly active. Swiss Development Cooperation, SDC for its part on and off supports elections, often through financial contributions. Examples are e.g. countries in East and South Africa, Benin, Macedonia, Bosnia-Herzegovina, Albania, Pakistan, Bangladesh, Afghanistan and Bolivia. Usually these contributions are framed in the context of processes relevant for the specific country program of SDC, for instance on decentralization, democratization, governance, and the inclusion of women. Examples of support include contributions to election registration, national elections monitoring, independent media, monitoring through civil society or the participation of women. In general these support programs are regarded as politically sensitive. Usually SDC channels its support through basket funding, as a contribution to donor coordination. Partners can be national governments, or international organizations like the UNDP, but also NGOs. In general, these contributions are so far oriented towards a shorter period of the election cycle. An exception is the support on civic education for the Afghanistan election commission and in parallel to Afghan NGOs. As SDC is intending to work more in zones of 'fragility', the issue of elections in conflict related and fragile contexts might be an 'emerging' theme for SDC.

8   The Role of the International Community

Sara Hellmüller

8.1 Introduction

In a post-conflict context, elections are supposed to re-establish a legitimate government and a lawful state. Yet, it has also been acknowledged that democratic elections – especially if conducted too early in the process – can run counter the long term goal of stability and peace (De Zeeuw & Kumar, 2006: 12). As the recent examples of presidential elections in Afghanistan (2004/2009) or Guinea (2010) show, elections can fuel tensions and lead to a re-eruption of violence. Considering these risks, why do international actors still fiercely promote elections in many post-conflict contexts?

Elections can constitute an exit strategy for international actors. After a transition period, they symbolize a clearly identifiable milestone and marker of success on the road to stability and peace. If a peacekeeping mission has been established in the country, elections can be a justification for its withdrawal because they provide the international community with a legitimately elected counterpart. In Sisk's (1999: 145) words: "elections […] have become a condition […] as the crowning event of a peace process after which external parties draw down their engagement."

Drawing on existing research on elections, this article summarizes the panel discussion at the swisspeace annual conference. The panel addressed the role of the international community in the support and observation of elections in post-conflict societies. The four panellists, Andrew Bruce (United Nations), Elizabeth Côté (International Foundation for Electoral Systems, Guinea), Markus Leitner (Swiss Federal Department of Foreign Affairs) and Citha Maass (German Institute for International and Security Affairs) discussed the question of how the international community can assess the ripeness of a country to hold elections and what standards can be applied to electoral support missions and elections themselves. Therefore, the article first tackles the issue of the timing of elections. Even though it has been acknowledged that rushing elections is counterproductive to a credible electoral process, compromises still have to be made between postponement of elections and losing momentum or raising suspicion about the commitment of national and international actors to a democratic change. In a second part, the article delves into the question of different possibilities for international electoral support as well as principles that are applied to assess electoral processes in post-conflict contexts.

8.2 More than an Exit Strategy?

8.2.1 Importance of Timing

Almost every peace agreement signed in the last ten to fifteen years has led to elections (Lund, 2010: 55). Interestingly, the time span between the peace agreement and the Election Day has decreased in recent years. In fact, since the end of the Cold War, the average time between the end of an armed conflict and the election date has been divided in half. Brancati and Snyder (2010: 1-2) show that before 1989, 5.6 years on average lied between the peace agreement and the first post-conflict elections. As from 1989 onwards, only 2.7 years are between the two events. What does this shift imply? International scholars are divided on the issue of the timing of elections. Some defend early elections as they facilitate the implementation of peace agreements, foster democratization and ensure stability (Brancati & Snyder, 2010: 1-2). Markus Leitner (Swiss Federal Department of Foreign Affairs) underlined the fact that elections have symbolic value in a transition phase, but need to be prepared and scheduled carefully in order to promote peace rather than to endanger it. If they are held too late, momentum can be lost and the national and international actors' commit-

ment to democracy and sustainable peace can be questioned. On the other hand, as Markus Leitner pointed out, basic conditions have to be in place for elections to happen in a meaningful way.

