Political Parties and Parliamentary Groups in Post-Crisis and State Building Environments in West Africa:
Recommendations for a Way Forward

Parliamentary Working Group
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Executive Summary

This note provides the background information for a discussion which was held in Barcelona on December 1, 2010 during the West Africa Regional Parliamentary Working Group on Crisis Prevention and Recovery. The meeting gathered MPs and representatives from the parliamentary administration of 10 West African countries, and representatives from the ECOWAS Parliament. The objective of the discussion was to gather feedback from the parliamentarians on their interactions with their respective political parties, and what they see as opportunities and challenges, to discuss and adopt a set of recommendations on how political parties can play a greater role in post-crisis, state building and conflict prevention.

This paper begins with an analysis of socio-political context in West Africa, within which political parties exist. While virtually all countries in West Africa have multiparty systems in place, the low level of trust people have in political parties and poor inter-party relations make it difficult for parties to effectively represent the population. Current crises in West Africa, including civil wars and insurgencies, military coups and election-related violence, further complicate the development of political parties. However, when equipped with effective leadership, capacity and resources political parties are well placed to mediate and create space for dialogue.

The paper identifies three areas where political parties can play an important role in conflict prevention, specifically in: a) Electoral and Political Violence Prevention; b) Post-Conflict Settings and State-Building ; c) Inclusion of Excluded Groups.

As electoral violence often stems from suspicion about the electoral process and accuracy of its outcome, crisis prevention opportunities for political parties lie in how to ensure a trustworthy electoral process and a more responsible comportment by political actors of which they are part. For example, advocating for the inclusiveness and transparency of the electoral process; making compromises on contentious issues to avoid stalemate; inter-party dialogue to ensure more responsible campaigning; and civic and voter education of their militants.

During the development of constitutional frameworks in post-conflict environments, political parties have a critical role to play in terms of agreeing on the basic laws in order to avoid a relapse to conflict and to quickly demonstrate peace dividends to their voters. Inclusiveness of such processes (including the citizen's expectations, issues and priorities) and comprehensive dialogue should be promoted between parties to allow political leaders to make informed decisions to set the ground for an efficient, capable and responsive state. Capacity development for political parties to become fully representational and functional is also crucial to a peaceful democratic transition to improve inter-party dialogue and mediation.

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As exclusion in government appointments or promotions, of specific (often ethnic or religious) communities in the country, creates resentments and struggle for power, political parties need to develop the structure and skills to initiate and maintain dialogue with all citizens. This includes the establishment of sub-national and local party units and the means by which local voices of citizens, especially excluded groups, are heard at all levels, as parties develop policies and platforms during all stages of the electoral cycle. For example, while looking at the challenges of women's political participation, post-conflict transitions often offer an opportunity to introduce mechanisms to enhance women's participation, including women's participation in the negotiations and post-conflict political processes. Similar inclusive decision-making processes should be replicated within political parties.

The paper then continues to give two successful examples in the region, Senegal and Ghana. The 2000 presidential elections in Senegal and 2008 presidential election in Ghana, demonstrate how political parties are invaluable actors in preventing conflicts, especially during election periods. In both cases, when the political parties lost the election they openly conceded, therefore preventing protests and violence by supporters. Those who contested did so through the constitutional court or by accepting temporarily accepting the results of the Electoral Commission, even while an investigation of the results was taking place. These actions prevented the outbreak of riots and street protests that could have led to violence.

The paper concludes with a series of recommendations for piloting political parties' good practices and crisis prevention mechanisms in the region. This list of recommendations provides suggestions on steps political parties can take to prevent conflicts. It was considered, discussed, adapted and validated by the MPs attending the UNDP Regional Parliamentary Working Group on Crisis Prevention and Recovery in West Africa from 30 November - 03 December 2010, in Barcelona, Spain.

These recommendations will now be followed by dedicated research to develop a UNDP Guidance note on political parties and the mapping of UNDP experiences on parliamentary development and political parties support in West Africa. All this information will then be compiled into a concept note that will then be shared with UNDP practitioners as well as political parties and parliamentary development practitioners.

