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THE EVOLVING ROLE OF INTERGOVERNMENTAL ORGANIZATIONS IN ELECTION MONITORING

A TRAINING SEMINAR FOR THE ORGANIZATION OF AFRICAN UNITY

sponsored by

THE AFRICAN AMERICAN INSTITUTE

and

THE NATIONAL DEMOCRATIC INSTITUTE FOR INTERNATIONAL AFFAIRS

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To the Reader:

The following materials have been compiled for a week-long seminar on "The Evolving Role of Intergovernmental Organizations in Election Monitoring." The seminar is being organized at the request of Organization of African Unity (OAU) Secretary General Salim Ahmed Salim and is designed to familiarize OAU personnel with recent developments in the fields of election monitoring and technical election assistance. The National Democratic Institute for International Affairs (NDI) and the African-American Institute (AAI) are co-sponsoring the seminar, which will take place September 14-18 in Addis Ababa, Ethiopia.

For the seminar, NDI and AAI have recruited an international faculty, which includes individuals with experience in election monitoring from the United Nations, the Organization of American States, the Commonwealth and nongovernmental organizations, as well as experts in comparative election systems. The program will address substantive issues related to the evaluation of an electoral process and the practical issues involved in organizing OAU election observer missions. The faculty also will assist in the development of terms of reference for the OAU as the organization attempts to fulfill the many requests of member states for electoral assistance and observation.

The materials comprise recent reports and guidelines prepared by intergovernmental and nongovernmental organizations; articles and memoranda on election systems, election monitoring and related subjects; and charts, forms and other information. They are organized according to the program agenda. In addition, unabridged copies of *Guidelines for International Election Observing* (1984) and two election observer reports on the Zambian elections, which are referred to in the attached materials, will be distributed to program participants.

The program sponsors hope that the materials included in this volume help the OAU and others in responding to requests for election assistance. We welcome comments and feedback concerning the volume's contents.

Larry Garber

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OAU Training Program Coordinator

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The Evolving Role of Intergovernmental Organizations in Election Monitoring

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Section 1

Introduction and Overview

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Universal Declaration of Human Rights

Article 21
1 Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.
2 Everyone has the right of equal access to public service in his country.
3 The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

American Declaration of the Rights and Duties of Man

Article XX. Every person having legal capacity is entitled to participate in the government of his country, directly or through his representatives, and to take part in popular elections, which shall be by secret ballot, and shall be honest, periodic and free.
Article XXXII. It is the duty of every person to vote in the popular elections of the country of which he is a national, when he is legally capable of doing so.
Article XXXIV. It is likewise his duty to hold any public office to which he may be elected by popular vote in the state of which he is a national.
Article XXXVIII. It is the duty of every person to refrain from taking part in political activities that, according to law, are reserved exclusively to the citizens of the state in which he is an alien.

International Covenant on Civil and Political Rights

Article 25. Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in Article 2 and without unreasonable restrictions:
(a) To take part in the conduct of public affairs, directly or through freely chosen representatives;
(b) To vote and to be elected at genuine periodic elections which shall

be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;
(c) To have access, on general terms of equality, to public service in his country.

Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms, First Protocol

Article 3. The High Contracting Parties undertake to hold free elections at reasonable intervals by secret ballot, under conditions which will ensure the free expression of the opinion of the people in the choice of the legislature.

Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms

Article 16. Nothing in Articles 10, 11, and 14 shall be regarded as preventing the High Contracting Parties from imposing restrictions on the political activity of aliens.

American Convention on Human Rights

Article 23 (1) Every citizen shall enjoy the following rights and opportunities:
(a) to take part in the conduct of public affairs, directly or through freely chosen representatives;
(b) to vote and to be elected in genuine periodic elections, which shall be by universal and equal suffrage and by secret ballot that guarantees the free expression of the will of the voters; and
(c) to have access, under general conditions of equality, to the public service of his country.
(2) The law may regulate the exercise of the rights and opportunities referred to in the preceding paragraph only on the basis of age, nationality, residence, language, education, civil and mental capacity, or sentencing by a competent court in criminal proceedings.

African Charter on Human and Peoples' Rights

Article 13 (1) Every citizen shall have the right to freely participate in the government of his country, either directly or through freely

chosen representatives in accordance with the provisions of the law.
(2) Every citizen shall have the right of equal access to the public service of his country.

International Convention on the Elimination of All Forms of Racial Discrimination

Article 5 In compliance with the fundamental obligations laid down in Article 2 of this Convention, State Parties undertake to prohibit and eliminate racial discrimination in all its forms and to guarantee the right to everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights:

. .

(c) Political rights, in particular the rights to participate in elections—to vote and to stand for election—on the basis of universal and equal suffrage, to take part in the Government as well as in the conduct of public affairs at any level, and to have equal access to public service.

Convention on the Elimination of All Forms of Discrimination Against Women

Article 7

States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:

(a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;

(b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;

(c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.

