



European Commission
United Nations Development Programme
Joint Task Force on Electoral Assistance



Thematic Workshop

Elections, Violence and Conflict Prevention



Summary Report

June 20 – 24, 2011
Barcelona, Spain

DISCLAIMER

The contents of this report reflect discussions that took place during the workshop and should in no way be considered to represent a statement of fact or the official position of the organising institutions (the European Commission, UNDP and International IDEA) or institutions represented.



European Commission
United Nations Development Programme
Joint Task Force on Electoral Assistance



Thematic Workshop

Elections, Violence and Conflict Prevention

Summary Report

June 20 – 24, 2011
Hosted by Barcelona International Peace Centre
Montjuic Castle, Barcelona, Spain

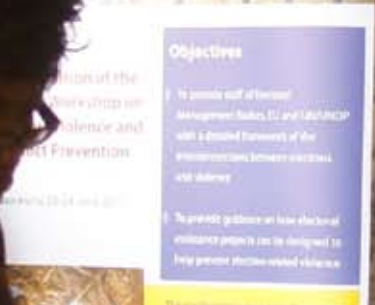
Page

7	Introduction
13	Patterns of violence in the pre-electoral period
14	Definitions, patterns, frameworks
19	Cases of elections related violence
28	Freedom, fairness and election violence
28	Who is responsible
29	Some conclusions
	Special focus on...
30	UNDP approach to conflict prevention
31	EC and UNDP approaches to conflict analysis and prevention
32	Triggers and inhibitors of violence
	Special focus on...
42	Tools and methodologies to address election-related violence
49	Patterns of violence in the campaign and election day period
50	Patterns, perpetrators and motives, methods used and victims
55	Some conclusions
56	Opportunities to prevent violence
61	Election 'rigging'
	Special focus on...
66	Electoral justice as conflict prevention
67	Election observation
68	International election observation
71	Patterns of violence in the post-electoral period
72	Patterns, categories, phases
76	Killings by security forces during protests
76	The interplay among structural causes, stakes, suppliers of violence and triggers
79	Triggers and inhibitors
83	Complex scenario with the threat of electoral violence
88	Annex 1: Biographies of Jeff Fischer and Richard Atwood
90	Annex 2: Workshop agenda
96	Annex 3: List of participants and resource persons

In his welcome address Patrice Lenormand stated that as part of the reforms under way within the EC and DG DEVCO, electoral assistance will become more integrated, and part of an overall democratic governance package. There is a need for more long-term planning and a need to move from the electoral cycle to a "democratic cycle". The Arab Spring, and specific cases like Tunisia, poses new challenges for cooperation because there is a need for a quick response in supporting the new transitional institutions to achieve legitimacy.

Patrice Lenormand

Deputy Head of the European Commission's Governance, Democracy, Human Rights and Gender Unit in DG Development Cooperation – EuropeAid (DEVCO)



Introduction

Elections provide means by which competition in society can be channelled into a constructive process with common rules to choose representatives of the people. Robust democratic institutions are usually understood as the ultimate guarantor for social peace. However, since electoral processes are intrinsically about the attainment of political power, often in high-stake contexts, elections — as a process of competition for power — can be catalysts of conflict.

Both the European Commission (EC) and the United Nations Development Programme (UNDP) aim to build capacities at the cross-roads among elections, violence and conflict management. Against this background, the Joint EC-UNDP Task Force on Electoral Assistance and International IDEA in June 2011 held the second Thematic Workshop on Elections, Violence and Conflict Prevention, once again hosted by the Barcelona International Peace Resource Centre at the Montjuïc Castle in Barcelona. The overall purpose of the workshop was to examine ways in which electoral assistance programmes and projects can adopt means for preventing the escalation of election-related violence and conflict throughout the electoral cycle. The workshop aimed to familiarise participants with the main conceptual framework of electoral assistance, focusing on strategies to integrate issues related to conflict prevention in electoral assistance programmes and projects. The workshop's different components focused on applying the principles of the 2005 Paris Declaration on Aid Effectiveness and the related 2008 Accra Agenda for Action to the electoral assistance field.

In his welcome address Pierre Harze welcomed the fact that more than 30 countries were represented at the workshop, and emphasized that the workshop could bring down walls between different institutions and working practices.



Pierre Harze
Deputy Director of the UN/UNDP
office in Brussels

The workshop also aimed to strengthen the knowledge of relevant staff of electoral management bodies (EMBs), the European Union (EU) and UNDP/UN on general and specific patterns of electoral violence. More specifically, the training provided a detailed framework of the links between elections

1 The first thematic workshop on Elections, Violence and Conflict Prevention was held in March 2010, featuring 31 participants from electoral management bodies, UNDP and EU Delegations.

In his welcome address Craig Jenness noted that elections are fundamentally political events, and technical assistance cannot substitute for political will by national authorities to conduct clean elections.

He added that elections can be a spark for violence, but that the fuel is usually longstanding and unresolved grievances. Therefore, if we want to limit discord surrounding elections, technical assistance must be complemented by political action.



Craig Jenness
Director of the Electoral Assistance
Division in the UN's Department of
Political Affairs

and violence, including the forms and impact of violence throughout the electoral cycle, and preventive measures that can be taken. The methodology of the workshop was designed to facilitate the exchange of experience through a combination of presentation by experts and participants' work in groups.

The workshop was structured around three critical periods in the electoral cycle in which violence can occur: i) the pre-electoral period (roughly described as from 18 months prior to an election until the commencement of the official election campaign period); ii) the electoral period (the official campaign period up to and including election day); and iii) the post-electoral period (the processing and communication of election results and the aftermath, including electoral dispute resolution). This summary document addresses all three of these periods in turn, in separate sections based on the individual sessions held at the workshop. The sessions at the workshop were prepared and delivered by Jeff Fischer and Richard Atwood.* Special thanks to their insight and knowledge on the subject.

Other workshop sessions addressed approaches by the EU, UNDP and International IDEA to electoral assistance, conflict analysis and prevention (as well as the approaches of other organisations). Summaries of these sessions appear at various points in this summary.

The agenda for the workshop is included in Annex 2 of this summary report, and Annex 3 contains a list of participants.

* See Fischer and Atwood's bios in Annex 1 of this summary report.



Jordi Capdevila
Director of the Barcelona International Peace
Resource Centre

In his welcome address Jordi Capdevila noted the symbolic value of holding the workshop in Montjuïc Castle, where thousands of political prisoners were held captive across the centuries, including during the Franco regime, and where the former elected president of the Generalitat de Catalunya (Lluís Companys i Jover) was executed. During the Franco regime, the Castle was turned into a military museum, which closed in 2009 and was replaced by the Peace Resource Centre.

In the opening session on the EC-UNDP strategic framework for electoral assistance, Teresa Polara referred to the EU Treaty Article 21 as the basis for EU electoral assistance. The EU's instruments for democracy support include political dialogue and financial instruments for technical cooperation. She noted the complementarity between electoral assistance and election observation for the EU, and stressed how EU assistance is provided at the request of partner countries — thus following a country-driven agenda.

Polara added that an increasing number of international donor agencies are recognising the importance of adopting a political economy analysis approach, in order to shape a meaningful and effective development practice. When following such an approach, electoral assistance programmes would need to be tailored based on a thorough analysis of the social, economic and political context, including the role of the different players. These steps are essential to identify the interests at stake, drivers of change, negative drivers and drivers of conflict.

By taking the first steps towards adopting such an approach, the EU wishes to offer countries the “best fit” for their specific situation rather than the “best practices”.

Teresa Polara

Governance, Democracy, Human
Rights and Gender Unit in the
European Commission's DG
Development Cooperation –
EuropeAid (DEVCO)



In the opening session on the EC and UNDP strategic framework for electoral assistance, Niall McCann outlined the procedure for UN Members to receive UN electoral assistance. Electoral assistance is provided either as a result of a UN Security Council or General Assembly resolution, or as a result of a request for assistance from a Member. The next step consists of the Electoral Assistance Division in the UN's Department of Political Affairs carrying out a needs assessment and then reporting to the Under-Secretary-General for Political Affairs (in his role as UN electoral focal point) on two points: i) whether assistance should be provided; and ii) in the event that it is recommended, what the parameters of the assistance should be.

In non-peacekeeping mission environments, UNDP is the primary provider of UN electoral assistance; in 2010, it was involved in providing assistance, to varying degrees, to some 60 countries. When implementing an electoral assistance project, UNDP operates within the parameters set by the needs assessment. It also often formulates in conjunction with the EC, most notably in countries where the EC is in partnership with UNDP via financial contributions to UNDP-managed electoral assistance projects (some 20 countries currently).

The electoral assistance programmes vary from country to country. However, they try, as much as possible, to follow the "electoral cycle approach", which prioritises long-term capacity development support to national electoral management bodies, civil society groups, etc., rather than as simply support to individual electoral events. The ultimate aim of electoral assistance is for international partners to withdraw, leaving fully sustainable national authorities to administer elections.

Niall McCann
Coordinator of the EC-UNDP Joint
Task Force on Electoral Assistance in
UNDP Brussels

2. East Timor

Facilitators: Jeff Fischer

With Carlos Valanzuela. Disc
Independence.

3. Guatemala

Facilitators: Richard Atwood

riminal and political violence





Patterns of violence in the **pre-electoral** period

(from approximately 18 months before
elections until commencement of the
official election campaign period)



The workshop's first session examined patterns of violence during the adoption of legal reforms, the appointment of electoral management and other regulatory bodies, party primaries and other intra-party competition, voter registration, and how violence can close political space.

Participants first provided definitions of electoral violence:



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



Electoral conflict and violence can be defined as any random or organised act or threat to intimidate, physically harm, blackmail or abuse a political stakeholder in seeking to determine, delay, or to otherwise influence an electoral process."³

2 United Nations Development Programme (UNDP), *Elections and Conflict Prevention – A Guide to Analysis, Planning, and Programming*, 2009.

3 Fischer, Jeff, *Electoral Conflict and Violence – A Strategy for Study and Prevention*, International Foundation for Electoral Systems, 2002.

Three aspects of electoral violence were stressed:

1

Electoral violence is a subtype of political violence, but distinguished by its timing (close to elections) and its goals (to impact elections, either by changing outcomes or to disrupt the elections themselves).

2

Electoral violence can be physical violence, but can also include threats and intimidation.

3

Electoral violence can be aimed against people (candidates, voters, electoral officials) or objects (for example, ballots or electoral facilities).

One framework⁴ for examining electoral violence includes identifying:

1 Perpetrators	Who is responsible for the violence? This should not necessarily be limited to those actually committing the violence, “the men with the guns”, but also those responsible for orchestrating the violence. This could include, for example, ruling or opposition politicians, security forces, militias, insurgents or criminals.
2 Targets or victims	Who is the violence aimed at? Candidates and/or their family members? Campaign workers or supporters? Voters? Staff or the infrastructure of the electoral management body?
3 Method or intensity	How is the violence perpetrated? How do “suppliers” of violence — armed or youth gangs, militias, criminals — link to “demand” (the politicians or others who orchestrate it)? Is the violence spontaneous or planned? The intensity can range from a threatening phone call to a candidate or a family member to clashes that leave hundreds dead.
4 Location	Where does the violence take place? In the capital city or remote areas where the government and state security forces may exercise little control? Are key (or “swing”) districts targeted? Is violence predominantly concentrated in areas dominated by the opposition, where there is pre-existing armed conflict, or insurgent control?
5 Motives	What drives the violence? Why do perpetrators use violence? Motives can be broad (to change the electoral outcomes, to protest against the electoral results, to disrupt the elections, to skew the playing field) or narrow (to stop an opponent’s campaign, or halt a rally.)
6 Triggers	What particular incident or event has triggered the violence? A campaign rally during which inflammatory language is used? An EMB decision? The announcement of results?
7 Causes and enabling conditions	What conditions allow the violence to take place? Again, these can range from very broad, contextual or structural drivers of violence — weak rule of law, impunity, inequitable distribution of power and resources, societal divides, high stakes of gaining or losing power, high levels of unemployment, the availability of weapons and so forth — to much narrower enabling conditions such as the corruption of individual officials. Electoral or constitutional arrangements often also play a role, frequently in combination with other factors.
8 Effects	What effect does violence have on the elections, on democracy, on peace? Does it change the results, affect the electoral preferences, undermine the legitimacy of the elections, and deepen societal divisions?

This framework can help in the development of programmatic responses. It can assist EMBs and those providing electoral assistance to determine how their activities can prevent violence or mitigate it by identifying which aspect of violence their programme seeks to address.

For instance, in some situations, planners may devise programming aimed at stopping perpetrators; in others, at protecting victims; in others, identifying areas especially at risk so as to provide additional, targeted security; and in others, at trying to shift the incentives structures for politicians so as to change their motives for using violence. In some cases, EMBs identify parts of their work that have the potential to trigger violence and strive to reduce their "conflictivity". During some elections, a degree of violence may be inevitable — in Afghanistan in 2009–2010, for example — and the EMB may simply hope to insulate the elections and their integrity as much as possible from the effects of violence.

Timing, the availability of funds, the different actors involved, potential agents of change or allies — in particular the willingness of state actors to prevent violence — and other aspects can influence which activities are planned. Often the work of the EMB or assistance providers addresses more than one aspect. They may, for example, try to protect potential victims at the same time as mapping conflict-prone areas. However, many activities aimed at preventing electoral violence are beyond the traditional mandate of EMBs and electoral assistance and must be led by, or at least involve, other actors. For example, tackling the enabling conditions for violence, particularly the structural causes often crucial to explaining why violence occurs, is frequently beyond the mandate or capacity of electoral officials or electoral assistance. But even in such situations, EMBs should recognise factors that may lead to violence so as to plan for its prevention or management.

4 This framework is based on an expanded version of the framework used by Philip Alston, the former UN Special Rapporteur on Extra-judicial Killings. See *Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Killing – Election-Related Violence and Killings*, United Nations, 2010.



Participants then
examined and
discussed three
cases
of election-related
violence

Example 1

Opposition supporters have been attacked and arbitrarily detained, and high-profile incidents have garnered some international attention. The leader of a political party was re-arrested for allegedly violating the terms of her pardon, and now serves a life sentence. However, repression is usually more subtle, involving threats, harassment, closure of offices, breaking up of meetings, and denying individuals access to state resources unless they are linked to the ruling party.⁵

Although not stated explicitly, in this case the primary perpetrators of violence appear to have been the government and ruling party, with the assistance of partisan security forces and members of the judiciary. Their targets or victims were opposition politicians, supporters and infrastructure. The methods used included attacks, detention, threats, harassment, closure of offices, and breaking up opposition meetings. Violence in this case was not always physical — it included threats and intimidation. The location, while not clear from the quote, included the capital and other areas where the opposition potentially enjoyed support.

Motives for violence could have included skewing the playing field, limiting political space, preventing candidates from running, weakening the opposition, or a desire to retain power and stay in office. This was especially the case after the strong showing of the opposition during the previous elections. The enabling conditions included the lack of checks on the executive, the weak rule of law, partisan security forces and judiciary controlled by the incumbent, a permissive or disinterested international environment — or at least lack of scrutiny — and a weak or fearful civil society and media. The effects of the violence included undermining the credibility, quality and inclusiveness of elections; as a result, the opposition struggled to muster support, campaign or compete fairly. The violence also deepened distrust between parties.

A 2010 report by the then UN Special Rapporteur on Extra-Judicial Killings, Philip Alston, distinguishes between violence committed by security forces as part of a deliberate political strategy, and that resulting from poor training. He argues that in the case of the former, reducing violence "depends almost entirely on whether external actors (UN, regional organisations, international civil society) or internal actors (opposition leaders or parties, the public, independent judges, civil society) can successfully influence government leaders."⁶

Participants generally agreed that this statement was accurate. Violence aimed at skewing the playing field well upstream of elections presents difficulties for election administrators trying to hold credible elections, and finding effective options for preventing it or mitigating against its effects is extremely challenging. Violence by powerful authoritarian incumbents can be difficult to prevent or protect against; addressing it requires a completely different approach to that when violence is between relatively equal political factions. This challenge underlines the importance both of accurate analysis driving programming and of avoiding applying blueprints in programming from one country to another.

Although much international focus is on other types of violence — especially, for example, violence between parties — participants agreed that this type of authoritarian violence is pervasive in elections in many countries, especially those with governments with other authoritarian characteristics. Some analysts argue that whereas studies of violence by the opposition draw from literature of rebellion and protest, studies of violence by the state tend to draw from literature on authoritarianism, state violence and repression.

6 See Alston, *op. cit.*

Example 2

A youth was shot dead while 20 others were injured in clashes between rival aspirants. In another area, the primaries were postponed after two people were killed in an ambush and the car of a senator smashed by an angry mob. In another case, primaries had to be rescheduled because violence broke out when some delegates alleged voting materials were hijacked by local party chiefs, and some members were prevented from entering the voting area. At a different location the story was much the same.⁷

In this case, perpetrators appear to have been different factions of the same political party. Their targets or victims were rival factions. In one case a car was damaged, illustrating that violence can be perpetrated against objects as well as people. Methods included shootings, clashes, ambushes and vandalism. Some areas saw intense violence, though some participants noted that whether this violence was viewed as intense often depended on the context and levels of violence in the rest of the country.