Contents

Introduction

Promoting democratic governance and the establishment of a capable state have become essential mechanisms for conflict management. Furthermore, strengthening governance capacities in post-conflict settings is essential in any stabilization and peace-building efforts. UNDP recognizes the need to work with and support formal, institutional actors in establishing a capable, peaceful state. This has been most recently manifested in the joint project between BCPR and BDP on *Parliaments and Conflict Prevention*. However, there is growing recognition within the international community that other, less formal, institutions can play an important role in establishing and maintaining peace and can contribute to a strong state. The role of political parties is to be a conduit between the citizen and the state, but few have reached that goal. Like CSOs and the media, they are a key means of dialogue between the state and society as citizens use the party infrastructure to voice concerns and to impose political demands for solutions to their challenges. Of course, when a political party forms a government, the role of the party is even greater, as it often becomes a significant catalyst for the use of state resources.

There are a number of key objectives of political parties. These are to allow people to cast a vote in free and fair elections, to participate in the public sphere, and to promote their interests. Political parties must also provide policy choices for the public good, so people can articulate their demands, influence public officials, hold governments accountable and have a choice in an election based on policies, not just personalities. Within Parliament political parties have a role to ensure that parliament functions effectively and during election periods they have a role in ensuring that elections are free and fair. In fact, political parties are engaged with what is perhaps the most strategic responsibility of modern democracy building: to prepare and select candidates for parliamentary and presidential elections and then to support them in positions of leadership and government where the implementation of democratic reforms takes place.

In West Africa, countries affected by fragility are often required to revisit and redefine the social contract that once bounded society together. The reestablishment of a social contract is a political enterprise in which vested interests and weak social consensus can militate against peace. As a result, political parties and parliamentary groups and the promotion of inclusive democratic governance processes are key to the achievement of peace building, as key actors that can rebuild the trust between citizens and the state's institutions.

The UNDP Guidelines on "Parliaments, Crisis Prevention and Recovery" stressed that while parliaments are key institutions for crisis prevention and peace-building, flawed peace agreements and weak political parties are factors that can undermine parliament's positive

contribution to conflict prevention. The Guidelines further recognized the important role political parties play in the peace-building processes, and the need for increased investment in developing their capacities for internal democratization.   Specifically, capacity can be strengthened to better define policy platforms and establish the external regulatory environment for parties to play a constructive role in national governance processes. Similarly, dedicated attention should be paid to political parties' development to ensure that the opposition is able to engage fairly in the parliamentary process. With increasing demand from UNDP Country Offices to work on strengthening the capacity of political parties, UNDP is paying increased attention to the crisis prevention potential of political parties, from electoral violence prevention to creating a more collaborative leadership style among major political parties to advance national constitutional reform in post-conflict settings.

1.) Political Parties in West Africa

In West Africa, virtually all countries have a multiparty democracy since the early 1990s. Countries with multiparty competitive systems include Benin, Ghana, Senegal, Nigeria, Liberia and Sierra Leone. Countries with a multiparty system, but with a dominant party in practice include Togo, Burkina Faso and Mali. The legal framework for the establishment of parties in virtually all the West African countries seeks to make the parties representative by prohibiting their formation on a racial, ethnic, regional, religious, gender, sector or language basis.

Despite the multiparty systems in place, the low level of trust people have in political parties and poor inter-party relations make it difficult for parties to effectively represent the population. Representation is often still skewed either in ethnic or in gender terms. Many West African political parties have weak structures and are dominated by the president who is generally the founder and the main financier of the party, while members – who often do not contribute financially – are seldom consulted for party policies and nominations/appointments (Gentili, 2005). Given the weak level of institutionalization, the stance and decisions of leaders of political parties are very crucial to the overall role of the party itself.

The challenges faced by political parties are magnified by autocratic regimes, civil strife, corruption, weak institutions, and unresponsive political systems which continue to undermine reform efforts in a handful of countries in the region. Current crises in West Africa, include civil wars and insurgencies, military coups and election-related violence. While political parties can play a role in curbing crises in all three instances, they are especially well placed to play a leading role in fomenting or preventing election-related violence, when equipped with the leadership, capacity and resources to effectively mediate and create space for dialogue.

