Elections and Conflict:
Promoting Good Practice in Electoral Conflict Management[i]

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The issue of election-related conflict and violence has risen to prominence in the aftermath of recent elections in Iran, Afghanistan, Pakistan, Kenya and Zimbabwe. Elections are a paradox of peace building. When they are well designed and well managed, elections are key to the peaceful management of political competition in a democracy. When they are poorly managed, or perceived to be stolen, they can be a lightning rod for social discord. The tenor of the times is more pessimistic about democracy promotion worldwide. Poorly conducted elections further discredit the idea of democracy and are seen within the context of growing concern about democratic regression in some parts of the world — notably in Africa.

Getting elections right in conflict situations is important not only because elections are central to democracy, but also because they are the stuff of high drama and politics, engage considerable financial and human resources, and may affect economic performance. Poorly conducted elections may also undermine social cohesion and citizenship, and even cost lives.

On October 29-30, 2009, The North-South Institute convened a professional workshop and panel discussion in Ottawa to examine the relationship between elections and conflict. The workshop was conducted under Chatham House Rule and brought together professionals from the Government of Canada, the United Nations and organizations promoting democracy, as well as scholars and experts from civil society and election management bodies. Drawing from discussion on conflict-prone societies, such as Afghanistan, Sudan, DRC and Kenya, as well as on thematic issues, such as dispute resolution, participants examined the:

➢ Contexts and root causes of elections-related conflict;
➢ Lessons learned from managing elections in conflict situations; and,
➢ Practical action that can be taken to mitigate or prevent conflict.

Participants considered many questions of policy and practice, such as:

• Where does electoral democracy promotion fit in the sequencing of international support in war-torn or post-conflict societies?

- Are there minimal standards for "good enough" elections in conflict-prone situations? Can these be agreed on internationally?
- What is the role of international actors in election management and how can approaches to conflict prevention be mainstreamed into international electoral assistance?
- What institutional and legal practices help to mitigate election-related conflict, and what are the limitations of a technical approach?
- What are the incentives structures motivating politicians and political parties to either use illegal strategies or play by agreed rules of the game?
- Where are the gaps in knowledge and practice that may benefit from more investigation and innovation?

Discussion underscored that until recently scholars, policy makers and practitioners have faced an intellectual cul-de-sac regarding how best to manage electoral violence in countries at risk of instability. However this also presents a tremendous opportunity to strengthen international cooperation and good practice in electoral conflict mitigation.

Developing Democracy

One key issue is the narrow understanding of how democracy works. Elections serve three key purposes in a society: choosing representatives, choosing governments, and conferring legitimacy. In countries emerging from conflict, additional international expectations are placed on elections. They are seen as key to promoting democracy and consolidating fragile peace settlements intended to help societies navigate the transition from war to peace. Following a catalogue of poorly conducted, premature and violent elections — from Bosnia, Liberia, and Angola in the 1990s, to Iraq and Afghanistan more recently — there is no longer agreement about the central role of elections in post-conflict state building. There is also growing recognition that at times unrealistic expectations are held for elections that occur too early in war-torn societies. In countries with protracted and deep-rooted conflicts, elections alone can rarely, if ever, confer legitimacy on a particular government.

In *Afghanistan*, a flawed, poorly managed wartime election has shown that a democracy cannot grow roots without adequately addressing other pressing socio-political problems. One view is that elections in failed states such as Afghanistan are a "waste of time" because the pre-conditions for free and fair competition are simply not present. These pre-conditions include basic security, enabling constitution and election laws, civil liberties, an independent election management body (EMB) with the logistical ability to run an election, a civil society, and timely electoral dispute resolution. However, as one Afghan election official pointed out, engaging dozens of international stakeholders, each adopting different perspectives of domestic and UN-organized complaints mechanisms, is a challenge in and of itself. Such circumstances undermine local ownership of the elections. Other participants questioned the independence of the Afghan Independent Electoral Commission (IEC) and asked how its legitimacy could be restored after endorsing results that were subsequently refuted by the UN Electoral Complaints Commission. Another Afghan spoke of a failure of the UN to supervise a decent election.

The upshot has been a fundamental loss of trust among citizens disenfranchised by allegations of fraud and a crisis of legitimacy for the UN.