The panelists stressed the specific risks that elections bear with regards to timing. The case of Guinea offers an illustration. According to Elizabeth Côté (International Foundation for Electoral Systems, Guinea), once it became apparent that the newly appointed transition structures were determined to hold elections, the international community insisted too much on the date of elections. To be sure, since the passing away of Lansana Conté in December 2007 and subsequent takeover by a military junta, the international community played a key role. An International Contact Group was established in January 2009 that supervised the process. Under the auspices of Blaise Compaoré (President of Burkina Faso), the Ouagadougou Accords were signed in January 2010 which heralded a transition phase. The former Junta leader, Captain Moussa Dadis Camara, was replaced by an interim president of transition, General Sékouba Konaté and a government of national unity was established led by Prime Minister Jean-Marie Doré. The Ouagadougou Accords also foresaw elections to be held within six months and the international community was very adamant on keeping the momentum for the polls. This was a very short timeframe, and in Elizabeth Côté's view, it was counterproductive and risky to keep a date for the date's sake. As scheduled, the first round of elections took place in June 2010. However, Guinea was not ready for elections. The Constitution was revised in haste and promulgated by decree because time for a proper referendum was lacking and a legal framework for the elections was adopted at the last minute – all this in order to respect the established schedule. Lack of preparedness on voting day and other difficulties linked to inherent power struggles amongst elites led to one of the longest run-off periods with the second round of elections only being held in November 2010. Elizabeth Côté concluded by saying that even though the two election days passed without major incidents, the process was endangered by substantial logistical flaws and caused ethnic polarization which led to electoral violence and a state of emergency. Fortunately in the end, the defeated party accepted the result proclaimed by the Supreme Court and it looks as though Guinea was ultimately able to manage the challenges.

The example supports the argument that in countries where democratic and electoral institutions and practices are not well established, the still fragile peace can be easily threatened. Stromseth (2006: 90) has found that if democratic institutions are imposed upon countries in which the government lacks the monopoly on the exercise of coercive power or is outgunned by private armies, elections can open the door to continued civil war (e.g. Liberia and Sierra Leone), to the ascendance of regional warlords (e.g. Afghanistan), to the interpenetration of paramilitary criminal networks and government (e.g. Bosnia and Kosovo), or to single party dominance (e.g. East Timor). Democratic institutions, if flawed, can also be misused by the winning parties to undermine their military or political opponents. What is required is a "strengthening [of] the institutions needed to make democracy work, including competent state bureaucracies, independent courts, professionalized media, and functioning market economies" (Brancati & Snyder, 2010: 3). But these processes take a long time. As Stromseth (2006: 98) underlines "[e]lections will not overcome state failure and should not be seen in the abstract as a viable exit strategy." As a consequence, if elections shall be more than an exit strategy, it is important to identify indicators that depict the ripeness of a post-conflict country to hold elections.

8.2.2 Indicators of Ripeness

Andrew Bruce (United Nations) proposed six questions to be considered before holding elections in a post-conflict setting:

- Firstly, the question should be asked whether elections will promote stabilization, reconciliation and democratization. As opposing examples, South Africa and Bosnia Herzegovina are cases in point. In South Africa, the 1994 elections were a very strong symbol for change and reconciliation. From this perspective, they were held timely. In Bosnia Herzegovina the 1996

polls were rather a census-taking, intensifying polarization along ethnic lines (Sisk, 1999: 146) and thus not furthering stabilization and reconciliation.

- The second question to be asked according to Andrew Bruce is whether fundamental freedoms are sufficiently in place; such as freedom of assembly, freedom of association, freedom of expression and freedom of movement. If not, it compromises the credibility of an election process.

- The third question outlined by Andrew Bruce concerned the more technical aspects of elections: does the voter registration process have the trust of the stakeholders and is it sufficiently accurate? Problematic registration processes can lead to frustration in the population and to a loss of an election process' credibility. One of the key issues in post-conflict contexts is the inclusion of internally displaced persons (IDPs) in the registration process. For in many post-conflict countries they form a substantial part of the population. This was an important question in Sudan with an IDP population of approximately 4.9 million (International Displacement Monitoring Center, 2010). Reports document that large parts of Darfur were inaccessible and the security presence in IDP camps were heightened. This was likely to intimidate IDPs and prevent them from registering. In some IDP camps no registration was effectuated at all (African Center for Justice and Peace Studies, 2010: 11). Such intimidation and discrimination in the registration process can substantially harm the credibility of the polls.

- A fourth factor that Andrew Bruce outlined as constituting an important aspect of a credible election process concerned effective electoral dispute resolution mechanisms. They should be fair, expeditious, accessible and transparent. Citizens should be well informed about the possibilities and mechanisms that are available to seek legal redress.

- Andrew Bruce's suggestion for a fifth question to be asked is whether elections will not exacerbate existing grievances. This is connected to the reflection that election-related violence can have its roots in long-standing and unresolved grievances relating to issues that lie outside the electoral process, e.g. weak or inadequate state structures, lack of adequate or appropriate power-sharing arrangements, economic inequality, access to resources, deep societal divisions, etc.

- A sixth factor to consider are alternatives. According to Andrew Bruce, greater efforts should be made to find alternatives to holding elections in cases where perfect conditions to hold them peacefully and credibly do not exist.