2.) The Role of Political Parties in Crisis Prevention and Recovery

a) Electoral and Political Violence Prevention

Political parties play a crucial role as agents of stability or instability in West Africa, particularly in view of the fact that most cases of political violence in the region are linked to efforts for the conquest or conservation of political power. Poor governance, combined with socio-economic and political inequalities between various segments of society can lead to civil wars, electoral violence and insurgencies. Exclusion or marginalisation in government appointments or promotions, of politically savvy elements from specific (ethnic or religious) communities in the country, creates resentments and struggle for power. In election-related violence, political parties play a critical role and can contribute to electoral violence through hate or inflammatory speech, incitement to violence or even direct organisation of it. As electoral violence often stems from suspicion about the electoral process and accuracy of its outcome, crisis prevention opportunities for political parties lie in how to ensure a trustworthy electoral process and a more responsible comportment by political actors of which they are part. For example, advocating for the inclusiveness and transparency of the electoral process; making compromises on contentious issues to avoid stalemate; inter-party dialogue to ensure more responsible campaigning; and civic and voter education of their militants.

To improve transparency during election periods, the presence of party agents at polling stations is one way of ensuring transparency and creating opposition confidence and trust in the process. The electoral laws of some countries allow this already. But political parties in countries where this is not allowed can campaign for this and for the unhindered access of their agents. In fact, while uncommon in West Africa, it might be in the best interest of all and an important crisis prevention mechanism to make this compulsory on both the Electoral Management Boards (EMBs) and political parties.

An opportunity for political parties to prevent election-related political violence is to make compromises on contentious issues to avoid stalemates that could lead to crises. This clearly does not mean agreement on everything, but simply an accommodation of the interests of other actors by moving to a middle ground or giving up certain demands.

Legislative elections are also important as they give the legitimacy to a representative assembly with the mandate of executive oversight and lawmaking. At the same time, the importance of political parties' ability to move policies forward is very much dependant on the number of seats each party has in parliament. The way political parties operate and organize themselves within parliament is very important for oversight and lawmaking. Since the parliament is the place where political parties meet on a regular basis and often party leaders are members of parliament, parliament also becomes the venue for dialogue, especially when tensions are high

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and there is a potential for conflict. This inter-party dialogue is framed by the rules of procedure which ensures both opposition and majority are able to participate in debates through, for example, the management of the plenary sessions.

Inter-party dialogue and civic education of militants are other ways in which political parties can contribute to election-related crisis prevention. For example, electoral competitions in Niger have generally been peaceful in recent years. This can partly be explained by the civic education and sensitisation that political parties do with their militants at election times. In particular, the National Council for Political Dialogue (CNDP), created in 2004 and presided by the Prime Minister, is thought to offer an excellent forum for formal and informal interaction between various stakeholders. It allows for harmonisation of views on potentially contentious matters related to elections.

In addition to such forums and activities, adopting a code of conduct for the election period is becoming a common strategy by political parties to ensure responsible behaviour during electoral campaigns. Various election observer missions praised the conduct of recent presidential and legislative elections in Liberia, Sierra Leone, Ghana and Guinea-Bissau, and attribute this partly to civic education of voters that preceded the polls. Political parties, civil society organisations and development partners carried out those exercises. Of course, some political leaders may not always abide by such regulations, but there are ways in which they could be made more enforceable. And this is why political parties need to work with parliaments and other change agents.

There are some cases where political parties and actors contributed to the prevention of potential civil wars and insurgencies. In Guinea, for example, the candidate of the ruling PUP party was declared winner of the 1993 and 1998 presidential elections[1], but it is widely thought that the electoral processes were flawed and that the votes had been rigged. Impatient militants of some political parties publically called on their leaders to authorise them to take to the streets in order to protest against the "stealing" of their votes, or even to force the regime out of power. But all these political leaders declined, arguing that they did not come to rule over graves (Faye, 2008). Clearly, and regardless of whether they may have succeeded or not, some political leaders could have well fomented violence at a large scale. This apparent responsible

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[1] All the opposition parties boycotted the 2003 one except for a "*satellite*" party, thought to have been set up by President *Conté* to give a semblance of competition to the poll.

behaviour by political leaders could therefore be considered as one of the reasons that explain why Guinea did not slide into civil war despite the presence of almost all the conditions under Lansana Conté.