International Convention on the Elimination of All Forms of Racial Discrimination

Article 5

In compliance with the fundamental obligations laid down in Article 2 of this Convention, States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights:

(*a*) The right to equal treatment before the tribunals and all other organs administering justice;

(*b*) The right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual, group or institution;

(*c*) Political rights, in particular the rights to participate in elections—to vote and to stand for election—on the basis of universal and equal suffrage, to take part in the Government as well as in the conduct of public affairs at any level and to have equal access to public service;

(*d*) Other civil rights, in particular:

(i) The right to freedom of movement and residence within the border of the State;

(ii) The right to leave any country, including one's own, and to return to one's country;

(iii) The right to nationality;

(iv) The right to marriage and choice of spouse;

(v) The right to own property alone as well as in association with others;

(vi) The right to inherit;

(vii) The right to freedom of thought, conscience and religion;

(viii) The right to freedom of opinion and expression;

(ix) The right to freedom of peaceful assembly and association;

(*e*) Economic, social and cultural rights, in particular:

(i) The rights to work, to free choice of employment, to just and favourable conditions of work, to protection against unemployment, to equal pay for equal work, to just and favourable remuneration;

(ii) The right to form and join trade unions;

(iii) The right to housing;

(iv) The right to public health, medical care, social security and social services;

(v) The right to education and training;

(vi) The right to equal participation in cultural activities;

(*f*) The right of access to any place or service intended for use by the general public, such as transport, hotels, restaurants, cafés, theatres and parks.

See Larry Garber, "Introduction," in *Guidelines for International Election Observing*, pp. 1-10

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ELECTION MONITORING IN AFRICA

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ELECTION MONITORING IN AFRICA

by Larry Garber and Eric Bjornlund[1]

INTRODUCTION

During the past several years, Africa has witnessed an extraordinary movement toward multiparty democracy and political pluralism. In 1990 and 1991, for the first time in the history of the continent, governments in Sao Tome, Cape Verde, Benin and Zambia changed as a result of competitive elections, not coup d'etats or civil wars or controlled successions. The trend continues: 14 African countries have now held multiparty elections, more than eight countries have scheduled multiparty elections during the next year and another eight countries have initiated transitions that should lead to the restoration of a democratic form of government within two years.

Various explanations are offered for these historic developments. The collapse of the Soviet Union. The appalling state of the economy in many of the countries. The bitter toll -- in terms of lost lives, refugees and starving populations -- that internal conflicts have taken across the continent. The recognition of a relationship between political pluralism and economic growth. Given these circumstances, there has been renewed interest in reforming corrupt systems and finding less costly ways to manage political conflicts, with multiparty elections playing a critical role.

Rhetorical flourishes in support of democratic processes, however, are not sufficient. Elections must be free, fair and meaningful -- and must be so perceived -- if people are to have confidence in the legitimacy of their governments and in the responsiveness of their political systems. Particularly in transition situations, elections must overcome an atmosphere of uncertainty and concern about the integrity of election results. In this context, international election observers and domestic election monitors have played an increasingly important role in helping to foster democracy at a sensitive and delicate juncture.

Election observing in sub-Saharan Africa is a relatively recent phenomenon. While several African countries gained their independence following internationally supervised elections, only of late has election monitoring consciously been used as a conflict resolution device and as a mechanism for constructing more effective government structures.

The 1980 elections in Zimbabwe and the 1989 elections in Namibia illustrate how internationally monitored elections can help resolve longstanding, bloody conflicts in a

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[1] Larry Garber and Eric Bjornlund are, respectively, senior associate for electoral processes and senior program officer at the National Democratic Institute for International Affairs. The authors thank their colleagues -- particularly, Amy Biehl, Sue Grabowski and Edward McMahon -- for assisting in the preparation of this paper.

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decolonization setting. The more significant progression, however, involves the utilization of election monitoring outside the decolonization context in sovereign countries. Recent elections in Benin, Zambia and Ethiopia provide distinct models for such endeavors.

Monitoring exercises in different countries have aspired to diverse goals. They have been employed to bolster public confidence and promote participation in an election process by a skeptical population, to deter electoral fraud in situations where the ruling party controls the government apparatus, to avert an outbreak of armed conflict and to provide international legitimization for a controverted process. The presence of international observers can also strengthen the institutional climate for elections by emboldening government and electoral officials, judges, military personnel, police and journalists to find the courage of their convictions and assert a genuine independence.

Another contemporary phenomena is the growth and development of domestic, nonpartisan monitoring groups, whose activities before and on election day promote confidence among the electorate. These groups also provide critical information to international observers, who are often unfamiliar with the language, culture and traditions of the specific areas where they are assigned.