Reasons for the location of the conflict could include its history of violence, the availability of weapons, and armed gangs as suppliers of violence with links to politicians. As the state is a stronghold for the ruling party, it contains a number of "safe" seats. Thus the primaries (to select candidates) — rather than the elections themselves — determine who will eventually win power, which raises the stakes of the primaries. Motives may have included the desire to win the party ticket and, therefore, to win or hold onto power. The enabling conditions again include the weak rule of law, ready suppliers of violence, and links between politicians and armed groups. Impunity has also been identified as a driver of electoral violence in this country as few of those responsible are ever brought to justice. The effects of the violence included weakening party cohesion and deepening the violent environment ahead of elections, which could also depress turnout and increase opportunities for fraud.

Intra-party violence can, therefore, also present a problem, especially in constituencies regarded as "safe" for one party. The state has primary responsibility for preventing violence, especially through its security forces, (and often the dominating party itself). The role of the electoral authorities regarding primaries and the party's internal processes to determine who runs on their tickets is usually defined by law. In the case noted above the EMB had no role. Reforms after these elections intended to allow the EMB to monitor primaries — though not necessarily prevent violence — and refuse candidacies where parties did not follow rules. However, this mandate was later overturned by Parliament.

Participants agreed that the state — in particular its security forces — and political parties, not EMBs, were primarily responsible for preventing this type of violence. However, some countries' laws require EMBs to supervise parties' primaries or internal democracy, in which case they may have a more intrusive role in monitoring security. In Mexico, for example, one participant noted that the EMB can order re-runs of parties' internal elections for their nominations. Participants disagreed as to whether EMBs should be mandated by law to monitor or organise parties' internal democratic practices.

Example 3

The lead-up to the election was marked by insecurity as insurgent forces increased their activities, hoping to disrupt the process, including voter registration. Regional and local militia commanders refused to disarm, seeking to preserve their authority through the election period. Mounting centre–province tensions also resulted in armed clashes between commanders backed by the central government and those resisting the extension of its authority.⁸

In this case, ahead of the first post-conflict elections the principle threat to voter registration came from insurgent groups, who were at that time the main perpetrators of violence against the elections. Recent experience from both Afghanistan and Iraq suggests that it can, however, often be difficult to distinguish between violence committed by insurgents and that committed by political factions. In some cases factions may benefit from insurgent violence.

The main targets or victims of this violence included those registering to vote, as well as electoral staff and facilities. The principle motives appear to have included disrupting the elections, dampening participation and undermining the elections' legitimacy. A variety of methods were used: road blocks and physical violence against registrants, as well as attacks on facilities, threats and intimidation. The insurgents also circulated "night letters", promising to punish those involved in elections. The causes and enabling conditions of the violence included, among others, the weak rule of law after decades of war, the ongoing insurgency with its multiple drivers, and the government's lack of control over part of its territory.

These elections are generally viewed as having successfully established the country's first ever democratically elected president. However, the violence may have suppressed turnout, increased fear of participation and complicated the work of the electoral authorities. As most of the violence took place in an area inhabited predominantly by one ethnic group, it could also have impacted results or acceptance of results and perceptions of legitimacy. Chronic insecurity in those areas also facilitated electoral malpractice, as seen during later elections in the country, by undermining the ability of observers, agents and the media to follow the process and provide scrutiny.

Violence by insurgents or rebels in response to elections is usually regarded as a very different type of problem than factional violence. These groups frequently — but by no means always — aim to attack and disrupt the process rather than try to change outcomes. Insurgent violence usually also takes place outside the immediate electoral period, but in countries including Afghanistan, Iraq, Pakistan, India and Papua New Guinea, it increases around elections, illustrating the targeting of electoral processes. The Alston report, referenced above, suggests that election day is particularly vulnerable to high visibility attacks by insurgents or other violent actors; that the UN and civil society groups may choose to build or maintain contact with groups to discourage violence; that additional focus on closing borders can reduce this type of violence, in particular where groups enjoy cross-border sanctuaries; and that voting practices that involve semi-permanent marks, such as using indelible ink on voters' fingers, may not be appropriate in those contexts.

Additional examples of pre-campaign election-related violence:

Skewing the playing field

- Harassment of opposition
- Intimidation during EMB appointments
- Intimidation of lawmakers during reform
- Attacking independent judges
- Closing down or bullying free media outlets
- Increased rates of hostage-taking, kidnapping, extortion
- Protecting or expanding "turf" or no-go zones

Contesting rules

- Violence related to reform or boundary delimitation
- Violence related to candidate nomination requirements (e.g., residency rules)

Intra-party competition

- Over party nominations or positions on lists, killings, intimidation, etc.

Voter registration

- Displacement of voters
- Attacks on voters to prevent them registering
- Breaches of information security (although not strictly violence, it may factor in security planning).



Participants
then discussed
the following
topics

Freeness, fairness and election violence

The UNDP Elections and Conflict Prevention Guide states that a "common understanding" is that "those elections considered to be free, fair and transparent are less likely to experience electoral violence than those where allegations of mismanagement or deliberate cheating are prevalent."⁹ However, in a study of election violence in Africa, Liisa Laakso found that "the elections that were declared free and fair by observers were no less violent than elections that were not declared free and fair."¹⁰

Participants generally agreed that overall, elections run honestly and transparently and respecting basic rights, were less likely to experience violence than flawed elections. Also, there are of course many good reasons — and commitments in international law — to hold credible elections in addition to the prevention of immediate election-related violence.

However, in some elections who wins, who loses and what is at stake can be more important than credibility in determining an election's propensity for violence. Presidential elections in Côte d'Ivoire (December 2010) and Nigeria (April 2011) provide recent examples of reasonably credible elections which have nonetheless seen widespread post-election violence. On the other hand, some participants asserted that had those elections been less credible, they may have generated an even greater level of violence. In some Central Asian states, elections are not linked with immediate physical violence but rather more subtle but nonetheless pernicious intimidation — so even apparently peaceful elections can have undercurrents of violence.¹¹

Furthermore, causality between violence and the quality of elections runs both ways, as shown by the examples. Violence itself can damage the credibility of elections as much as flawed elections may spark violence

Who is responsible?

In his book *Wars, Guns and Votes*, Paul Collier claims that violence is predominantly a tool of the opposition or the politically weak.¹² On the other hand, in their extensive study of African elections over 15 years, Strauss and Taylor found that incumbents were the primary perpetrators in 105 of the 124 cases of elections with any violence. Challengers were the primary perpetrators in only 18 cases.¹³

Participants generally disagreed with Collier's findings in favour of those of Strauss and Taylor. In the experience of most, incumbents were principle perpetrators of election-related violence — especially violence committed before the elections aimed at closing the political space or changing the electoral outcomes. However, participants also noted that trying to draw rules with global applicability is futile, particularly because causes and patterns of electoral violence tend to be complex and context specific. Lessons from one place do not necessarily apply elsewhere.

9 United Nations Development Programme (UNDP), *Elections and Conflict Prevention – A Guide to Analysis, Planning, and Programming*, 2009, p. 4.

10 Referenced in Alston. *Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Killing – Election-Related Violence and Killings*, United Nations, 2010.

11 Comment by workshop participant.

12 Collier, Paul, *Wars, Guns and Votes, Democracy in Dangerous Places*, Harper Collins, New York, 2009.

13 Referenced in Alston. Op cit.

The main conclusions of the session included:

- Country-specific analysis and planning are essential for developing programming to prevent or manage violence. Blueprints from one country may be inappropriate for others.
- Violence during early phases tends to be less recognised but can still damage the integrity of elections and also increase the likelihood of violence later.
- Incumbent governments are often responsible for violence aimed at skewing the playing field during this phase. Violence committed by state actors as part of deliberate policy by incumbents is difficult to address. That incumbents are perpetrators complicates both prevention and identifying programmatic responses because effective prevention depends largely on whether external or internal actors can influence government leaders. Motives for this type of violence include closing political space and holding on to power.
- Intra-party violence between candidates or factions disputing party nominations can also take place during this phase.
- Violence during voter registration can aim to influence the composition of the electorate or disrupt the registration process.
- Enabling conditions for violence during this phase include: partisan security forces, weak rule of law institutions, no "checks and balances", high stakes and rewards of office, formal or informal rules including political or electoral systems, ready suppliers of violence (youth gangs, unemployed young men, criminals, former soldiers, weapons), unresolved grievances (often over land or resources).

Special focus on...

Mireia Villar Forner
Bureau for Crisis Prevention and Recovery,
UNDP Brussels



UNDP approach to conflict prevention during political transitions including electoral periods

The development-based approach to conflict forms the basis of UNDP's conflict prevention interventions. If not well-managed, the inevitable competition and conflict over the direction, resources and distribution of development tend to impede development and, at worst, are likely to reverse it when violence breaks out. UNDP understands that preventing violence and conflict is a function of the extent to which key sectors and groups are able to reach a stable consensus on national priorities; negotiate mutually agreed upon solutions to emerging disputes before violence emerges; and accommodate diversity in the planning and execution of the development enterprise. UNDP thus designs and supports the implementation of conflict prevention programmes that focus on creating and strengthening internal processes and mechanisms for consensus building and dispute resolution at local and national level.

Political transitions concentrate high stakes of change in the economic, financial and political dynamics of power, and thus have a tendency to foster high levels of tensions and violence. In contexts that do not have functioning, well-entrenched consensus-building, dialogue and dispute-resolution mechanisms, the tensions can easily escalate. UNDP's long-term conflict prevention interventions also serve to address crises linked to political transitions, including electoral violence. By supporting national dialogue processes, local peace committees, and confidence-building activities between people and communities, UNDP can help local actors reach consensus on sensitive issues and establish clear rules of engagement during electoral processes that defuse violence when it erupts or prevent it all together.

Mireia Villar Forner also explained that the EU and UNDP partnership is multi-institutional and multi-faceted, spanning politics, policy, programmes, knowledge and training. In the area of conflict prevention and recovery, the intense programmatic collaboration is also accompanied by a fruitful policy dialogue and an increased understanding and better complementarity of our respective institutional roles and capacities. Crisis prevention and recovery programmes currently represent close to 40 percent of the joint EU-UNDP portfolio with another 40 percent dedicated to governance interventions, many of which are electoral assistance programmes in conflict and post-conflict countries. It is thus clear that the knowledge, experience and institutional links that are being generated in each of these areas need be shared more thoroughly and regularly between the two partners. . UNDP and EU practitioners working in conflict prevention and recovery issues have a concrete opportunity to join hands with UNDP and EU colleagues designing and delivering electoral assistance programmes in fragile settings. A shared conflict analysis and the organisation of joint assessment and programme design missions are useful departing points for a more conflict-sensitive electoral assistance programme.



Corrado Scognamillo
DEVCO Fragility and Crisis Management Unit

Emmanuelle Bernard
Conflict Prevention and Peacebuilding
Advisor, Bureau for Crisis Prevention and
Recovery, UNDP

EC and UNDP approaches to conflict analysis and prevention

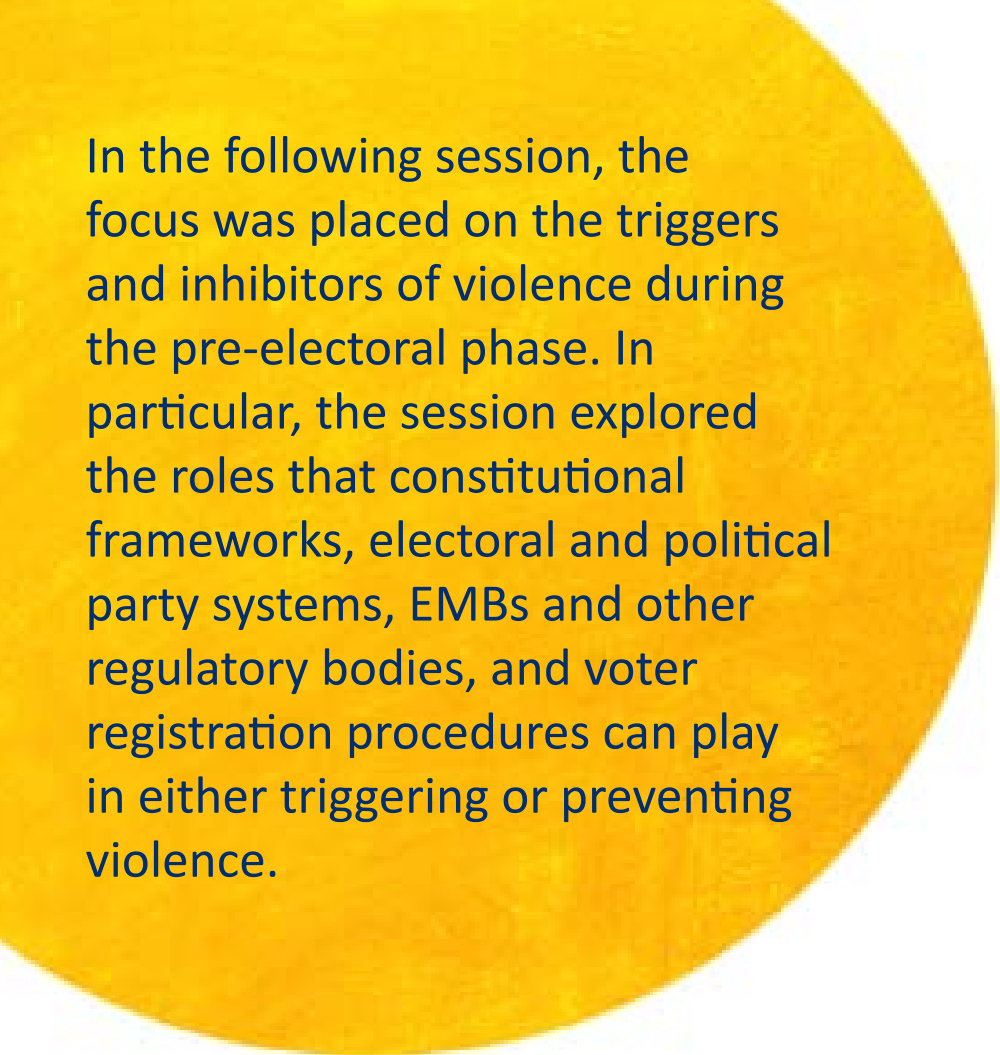
Corrado Scognamillo referenced critical EC documents on conflict prevention, starting with the 2001 Communication on conflict prevention. It stresses the need to focus on root structural causes of conflict, and calls for an “integrated approach” to conflict prevention, including economic and trade integration, the macro-economic environment, security sector reform, and the mainstreaming of conflict sensitivity in external assistance. The 2007 EC Communication on situations of fragility and the two Council conclusions on fragility and on security and development build on the 2001 Communication and define as the ultimate goal in fragile situations the notion of state-building, which gives a prominent focus to state-society relations and the question of legitimacy. The resulting EU Action Plan on conflict and fragility (not yet officially endorsed) covers four main areas: i) a “whole of EU” approach, ii) improving partnerships with regional and international organisations, iii) flexibility and adaptability of instruments, and iv) the notion of state-building. This Action Plan should be updated and implemented in 2012.

and Emmanuelle Bernard also noted the following in a session on

Conflict analysis and electoral violence

- Conflict analysis combines a focus on structural causes and on proximate causes. It can be conducted at regional, national or local level.
- Conflict analysis can be done at the stage of programming (Country Strategy Papers) or project design, or for monitoring and evaluation in order to build conflict sensitive indicators.
- Conflict analysis can also be used as a tool for action in itself, for instance for building national confidence, as was the case in Guinea.
- There is not one single methodology for conflict analysis. The European Union had created a “checklist” for root causes of conflict in 2002-2003, which is hardly used today. One relevant tool is the “Guidelines to analyse and assess governance in sector operations”, a document that provides a methodology to i) analyse the context, ii) map the actors, and iii) assess governance and accountability relations. The EC is currently preparing a methodology for context and sector analysis based on political economy analysis, which looks at: i) foundational factors (long-term factors like history of state formation, sources of revenues, social and economic structures); iii) rules of the game (formal and informal rules); and iii) the “here and now.”
- UN Conflict Sensitive Development Analysis looks beyond core conflict issues to issues like livelihood and inequality, links between proximate and structural causes, and coherence between electoral assistance and conflict prevention programming.

Scognamillo and Bernard gave examples of EU-UN joint conflict analysis, including in Guinea, where the transition from military rule benefited from support (Peace and development advisor, joint UN analysis exercise UNCT/PBSO/DPA). There was coherence in mediation, dialogue, electoral support and sensitisation campaigns. In Sri Lanka in 2005, an assessment of EU programmes conducted by NGO Saferworld was shared with the UN. In Benin, there was joint appointment of a political adviser (dialogue at political level) and a conflict specialist (training in the field).



In the following session, the focus was placed on the triggers and inhibitors of violence during the pre-electoral phase. In particular, the session explored the roles that constitutional frameworks, electoral and political party systems, EMBs and other regulatory bodies, and voter registration procedures can play in either triggering or preventing violence.