Another recent example can be found in Guinea-Bissau over the date of holding the anticipated presidential election occasioned by the assassination of President Vieira in March 2009. There was a high risk of a constitutional crisis over conflicting provisions regarding the organisation of the poll: the constitution providing for a 60-day period after the swearing-in of an interim president, while the electoral law envisages a longer timeframe for this. A prolonged or acute constitutional crisis in a violence-prone country like Guinea-Bissau could have well led to either a military intervention or a more serious political crisis. According to the UN Secretary General, it took some negotiations between the interim Speaker of parliament, the Prime Minister and the two main parties represented in parliament as well as a memorandum of understanding to agree to a 120-day period for the holding of the election (UN, S/2009/302).

Political parties also play an important role after elections, when a parliament has been established. As was discussed at the West African Conference of MPs in June, 2010 in Accra, the influence of parties in a parliament must be balanced – parties can be neither too strong nor too weak – to ensure a parliament is effective in carrying out its functions. It is through support for these parties that a balance is reached. Furthermore, after elections, political parties have the task of organizing their parliamentary group, and develop this within existing parliamentary functions. Ensuring that there is a clear party vision and policy, as well as, a representative selection of party group members and management positions is key to positioning the party within the parliament.

b) Political Parties in Post-Conflict Settings and Fragile States

Post-conflict scenarios are also a critical moment for political parties and crisis prevention. Peace agreements and associated governance reform processes are marked by difficult periods of re-negotiation, slower than expected recovery, and start-stop implementation. Beneath the surface, states and societies may be undergoing deep political, economic, and social transformation involving the introduction of new institutions or the complete overhaul of old ones. During these transitions the emergence of new leaders and political parties and the re-arrangement of relationships between social groups and power-holders are common. In the process, old enemies can become new allies and vice versa; political opponents gain power; those who were once victims of prosecution due to their political identity share power with the establishment, hold positions of authority and lead the development process.

A political party is only as strong as the structure it has within a country. In fragile states this is even more important as political parties may well emerge from erstwhile armed groups, often with considerable economic resources generated from war economies. For some voters, these new parties may represent powerful protectors capable of defending the voter from rival military forces (e.g. Liberia and Sudan) or major adversaries (e.g. Afghanistan and Nepal). In such an electoral climate, civilian candidates are unlikely to be serious contenders.

While political parties are a cornerstone of a parliamentary process, they can also cultivate a negative and divisive role: political parties can serve the narrow interests of competing elite groups rather than wider policy or ideological platforms. Likewise, they are often another incarnation of the armed groups that waged the armed conflict to begin with. If citizens are to have an alternative means of raising concerns or creating demand for action, parties other than the governing party must have the capacity to reach the vast majority of the citizens and to engage those citizens in a dialogue to ensure the voices of the citizens that are not heard through the governing party are given voice by the opposition parties. It is important to analyze when and how to work with these groups to ensure a strong democracy while making sure that armed conflicts and violence are mitigated.

While looking at constitutional frameworks in post-conflict environments (including political party laws, Constitution making processes, electoral laws), political parties have a critical role to play in terms of agreeing on the basic operational framework and code of conduct in post-conflict environments in order to avoid a relapse to conflict and to quickly demonstrate peace dividends to their voters. Inclusiveness of such processes (including the citizen's expectations, issues and priorities) and comprehensive dialogue should be promoted between parties to allow political leaders to make informed decisions to set the ground for an efficient, capable and responsive state. Confidence building between former opponents, and sometimes former warring factions, requires identifying various ways to engage in a constructive, sometimes informal and non-political environment. Capacity development for political parties to become fully representational and functional is crucial to a peaceful democratic transition (inter-party dialogue, organizational development, strengthening the party's structures..._). Furthermore, political parties have a role in formulating the rules and policies concerning human rights, gender, and minorities. It is important that this is formulated within the parliament, rather than outside, in order to avoid creating an extra forum where people may be excluded or decisions are made with little legitimacy and ownership.

c) Political Parties and Excluded Groups in Post-Conflict Settings

Political parties need to develop the structure and skills to initiate and maintain dialogue with all citizens. This includes the establishment of sub-national and local party units and the means by which local voices of citizens, especially excluded groups, are heard at all levels, as parties develop policies and platforms during all stages of the electoral cycle. For example, while looking at the challenges of women's political participation, post-conflict transitions often offer an opportunity to introduce mechanisms to enhance women's participation, including women's participation in the negotiations and post-conflict political processes. Similar inclusive decision-making processes should be replicated within political parties.