8.2.3 Conditions of Engagement

Once the decision to hold elections has been taken, however, certain conditions should be respected by the international community, as Citha Maass (German Institute for International and Security Affairs) pointed out:

- Firstly, she stated that it is crucial to conduct capacity-building of the electorate and the electoral institutions. Comprehensive voters and civic education are needed in order to inform citizens not only about how to vote, but also why it is for instance important to have checks and balances, why there is a need for a parliament, etc. The capacities of the electoral commission and the candidates also have to be strengthened.

- Secondly, she said that the international community must agree on what role it wants to play (organizer, observer, mediator, …). In Afghanistan, the international community had a partial role in the 2004 elections. As she said, they basically supported the election of a pre-selected candidate, Hamid Karzai.

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- A third factor that Citha Maass identified as important is a legal framework appropriate for the conditions in the conflict ridden country and not one designed according to the interests of the international community. Again, Afghanistan is a case in point. The constitution in Afghanistan that entered into force in 2003/04 does not foresee any checks and balances. This was clearly against the interest of the Afghan electorate, but a decision taken jointly by the United States, the United Nations (UN) and the president, Karzai. Similarly, the choice of the Single Non Transferable Vote (SNTV) electoral system was made by the United States and the UN (see box 1 below). This system has certain characteristics that indicate that this was equally a choice counter the general interests of the Afghan population. For instance, one of the specificities of the SNTV system is that it can be easily manipulated and that it often results in disproportional representation. Moreover, it provides few incentives for political parties to secure the support of a broad spectrum of voters. As long as they have a sufficient quantity of 'core votes', they do not need to appeal to voters outside their ordinary support base (Reynolds et al., 2005: 113). In a post-conflict setting, this runs counter the goal of reconciliation as it can exacerbate divisions among social groups. Lastly, the Afghan parliament that was installed is institutionally weak and has limited control over the executive. These factors show that the electoral system installed and promoted by the international community was clearly not adapted to the interests of the Afghan population.

Single Non Transferable Vote

"Under SNTV, each voter casts one vote for a candidate but […] there is more than one seat to be filled in each electoral district. Those candidates with the highest vote totals fill these positions. SNTV can face political parties with a challenge. In, for example, a four-member district, a candidate with just over 20 per cent of the vote is guaranteed election. A party with 50 per cent of the vote could thus expect to win two seats in a four-member district. If each candidate polls 25 per cent, this will happen. If, however, one candidate polls 40 per cent and the other 10 per cent, the second candidate may not be elected. If the party puts up three candidates, the danger of 'vote-splitting' makes it even less likely that the party will win two seats. Today, SNTV is used for elections to the legislative body in Afghanistan, Jordan, the Pitcairn Islands and Vanuatu, for second chamber elections in Indonesia and Thailand, and for 176 out of 225 seats in the Parallel system used for the Taiwanese legislature. However, its best-known application was for Japanese lower-house elections from 1948 to 1993."

Reynolds, Andrew, Ben Reilly and Andrew Ellis (2005):
Electoral System Design: the New International IDEA Handbook. Stockholm, International IDEA.

There are several online sources where different electoral systems, their range and their impacts are described. See, for example:
• UNDP: Elections and Conflict Prevention: A Guide to Analysis, Planning and Programming.[16]
• The Electoral Knowledge Network, ACE: Electoral Systems.[17]

This leads to the conclusion that haste and self-interest of the international community are counterproductive to the overall goal of fostering peace and democracy in a post-conflict country. Nevertheless, as Markus Leitner pointed out it requires a strong involvement of the international community to organise post-conflict elections given their importance and their potential to cause tensions and conflict. As a general rule, he proposed the 3C's: consistency (standards and best practice incl. quality assessment of assistance), coordination in assistance approaches, and checks and balances (need for transparency and control of the electoral process and the assistance given).

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16 http://www.undp.org/publications/Elections_and_Conflict_Prevention.pdf

17 http://aceproject.org/epic-en/CDMap?question=ES&set_language=en

8.3 More than 'Free and Fair'?

8.3.1 Possibilities of Electoral Support

For the last 15 years, the international community has been very active in supporting electoral processes in post-conflict societies. Citha Maass showed that the international community adds most value in election support when engaging in the following five areas:

Firstly, with regards to the voters' list, the international community can oversee the appropriateness of registered voters. In Afghanistan, there were 9.2. Million registered cards distributed. Eligible voters were at 11.4 million a year before. The question of what happened to the remaining 2.2 million has not been clarified. According to Citha Maass, the international community could and should have delayed the elections due to this inconsistency, but they insisted on conducting them. In Guinea, the scenario was a similar one. Elizabeth Côté underlined the importance of transparency during the registration process, but also the need for a broad consensus around the voters' list.

Secondly, the international community can help to ensure the independence and impartiality of the electoral commission and provide capacity-building training. Citha Maass recounted that in Afghanistan, the UN accepted the electoral commission despite evident flaws. This can send wrong signals of what is considered appropriate.