In this session, the policy decisions concerning critical elements of the electoral legal architectures were discussed. These decisions may trigger or inhibit electoral conflict in this and subsequent phases of the electoral cycle. In some cases, the issues may fall outside of the mandates of electoral management bodies (EMBs) and electoral assistance initiatives; however, EMBs and the assistance community must understand the conflict impact so that measures can be taken to prevent, manage, or mediate the conflict.

When initiating an examination of electoral conflict, the following guidelines can be useful for EMBs and the electoral assistance community.

1. Define a set of strategic objectives in reducing violence
2. Define the roles of state and non-state stakeholders
3. Identify the gender dimension to the conflict
4. Integrate activities among electoral conflict stakeholders
5. Integrate into broader electoral assistance and conflict prevention programming
6. Coordinate with security sector reform
7. Comply with international standards and practice norms

Planning in potentially conflictive environments requires EMBs to develop a set of electoral calendars, three examples of which are described in the table below.

Type of calendar	Descriptive activities
Technical	Operational in nature, concerning the administrative steps required to organise an election.
Political	Negotiation on electoral legislation, electoral official appointments, qualifying candidates, and resolving disputes. Political agreements on electoral timing and sequencing and other aspects of the electoral process.
Peacebuilding	Prosecution of war criminals; demobilisation, disarmament, and reintegration (the “DDR” process); and demining

As an instrument to assist EMBs and the assistance community with diagnosing conflict and formulate approaches, an electoral security framework is the structure of laws, institutions, methodologies, and information which defines the potential electoral conflict and identifies enforcement counter-measures. Under this concept, the framework possesses four components: i) stakeholder analysis; ii) electoral threat assessment; iii) legal frameworks; and iv) action points.

The stakeholder analysis disaggregates stakeholders as state and non-state. State stakeholders are further disaggregated as regulatory, security and judicial institutions. Non-state stakeholders include political parties, civil society organisations, faith-based organisations, commercial organisations, media organisations, and traditional leaders.

The electoral threat assessment establishes a profile of the conflict dynamics by drivers or perpetrators of conflict, their motives and tactics, and the targets or victims of conflict. The assessment examines environmental factors such as locations of previous conflict, anticipated conflict by electoral phase (pre-election, election day, and post-election), and the historical intensity of conflict.

The legal framework evaluation explores where there are structural vulnerabilities to conflict embedded in constitutional articles or legislation. In this regard, it examines the basic rights and enfranchisement opportunities as enshrined in the constitutions as well as the electoral, political party, civil society, gender and media laws. The appointment process and mandates of the EMB are also examined.

The responsiveness of the legal framework for reform may depend upon whether the election is being conducted in a static or evolving legal environment. In a static legal environment, political eligibility is defined and the electoral stakes are known, as are the type, timing and sequencing of elections. In an evolving legal environment, election organisers and advisers may have the opportunity to influence policy decisions to assure that the activities in all three electoral calendars — technical, political, and peacebuilding — are coordinated in a manner aimed to reduce conflict

One fundamental component of the legal framework to examine is electoral systems and their impact on behaviour, that is, whether the electoral system is creating incentives for conflict. For example, some relevant characteristics of the two major families of electoral systems (majoritarian and proportional) are shown in the table below.

Type of system	Characteristics relevant to conflict
Majoritarian	Winner-takes-all (can be exclusive) Promotes officeholder accountability Can weaken minority representation (quotas are more difficult to implement) Can promote “bridging” campaigning (see section on political parties below)
Proportional representation (PR)	Inclusive of small parties Potential reserved seats for women and minorities Political fragmentation



On a related issue there is the potential for conflict during the **boundary delimitation** process and in the post-election phase if representation is perceived to be inequitable.

The process of delimiting districts can spark conflict. As an example, the headline of an article in the Times of India (2007) asked "Was delimitation the trigger?" for violence that broke out between the Gujjar and Meenas castes over reserving a constituency for the Meenas. Indian military and paramilitary forces deployed to quell the violence. In the Niger Delta (Nigeria), some tribes have claimed that the electoral districts in the region favour others. Protests occurred during the 2003 elections, with several people reported killed and 1,600 displaced. Delimitation was also identified as potentially conflictive by the UN Peacebuilding Commission in Sierra Leone.

The following guidelines can be useful in de-conflicting boundary delimitation processes:

- Empower an impartial delimitation authority to conduct the task
- Develop and publicise the standards for delimitation policy decisions
- Conduct a transparent delimitation process
- Allow channels for public comment
- Create an accessible appeals mechanism

The **political party** system also plays a role in electoral conflict. In a "Western" political context, political parties have two fundamental functions: i) interest articulation (to provide for structured channels of communication between citizens and government); and ii) aggregation (a forum where issues and beliefs can be assembled and brokered). A question to be posed is whether the political party system is encouraging **bridging** or **bonding** strategies as parties seek votes? In bridging strategies, the party creates a broad coalition across diverse social and ideological groups in the electorate; in bonding strategies, however, there is a focus on gaining votes from a narrower home base among particular segmented sectors of the electorate.¹⁴

Bridging strategies are more relevant in majoritarian systems, where higher thresholds are needed for victory — and thus parties must reach out to diverse groups for support. Bonding strategies are usually more effective in PR systems, which offer lower thresholds for electability. Thus political appeals can be limited to particular ethnic, linguistic, religious, regional, or other segments of society, and may encourage "identity" politics.

14 Norris, Pippa, *Electoral Engineering – Voting Rules and Political Behavior*, Cambridge University Press, 2004.

The legal framework defines the electorate and exclusionary provisions may provoke electoral conflict. The key variables in **voter eligibility** include the following:

- Age
- Residency (e.g., whether internally displaced persons are able to exercise their right to vote in their current location, and for which locality)
- Disability (e.g., whether physically impaired voters are able to exercise their right to vote, and, in the case of intellectually impaired voters, whether they still have a right to register)
- Refugees and asylum seekers (e.g., whether they have the right to vote and for which class of elections)
- Diaspora (e.g., whether out-of-country registering and subsequent voting are facilitated)
- Military and other security forces (e.g., whether state security personnel are granted the right to vote, or are facilitated to register and subsequently vote in their locations of deployment other than where they are eligible)
- Lustration (i.e., "the administrative step of barring a whole class of individuals from public employment, political participation, and the enjoyment of other civil rights."¹⁵)

The legal framework also defines the appointment process, composition, and mandates of the EMB. An EMB can be considered as part of an institutional family of organisations that regulate political behaviour. These also include media commissions, land and boundary commissions, anti-corruption commissions and political finance regulators, among others.

Perceptions of EMB impartiality influence potential conflict throughout the electoral cycle. Some of the key features that determine the EMB's impartiality are:

- the EMB's relationship to government;
- the appointment and confirmation process for EMB members;
- the EMB's appointment authority;
- the financing model for the EMB;
- the eligibility for appointment/composition of the EMB members; and
- the number of EMB members.¹⁶

15 Dobbins, James, Seth G. Jones, Keith Crane, and Beth Cole DeGrasse, *The Beginner's Guide to Nation-Building*, RAND Corporation, 2007, p. 94.

16 See also Lopez-Pintor, Rafael, *Election Management Bodies as Institutions of Governance*, UNDP, 2000.

A survey undertaken in 2001 identified three predominant models of EMB: i) independent EMB, ii) government-administered elections with independent supervision, and iii) government-administered elections. The survey found a predominance of independent EMBs (53 percent) as compared to government with supervisory bodies (27 percent) and direct government administration (20 percent).¹⁷

However, examining these survey results by region provides a more insightful perspective of EMBs and fragile states. For example, in North America and Western Europe, elections are conducted by the government and, in some cases, decentralised with or without a supervisory authority. However, in the emerging democratic regions of Central and Eastern Europe, sub-Saharan Africa, and Asia, independent EMBs predominate (although some elections that are government administered under an independent authority). In the Middle East and North Africa, there are three independent EMBs — in Iraq, the Palestinian Authority and Yemen — although the Arab Spring and its aftermath may see the establishment of more independent bodies.¹⁸ The balance of election administration in that region is, however, currently government directed.¹⁹

EMBs not widely viewed as impartial can fatally damage the credibility of the election. As a result, as members of the public sees an EMB ignoring or violating the law, they could be motivated to create conflict as their own extra-legal response to the fraud. As UNDP observes, “how the election process and administration is designed, managed, and implemented has a strong bearing on electoral violence.”²⁰ Thus “the structure, balance, composition, and professionalism of the electoral management body... is a key component in successful electoral processes that generate legitimate, accepted outcomes and in turn, when these attributes are absent, election-related violence.”²¹

In support of this need for professionalisation, International IDEA has developed a code of conduct for election administrators that stresses the following guiding principles:

- respect for the law,
- non-partisanship and neutrality,
- transparency,
- accuracy, and
- designed to serve voters.²²

17 Ibid, pp. 25 and 26.

18 A semi-independent commission, the Supervisory Commission on the Election Campaign (SCEC), was established in Lebanon under the 2008 parliamentary election law for the 2009 elections, with responsibility for the media and campaign finance chapters of the election law.

19 Ibid, p. 26.

20 United Nations Development Programme (UNDP), *Elections and Conflict Prevention – A Guide to Analysis, Planning, and Programming*, 2009, p. 4.

21 United Nations Development Programme (UNDP), *Elections and Conflict Prevention – A Guide to Analysis, Planning, and Programming*, 2009, p. 16.

22 International IDEA, *Code of Conduct for the Ethical and Professional Administration of Elections*, 2008.



New media and social networking sites are “wild cards” in electoral conflict in that they can potentially enable violence, prevent it or document it. New media can be employed for rapid dissemination of messages (SMS and social networking sites), documentation of electoral conflict (mobile phone videos) and information resources (internet). There was, for example, use of SMS messaging, Facebook, Twitter, Livejournal blogs and mobile telephone videos by the Green Movement in Iran after the disputed presidential election in 2009. Websites not only convey information, but can be employed as tools to support protests, demonstrations and “flash mobs.”²³

New media can also be employed in electoral monitoring. In the 2010 Russian local elections, video footage was put on YouTube of a polling station chairman in the city of Azov as he allegedly attempted to mix fraudulent ballots pre-marked into the ballot box with the other ballots. SMS as a tool for election observation reporting is said to have started in Indonesia (2005), where domestic observers first used SMS to receive reports from 750 election monitors in the field. In the Palestinian Legislative Council election (2006), the National Democratic Institute for International Affairs (NDI) employed SMS messaging to coordinate the activities of international observers. The Montenegrin independence referendum (2006) was the first time that SMS was employed to systematically gather results and turnout data in order to perform outcome projections.

There is also an open source conflict mapping service being developed that can be used by NGOs. In the wake of the post-election violence in Kenya in 2007 and 2008, a Kenyan information technology firm, Ushahidi, announced the development of an open source application that can be downloaded and employed to map political violence. Called Crowdsourced Crisis Information, it allows the user to capture reports by mobile telephone, web, or e-mail and visualise it on a map or timeline. However, such open source archives require special management to ensure the quality and accuracy of the postings.

23 Note also the extensive commentary on the use of social networking websites during the recent UK riots.

Special focus on...

Staffan Darnolf
Country Director (Zimbabwe) with the
International Foundation for Electoral
Systems (IFES) ^[1]



Tools and methodologies to address election-related violence

Staffan Darnolf informed participants that IFES addresses electoral violence as part of its overall electoral assistance programmes and in working with many different partners. Two innovative methodologies uniquely designed to prevent or resolve electoral violence include: i) electoral violence education and resolution (EVER), and ii) electoral violence risk assessment (EVRA).

The **EVER** methodology was designed to address the lack of accurate information on violence, the lack of conflict resolution principles for elections, and the lack of civil society input into electoral security. First, trained local violence monitors generate reliable and systematic information on incidents of electoral violence. Second, public reports are created from the data which identify causes and trends of violence round the electoral cycle. Third, reports inform the public and feed into mitigation efforts of the partner organisations, civil society networks and other stakeholders (ideally including EMBs and security forces).

More accurate information helps stakeholders make better decisions. Moreover, helping to gather and discuss this foundation of information builds relationships among different sectors. Electoral violence is often pre-meditated and organised. By breaking it down into understandable trends, and identifying the causes and the actors, it can become manageable, reducing fear and empowering citizens.

Reporting forms document incidents — including the when, where, who, what, why, how (weapons), as well as the impact of the incident. The public reports identify the general violence categories, which can include political actors, state actors, election officials, media, property, etc. To ensure the information is accurate, at least two different sources are required. Monitors are well-vetted and trained to ensure that good information is gathered and that they are non-partisan and unbiased. Moreover, information is read by a HQ team and evaluated, which provides a final check. Thus information is different than that provided by other media because frequently most community-level, low-level violence goes unreported or under-reported. While both media and EVER capture high-profile incidents, EVER also brings in other types of incidents and allows for targeted, early responses. While EVER does not capture all incidents, it improves the amount and accuracy of information and can reflect trends, even if every single incident is not noted. It also fills a gap in that election observers have not traditionally recorded incidents of violence.

Previously a downside of EVER was the slowness of reporting, which was usually a week or two behind events. Now, however, technology lets monitors send reports by SMS, which can be reviewed, mapped and therefore made public within minutes. This particular system was born of election conflict — it is called Ushahidi (which means testimony in Swahili) and was initiated in Kenya during the 2007-2008 post-election violence. It has been used in dozens of conflicts and disasters since. The software is free, though often needs to be customised. The system allows people to send reports of incidents by text message, email, or by using the Twitter social media network, which teams then read and categorise centrally. The software was designed to collect information from the public, though it has increasingly been used to take information from trusted networks, as, for example, trained EVER monitors.

Assessment and analysis is valuable when there is any risk of conflict around elections. It can also serve to build trust and coordination between EMB, security agencies, communities and political parties. In Lebanon, IFES designed the **EVRA** methodology to assess, map and track the risk of violence in each of the 26 parliamentary electoral districts for the June 2009 elections. It is similar to the risk mapping methodology used by the Federal Electoral Institute (IFE) in Mexico and in other countries in Latin America. IFES worked with the Ministry of the Interior and Municipalities (MOIM) of Lebanon, which is the primary EMB in Lebanon, to integrate risk assessment tools into its security planning for the elections. Risk levels were regularly updated as new security information came to light. The data collected were also shared via a secure website with a small group of other interested international and domestic stakeholders. The data were used extensively for security planning by Lebanese institutions.

[1] See <http://www.ifes.org/>

Factors used to determine which electoral districts were vulnerable to violence in 2009 included:

Political conflict risk factors	Confessional ^[2] conflict risk factors	Electoral dispute risk factors
• No dominant political party • Intense party competition • Recent episodes of tension/conflict • Specific flashpoints	• Presence of influenced seats • Unrepresentative candidates • No confessional representation • History of confessional conflict	• Likelihood of close results/challenges • Likelihood of weapons, bribery

Each factor was ranked (high, medium or low risk) in each district, which allowed stakeholders to identify which districts were especially prone to violence. These factors were specific to Lebanon. They are highly context specific and would have to be adapted for other contexts.

Lessons from EVER and EVRA

General lessons from EVER include that conflict monitoring can be a powerful tool, especially when perpetrators commit election violence with impunity; clear information on who has done what to whom over time is lacking; parties or other perpetrators can be influenced by public opinion and/or increased official action; and, especially, political will exists at either local or national level to reduce violence.

Risk assessment for conflict, using a methodology like EVRA, is essential especially in countries prone to political violence. It is most practical when the history of conflict helps identify hotspots; the high-security environment requires extensive planning; and perhaps most importantly, analysis can feed directly to the EMB and security actors, with the latter having mandates to prevent and resolve violence.

The EMB has a crucial role in establishing its credibility and powers in the areas of conflict analysis, prevention, response, and resolution. Through conflict reporting tools like EVER — which bring in new and useful information and involve communities — EMBs and others can identify and resolve disputes sooner. Engaging civil society groups provides a powerful partner for peace and conflict prevention. By soliciting comments and sharing information, EMBs increase their credibility. Conflict and risk mapping methodologies like EVRA can help build relationships with security actors early in the electoral cycle. Risk assessment and conflict information also provide fuel for advocacy. However, information, analysis and preparation will fail without the support of the public, especially of voters. The public needs to believe in mechanisms to identify, prevent, and punish violence and other violations of law related to elections.

Special focus on...



Vincent Tohbi
Electoral Institute for Sustainability of
Democracy in Africa (EISA) ^[1]

Tools and methodologies to address election-related violence

Vincent Tohbi presented a prevention and management mechanism called conflict management panels that was inspired by African social and cultural practices (but which adheres to regulatory and legal frameworks). Panels for mediation of electoral conflicts involve local communities in conflict management. The objectives of the panels include to:

- examine the nature and origin of electoral conflicts;
- build the capacity of EMBs to ensure free and transparent elections in a peaceful environment;
- encourage high voter participation by establishing a friendly atmosphere;
- resolve conflicts through mediation, facilitation and arbitration;
- provide early warning signs ahead of potential conflicts for EMBs and other stakeholders;
- involve the populations of all social strata in the effort to bring about peace;
- compile statistics and databases on the type and nature of conflicts, and identify zones prone to conflict;
- nurture the idea that elections must involve healthy competition and reconciliation; and
- inform the communities of the need to avoid violence

Setting up infrastructure for this type of prevention activities includes three steps. First, training manuals are designed that use illustrations, anecdotes and stories associated with the country, and which focus on electoral knowledge and the legal framework for elections in the nation. Second, consultative meetings are held and panels are constituted; they may include representatives from the main ethnic groups of a locality, human rights NGOs, trade unions and local employers, among others, and may prioritize the inclusion of women, youth, traditional leaders, religious leaders, and so forth. Third, mediators are trained through a cascade training system.