Political parties can also play a role in preventing Gender Based Violence (GBV). In Sierra Leone, for example, one political party has openly supported measures to address GBV - the Sierra Leone People's Party (SLPP) has developed a policy on GBV, largely because it says its supporters have been targeted for acts of politically-motivated GBV by the ruling APC party. A Memorandum of Understanding has been signed by all three political parties in the parliament on this issue even if its implementation is still challenging. By mainstreaming women's issues and specifically GBV agenda's in their positions, political parties can influence the creation of legislation and implementation of GBV policies.

3.) Two Examples from the Region

The conduct of political parties/actors in other West African countries offers valuable lessons for the rest of the region. Ghana and Senegal are good examples in this regard. The long-time ruling Socialist Party (PS) in Senegal's 2000 presidential elections demonstrated how a party can curb the outbreak of violence. The PS had been in power since its creation in 1974 or since independence, considering the fact that it was the first-post independence president of the country that founded the party. The outcome of the immediate previous two elections in 1988 and 1993 had been fiercely contested by opposition parties, which organised a wave of public street protests (Villalon, 1994). The incumbent PS president had also inconclusively won the first round of the 2000 poll with some 41% of the votes compared to the 31% share of its main opposition challenger, Abdoulaye Wade of the Senegalese Democratic Party (PDS). With the opposition leader winning the run-off election, thanks to a broad opposition alliance, the outgoing president swiftly called Wade and congratulated him, thereby pre-empting any potential acts of violence from his supporters. A similar conduct was observed following the February 2007 election, where the main challenger of the returned incumbent (now Wade) called him to concede defeat. Other candidates that initially had contested the preliminary results did so through the constitutional court and not through street protests that could have led to violence.

A similar conduct prevailed during the 2008 presidential election in Ghana. Since a multiparty system was reintroduced in the country in 1992, Ghana had successfully organised four presidential elections when voters were called to the polls in December 2008. By mid-2008, it had become clear that the election was going to be a tight race between the two major parties, the incumbent New Patriotic Party (NPP) and the former ruling National Democratic Congress (NDC) party. However, the behaviour of political parties during the elections, though it occasionally caused alarm, constituted an important pillar in the successful electoral process. The outgoing NPP wanted to contest part of the run-off election and even filed a motion with the Accra Fast Track High Court on 1st January 2009 to stop the Electoral Commission from announcing the final results until its claims that the NDC had committed electoral malpractices in the Volta Region during the run-off election were investigated. With the high tension created by this state of affairs, and although the leadership of the two main parties sometimes resorted to negative tactics, alarmism, and brinkmanship, they eventually restrained themselves and

heeded the calls of various national and foreign actors, enjoining them to ensure a peaceful election (Gyimah-Boadi, 2009; Zounmenou, 2009; Whitfield, 2009). In particular, outgoing president John Kufuor released a press statement encouraging everyone to accept the results declared by the Commission and indicated his willingness to meet the constitutional requirement of handing over power on January 7, 2009. Also, when the Commission announced the final results of the presidential election on January 3 and the victory of the NDC candidate, his NPP counterpart acknowledged the result and publicly conceded defeat the same day (Gyimah-Boadi, 2009: 145; Whitfield, 2009:625).

The examples of Ghana and Senegal demonstrate how political parties are invaluable actors in preventing conflicts, especially during election periods. In both cases, when the political parties lost the election they openly conceded, therefore preventing protests and violence by supporters. Those who contested did so through the constitutional court or by temporarily accepting the results of the Electoral Commission, even while an investigation of the results was taking place. These actions prevented the outbreak of riots and street protests that could have led to violence.

4.)   The Way Forward

Over the last three years, UNDP has sought to support the efforts of its partners, particularly

inter-parliamentary organizations such as the Commonwealth Parliamentary Association (CPA), the Assemblée Parlementaire de la Francophonie (APF), the Southern African Development Community (SADC) Parliamentary Forum, among others, in their quest to identify the key characteristics of a democratic parliament, regardless of the system of government within which it operates. As a result, the APF and the CPA have developed a set of evaluative criteria and benchmarks respectively, and SADC PF is in the process of developing benchmarks from a regional perspective. At the same time, the IPU has developed a self-assessment toolkit based on a collection of good practice from over half of its member parliaments. In the future, UNDP expects these tools to inform and improve south-south cooperation and UNDP's own parliamentary development programming. Additionally, UNDP has been active in facilitating regional benchmarks on political parties' legislation in the Arab region, having set up a platform for a parliamentary working group to formulate minimum criteria for party laws in the Arab region. These activities succeeded in providing both ruling and opposition groups alike with an important set of guidelines for building a healthy Arab political space.