A panel discussion on the 2007 *Kenya* election shed light on some of the root causes of election-related violence: the diffusion of violence and growth of criminal gangs, a deliberate weakening of democratic institutions and the personalization of power, and an elite political culture of winner-takes all and zero-sum competition. One view is that the international community underestimated the likelihood of violence and was ill-prepared to mitigate conflict. Contrary to popular belief, Kenyan elections have been marked by varying degrees of ethnic voting and violence at least since the onset of multi-party politics in 1991.

The prognosis for future elections in Kenya was quite negative. Notwithstanding a mediated interim government (Grand Coalition) and elite agreements for independent investigation of the violence and processes to manage grievances (Constitutional Review Committee, Truth, Justice and Reconciliation Commission, National Cohesion Commission, Electoral Dispute Court), panellists advised donors to plan for worst case scenarios and help support a societal coalition against violence. Institution building or technical fixes alone cannot alter the climate of zero-sum competition and illegal election strategies in the absence of changed incentive structures among Kenyan political elites.

Causes of Violent Conflict

Conflict is inherent to democracy. Political processes are conflict laden by nature, though this is not always a negative thing. That said, conflict in the context of an election can go wrong if it inflames existing social cleavages. When elections are poorly designed and poorly run there is incentive to highlight social differences and to turn, elections into triggers that aggravate conflict and prompt violence. Moreover, many other factors can often lead to electoral violence. The erosion of the rule of law, ensuing human rights abuses, abusing state resources, and restricting media access, all foster a climate in which violence can erupt.

Situations where elections are not perceived as free and fair can have a destabilizing effect. Elections are judged to be free and fair when:

1) there is a significant presence of international observers;
2) widespread violence does not occur ;
3) the majority's choice has prevailed; and,
4) when citizens have been able to vote without intimidation.

There must be a renewed focus from the elections community of practice to administer free and fair contests according to the highest international standards rather than simply 'good enough' elections that endorse flawed democratic exercises in the name of political considerations of major powers.

From an international political economy perspective, there is a connection between free and fair elections and disciplined economic policy. States that are poor, small and

resource rich are prone to badly managed elections. Perverse incentives and a zero-sum, winner takes all culture of elite politics make it more likely that politicians will resort to illegal methods to achieve power, including violence. Poorly conducted elections, in turn, relieve governments of accountability and the responsibility of improving economic performance. But even in adverse conditions, countries like Botswana that develop "veto institutions" such as a free press or independent judiciary, have checks and balances that can compensate for the structural weaknesses of poverty, small size and resource-riches.

Sudan is large, poor and resource rich, but is still vulnerable to electoral conflict and violence during the upcoming election in 2010 and the referendum in Southern Sudan and Abyei in 2011. Both are key milestones of the 2005 Comprehensive Peace Agreement. National elections (the first since 1986) have been delayed. The elections represent an elite pact between established groups, such as the National Congress Party in the Nile Valley and the Sudan Peoples Liberation Movement (SPLM) in the South. Concerns are surfacing about the pre-election atmosphere marked by disputes on census, campaign financing, the status of media, security and campaigning laws. The grievances in the South focus on historical marginalization, power and resources, notably oil. Among Sudanese citizens, there is a prevailing impression that free and fair elections are not feasible. Low expectations of the elections and referendum are an unfortunate reality.

Electoral Management

States that are vulnerable to violent electoral conflict must rely heavily on EMBs to administer well-designed elections that allow retention of the legitimacy of the political process. In the cases of Kenya and Afghanistan, concern was raised that deliberate actions were being taken to weaken institutions such as through the alleged political appointments of key officials. An investigative committee looking into the 2007 Kenyan electoral violence recommended the creation of a new Independent Election Commission.

Independent Electoral Commissions must be perceived to be neutral and unbiased. There must be a crucial distinction between formal independence, which is constitutional, and fearless independence, which is the ability to act in a truly independent manner. To achieve this fearless independence, members must have the ability to feel safe to make decisions. There should also be security of tenure. What's more, the members of the electoral commission must have status and visibility that can give them actual independence. The electoral commission must have independent decision-making power as well as financial independence. The process of selecting commissioners is important whereas the final appointment is just a formality. There should be parliamentary inclusion in their formation so that there is representation across the political spectrum.

In 2006, the *Democratic Republic of Congo* successfully prevented the anticipated widespread electoral violence as they held elections following the end of a brutal civil war. The four approaches that worked in the DRC were:

1) A legislative approach in which electoral laws were applied in an impartial and balanced manner. This approach is inclusive of all the actors.
2) A technical approach in which the IEC was empowered and equipped with the tools to administer an election and deal with the disputes. This approach also solicits logistical and financial support from international actors.
3) A diplomatic approach with regional involvement from Wisdom Committees, a Contact Group of 14 countries as friends of DRC, and the use of African former heads of state to anticipate and manage disputes between Congolese political contenders.