According to EISA's methodology, reports can either be written or verbal accounts can be submitted by telephone. Modern means of communication such as SMS or email may also be used. This flexibility reflects that mediators come from a wide range of social backgrounds, and some may not be literate. Mediators can engage in proactive conflict prevention and are not restricted to the role of observing conflicts. The aim of this type of mediation, arbitration and facilitation is to encourage individuals and communities to speak to one another, arrive at agreements, and to understand one another. It does not seek to replace the legal system or dispense justice, rather to encourage litigants to proceed peacefully to the courts and if possible eliminate misunderstandings beforehand. All mediators are volunteers and are paid only a small subsistence allowance. Relations with political parties are nurtured.

The model's sustainability stems from the fact that populations can take charge of their own destinies and avoid the risk of violence and political manipulation. But beyond the elections, skills that mediators acquire in managing electoral conflicts can assist their interventions in everyday social conflicts, including land disputes, intercommunity conflicts, domestic quarrels and similar disputes.

[1] See <http://www.eisa.org.za>



Special focus on...

Sead Alihodzic
Programme Officer
Electoral Processes
IDEA ^[1]



Tools and methodologies to address election-related violence

Sead Alihodzic said that International IDEA is designing a tool to enhance capacities for prevention and mitigation of election-related violence that will serve as a global public good in providing early warning and helping policy makers take informed decisions. It will be sustainable by not relying on donor or expert support. The tool is designed to be customisable and fit into any social context. It consists of various components: knowledge resources, analytical tools and preventative action options. It will evolve with use in that it can store data and allows for cross-election analysis.

IDEA has undertaken a number of steps in designing the tool to incorporate the knowledge from existing approaches. The tool will serve as a knowledge resource, an analytical instrument and a means of developing prevention strategies. It will seek to compile factors both internal and external to an electoral process.

[1] See <http://www.idea.int>

Below is an overview of the tool, with some of the factors that can contribute to violence:

Internal factors contributing to violence	Elements of the tool	External factors contributing to violence
Legislation • Unfit electoral system • Contested electoral law • Lack of adequate “ground rules”	1. Context 2. Empirical cases 3. Interrelated factors 4. Observable indicators 5. Data collection and analysis	Existing violence • Intimidation/harassment • Kidnapping/extortion • Assassination/homicide • Gender-based violence • Violence against property
Planning and implementation • Inadequate system for dispute resolution • Lack of trust in electoral management bodies • Inadequate operational planning and financing • Inadequate security arrangements	Country and elections specific model Trend analysis Risk mapping	Potential risk factors Security context • Politicised security sector actors • Regional weak state presence and control • Neighbouring violence has potential to spill over borders • Presence of non-state armed actors • Access to small arms and light weapons • Forced displacement • Arbitrary arrests and lack of due processes • Violation of human rights
Training and education • Poor training for electoral officials • No/poor training programmes for political parties, CSOs, media • Poor or no civic education • Poor voter information		Economic context • Poverty and socio economic conditions • Concentration of resources • Increased unemployment • Natural hazards causing human distress
Voter and candidate registration • Problematic voter registration • Problematic registration of political party/candidates • Problematic accreditation of observers		Social context • Heightened ethnic, cultural, religious tensions • Changes in power dynamics among actors • Sensitive processes involving fears and expectations • Impunity
Electoral campaign • Limited media access • Provocative media campaigning • Provocative political party rallying • Provocative and violent actions by political parties		Political context • Political system • “Spoiler” political parties • Manipulative media • Lack of democratic culture • Lack of accountability
Voting operations • Deficit, destruction and loss of election materials • Lack of transparency re-special and external voting • Problematic voting day • Problematic ballot counting and result tallying • Lost/destroyed tabulation forms • Fraud suspected		
Verification of results • Mishandling a final round of complaints and appeals • Delay in publication of official results • Rejection of results		

The next steps in the development of the tool include consultations with potential end users and partners, piloting in Africa, Latin America and Asia Pacific, the final phase of development and then the launch. The tool will not be a panacea for addressing electoral violence, but it can likely assist EMBs and other stakeholders in predicting violence, preventing it and protecting against it.

With all conflict prevention tools, EMBs and other stakeholders should exercise caution that information does not become politicised. Verifying the accuracy of information to the extent possible is also important. In highly politicised environments the work of tracking violence and, in particular, encouraging stakeholders to take action, can be difficult.



- M
- M
- P
- E
- **Prope**
- Inclu
- Reser
- Political
- **Mixed - M**

Patterns of violence in the **campaign and election day** period



An initial session examined patterns of violence, perpetrators and their motives, methods used and victims of violence — during the official campaign period and on election day.

Some studies on electoral violence identify the election campaign as especially prone to violence. One suggests that in Africa more victims are claimed during campaigns than any other period during the elections (though obviously some elections see more violence during other phases).²⁴ Violence during the campaign is usually aimed at changing electoral outcomes, often by targeting candidates. However, some countries see insurgents also target candidates or their supporters in attempts to disrupt the elections.

According to some studies, election day claims fewer victims than the period three months before election day or the period three months after.²⁵ This may be due to the presence of observers and the attention, both national and international, focused on the election at that time. That said, the same study identified election day as the most violent single day.²⁶ Again, this is a global figure: there is considerable divergence among different countries' elections and even among different elections in the same country. For example, violence associated with the 2007 elections in Nigeria occurred predominantly during the campaign and on election day. The 2011 elections in the same country, however, which were assessed by observers as more credible than the previous ones, sparked violence in the post-election phase. According to some estimates, violent protests in the north against the results of the presidential election left more than 1,000 dead and 74,000 displaced.

24 Bekoe, *Managing Electoral Conflict in Africa (2010)*, referenced in Alston, op cit.

25 Referenced in Alston, op cit.

26 Ibid.

Some types of campaign and election day violence include:

Campaign violence

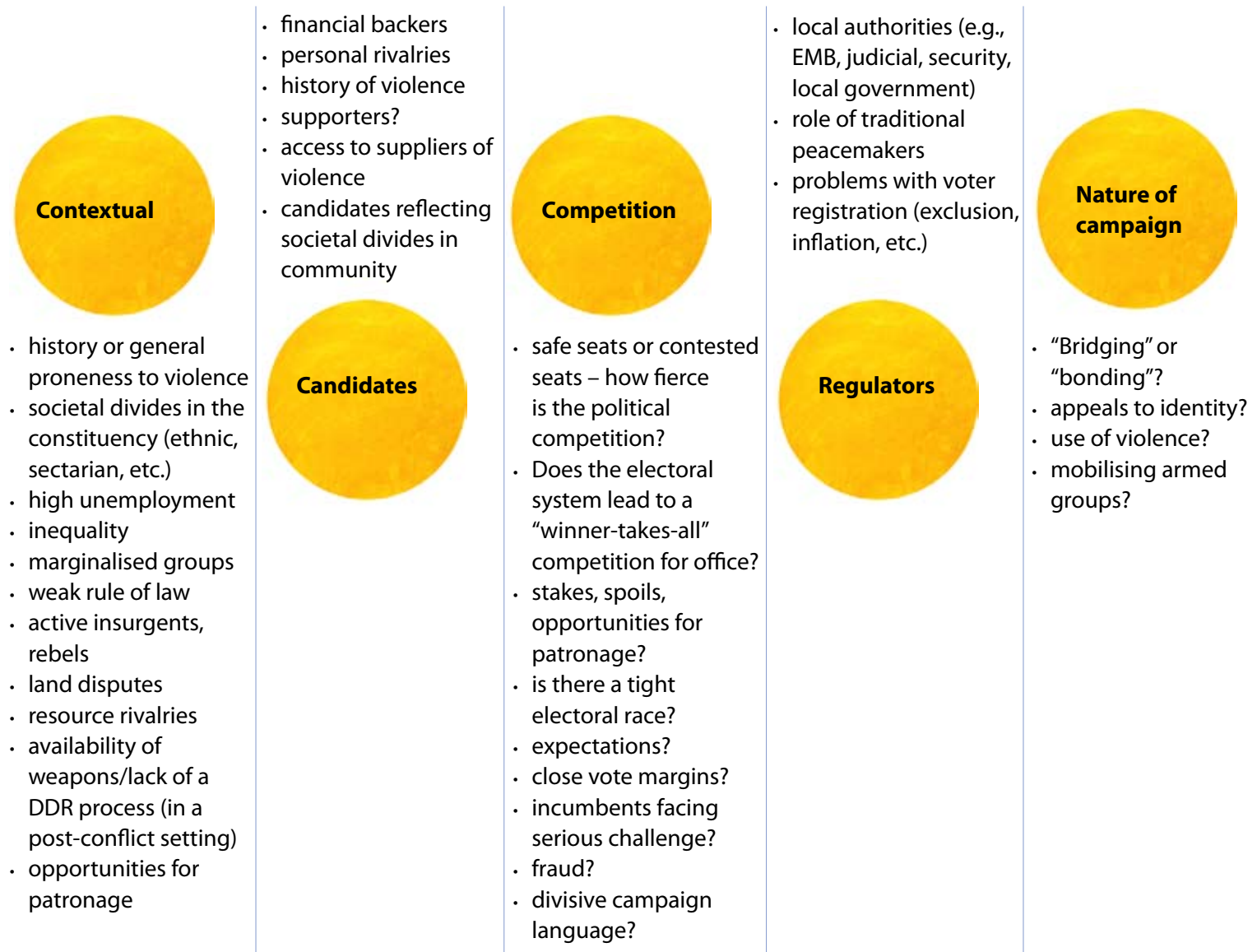
- Attacks on candidates, supporters or families
- Clashes between rival supporters
- Intimidation of opposition and the media
- Bombs or bomb scares on rallies
- Attacks on electoral officials
- Attacks on observers

Election day violence

- Intimidation of voters to compel them to support one party or candidate, or to keep them from participating in the election
- Attacks on electoral officials
- Theft or physical attacks on election materials, e.g., by destroying or snatching ballot boxes;
- Attacks by armed rebel groups or insurgents to disrupt polling
- Disruption or fighting during counting of ballots in polling stations

Often EMBs and security forces will conduct geographic mapping of areas prone to violence. For example in 2009, IFES assisted Lebanese civil society and security forces to identify districts especially prone to violence. (See the parameters used to determine which districts were at risk in the presentation by Staffan Darnolf, country director, IFES Zimbabwe, on page 42 of this summary report.).

The following is a list of other potentially important factors and issues that could be considered when planning contingencies against violence in this phase:



An International Crisis Group report ahead of the 2011 elections in Nigeria claimed that "those states especially susceptible to election-related violence around governorship elections are those with:

- vulnerable governors;
- strong challengers;
- personal rivalries between candidates or their backers;
- politicians who have broken with their sponsors or exploit social cleavages; or
- that lack respected peacemakers."²⁷

Workshop participants, including some that worked in Nigeria, agreed that these were accurate determinants of whether states were vulnerable to electoral violence.

In his book *Votes and Violence: Electoral Competition and Ethnic Riots in India*, Steven Wilkinson argues that those electoral districts in which the ruling party relies on the votes of minorities to win are less likely to suffer ethnic riots associated with elections.²⁸ That is because the ruling party is more likely to mobilise security forces to protect the minorities on whose votes they depend. On the other hand, districts in which the ruling party does not rely on minority votes are prone to ethnic riots; in those cases, the ruling party may even use riots as a means of consolidating its own support among majority voters.

Whatever the accuracy or transportability of Wilkinson's analysis, it shows how identifying districts or geographic areas prone to violence requires the consideration of a complex mix of factors. In this case constituency size, its demographic make-up, the party system, campaign tactics (whether bridging or bonding), the electoral system (which in India is first-past-the-post in single member districts), in addition to the history of violence in each constituency, all play a role. No single factor explains violence. Rather it results from a complex interaction among different factors. Wilkinson's work reinforces work by experts on electoral systems who emphasises the importance of demography — especially the geographic concentration of different groups or, alternatively, their intermingling — in determining how different voting systems affect the behaviour of politicians and how system choice can either aggravate or mitigate the risk of conflict.²⁹

27 International Crisis Group Africa Report Africa Briefing N°79, *Nigeria's Elections: Reversing the Degeneration*, 24 Feb 2011, p.5

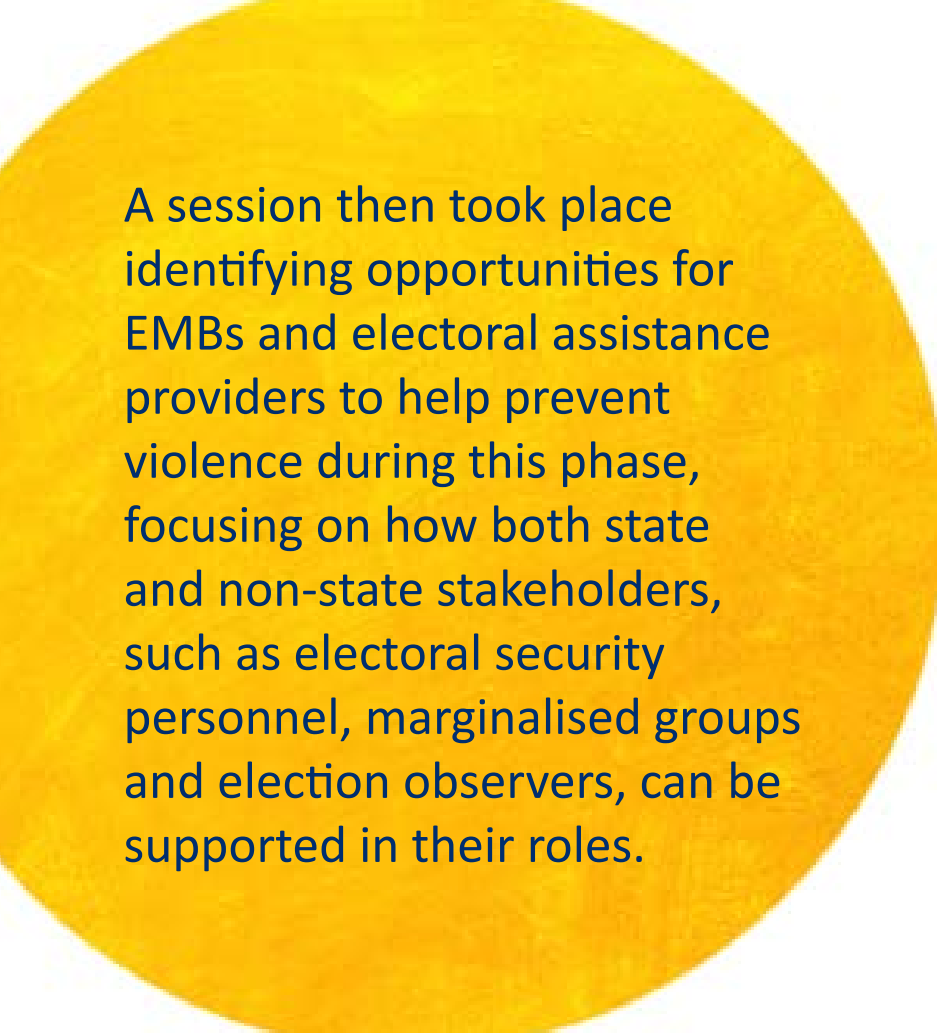
28 Steven I. Wilkinson, *Votes and Violence: Electoral Competition and Ethnic Riots in India*, Cambridge University Press, 2004.

29 See, for example, Ben Reilly, *Democracy in Divided Societies: Electoral Engineering for Conflict Management*, Cambridge 2001 or Andrew Reynolds, *Designing Democracy in a Dangerous World*, Oxford University Press, 2010.



The general conclusions of the session included the following:

- Studies suggest that the three months immediately preceding the election, including the campaign, are especially vulnerable to violence in many countries.
- Campaign violence includes attacks on candidates orchestrated by their rivals, but also clashes between supporters of rival candidate or parties, intimidation of opposition candidates and attacks by insurgents or rebels aimed at disrupting elections.
- Violence during the campaign and on election day almost always has political motives. During the campaign violence is often aimed at clearing the playing field of opponents to make victory more likely. On election day violence can be aimed at preventing supporters of rival parties from casting ballots, skewing the playing field ahead of elections or influencing the composition of the electorate. Violence by terrorists or insurgents may simply aim at disrupting the elections. Identifying the motives behind violence can help in the design of solutions.
- Enabling conditions for violence during this phase include: partisan or weak security forces, weak policing, high stakes and rewards of office, ready "suppliers" of violence (youth gangs, unemployed young men, criminals, former soldiers, weapons), unresolved grievances (often over land or resources), etc.
- Violence during the campaign can skew the playing field, depress turnout, limit freedom of assembly and free speech, deepen societal divides and polarise politics. All violence has the potential to undermine the legitimacy of the elections.