Thirdly, the international community can back media in case they are prevented from independent reporting, Citha Maass said. Through international support, they may be able to report more freely. The Swiss Federal Department of Foreign Affairs, for instance, funded a project in Burundi where they brought journalists to as many polling stations as possible, as Markus Leitner explained. This had two effects: dissuading violence and building confidence amongst the population.

A fourth crucial issue during elections is security, as Citha Maass outlined. If people do not feel safe, they will not cast their votes. Security in the electoral process encompasses the protection of material (voter registration systems, ballot boxes, etc.), infrastructure (polling stations, electoral agents' offices, political parties' buildings, etc.) and persons (voters, candidates, political party representatives, international observers, media, etc.) (USAID, 2010). If security forces are to be considered trustful rather than threatening agents, they have to be independent, receive professional training and their role during the electoral process has to be clearly defined. If an international presence is established in the country (such as International Security Assistance Force (ISAF) in Afghanistan), it should provide security during the elections.

According to Citha Maass, a fifth area where the international community can actively support electoral processes is in the support of domestic election observers. This was also Elizabeth Côté's point: the focus should be on investing in professionalizing domestic observation and monitoring in order to empower the citizens of a given country to take on the responsibility. An important condition for domestic observers to be effective is that they are accredited in their country. During the observation, they must be able to show their credentials.

This last element of monitoring was further discussed. Sometimes, it is however hard to find independent and politically non-partisan domestic observers. Moreover, value can be added if domestic observers are complemented by international observation missions. As IDEA (1995: 5) notes, international election observation has "become a common feature of electoral operations undertaken by the international community" and "enjoys almost universal acceptance as a means of contributing to voter confidence and assessing the relative legitimacy of an electoral process and its outcome." In order to fulfil these promises, the international observer mission has to act according to certain standards.

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Andrew Bruce introduced six of these standards: First, the mission deployed should be independent. Secondly, they should follow consistent methods. Here Andrew Bruce referred to the Declaration of Principles for International Election Observation, commemorated at the United Nations in 2005. Thirdly, all conclusions in observation reports should be well founded and backed up with evidence. Fourthly, international observers should seek, as far as possible to speak with one voice in order to avoid inconsistencies and contradictory messages sent out to the public. Fifthly, greater focus should be placed on areas such as strengthening the judiciary and capacity of domestic observers. Lastly, they should behave in an honest, credible and responsible way. Citha Maass provided an example for this point. She underlined that when observing elections, there needs to be a political will to refuse endorsing flawed elections. In Pakistan in 2002, for example, the question was whether the European Union would qualify the elections as free and fair. It saved their legitimacy that they refused to do so. Otherwise, not only will elections as such lose their credibility, but also the international observation missions. The question that arises in this respect, however, is what it means to have flawed elections? In other words, what standards are applied to qualify an electoral process as 'free and fair' or 'credible' which is the term that is now more widely used?

8.3.2 Standards Applied in Electoral Support

Specific principles for the organization of credible elections are defined in human rights legal documents, such as the freedom of assembly, freedom of expression, and freedom of association. These rights are enshrined in treaties or customary law. Obligations and commitments have also been adopted by many regional organizations (OSCE, AU, OAS, CoE) to encourage broad participation and a credible poll. Markus Leitner underlined that the human rights norms relevant during election processes are standards that the respective states signed and should adhere to. Therefore, the international community should hold governments strictly accountable in case of violations.

Andrew Bruce explained that in the 1990s, the expression 'free and fair elections' came to be considered, by observers, as too simplistic. Consequently, the terms 'credible' or 'in line with international standards' are now more widely used. Since 2002, there has been an attempt, particularly by the Carter Center, to identify obligations and commitments outlined in international human rights instruments. Based on instruments such as the Universal Declaration of Human Rights of 1948 and the International Covenant on Civil and Political Rights of 1966, the Carter Center has identified 24 key obligations relating to the conduct of elections (e.g. freedom of expression, universal and equal suffrage, secret balloting, transparency, etc.). Their work is now publicly available on the Carter Center website.[18]

Beyond these standards, in any observation and assessment of elections, the difference has to be made between obligations that are not met because of a lack of capacity or because of a lack of political will, as Andrew Bruce pointed out.

18 http://www.cartercenter.org/index.html

8.4 Conclusion

This article has shown that international actors should take on their responsibility in the timing and setting of standards for elections. For elections to achieve their full potential, they have to be timed and sequenced with other aspects of peacebuilding. Putting forward their self-interest can be very counterproductive to a peaceful electoral process and outcome. A sustainable way to support electoral processes and electoral management is to enable the 'second' elections after a peace agreement to be held without the support of the international donor community. Only when elections are seen as part of a longer process – and not just an exit strategy for international actors – will they lead to the overall objective that they are supposed to fulfil: sustainable peace and stability.

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