On the basis of the UNDP regional seminar (June 2010), a series of recommendations has been identified for piloting political parties' good practices and crisis prevention mechanisms in the region. This list of recommendations provides suggestions on steps political parties can take to prevent conflicts. This paper was considered, discussed, adapted and validated by the MPs attending the UNDP Regional Parliamentary Working Group on Crisis Prevention and Recovery in West Africa from 30 November - 03 December 2010, in Barcelona, Spain. This framework will be used as the basis for an in-depth research project on the role of political parties in conflict prevention and state-building to take place during the first six months of 2011 and to be presented at the regional working groups in 2011.

5.) List of Recommendations

General:

✓ Develop political parties. Recognize the important role political parties play in peace-building processes, and the need for increased investment in developing their capacities for internal democratization in their capacity to define policy platforms, and in establishing the external regulatory environment for parties to play a constructive role in national governance processes.

✓ Foster inclusiveness. Dedicated attention should be paid to political parties' development to ensure that the opposition is able to engage fairly in the parliamentary process.

✓ Create the space for dialogue and negotiation. Political parties have a key role to play in negotiating and agreeing on the basics of constitutional reform (electoral laws, political party laws, and constitutional framework).

✓ Work with the media and civil society organisations. There is a need for greater dissemination of parliament's actions and allow freedom of expression for constructive media and scrutiny of parliament's actions.

✓ Adopt democratic principles in internal party structures. To minimise the monopoly of power within the party or personality-based politics, by a few individuals, help involve more party members in party activities and develop party ideology. For example by including funding through membership fees and developing a civic culture within the party by regularly organising civic education courses for militants.

✓ Develop an ethics code within political parties.

✓ Train party members in civic education and laws.

✓ Professionalization of political party administration.

✓ Develop rules and regulations on how political parties can be funded.

✓ Diversify political parties so they are not exclusively representative of certain ethnic, regional or religious groups in the country. Party political agenda needs to focus nationally, rather than on specific community interests.

✓ Train political parties in use of technology, tools and strategies to effectively fulfill their mandate.

Within parliaments:

✓ Level the playing field for the opposition. Support to parliamentary development should contribute to fostering an open and responsible environment for debate disagreement and criticism. This can be done through the establishment of parliamentary rules that allow for opposition representation in the internal governance of parliament and in the leadership of key committees. Disengagement of the opposition runs the risk of such parties withdrawing from the political process.

✓ Promote peace-building efforts for parliaments. This could include assistance or immunity provisions and other such protections.

✓ Train parliamentarians and political parties in their roles and responsibilities. Establish rules to ensure transparency of electoral management bodies and funding of political parties. Determine how funds from the government will be used to support political parties. When political parties are not adhering to rules and procedures they can be sanctioned.

✓ Promote spaces for dialogue and mediation within the parliament.

✓ Lawmaking needs to also address political party registration laws and other relevant laws relating to political party development and functioning.

✓ Allow for the media to capture parliamentary debates and interview parliamentarians.

Electoral violence related:

✓ Foster respect for principles of good governance. This can be done during the review of fundamental legal texts of the country, making sure they are amended only in a consensual and consultative process with other political principals.

✓ Foster inclusiveness. Avoid creating frustrations in certain communities by discriminating against them and treating their political representatives unfairly.

✓ Expeditiously ratify the African Charter on Democracy, Elections and Governance and adhere to its principles.

✓ Use collaborative language. Avoid inflammatory language in public pronouncements and consider the opposition as political adversaries rather than as enemies.

✓ Advocate, for genuine reforms and clear procedures and regulatory frameworks. Especially where the electoral process is lacking, it is important to promote transparency in concert with parliament, other parties as well as CSOs. This should include the right to send party agents to polling stations at election times.

✓ Educate militants and party members about the country's legal texts, particularly the constitution and the electoral laws, as well as, voting procedures.

✓ Elaborate a code of conduct which is binding and focuses on transparency of the electoral process, improved voter registration, and voter education.

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