A session then took place identifying opportunities for EMBs and electoral assistance providers to help prevent violence during this phase, focusing on how both state and non-state stakeholders, such as electoral security personnel, marginalised groups and election observers, can be supported in their roles.

International IDEA offers the following guidelines in designing electoral conflict interventions:

- Take a holistic view
- Agree on a common terminological framework
- Isolate limitations in the "early detection of violence" system
- Identify potential partnership/joint projects
- Develop capacity building/training modules
- Increase ongoing cooperation and information sharing
- Identify existing policies and practice regarding election-related violence

Depending upon the level of conflict typically experienced in the elections they administer, EMBs should develop capacity in **electoral security administration**. Electoral security planning must begin with the development of a basic security concept. A security concept is the strategic view of the threats and responses to these threats.

There are two additional features of electoral security administration that should be considered: i) electoral security coordination mechanisms; and ii) electoral security decentralisation. Through coordination mechanisms, election security administration integrates military, police, and civilian authorities as well as offering ongoing management structures for coordination, control and communication.

Electoral security coordination

In Haiti (for the 1995 elections), for example, there was a Joint Elections Security Planning Committee composed of one representative of the electoral council; two representatives from the national police headquarters; two representatives of UN Mission in Haiti (MINUSTAH) forces; one representative from the UN's CivPol (Civilian Police) division; and one representative each from the international police monitors and the multi-national forces. In Bosnia and Herzegovina (for the 1997 municipal elections), the Organisation for Security and Cooperation in Europe (OSCE) established the Election Security Working Group (ESWG), which comprised security stakeholders and played a coordinating role. In its operations plan for the municipal elections in Kosovo (2000), the OSCE facilitated the development of the Joint Elections Security Taskforce (JEST). The JEST was composed of representatives of the NATO-led Kosovo Force (KFOR), UN CivPol, UN security, OSCE security, the Kosovo Police Service, and the Elections Division of the OSCE. In the Democratic Republic of the Congo (DRC), following a request by the United Nations and in agreement with the national authorities, the EU decided to launch an autonomous military operation in support of the UN's peace-keeping mission in the run-up to the elections. The operation, EUFOR DR Congo, was intended to enhance security during the country's elections in 2006.

For the Nepal elections of 2008, the Nepal Home Ministry formed a working group that included Government of Nepal officials and security force commanders under the working group chair of the election commission. International security advisors, such as those from International Criminal Investigation Training and Administration Programme (ICITAP), participated in the working group. The group was formed four months before the election.

Electoral security decentralisation

Decentralisation of electoral security administration is also essential for its effectiveness. The nature and intensity of the threat vary from locale to locale, and decentralised electoral security offers opportunities for "community" relationships with electoral contestants and other stakeholders. This decentralisation can be achieved by either incorporating into the election administration structure, or being parallel to it, from the headquarters to the polling station.

For the 2008 elections in Nepal, for example, command centres were established in both the Home Ministry and Police Headquarters. These command centres were linked to the Joint Election Operations Centre at the electoral commission and to local election offices using wideband wireless connectivity.

For the 2000 Haitian elections, the EMB (the Conseil Electoral Provisoire) and the Haitian National Police (HNP) were recommended to follow the decentralised protocol below for electoral department and commune facilities:

- Security planning guidelines should be issued to each facility;
- HNP should visit facilities at least once every 72 hours;
- there should be security inspection/selection of all facilities;
- HNP should issue instructions for the required security visits; and
- HNP should require each HNP department leader to develop and submit a department security plan to HNP headquarters in Port-au-Prince for review for each step of the process, and do so at least 30 days prior to the start of that step.³⁰

³⁰ Fischer, Jeff, *Haiti Election Security Recommendations*, IFES, 2000.



Electoral assistance programmes can also possess a conflict prevention dimension. For example, in electoral assistance aimed to reduce conflict, the objective is to improve a process or procedure that has provoked electoral conflict in recent elections. One example is the UNDP-implemented, EU-funded project to improve the voter registry in Bangladesh (2008); this project was implemented because the registry's flaws were one of the causes of conflict among the political parties.

Electoral assistance programmes can also be aimed at building electoral integrity. Some of the fundamental issues to address in that regard include:

- the EMB appointment process,
- the transparency and accountability of the EMB's decision-making, and
- the EMB's professional development strategy.

UNDP frames it the following way in its 2009 Elections and Conflict Prevention – A Guide to Analysis, Planning, and Programming: "Assistance for electoral administration is a critical component of conflict-mitigation efforts. Research experience has shown that the structure, balance, composition, and professionalism of the electoral management body (for example, an electoral commission) is a key component in successful electoral processes that generate legitimate, accepted outcomes." (Pastor 1999, Lopez-Pintor 2000, Wall et al 2006)³¹

The UNDP guide refers to "generating legitimacy" when "electoral processes are credible, approaching the ideal of free and fair, and when they are inclusive of all elements of society through a well-considered law of citizenship and of voter registration... Legitimate governments are more likely to manage conflict positively than illegitimate ones."³² Therefore, conventional capacity building and assistance programmes for EMBs and other regulatory stakeholders can prevent, manage, or mediate election security issues.

The training of police in public order management, elections and human rights can be critical in the management of conflict at political events and in the post-election phase of potential street protest. Some of the basic topics for political training programme in elections should include the following:

- human rights issues in relation to security forces' rules of engagement in the election;
- gender and law enforcement;
- security objectives and strategy in relation to the election;
- standards of profession, impartiality, neutrality, and non-intimidating conduct to be upheld by security forces;
- contact mechanisms and liaison details between the EMB and security forces;
- an overview of the election process and methods and the security forces' roles in protecting these processes; and
- the level of details of offences present in electoral laws.

31 United Nations Development Programme (UNDP), *Elections and Conflict Prevention – A Guide to Analysis, Planning, and Programming*, 2009, p. 45.

32 United Nations Development Programme (UNDP), *Elections and Conflict Prevention – A Guide to Analysis, Planning, and Programming*, 2009, p. 2.

An electoral dispute adjudication mechanism should also be in place. In the pre-election phase, disputes may involve high profile cases, with constitutional courts involved in reviewing presidential candidate eligibility disputes and electoral law challenges.

The EMB and lower courts may be involved in cases concerning electoral violence, candidate eligibility disputes, voter registration disputes, campaign practice violations, and media violations

For non-state stakeholders, the list below summarises programme concepts of social enforcement mechanisms cited by UNDP:

- Multi-stakeholder forums and consultations in preparation of a public campaign
- Electoral assistance groups whose members serve as volunteers to be poll workers or monitors
- Peace campaigns through civil society organisations
- Religious and cultural leaders' forums
- Traditional leaders' forums
- Strategic leadership development and training³³

Political party councils can also play a role in conflict prevention and mediation.

For example, for the presidential and parliamentary elections in Sierra Leone in 2007, UNDP/UNIOSIL provided support for the creation of the Political Parties' Registration Commission (PPRC), a programme to strengthen parties, anticipate and mediate disputes and prevent conflict. The PPRC engaged in an inter-party discussion and developed a code of conduct to guide party members' conduct. The code established a Code Monitoring Commission (CMC) composed of representatives of political parties, police, civil society organisations, the National Commission for Democracy, and the Inter-Religious Council. District Code Monitoring Committees (DCMCs) were established in each of the 14 district in Sierra Leone to monitor compliance with the code at local levels.

Political party codes of conduct initiatives can be championed by domestic stakeholders, the international community or both. For Ghana in 2008, the Institute of Economic Affairs–Ghana (IEA–Ghana), in a follow-up to its 2004 work on the political party code, mobilised the political parties to draw up a new code of conduct. The 2004 code put into place the Ghana Political Parties' Programme (GPPP) so that there was an existing mechanism to initiate the new draft code. The 2008 code was assembled through a partnership of IEA–Ghana, GPPP, the Electoral Commission of Ghana and the National Commission for Civic Education. Enforcement was organised on a national and regional basis. The National Enforcement Body was led by the Secretary General of the Christian Council of Ghana. Regional enforcement bodies were employed in fact-finding modes composed of GPPP, regional directors of the Electoral Commission and the National Civic Education Commission. However, despite this seemingly comprehensive approach, the enforcement mechanisms were viewed as ineffective because they had no "teeth".

33 United Nations Development Programme (UNDP), *Elections and Conflict Prevention – A Guide to Analysis, Planning, and Programming*, 2009, pp. 38-39.

To address such concerns, the terms of codes of conduct can be mandated in legislation. In Malawi, for example, the Parliamentary and Presidential Elections Act (1993, 61 (2)) tasks the Malawi Electoral Commission with the establishment and enforcement of a political party code. The terms of the code of conduct are legally binding and can be enforced with legal sanctions. South Africa is another such example; the party code is derived from the Electoral Act and promulgated and enforced by the Independent Electoral Commission (IEC).

Civil society organisations can play a role in monitoring electoral violence (as previously discussed) with the IFES EVER (electoral violence education and resolution) methodology³⁴ as well as Sri Lanka's Centre for Monitoring Electoral Violence; Colombia's Mision Observacion Electoral; and the IDASA Reducing Electoral Conflict: A Toolkit in South Africa. Media organisations can be engaged in promulgating journalist codes of conduct on reporting and journalist training on covering electoral conflict. Also, traditional leaders can receive training in electoral mediation and conflict prevention such as in the Zimbabwe Election Support Network and its Zimbabwe Peace Project.

Election 'rigging'

Rigging or perceived rigging of elections can cause violence, but violence is in itself often a form of rigging. In examining the links between rigging and violence, this session discussed the evolution of rigging, manipulation or the distortion of results over recent years and considered what can be done to tackle it.

There is no universal definition of "election fraud", as it differs over time and locations. Other terms used interchangeably with fraud are malpractice, misconduct, irregularities and manipulation. Election fraud involves deception only, but not all electoral crimes involve deception alone. The table below describes four typical categories of electoral crimes.

34 See presentation from Staffan Darnolf, IFE Zimbabwe Country Director, page 42 of this summary report.

Type of act	Criminal practice
Deception	• Illegal voting and ballot box stuffing • False claims or denials of claims of citizenship
Coercion	• Vote buying • Voter intimidation
Damage or destruction	• Theft or destruction of election materials
Failures or refusals to act	• Voting machine “malfunctions” • Hours of services shortened without notice • Polling station locations difficult to access • Long lines at polling stations

There are also practices which may not be illegal per se but fall short of international standards. These illicit practices include the following:

- preventing voters from filling out ballots ,
- inaccurate campaign literature,
- forced withdrawal of opponent(s),
- facilitation payments, and
- failures of due diligence by election officials.

In order to ascertain the level and type of vulnerabilities that exist, the EMB can conduct a risk assessment for electoral crime. An evaluation of the history of electoral rigging can indicate the potential magnitude and impact on outcomes. It may identify the locations where crimes may occur, in which phase of the electoral cycle they may occur, and whether the crimes are likely to be episodic or systematic in nature. The relationships between state resources and rigging, and violence and rigging, should be identified.

Within the electoral cycle, risk can be identified as occurring in the following phases:

- voter identification and registration,
- political campaign,
- election day balloting,
- transport of sensitive electoral materials,
- ballot tabulation, and
- adjudication and certification.

Another distinction to make in assessing risk is whether the voter participates or not. Individual voters participate in such crimes as vote buying; as migratory or floating voters; or in voter "assistance" schemes. Individual voters do not participate in such crimes as placing fictitious names on a registry or marking absentee ballots, or impersonating a person other than the voter.

Research has been conducted into electoral rigging by incumbents and the effectiveness of this rigging. For the purposes of research, elections were described as either "clean" or "dirty". The research indicates that incumbents in "dirty" elections win re-election 87 percent of the time but only 57 percent of the time in "clean" elections. When dirty elections are commonplace, incumbents spent an average of 15.8 years in office, whereas they spent 6.4 years when clean elections are the rule. Without press freedom, incumbents were likely to win dirty elections 92 percent of the time compared with 62 percent of the time in elections with full press freedom.³⁵

The University of Essex has developed an Index of Electoral Malpractice with data obtained from election observation reports (1995–2006) from new and semi-democracies in Latin America, Eastern Europe, the former Soviet Union and sub-Saharan Africa.³⁶ Each election was coded on 15 aspects of an electoral process, with 1 = no significant problems and 5 = gross misconduct. The following are the 15 aspects of the electoral process coded:

- | | |
|--------------------------------------|--|
| • Legal framework | • Observer access to the electoral process |
| • EMB independence | • Media coverage |
| • Contestation | • Misuse of resources |
| • Voter registration | • Vote buying |
| • Polling arrangements | • Voter intimidation and/or obstruction |
| • Voting | • Candidates intimidation and/or obstruction |
| • Counting and tabulation of results | • Overall quality of the election |
| • Dispute adjudication | |

This research yields the following conclusions, among others. Media manipulation and the misuse of state resources are the sub-categories in which observers reported the greatest amount of overall malpractice. In electoral administration, voter registration and vote counting, tabulation and results are activities that are particularly susceptible to manipulation. The strongest overall predictors of electoral malpractice were found to be the per capita GDP and the electoral system. Poorer countries were found more vulnerable to malpractice, as were single-member first-past-the-post and two round majoritarian electoral systems. Within EMB models, multi-party EMBs achieved the elections with the greatest level of integrity.

35 Collier, Paul, and Anke Hoeffler, *Democracy's Achilles Heel or How to Win Elections without Really Trying*, Centre for the Study of African Economics, Oxford University, July 2009.

36 See www.essex.ac.uk/government/electoralmalpractice/



These risks can be countered through electoral integrity actions conducted in prevention, detection, or enforcement modalities by electoral integrity agents. Electoral integrity agents are state and non-state stakeholders that hold some interest in promoting or preserving electoral integrity. These include EMBs as the regulatory institutions and police and courts for integration and prosecution. Non-state institutions include political party agents, CSOs that monitor for electoral crime, and media organisations that report on them.

However, the structural vulnerabilities must be recognised and managed. For example, the factors increasing the likelihood of a "clean" election are, according to the study, a rising per capita income, diverse veto points through a balance of powers between institutions, press freedom, and term limits. The factors that decrease the likelihood of a "clean" election include high revenues from natural resources that can be used as "rents" for patronage, small populations, and a low GDP.

Given the difficulty in addressing many structural vulnerabilities, technical factors may be more responsive to reform. They include the legal framework, improved procedural controls, chain of custody requirements and other material controls, training (technical and ethical), political finance regulation, long-term observation, and mandatory audits.

Special focus on...

Domenico Tuccinardi
Director of the EU NEEDS Project^[1]



Electoral justice as an important form of conflict prevention

Domenico Tuccinardi discussed International IDEA's new Handbook on Electoral Justice. In his presentation, he noted that electoral disputes are inherent to any electoral process, and that electoral law is the most political of all disciplines of law. A healthy electoral process should entail the possibility of resolving disputes well ahead of election day. Thus a high number of electoral disputes before election day may actually be an indicator of a good election rather than the opposite. In Kenya during the disputed 2007 polls, the resolution of disputes was frequently subject to long delays, which reduced its effectiveness as a means of lowering tensions. In Botswana, on the other hand, electoral complaints must be resolved within three months. Civic education is also important so stakeholders know what means of resolving disputes are available. In Burundi, for example, during the 2010 legislative elections parties complained of fraud without even knowing they could present their complaints to the relevant authorities. In some cases informal information sharing platforms between EMBs and parties can assist in raising awareness of opportunities for dispute resolution.

Permanent electoral dispute resolution mechanisms (EDRMs) are an investment in the quality of the democratic process. For one thing, they serve as a legitimising factor. Moreover, usually if there are possibilities to seek redress throughout the electoral cycle, fewer disputes will arise in the post-election period. Permanent EDRMs can relieve EMBs of the burden of having to solve all disputes in the electoral period. The big question to be asked, in contexts of electoral assistance, is whether and when a developing country can afford such investment.

Electoral disputes are not necessarily of a judicial nature, though complaints are. Good practices for addressing electoral disputes include:

- promoting conflict prevention mechanisms;
- revocation or modification of the irregularity;
- penalizing the offender; and
- promoting alternative dispute resolution mechanisms.

The concept of electoral justice

According to International IDEA's recent handbook, the notion of electoral justice, encompasses three spheres of resolution systems:



The **international legal basis** for electoral dispute resolutions traces back to the International Covenant for Civil and Political Rights (ICCPR). Article 2 provides for the **right to an effective remedy**. This is an overarching right that triggers a set of principles dealing with the competency, effectiveness, right to appeal and transparency of the proceedings. Article 14 provides the **right to a fair and public hearing**. Also relevant are the **rights to liberty and security** (Article 9); to **access to information** (Article 19); and to **equality before the law** (Article 19).

Electoral dispute resolution bodies include:

- **Legislative bodies**
- **Judicial bodies** — including regular courts, constitutional courts, administrative courts and specialised electoral courts
- **Election commissions** (i.e., EMBs)
- **Transitory or "ad hoc" bodies**

The principles by which they should work include: independence and impartiality of EDR members, accountability of EDR bodies and their members, transparency (clear and unequivocal procedures), integrity, professionalism, efficiency, and service-mindedness.