The DRC elections also underscore the value of a bottom-up, community-led approach to conflict management. The so-called Electoral Institute of Southern Africa (EISA) model included establishing conflict management panels at the local level as forums for mediation composed of diverse interests and groups, from youth and women's associations to trade unions, civil servants and political parties. The interplay and sum of these different approaches are what proved to be effective in mitigating conflict in the 2006 DRC election.

Tools and Approaches to Electoral Conflict Mitigation

What can governments, civil society, and international partners do to reduce electoral misconduct that is often a catalyst for violence? Conflict prevention activities should be an integral part of electoral assistance programs. A good starting point is to approach elections as a process rather than a crisis to be resolved. Another important step is to identify interventions throughout the electoral cycle. This means focusing beyond election day and taking into consideration early warning systems and architectural issues such as electoral laws and systems design, as well as human rights and conflict resolution training for security agencies and election officials. It also means supporting domestic observers, mass civic and voter education, formal and alternative dispute resolution mechanisms, and capacity building of election management bodies before, during, and after elections. Conflict prevention and mitigation are synonymous with sound election management practice.

Conflict analysis or mapping should be standardized as a separate exercise across the electoral cycle. The pre-electoral phase of the cycle is when the most work can be done on electoral design and management. There is an opportunity to be proactive as there is a spike in resources and activity. This phase of the cycle must be used to set up electoral dispute mechanisms such as mediation forums and train EMBs on how to apply electoral dispute resolution (EDR) systems. The pre-electoral phase of the cycle can also be used to apply the EISA model and form electoral observer panels that actively engage tribal, religious and party leaders on how best to deal with conflict and the consequences of violence at the grass roots level. Donors also need to commit resources that go beyond lip service agreement about the value of post-election institutional support.

Institutions matter. Over time, sustained international support for EMBs and civic and voter education in India, Ghana and South Africa has resulted in less demand for technical assistance. Nevertheless, institution building is not a panacea and more

attention should be given to shifting the incentive structures of political elites away from the use of illegal strategies such as violence, and towards a willingness to play by the rules. Political party development is thus an important thread in any conflict mitigation strategy.

Another consideration is to overcome the at times narrow vision of election organizations and to identify interventions that link to longer-run processes of governance and to issues of trust, citizenship and relations between state and society. This means engaging a range of stakeholders, from political parties and opinion leaders, to ordinary citizens and security services, as well as the media and the judiciary. Civic and voter education can promote political literacy and mitigate conflict. One study of civic education activities in the 2007 Nigerian elections found that mass education using street theatre and leaflet campaigns were positively associated with reduced election violence and higher voter turn out than areas without such interventions.

There are also technical approaches that may help mitigate election-related conflicts. Choosing an electoral system is one of the most important political choices facing war-torn or conflict prone societies. In deeply divided societies, electoral systems design has been one approach to enhancing democratic stability and promoting multi-party systems, inclusion and regional representation. Proportional representation, widely used in transitional elections, is an alternative to the prevalent first past the post system as its advantages include ease of administration and preventing problems with voter rolls. However, this system also presents some drawbacks such as the propensity to produce fragmented parliaments in which MPs selected from a party list lack geographic accountability. In most cases switching to a proportional representation system does not encourage participation between parties.

Policy Recommendations

Established democracies are more likely to be stable and at peace with themselves and their neighbours. However, in countries emerging out of conflict or making a protracted political and economic transition, democracy may be destabilizing. All aspects of democracy promotion are inter-connected and should be supported in mutually reinforcing ways. The quality and resilience of constitutions, legislatures, political parties, judiciaries and security institutions are linked. Inattention to a weak link in the chain may adversely affect the independence and effectiveness of other public institutions. Perhaps what is most needed is a paradigm shift away from the idea that elections are the sole means to achieve a functioning democracy, and towards approaching elections as one tool among many. An important distinction can be made between participatory democracy that promotes meaningful civic engagement, and procedural democracy that reifies practices, such as elections, that are only nominally observed.

Conflict management approaches must inevitably be significantly context-dependent and based on a sound understanding of the resiliency and vulnerabilities of societies that are experiencing violence, are affected by war, are recovering from conflict, or transitioning towards stability and democratic governance. That said, the electoral cycle

approach, is an organizing principle to identify meaningful conflict prevention activities before, during, and after elections.