Dispute resolution can be integrated throughout the electoral cycle through parliamentary committees, EMB party liaison committees or forums, public exhibition or disclosure periods, conflict mediation panels and arbitration and bilateral mechanisms.

Informal or alternative dispute resolution mechanisms can include party bilateral mechanisms, arbitration and negotiation, and conflict mediation panels. When properly inserted in the framework, these alternative systems can play an important role in defusing and filtering disputes and reducing the potential for conflicts.

A database collated by International IDEA at www.idea.int/uid collects data on global practices on dispute resolution. It also attempts to present principles and guarantees for an effective system of electoral justice, advance the discussion on international obligations for electoral dispute resolutions, and encourage discussions over different global practices.

Election observation

Domenico Tuccinardi discussed some definitions of election observation with the audience, including the following:

Tuccinardi discussed some definitions of election observation with the audience, including the following:

- The purposeful gathering of information regarding an electoral process, and the making of informed judgments on the conduct of such a process on the basis of the information collected" (International IDEA Code of Conduct 1997).
- The political complement to electoral assistance." (Ibid)
- It involves the assessment of the strengths and weaknesses of an electoral process and the presentation of recommendations. This provides an important basis for deciding on further assistance" (European Commission Working Paper on the Implementation of COM 2000/191, SEC 03/1472).
- Election observation and electoral assistance are two separate but complementary pillars of the EU support to electoral processes" (EC Methodological Guide).

The notion that was highlighted through the discussion is that modern observation can be considered to be a snapshot evaluation of the state of democracy in the partner country at a very specific moment of its history, an electoral process. It entails a two-tiered evaluation. First, observation assesses how the partner country meets its own obligations for democratic elections enshrined in international instruments. Second, it assesses the gap between the observed practice on the ground and the partner country's legal framework.

Among its stated aims, election observation should achieve the following objectives:

- provide independent, neutral and professional assessment of the election process;
- enhance public confidence;
- deter fraud, irregularities and intimidation;
- contribute to dispute resolution and conflict mitigation; and
- assess the extent to which international commitments are adhered to by the partner country.

It is not always possible to achieve those objectives in every context election observation is utilised, but it can be argued that observation should always play a general conflict prevention role if its basic principles are respected. In their work, observers should never interfere with the election process while it is ongoing; certify or validate a process; produce immediate changes in the electoral framework; or offer specific solutions to any identified shortcomings.

Election observation can act as an inhibitor to violence. In highly polarised settings, observation can be crucial for the results to be accepted both internally and externally. It should provide a balanced assessment without playing down the flaws of the process. Observers should call on stakeholders to channel grievances through peaceful and legal complaint and appeal mechanisms. The very presence of international observers may deter violence or electoral fraud. Observation can increase the electorate's confidence in the process by adding transparency and pressuring stakeholders to follow rules. Moreover it can defuse tensions between parties by encouraging them and candidates to accept results, if they are credible.

However, in some contexts observation can serve to increase risks of violence. In highly polarised or politicised contexts, observers may struggle to maintain neutrality, and they can sometimes be manipulated. Recognising an electoral process as flawed also runs the risk of instigating conflict rather than defusing it. In Nigeria, for example, observers were accused of fomenting tension during the 2003 elections. In Côte d'Ivoire, the previous president portrayed observation as a tool of foreign intervention in the December 2010 presidential elections. In the 2007 disputed Kenyan presidential elections, participants argued, the release of the EU observation mission's preliminary statement may have triggered violence, because by denouncing problems in the elections it gave those fighting reasons to continue. On the other hand, playing down flaws for the sake of stability can lead to longer-term tension and conflict.

During the session, some participants argued that observers arrive too late and leave too early to make conclusive judgments on an electoral process that may have started some years earlier. Furthermore, international observers can be present only in few polling stations: as such, do they have a sufficient statistical base for statements? Preliminary statements can also validate results that are later contradicted by complaints or other dispute resolution mechanisms, which can raise expectations and trigger violence. Efforts are ongoing to make election observation a much longer process, especially since the signing in 2005 of the Declaration of Principles for International Election Observation, but there are several misconceptions about the statistical value of observation findings. Election observation remains in fact a qualitative assessment.

Mark Gallagher noted that the EU, however, rarely observes an election in a country for the first time. Usually missions return to observe elections in countries that have already hosted observation missions. Thus observers can refer back to previous observer reports. Furthermore, the EU itself has a permanent presence in countries from which observers can draw, although the EU election observation missions (EOMs) are independent.

Observation by regional groups observation is vital and should be encouraged and supported, and in some cases created. Although some stakeholders denounced international observers in Côte d'Ivoire, the role of the certification by the UN, combined with statements by observers, allowed the international community and regional and sub-regional organisations to stay united behind the results and maintain their consensus.

[1] The NEEDS project trains EU election observers on the EU EOM methodology, and supports the EU in developing new methodological tools. It is implemented by a consortium headed by International IDEA and including also IOM, EISA, CAPEL and Internews. See www.needsproject.eu.

Special Focus on...



Mark Gallagher
Democracy Support and Elections
Division Unit in the European
External Action Service (EEAS)

International election observation

Mark Gallagher said that an EOM can create confidence for contestants and voters to participate, deter fraud and violence, evaluate an election against international obligations, and provide a snapshot of a wide range of issues related to democracy and the rule of law. It aims to provide constructive recommendations that can assist a country improve future elections but does not validate results as such.

In 2000, a European Commission Communication on Election Assistance and Observation set out the EU's strategy for election observation and assistance and was endorsed by the European Parliament and Council the following year. Since then, some 90 EU EOMs have been deployed to 54 countries in Africa, Asia, Central and South America. The Communication imposes a standardised and comprehensive methodology, including impartiality, independence, observation of all stages of the electoral process and full geographical coverage, and that observation will only be by invitation.

That elections are not a panacea for conflict resolution is now widely recognised. In the past the international community has been too quick to exit before sustainable democracy has been institutionalised.

EOMs themselves, particularly by international organisations that themselves play a political role, may also not be seen by all stakeholders as the neutral arbiters that they are claimed to be by the international community. As well as being deployed in fragile political contexts, missions may also be deployed relatively shortly after armed conflict in which the international community itself has been engaged. This creates its own challenges as far as violence and observation are concerned.

There are still questions as to whether elections themselves can cause violence or whether violence is primarily the result of issues such as corruption, poverty and ethnic division, triggered by an electoral event. However, there is little doubt that violence undermines elections. Voters stay at home. Candidates withdraw. The legitimacy of the result is jeopardised when observers state that the election was marred by violence.

The causes of electoral violence are complex, as elections can suffer different types of violence. Some may be related to deep-rooted power asymmetries in power or based on identity, while others may be triggered by poor or structurally weak electoral management. "Winner takes all" electoral systems can also contribute.

The EU may be able to prepare better in relation to the challenges posed by potential electoral violence. Missions are deployed by invitation and based on an exploratory mission, which usually deploys about four months before election day. The exploratory mission assesses whether the conditions exist for credible elections and whether EU observers can usefully play a role. The EU relies on its assessment when deciding whether to deploy a mission, and for which duration and of what size.

An exploratory mission seeks to determine whether the following **minimum conditions** are in place:

- suffrage is generally universal,
- political parties and individual candidates are able to take part,
- there is freedom of expression and movement, and
- there is reasonable access to the media for all.

The following **three main** criteria guide the exploratory missions' assessment:

- Would EU observation be useful? Will it add value to the process?
- Is observation feasible, in terms of the security and logistics environment? Is timely deployment possible? Are EU observers welcome?
- Is EU observation advisable? Is the electoral event being observed a genuine election, with a minimum democratic space?

Thus an exploratory mission's assessment can include analysis of current or possible levels of violence. It is a holistic assessment of all facets of the cycle — political as well as technical — so does not cover only election-related events. It also examines the conduct and training of security forces, as well as police deployment plans (and whether such plans have been discussed with stakeholders). The mission can identify hotspots that may be prone to violence. It can also assess the political environment to determine, for example, the likelihood that fraud or allegations of fraud could spark tension among parties. In terms of "doing better" there is therefore clearly the possibility of taking on board some of the tools being described elsewhere during this workshop to help better inform the observation process of the real potential for electoral violence. The exploratory mission should keep in mind the security of the eventual observation mission itself even as it considers the political aspects of electoral violence.

The EU follows a comprehensive methodology to assess an electoral process in relation to international standards for democratic elections. The methodology includes the following focus areas and phases:

- The political rights and fundamental freedoms enjoyed in the country, as per the country's international and regional commitments
- Observation of all aspects of the electoral process in accordance with the 2005 Declaration of Principles for International Election Observation
- The institutional, political, legal and electoral framework in which the elections are carried out
- The work of the electoral administration
- The electoral campaign
- The activities of civil society and the environment, both legal and practical, in which they operate
- Election day, polling, counting, tabulation and post-electoral environment
- Complaints and appeals processes

Addressing electoral violence requires a different approach on the part of observers from their assessment of the overall process. An observation mission is used to investigate and analyze allegations of fraud or malpractice. In such cases the mission will normally — on the basis of evidence — be able to make a normative judgment concerning both the malpractice and the perpetrator. However, violence can be better thought of as part of a cycle. It is not always possible to cite a perpetrator as the sole responsible party for a violent act: other forms of violence (such as incitement) also play a role, and if they flare up they may force a mission to conduct a much more complex and sensitive analysis concerning the responsibilities of the various stakeholders.

The security of observers is a key operational concern, and security is relevant at every stage. What happens when observers cannot deploy to parts of the country is of concern to a mission, which aims to undertake a country-wide assessment. In some cases, observers have security escorts; it should be noted, though, that such arrangements can also call into question some aspects of observation methodology as well as potentially limiting the free movement of observers.

Observation can compliment, but should not be confused with, mediation. Observation can provide mediators with data and insights on the political and electoral process and help identify flashpoints. While many would argue that the same organisation should not play both roles during one election, a well substantiated EOM can give legitimacy for the wider international community to engage in mediation and dialogue after the event.

In 2010 the EU deployed EOMs to Togo, Sudan, Ethiopia, Guinea, Burundi, the United Republic of Tanzania and Côte d'Ivoire. Smaller election assessment teams worked in Iraq and Afghanistan, and election expert missions were deployed to Nicaragua, Rwanda, the Solomon Islands, Niger, Haiti, Kosovo and Zambia (mostly to observe voter registration). In 2011 the priority countries include Sudan, Niger, Chad, Uganda, Nigeria, Peru, Zambia, Tunisia, DRC, Nicaragua, Yemen, Nepal and Egypt. An assessment team was organised to work in the Central African Republic, and at time throughout the year expert missions were expected in Benin, Thailand and Guatemala, among others.

Conclusions

- Election observation can be an important check on conduct
- International observation can be crucial in post-conflict or other transitional settings where domestic observation is weak
- The sensitivity to electoral violence among observers could be developed further through training, observation of indicators of violence, warning mechanisms, as well as mitigation strategies on the ground
- Observation could be better informed by electoral violence risk assessment
- Non-partisan observation, according to the 2005 Declaration of Principles, should be encouraged. Different missions observing the same election should try to ensure consistency
- Domestic observation should be further nurtured and encouraged — domestic observers in particular may better understand the context and violence triggers and risks, and be better placed to mediate
- For the EU, EOMs facilitate policy coherence, support for human rights and democracy support
- Following up EOM recommendations needs to be better integrated into the EU's political dialogue with host countries, according to the electoral cycle approach



Patterns of violence in the **post-electoral** period

(between the election day and the
communication of results and in the
aftermath)



A session was conducted on the post-election period, during which election results are tabulated and announced, and electoral disputes resolved, and which has also been identified as prone to violence in some countries.

One study of electoral violence in Africa claimed that 43 percent takes place during the three months after elections.³⁷ Furthermore, violence after elections is often the most dramatic and widely reported form of electoral violence. Goals of post-election violence are often different from those before elections, as perpetrators frequently aim to protest against results rather than change them. As political actors may have lost the elections, fewer incentives bind them into playing by rules, so they may be less restrained in orchestrating violence.

³⁷ Bekoe, *Managing Electoral Conflict in Africa*, 2010. Referenced in Alston, op cit.

Other studies note that whether elections are violent before election day is not a good indicator of whether violence will occur afterwards. Nor is the credibility of elections always a good indicator of their proneness to violence. In some cases fraud or perceptions of fraud may spark violence — for example in Kenya in 2007–2008 or in Albania during the 2011 mayoral contest for Pristina. But in other cases who wins, who loses and what is at stake can be as important as the credibility of the elections. Also, many elections tainted by fraud do not necessarily see widespread post-election violence.

Analysing the interests of the key stakeholders and how they are likely to respond to losing is key to planning and developing responses to mitigate against violence. Violence can be spontaneous, but it is usually at least partly orchestrated by politicians for political ends. Effective dispute resolution may diminish the level of violence. If courts or other dispute resolution mechanisms are not trusted, losers may feel their grievances cannot be addressed peacefully. Some analysts identify the lack of effective dispute resolution as a contributing factor to the 2007–2008 Kenyan post-elections violence.

Dashed expectations can be a trigger for violence, especially after election day. Losing candidates who expected to win and have the capacity and history of mobilising violence may do so again. Some analysts point to the violence committed after the Côte d'Ivoire elections in 2010 as an example of violence to which unfulfilled expectations contributed. In Côte d'Ivoire, as in Kenya and Nigeria, stakes were enormously high, as candidates contested a high-powered presidency with great opportunities for patronage.

Fischer divides post-election violence into the following two categories:³⁸

The diagram consists of two yellow circles on the left, each containing a category name. To the right of these circles is a large blue rectangular box divided into two horizontal sections. The top section of the blue box corresponds to 'Results conflict' and the bottom section corresponds to 'Representation conflict'. The text in the blue box is white.

Results conflict

Conflict that occurs in disputes over election results and the inability of judicial mechanisms to resolve these disputes in a timely, fair and transparent manner

Representation conflict

Conflict that occurs when elections are organised as “zero sum” events where “losers” are left out of participation in governance.

³⁸ Fischer,
*Electoral Conflict and
Violence*, op. cit. pp.
9-10.

The UNDP guide, meanwhile, divides violence after election day into the following two phases:³⁹

**Phase IV:
Between
voting and
proclamation**

- Armed clashes among political parties
- Violent clashes among groups of rival supporters
- Vandalism and physical attacks on property of opponents
- Targeted attacks against specific candidates or political parties

**Phase V:
Post-election
outcomes
and their
aftermath**

- Attacks on rivals who have either won in elections, or were defeated
- Violent street protests and efforts by armed riot police to maintain or restore order, tear gas, firing on protestors, attacks by protestors on property or the police
- Emergence of armed resistance groups against an elected government
- Escalation and perpetuation of ethnic or sectarian violence.

However, globally the prevalent types of post-election violence appear to be protests sparked by disappointment at results and, in some countries, violence against protesters perpetrated by the security forces.

39 United Nations Development Programme (UNDP), *Elections and Conflict Prevention – A Guide to Analysis, Planning, and Programming*, 2009, pag 19-22.

Killings by security forces during protests

The Alston report identifies killing by the security forces as the cause of many election-related killings globally.⁴⁰ Protests are usually a combination of the spontaneous and orchestrated and are almost always in response to electoral loss. In some cases protesters have been peaceful and unarmed; in others they have been committing violent acts, including damage to property.

The lethal use of force is strictly proscribed by international human rights law. It "must be necessary and proportionate to the threat posed, and intentional lethal force is only permitted where necessary to save lives."⁴¹

In some cases violence by security forces is simply a case of **poor practice**. In these cases the government should make clear public statements against the killings and commit to full investigations. Investigations should aim to review individual and structural causes or conditions, including whether:

- police use of force guidelines conform with international law on the use of force,
- there were appropriate plans for crowd control,
- there were appropriate weapons or equipment for crowd control used, and
- there were failures in police command and control.⁴²

In other cases violence by the security forces may be **politically motivated**. Security forces, controlled by political leaders, may be used to unlawfully suppress opposition movements or political expression, or even kill opposition politicians. Reducing these killings depends almost entirely on whether external or internal actors can successfully influence government leaders in the short term (stop use of force) and in the long term (reform of the security forces). In some cases it may still be possible to establish an independent commission even where the security forces are politicised.

The interplay among structural causes, stakes, suppliers of violence and triggers

During the analysis session, participants also discussed:

- Structural, or underlying, causes of violence in the country they were from or worked in
- The stakes of a recent election on which they had worked or would work in the future. What were politicians competing over? What were the spoils of office?
- Who or what were the suppliers of violence during an election on which they had recently worked or would work
- Aspects or phases of the electoral process that could potentially act as a trigger for violence

40 See Alston, op cit.

41 Ibid.

42 Ibid.



Some of the factors identified are noted below:

Structural, causes/ enabling conditions	Political stakes	Suppliers of violence	Triggers
•Social/economic inequalities •Poverty •An electoral system privileging the rich •Competition for natural resources and agricultural land •Lack of education •Culture of protest •Lack of trust among factions •Social or geographic cleavages •Religious and cultural cleavages •Political dynasties •Corruption •Party rivalry •Opportunities for personal gains with public office (corruption) •Exclusion of political parties •Inequality, poverty, corruption •Biased media •Availability of weapons •High cost of living	•Future political agenda (e.g., constitutional amendments) •Powerful executive (i.e., president appoints ministers, CEOs of state-owned companies and agencies) •Winner-takes-all syndrome leads to campaigns, elections viewed as “life and death” •Patronage and corruption •Politicisation of security sector and traditional authorities •Control of resources through public office •Exclusion of opposition and civil society in decision making •Results may impact future of the country (whether it breaks apart or becomes stable) •Long process of transition from former fighters to political actors •Opposition seen as enemy •Lack of agreement about constitutional reform •Lack of consensus about methods of (or need for) land redistribution •Disarmament and reintegration not completed •Pressure to end transition •Politicisation of state institutions •Unresolved land issue •Absence of political party funding for losers •Opposition does not participate in governance •Lack of participation in the drafting of a new constitution •Positioning of new and old political forces (after a revolution)	•Groups not completely disarmed •Unemployed youth who can be mobilised by parties •Security forces not sufficiently trained •Dynamics of social media leading to intimidation •Unemployed/ uneducated youths (“lost generation”) •Fighters/mercenaries/ warlords •Possible regional spoilers) •Partisan ethnic groups/ state-based militias •Temporary poll workers work for ruling party candidate •Local administration work for ruling party candidate •Non-disarmed former guerrillas •External armed groups mobilised by political parties •Conflict victims/families against candidates •Martial arts groups •Media •Neighbouring countries funding militias or other armed actors •Criminals at large	•Campaigns: rumours, character assassinations, religious affiliation •Problems with voter registration •Perception of fraud or mismanagement of elections •Behaviour of leaders or candidates •Election results, including for specific geographic areas •Decision of political actors to use suppliers of violence



A session followed to identify the principle triggers and inhibitors of violence during the post-election phase, including during the management of results, dispute resolution and responsible media coverage. It also examined measures to halt post-election violence that does break out, including the role of regional and international mediation.

There are a number of potential triggers to electoral conflict in the post-election phase. From the standpoint of electoral administration, decisions regarding electoral certification and delays in the announcement of results could provoke conflict. Other potential trigger factors include the extent to which (if at all) results meet public expectations, the closeness of electoral contests and elections following reforms — especially if coupled with misinformation, dis-information and hate speech. Inadequate electoral justice, existing social cleavages and political retaliation are also triggering factors to note.

Recent research into electoral conflict in sub-Saharan Africa concluded, “If high-level violence occurs before the election, challengers are likely to be perpetrators only 19 percent of the time, whereas if such violence occurs after the election, challengers are likely to be perpetrators 40 percent of the time.”⁴³

Examples of delays in the announcement of results which resulted in conflict include Côte d'Ivoire (2010) and Haiti (2010). Reactions to electoral certification which provoked conflict include the “colour revolutions” in Eastern Europe and Central Asia: in Georgia in 2003 (“Rose”), in Ukraine in 2004 (“Orange”), and in Kyrgyzstan in 2005 (“Tulip”).

43 Straus, Scott and Charles Taylor, *Democratization of Violence in Sub-Saharan Africa, 1990–2007*, pp. 15 and 16.

Unfulfilled political expectations can trigger conflict. For example, in the 2006 Zambian presidential election, the initial release of partial results placed the Patriotic Front (opposition) candidate in first place, but he finished in third place when the final votes were counted. This swing in placement provoked street actions by Patriotic Front supporters believing that they were cheated of victory. The first round victory of incumbent President Ahmadinejad in the 2009 Iranian presidential election prompted opposition supporters to take to the streets of Tehran.

The closeness of a contest can also be an indicator of potential post-election violence. According to one study, in the sub-Saharan Africa cases, "The results do not clearly indicate that vote closeness per se is correlated to high levels of electoral violence, but still 70 percent of high electoral violence cases happen if there was a 40 percent or less margin of victory."⁴⁴

While electoral reform can serve to consolidate institutions and processes, such reforms can also create conditions for electoral conflict. In the Solomon Islands, for example, an international electoral reform effort raised expectations of new political dynamics for the country. However, when the subsequent election returned the incumbent power structure to office, protesters appeared at the Parliament building and later set a shopping area ablaze.⁴⁵

In 1992, the impact of Mongolia's bloc vote system led to the ruling Mongolia People's Revolutionary Party (MPRP) taking 70 of 76 seats. Following reforms that introduced a single-seat first-past-the-post system in 1996, the opposition Motherland Democracy (MD) coalition won 50 seats. With stresses on the weak political coalition, however, the MD coalition fell apart and the MPRP regained power in 2000, winning 72 of 76 seats. In 2008, the bloc vote system was re-instituted and a delay in the election results (because of the more complicated tabulation system) provoked post-election rioting despite overall confidence of Mongolians in their electoral system (76 percent believe that their votes are meaningful).

The relationship of reform and expectation is central to whether such reforms will result in violence. In this regard, "...a study by the RAND Corporation suggests that visible but ultimately unsubstantial political reforms can harm the perceived legitimacy of a regime and promote violence. The crux of this idea is expectation — if minority groups feel more proportional representation is possible within the current system, they may see electoral violence as a means of pushing through political stalemate and propelling real electoral reform. Electoral violence may therefore be more likely to occur in semi-proportional and unrepresentative systems that promise democratic representativeness but fail to deliver it."⁴⁶

⁴⁴ Ibid, p. 23.

⁴⁵ Kitasei, Yumi, *Blood on the Ballots: A Cross-National Study of Electoral Violence Since 1990*, Senior thesis, Princeton University, p. 18.

⁴⁶ Ibid, p. 36.

With regards to post-election conflict provoked by inadequate electoral dispute mechanisms, the potential for this conflict to occur can be reduced through equal access to electoral justice by marginalised groups; impartiality of judicial authorities; timeliness of judicial processes; and adequate remedies, penalties and compensation. In addition, "social" conflict can be triggered by electoral outcomes whose roots can be found in existing social cleavages along ethnic, tribal, regional or class lines. An incumbent defeat could also result in punishing the opposition, would-be defectors and journalists.



Caroline Mayeur
Head of Governance, in the Spanish Ministry
of Foreign Affairs (Dirección General de
Planificación y Evaluación de Políticas de
Desarrollo, DGPOLDE)

In her welcome address, Caroline Mayeur said that the Global Programme for Electoral Cycle Support (GPECS), the UNDP project to which Spain has contributed €26.5 million (US\$36 million) — and which funds the work of the EC-UNDP Joint Task Force in Electoral Assistance — is especially attractive to Spain because it is built on lessons learnt, taking a system-wide approach to electoral assistance, and increasing the importance of domestic accountability. She added that she and her government are also pleased that it focuses on fostering women's political participation.



Pre-Election Phase - Conflict
Triggers and Inhibitors

Thank you...

...QUESTION

On the final day
of the workshop,
**participants studied
a complex scenario**

(with the threat of electoral violence, using
the material studied over the course of the
previous four days)

complex scenario description⁴⁷

Next October your country faces its third cycle of presidential and parliamentary elections since a long civil conflict, which pitted communist insurgents against the army and traditional elites.

The traditional Unity party has held the powerful presidency since the war. The Democratic Party, which was formed by the insurgent leadership after the peace deal, holds almost half the seats in Parliament. The Democratic Party has gained considerable strength over recent years and its leader stands a good chance of beating the incumbent National Unity president in the elections.

A two-round system (50+1) is used for the presidency. The 250-member Parliament is elected according to first-past-the-post in single-member constituencies.

All parties claim that previous elections were characterized by fraud carried out by polling staff in areas controlled by their opponents. Following the last elections, results were disputed in many areas.

The campaign lasts two months, August and September. Previous election campaigns saw clashes between supporters of the two main parties and attacks on candidates in some areas.

The EMB is independent but has uneasy relations with both political parties. Extensive police reform since the war has integrated former communist fighters into a reasonably competent police force. Local courts, which resolve electoral disputes, are under-funded and slow.

main political parties distrust a large well-funded civil society sector. A domestic observer network will deploy observers in all the country's 12,000 polling stations. Traditional (and religious) leaders in some areas play peacemaking roles, but in other areas they stoke divisions.

The last decade has seen huge population shifts into the capital. Amid widespread unemployment, armed youth gangs roam parts of the city. Some have ties to political parties.

The public television and radio are reasonably responsible. Many privately owned radio stations, however, are linked to parties and can be partisan and inflammatory.

Participants examined the potential for election-related violence within this scenario, using some of the frameworks already provided throughout the course of the workshop, and devised a security plan for the elections. They recognised that with only the limited information available any analysis would lack nuance and that the picture was probably considerably more complex.

That said, some of the principle vulnerabilities identified included:

- a history of conflict along societal cleavages, with principle political contenders campaigning along those same cleavages;
- a threatened incumbent and an expectant opposition;
- a powerful executive (potentially raising the stakes of the elections);
- an electoral system, first-past-the-post, which in some contexts has tended to produce "winner-takes-all" outcomes and convert pluralities into majorities, again potentially raising the stakes of the elections and leading to patterns of exclusion;
- a history of fraud and campaign violence;
- poor trust between parties, between parties and civil society (which will observe the elections), and between the EMB and parties;
- weak dispute resolution mechanisms, leaving losers little recourse to have their grievances resolved;
- widespread unemployment in urban areas, which could bolster the membership of armed youth gangs;
- political parties' links to those gangs;
- some traditional leaders using divisive language; and
- potentially inflammatory language on local language radio stations.

On the other hand, a number of factors could reduce the potential for violence.

The police force is reasonably competent, which is important in terms of protecting the security of the elections. A large civil society sector is well funded and will monitor elections. In some areas traditional leaders bridge divides between communities and do not exploit them. The state-owned media is responsible, even if some privately owned outlets are not.

Participants identified phases of the electoral process that would be especially violence prone. These included the campaign, during which clashes between party supporters or youth gangs linked to the parties could occur. If a second round was required, the build-up to that run-off could be volatile. The announcement of results could also be contentious, especially in the absence of an effective dispute resolution and in an environment of distrust between political parties and the EMB.

Participants then assumed the roles of different electoral stakeholders, including the EMB, both major political parties, the leader of a civil society observer group, the policy chief and the chief justice, and considered their respective roles in preventing violence. Then, using the frameworks and tools developed during the workshop, participants developed policy responses to address those vulnerabilities.

While programming would depend on the time and resources available, some options included:

- Integrated inter-agency security planning, coordinated either by the EMB or the police. Some participants suggested including civil society groups in the inter-agency committees at national and local level, in particular where those groups were monitoring and reporting on violence. Security planners would have to consider in particular how to combat the risk of violence by youth gangs in the capital.
- The inter-agency committees could also play a conflict resolution role when violence looked likely to occur, especially in the case of disputed results. The EMB could look to include those traditional leaders who were willing to play a peacemaking role in the committees or in conflict resolution efforts.
- Regular institutionalised forums (or councils) involving the EMB and political parties could build trust and improve relations between stakeholders — both between the major political parties and between the parties and the EMB. During the forums the EMB could explain recent decisions and provide updates on electoral preparations, political parties could raise concerns to the EMB. These forums could be replicated at sub-national level. Some participants noted that according to their experience the simple act of meeting together to discuss issues could play a valuable conflict resolution role.
- The EMB or another body could develop and encourage political parties to sign a code of conduct, binding them to campaign peacefully, to refrain from using inflammatory language, to use peaceful and legal means to challenge results, and so forth. In some countries codes of conduct have included sanctions for non-compliance and have been monitored by civil society groups. The code of conduct should be signed in a public ceremony and widely published, both to increase confidence and to further bind leaders to their commitments.
- The EMB should develop a fraud-prevention strategy, which should be explained — to the extent that doing so would not undermine its effectiveness — to political parties to help build confidence in the process and results. A publicity campaign by the EMB explaining the importance of fraud prevention could also promote confidence.
- A large-scale civic education campaign could promote peaceful participation in the elections, especially using the state media. If an effective media regulatory body exists, it could be enlisted to try and clamp down on the use of inflammatory language on private radios, perhaps in partnership with civil society playing a monitoring role.
- The civil society observer groups could also focus on monitoring violence or the risk of violence, using one of the methodologies discussed during the workshop. Ideally this information would then be shared with the security forces — a viable option considering the reasonable competence of the police — to assist their planning.

- If there was time, donors could consider providing technical assistance to strengthening dispute resolution capacity in courts. The police, if necessary, could be provided additional training in and equipment for non-violent crowd control.
- Some participants also suggested that after the elections the country could consider reform that reduced the power of the presidency and introduced an electoral system providing greater incentives for politicians to work together.

Participants recognised that many other activities could also be included based on the context, including grassroots peacebuilding efforts in communities, traditional mediation and dispute resolution to compensate for the weak local court system, forums for religious or traditional leaders, public statements by respected figures at national and local level promoting the peaceful conduct of elections, and so forth.



Rushdi Nackerdien
Senior Programme Officer
Electoral Processes from
International IDEA

In an introductory note Rushdi Nackerdien highlighted that the post-election period provides a window of opportunity for prioritising conflict prevention in electoral assistance. Areas to focus on in that period include parliamentary support for legal reform. The challenges, however, include a lack of motivation and reform incentives, post-election fatigue, lack of donor appeal, and political disinterest.

ANNEX 1



JEFF FISCHER

Jeff Fischer currently serves as a senior advisor for the Electoral Education and Integrity Program at Creative Associates International, Inc. Through Creative Associates, Fischer led the development of the *Electoral Security Framework – Technical Guidance Handbook for Democracy and Governance Officers*, which was published by the U.S. Agency for International Development (USAID).

Fischer has held three internationally appointed positions in post-conflict electoral transitions. In 1996, he was appointed by the Organization for Security and Cooperation in Europe (OSCE) to serve as director general of elections for the first post-conflict elections in Bosnia and Herzegovina. In 1999, Fischer was appointed by the UN as chief electoral officer for the Popular Consultation for East Timor (now known as Timor-Leste). In 2000, Fischer received a joint appointment from the UN and OSCE to head the Joint Registration Taskforce in Kosovo and served as the OSCE's director of election operations in Kosovo. Additionally, Fischer served as a senior advisor to the UN and Independent Electoral Commission of Iraq for the three electoral events conducted during the 2005 electoral cycle.

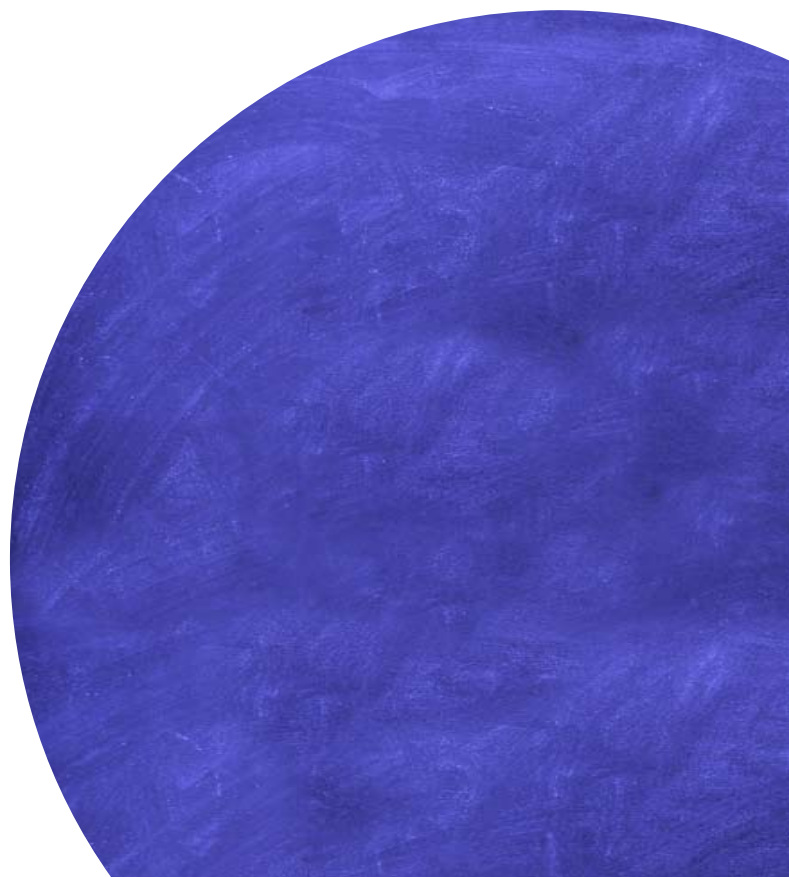
Since 1987, Fischer has participated in electoral assistance, observation, or conference projects in over 50 countries and territories in the Americas, Europe, Middle East, Africa, and Asia. Much of this participation was through his 16-year association with the International Foundation for Electoral Systems (IFES) as executive vice president, senior advisor, and in various consulting roles. Fischer has also served as a municipal and state election official in the United States as both a commissioner on the Kansas City (Missouri) Election Board (1985–1989) and the Missouri Campaign Finance Review Board (1990–1992).