Elections held during conflict situations, just to "tick the box" or motivated by a desire to satisfy political cycles in foreign capitals, may not only be a waste of time, but also set back public order, citizen security, political legitimacy, and reconstruction and development. When calling elections in post-conflict settings, experience shows that later is better, allowing more time for institution building and to establish the pre-conditions for political liberalization. Although international support for elections should decrease over time as local institutions, such as election management bodies, become more capable, participants underlined that in Africa governments do not want to pay for elections, putting in question the sustainability of democracy.

In the pre-electoral phase, more attention can be focused on the precursors of violence through conflict mapping. In order to establish standards and practices, there also needs to be effective coordination and engagement from regional bodies such as the Organization of American States, African Union, Southern African Development Community (SADC) and the Economic Community of West African States (ECOWAS). This stronger regional coordination will help set benchmarks and collective monitoring strategies, such as potential use of the African Peer Review Mechanism. One panellist suggested "floating" election commissions to provide a service in countries that lack a capable EMB. A more controversial recommendation is that the international community use agreed standards for endorsing elections to guarantee and safeguard democratically elected leaders against the threat of illegal removal by coup d'état.

In order to effectively mitigate electoral violence, there must be timely and effective electoral dispute resolution as well as security sector reform. A failure to address the impunity associated with election violence, as in Kenya's delay in establishing a tribunal to consider these issues, may reinforce the status quo and prompt violence in future elections. The role of security agencies during elections is to protect voters, candidates, and elections infrastructure, from ballots to polling stations. Security sector reform is key for democracy. The military and the police must be modernized to become neutral, accountable institutions subject to democratic oversight. Training should be impartial, efficient, legally valid and timely.

Knowledge Gaps

Although civic education is seen by many as a key method of mitigating electoral discord, there is insufficient empirical evidence on the efficacy of mass education. Support for civic and voter education seems to have made a difference in areas where it was tried in the Nigerian 2007 election, but these approaches did not prevent conflict in the 2007 Kenyan election. The elections community of practice could do more to understand citizen perspectives about political participation and personal security, including more studies on public opinion such as those undertaken by the National Democratic Institute in Southern Sudan. These approaches support local ownership and active citizen engagement in democratic governance.

Another gap is how insecurity and election violence affects historically marginalized groups, such as women, internally displaced persons or ethnic minorities. How can gender equality be mainstreamed in election preparations? Do constitutional or election law reforms that introduce quota systems for women improve voter turn out even in situations of conflict or insecurity?

An avenue of research worth supporting is to better understand the incentive structures of political elites to adopt illegal strategies or to play by the democratic rules of the game. Equally interesting is to understand why some countries with characteristics that often pre-dispose to violence (such as being multi-ethnic, war-torn, small, poor, or asset rich) do not necessarily go down that path. In Africa, why have post-conflict countries such as Mozambique, Namibia and Sierra Leone managed to hold relatively peaceful elections? And how have Botswana, Ghana, and Senegal avoided widespread electoral violence in contrast to say Kenya, Zimbabwe, and Madagascar?

About The North-South Institute: The North-South Institute is Canada's first independent, non-governmental and non-partisan research institute focused on international development. It is dedicated to eradicating global poverty and enhancing social justice through research, which promotes international cooperation, democratic governance, and conflict prevention. www.nsi-ins.ca

By convening this workshop, The North-South Institute has encouraged a more holistic view of election-related conflict, and a more realistic understanding of what can and cannot be achieved in conflict mitigation. Based in part on commissioned papers from the workshop, the Institute will develop a Policy Brief and an edited book on *Elections in Dangerous Places: Democracy and the Paradoxes of Peacebuilding* for publication in 2010. Ideas and networks emerging from the workshop will also help shape a research agenda on the challenges of democratic development in conflict-prone societies.

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[i] Speakers at the event included Tom Axworthy, Nipa Banerjee, Paul Collier, Traci Cook, David Gillies, Christina Hartman, Chris Hennemeyer, Linda Maguire, Abbé Apollinaire Muholongu Malumalu, Khalid Medani, Susanne Mueller, Koki Muli, Kemi Ogunsanya, Hussein Ramoz, Ben Reilly, Sara Staino, Vincent Tohbi, and Momina Yari. The UNDP Guide on Elections and Conflict Prevention is available on line at http: //www.undp.org/governance/publications.htm