Fischer teaches a graduate-level course in the Democracy and Governance Studies Program at Georgetown University (2010 and 2011) on international electoral policy and practice. He previously was a visiting lecturer in international affairs at the Woodrow Wilson School of Public and International Affairs at Princeton University, teaching a policy seminar on elections in fragile states (2006–2010).



RICHARD ATWOOD

Richard Atwood is director of research at the International Crisis Group, a leading non-governmental conflict prevention organisation based in Brussels, where he specialises in elections, democratic transitions and post-war recovery. Prior to joining Crisis Group he worked for about a decade for the UN and other organisations on elections programmes across five continents, including as UN senior adviser and chief of operations in Afghanistan, IFES chief of party in Palestine, and as part of a team assessing electoral and political party legislation in Lebanon. He regularly delivers trainings on effective electoral assistance and managing conflict related to political competition. He holds a master in public policy from Princeton University and a first class honours degree in modern history from the University of London.



ANNEX 2

DAY 1: Opening: Introduction to Electoral Assistance and Electoral Violence

8:45-8:50	Badge collection by participants
8:50-9:30	Welcome address to the Castle of Montjuïc Jordi Capdevila, <i>Director Centro de Recursos Internacional por la Paz de Barcelona</i> Ayuntamiento de Barcelona Opening Speeches Patrice Lenormand, <i>Deputy Head of Governance, Democracy, Human Rights and Gender Unit – Europol – European Commission</i> Pierre Harzé, <i>Deputy Country Director UNDP Brussels</i> Key Note by EAD Craig Jenness, <i>Director Electoral Assistance Division, DPA/UN New York</i> Address note by representative of Spanish Ministry of Foreign Affairs Caroline Mayeur, <i>Head of Governance – DG POLDE</i>
9:30-10:00	Introduction of Participants, Agenda and Housekeeping
10:00-11:30	EC and UNDP Framework for Electoral Assistance and Conflict Prevention Niall McCann, <i>Coordinator EC-UNDP Joint Task Force on Electoral Assistance, UNDP Brussels</i> Teresa Polara, <i>Governance, Democracy, Human Rights and Gender Unit - EuropeAid - European Commission</i> Mireia Villar Forner, <i>Bureau for Crisis Prevention and Recovery, UNDP</i>
11:30-12:00	Break
12:00-13:30	Electoral Assistance, Electoral Cycle Approach and its Relation to Electoral Violence Niall McCann, <i>Coordinator EC-UNDP Joint Task Force on Electoral Assistance, UNDP Brussels</i> Teresa Polara, <i>Governance, Democracy, Human Rights and Gender Unit - EuropeAid - European Commission</i> Rushdi Nackerdien, <i>IDEA Senior Programme Officer - Electoral Processes</i>
13:30-14:30	Lunch
14:30-16:30	Conflict Analysis and Electoral Violence Corrado Scognamiglio, <i>Fragility and Crisis Management Unit - EuropeAid - European Commission</i> Emmanuelle Bernard, <i>Conflict Prevention and Peacebuilding Advisor, Bureau for Crisis Prevention and Recovery, UNDP</i>
16:30-16:45	Break
16:45-17:45	Tools and Methodologies for Addressing Election-related Violence Sead Alihodzic, <i>International IDEA Programme Officer - Electoral Processes</i> Staffan Darnolf, <i>IFES Senior Advisor and Country Director Zimbabwe</i> Vincent Tohbi, <i>Resident-Director EISA/DRC</i>
17:45	End of the day
17:45-18:45	Welcome Cocktail

DAY 2: Electoral Violence throughout the Electoral Cycle Pre electoral Period

9:00-9:15	Energizer
9:15-10:30	ANALYSIS: The Patterns of Violence in the Pre-Electoral Period (between 3 months and 18 months before elections, phase 1 to 4 of the electoral cycle) Richard Atwood, <i>Research Director at the International Crisis Group</i>
10:30-11:00	Break
11:00-12:00	PLANNING: Triggers/Inhibitors – Constitutional Framework, Electoral Systems, Political Party Systems, EMBs, and Voter Registration Procedures Jeff Fischer, <i>Senior Advisor for the Electoral Education and Integrity Program at Creative Associates International</i> Richard Atwood, <i>Research Director at the International Crisis Group</i>
12:00-13:00	PROGRAMMING: Prevention Activities: State and Non-State Stakeholders and the International Community Jeff Fischer, <i>Senior Advisor for the Electoral Education and Integrity Program at Creative Associates International</i>
13:00-14:00	Lunch
14:00-14:15	Introduction to Case Studies Richard Atwood, <i>Research Director at the International Crisis Group</i>
14:15-16:30 Break within 15:15 – 15:30	Working Groups: • Tunisia • Bangladesh • Afghanistan
16:30-17:15	Restitution to the plenary
17:30-18:30	Tour guide of the Montjuïc Castle

DAY 3: Electoral Violence throughout the Electoral Cycle Pre electoral Period and E-day

9:00-9:15	Energizer
9:15-10:30	ANALYSIS: The Patterns of Violence in the Election Day Period (up to 3 months before elections, phase 5 of the electoral cycle) and on E-day Richard Atwood, <i>Research Director at the International Crisis Group</i>
10:30-10:45	Break
10:45-11:45	PLANNING: Triggers/Inhibitors - Electoral Security, Marginalized Groups, and Electoral Observation/Validation Jeff Fischer, <i>Senior Advisor for the Electoral Education and Integrity Program at Creative Associates International</i> Special Session: How to Rig and How to Stop Rigging. Jeff Fischer, <i>Senior Advisor for the Electoral Education and Integrity Program at Creative Associates International</i>
11:45-12:30	PROGRAMMING: Prevention Activities: State and Non-State Stakeholders and the International Community Jeff Fischer, <i>Senior Advisor for the Electoral Education and Integrity Program at Creative Associates International</i> Richard Atwood, <i>Research Director at the International Crisis Group</i>
12:30-13:30	Lunch
13:30-15:00	Special Focus on International Observation Mark Gallagher, <i>European External Action Service</i> Domenico Tuccinardi, <i>Director of NEEDS Project</i>
15:00-15:15	Introduction to Case Studies Jeff Fischer, <i>Senior Advisor for the Electoral Education and Integrity Program at Creative Associates International</i>
15:15-15:30	Break
15:30-17:00	Working Groups: • Zimbabwe • Guatemala • Cote d'Ivoire
17:00-17:30	Restitution to the plenary
17:30	End of the day



DAY 4: Electoral Violence throughout the Electoral Cycle Post Election period

9:00-9:15	Energizer
9:15-10:30	ANALYSIS: The Patterns of Violence in the Post-Electoral Period (between the E-day and the communication of results and in the aftermath) Richard Atwood, <i>Research Director at the International Crisis Group</i>
10:30-11:00	Break
11:00-12:00	PLANNING: Triggers/Inhibitors - Tabulation and Certification of Results, Electoral Disputes Adjudication, and Media Reporting Jeff Fischer, <i>Senior Advisor for the Electoral Education and Integrity Program at Creative Associates International</i>
12:00-13:00	PROGRAMMING: Prevention Activities: State and Non State Stakeholders and the Role of the International Community Jeff Fischer, <i>Senior Advisor for the Electoral Education and Integrity Program at Creative Associates International</i>
13:00-14:00	Lunch
14:00-15:30	Special Focus on Electoral Justice Domenico Tuccinardi, <i>Director of NEEDS Project</i>
15:30-15:45	Break
15:45-16:00	Introduction to Case Studies Richard Atwood, <i>Research Director at the International Crisis Group</i>
16:00-16:45	Working Groups: • Nigeria • Kenya • East Timor
16:45-17:30	Restitution to the plenary
17.30	End of the day
20:00	Closing Dinner

DAY 5: Electoral Violence and Lessons Learned

10:30-12:30	Wrap up discussion Jeff Fischer, <i>Senior Advisor for the Electoral Education and Integrity Program at Creative Associates International</i> Richard Atwood, <i>Research Director at the International Crisis Group</i> Niall McCann, <i>Coordinator EC-UNDP Joint Task Force on Electoral Assistance, UNDP Brussels</i> Teresa Polara, <i>Governance, Democracy, Human Rights and Gender Unit - EuropeAid - European Commission</i> • Role of political dialogue across all phases of an electoral cycle • The shift towards democracy as a driver for stability an open question • The benefits and risks of international certification of election results • The issue of electoral readiness v. delay: do we know enough about when elections will lead to violence • Wrap up of the main concepts emerged during the Workshop, including cross-cutting issues • Questions and Answers
12:30-12:45	Delivery of certificates
12:45-15:45	Group Activity
16:00	End of the day

ANNEX 3

EC-UNDP-IDEA Workshop on Elections, Violence and Conflict Prevention

Participants and resource persons

Surname	Name	Country of work	Institution/Association, functional title
ADOU	Antoine	IVORY COAST	CEI Special Counsellor of the President
AGASSOU	Corneille	MADAGASCAR	Deputy Resident Representative/Programme UNDP
AHMADZAI	Abdullah	AFGHANISTAN	Head of Operations IEC
ALIHODZIC	Sead	SWEDEN	International IDEA
ALIM	Abdul	BANGLADESH	Project Manager UNDP
ARCHANGE	Pierre-Antoine	HAITI	Head of Governance Unit UNDP
ATWOOD	Richard	BELGIUM	International Crisis Group
BALLINGTON	Julie	UNITED STATES	UNDP
BANDA	Miles	ZAMBIA	Chairperson, National Conflict Management Committee
BEECKMANS	Ruth	UNITED STATES	UNDP BDP Policy Analyst
BERNARD	Emmanuelle	UNITED STATES	UNDP BCPR
BHANDARI	Shiva	NEPAL	EU Delegation Programme Manager
BOSS SHOLLEI	Gladys	KENYA	Deputy Chief Electoral Officer
BRUCE	Andrew	UNITED STATES	UN EAD
CALABRINI	Emanuela	IVORY COAST	UNOCI
CALVO UYARRA	Belen	NIGERIA	EU Delegation Political Adviser
CATOZZI	Gianpiero	SENEGAL	UNDP
CHAHURUVA	Shamiso	ZIMBABWE	ZEC Senior Legal Advisor
DA CRUZ	Vincent	TUNISIA	UNDP Electoral Support Project, Head of Operations
DARNOLF	Staffan	ZIMBABWE	IFES Senior Advisor and Country Director Zimbabwe
DE LA CRUZ	Norma	SPAIN	Consultant
DE MERCEY	Colombe	KYRGYZSTAN	EU Delegation Programme Manager
FATH-LIHIC	Annette	SWEDEN	International IDEA
FERREIRA	Julia	ANGOLA	National Commissioner
FINLEY	Simon	THAILAND	UNDP
FISCHER	Jeff	UNITED STATES	Creative Associates International
GALLAGHER	Mark	BELGIUM	European External Action Service
HARVALA	Anna	LIBERIA	EU Delegation Programme Manager
HARZE	Pierre	BELGIUM	UNDP Brussels Deputy Director
HASHEMEE	Najia	BANGLADESH	Programme Specialist UNDP
HASSAN	Ahmed	KENYA	Chairman IIEC
HORVERS	Mary	YEMEN	EU Delegation Programme Manager
ILAIGWANA	Utloile	ZIMBABWE	Chief Election Officer (Operations)
JENNESS	Craig	UNITED STATES	UN EAD/DPA, Director

EC-UNDP-IDEA Workshop on Elections, Violence and Conflict Prevention

Participants and resource persons

Surname	Name	Country of work	Institution/Association, functional title
JEPSEN	Harald	AFGHANISTAN	Political Adviser - Office of the EU Special Representative
JORGE	Ruth Maria Loreta	TIMOR-LESTE	EU Delegation Programme Manager
KANGAH	David Adeenze	GHANA	Deputy Chairman of the Electoral Commission
KOMSAN	Raffat	EGYPT	Head of the Elections Department of the Ministry of the Interior and Assistant Minister
KUSA	Peter Paul	CAMEROON	Chief of Unit for Electoral Conflicts, EMB
LAM	Moktar	IVORY COAST	UNDP Governance Specialist
LENORMAND	Patrice	BELGIUM	EC/DEVCO Deputy Head of Unit
LEROUX	Emilie	MALI	EU Delegation Programme Manager
LONGATTI	Ambra	SUDAN	EU Delegation Programme Manager
MACAMO	José	MOZAMBIQUE	UNDP Programme Manager, Governance Unit
MALANGIZO SUMANI	Ernest	ZAMBIA	District Electoral Officer
MALINOVICH	Da	KYRGYZSTAN	UNDP Chief Technical Adviser - Kyrgyz Elections Support Project
MANAWI	Fazal Ahmed	AFGHANISTAN	Chairman IEC
MARENNE	Enora	NEPAL	EU Delegation Programme Manager
MARTINEZ-BETANZOS	Luis	NEPAL	UNDP Electoral Support Project, Project Manager
MATRAIA	Tomas	BELGIUM	UNDP (EC-UNDP JTF)
MAYEUR	Caroline	SPAIN	Spanish Ministry, DGPOLDE
McCANN	Niall	BELGIUM	UNDP (EC-UNDP JTF)
MENSAH - PIERUCCI	Marceline Solange	TOGO	General Director for the consolidation of Democracy and Civic Formation
MODISANE	Hilda	BOTSWANA	SADC ECF (Electoral Commissions Forum) Secretariat
MOEPYA	Mosotho	SOUTH AFRICA	Deputy Chief Electoral Officer - Electoral Operations, Electoral Commission
MOTUMISE	Omphemetse	BOTSWANA	EMB Commissioner
NACKERDIEN	Rushdi	SOUTH AFRICA	International IDEA
NAIFE	Felisberto	MOZAMBIQUE	General Manager/Director General of STAE
PERNA	Stefania	BELGIUM	UNDP (EC-UNDP JTF)
POLARA	Teresa	BELGIUM	EC/DEVCO
RASMUSSEN	Marianne	SUDAN	EU Delegation Programme Manager
RICO-BERNAB	Raquel	BELGIUM	UNDP (EC-UNDP JTF)
SADIQUE	Muhammed	BANGLADESH	Acting Secretary, Bangladesh Election Commission Secretariat
SANCHIS RUESCAS	Carmina	BELGIUM	UNDP GPECS
SANCHO ALVAREZ	Nuria	SPAIN	Consultant

EC-UNDP-IDEA Workshop on Elections, Violence and Conflict Prevention

Participants and resource persons

Surname	Name	Country of work	Institution/Association functional title
SAYED	MARTHA	BOTSWANA	EMB Deputy Secretary, IEC
SBORGI	Enrico	NIGER	EU Delegation Programme Manager
SCOGNAMILLO	Corrado	BELGIUM	EC/DEVCO
SHUAIBI	Ashraf	OCCUPIED PALESTINIAN TERRITORIES	Deputy CEO, CEC Palestine
SIKORSKA	Dominik	TUNISIA	EU Delegation Consultant
SIMPSON MTAMBANENWE	Justice	ZIMBABWE	Chairman ZEC
TOHBI IRIE	Vincent	DEMOCRATIC REPUBLIC OF THE CONGO	EISA/DRC, Resident Director
TUCCINARD	Domenico	BELGIUM	NEEDS, Project Director
UPRETY	Neel	NEPAL	Chief Election Commissioner
URIARTE IRAOLA	Arantza	BELGIUM	European Parliament, Project Manager
VALENZUELA	Carlos	EGYPT	UN Senior Electoral Advisor
VARRENTI	Mario Giuseppe	BELGIUM	EC/DEVCO
VEIERSKOV	Lena	DEMOCRATIC REPUBLIC OF THE CONGO	EU Delegation Programme Manager
VILLAR FORNER	Mireia	BELGIUM	UNDP BCPR
WOJTAN	Mariusz	POLAND	Consultant
YAKUBU	Nuru	NIGERIA	INEC Commissioner


Joint ICJ/UNEP Task Force on Electoral Assistance
 International Institute for Democracy and Electoral Assistance
 Thematic Workshop
 Elections, Violence and Conflict Prevention



**Second Edition of the
 Thematic Workshop on
 Elections, Violence and
 Conflict Prevention**
 Barcelona 20-24 June 2011

Objectives
 1. To provide staff of Electoral
 Management Bodies, MD and UNDP
 with a detailed framework of the
 interconnections between
 and violence
 2. To provide staff of Electoral
 Management Bodies, MD and UNDP
 with a detailed framework of the
 interconnections between
 and violence



Organized by the
 Joint ICJ/UNEP Task Force on Electoral Assistance
 and
 International IDEA
 with the collaboration of
 IPSI and Team4Dev
 Hosted by the
 Barcelona International Peace Research Center
 and supported by the
 Spanish Ministry of Foreign Affairs

www.electoralassistance.org





Square de Meeus 35, 6th floor, Brussels, 1000 Belgium
Tel: + 32 2 274 10 25 Fax: + 32 2 274 10 29

www.ec-undp-electoralassistance.org

In collaboration with :



GPECS
Global Programme for Electoral Cycle Support



Ajuntament de Barcelona
Barcelona International
Peace Resource Center