Much has been learned from recent election observation missions in Africa and elsewhere. For example, a successful operation includes as a crucial prerequisite that all major players in a multiparty election endorse the presence of observers. The incumbent head of state must also be persuaded to invite independent third parties to observe the elections. Only if election observing is sanctioned at the highest levels, are opportunities created for observers to use their good offices to mediate among contending parties at critical moments.

The success of recent monitoring efforts on the African continent has varied. However, even where the consequence has been relatively salutary, the political, economic and social challenges facing the new government can not be underestimated.

This paper focuses on the role of election monitors in the political development context. The first section provides an historical overview, from the decolonization era through the June 1992 elections in Ethiopia and the anticipated elections in Angola scheduled for September 29 and 30, 1992. The second section considers various issues raised by the current interest in election monitoring on the African continent, including such matters as the principle of nonintervention, the allocation of scarce resources and the methodology used by election monitors. The final section considers the future evolution of election monitoring on the Africa continent.

1B

I. HISTORICAL OVERVIEW

A. Decolonization

In the late 1950s and early 1960s, the United Nations supervised or observed "popular consultations" in Togoland, Cameroon, Rwanda, Burundi, Equatorial Guinea and French Somaliland.[1] Several features characterize these early U.N. efforts. In each case, the exercise involved an invitation to monitor the consultation issued by the administering authority. The U.N. teams ranged in size from 13 to 30 members, and prepared pre-election reports and a final report for consideration by the General Assembly. The U.N. activities in Togoland are particularly interesting because they involved active supervision rather than more passive observation.[2]

While these United Nations efforts occurred during the decolonization era, it should be noted that most of the countries on the continent gained independence without United Nations involvement. Great Britain and France, as colonial powers, generally sanctioned a considerable degree of self-government, including elected legislatures, before approving complete independence for their colonies. Thus, there existed an electoral tradition in many African countries, which was maintained, albeit in a quite different and less meaningful form, even after the establishment of one-party systems. By contrast, countries without an electoral tradition, such as the former Portuguese colonies of Angola and Mozambique, experienced years of civil war that began in the immediate aftermath of independence.

The 1979 and 1980 elections in what was then Rhodesia and is now Zimbabwe significantly promoted the use of internationally observed elections as a conflict resolution mechanism. The 1979 internal elections illustrate the importance of ensuring the participation of all parties if an electoral process is to contribute to the resolution of a conflict. The elections, which resulted in an overwhelming victory for Bishop Abel Muzorewa and the establishment of a predominantly black African government, did not lead to a cessation of hostilities principally because the two major guerrilla forces, ZANU-PF and ZAPU, boycotted the process.

The role of international observers in the 1979 elections also bears scrutiny. Several observer teams focused primarily on the administrative procedures and concluded that the elections, however flawed, should be recognized by the international community as establishing a legitimate government in Rhodesia/Zimbabwe.[3] Other observers, most notably Lord Pratap Chitnis on behalf of the British Parliamentary Human Rights Group, criticized the entire process as a sham.[4] Surprisingly, Chitnis' view was accepted by the two most significant countries, Great Britain and the United States, and a new round of negotiations was initiated, which ultimately led to the signing of the Lancaster House Accords.

Under the Lancaster House Accords, the British regained effective sovereignty over the territory. A British national was appointed Election Supervisor, although the actual administration of the elections at the polling site level was directed by the mostly white civil

servants of Rhodesia. British police were dispatched to monitor the ceasefire and ultimately to provide security at the polling sites on election day.

Lancaster House authorized the Commonwealth to organize a team of observers to monitor the entire election process.[5] Eleven Commonwealth countries each designated a lead observer and two assistants, who spent almost six weeks in Zimbabwe. Thirty more Commonwealth observers were added immediately before the elections.

The Commonwealth effort exemplifies a comprehensive and multi-faceted monitoring operation. Commonwealth teams traveled throughout the country during the pre-election period, recording complaints and attempting, where appropriate, to mediate disputes. The leader of the Commonwealth team, Rajeshwar Dayal of India, was present during weekly meetings where the political parties discussed various issues relating to the electoral process.

The three-day elections, February 27-29, 1980, occurred with few problems. The results, which were announced on March 4, afforded Robert Mugabe and his ZANU-PF party a landslide victory, with the party of Bishop Muzorewa, which prevailed in the elections six months earlier, obtaining only three of the 80 seats contested by the non-white population. Zimbabwe was granted independence six weeks later, on April 18, 1980. Given the peaceful resolution of the conflict, the contribution of the Commonwealth team was appreciated by Zimbabwe's new leaders and by the international community.

The November 1989 elections in Namibia closed the decolonization era in Africa, although the planned plebiscites in Western Sahara and Eritrea may also be categorized as decolonization situations and, consequently, will be subject to international involvement. As in Zimbabwe, the international community played a leading role in Namibia by encouraging the participation of all parties and voters and in helping maintain a relatively peaceful electoral environment. South Africa, however, was responsible for administering the elections, subject to United Nations "supervision and control" as authorized by U.N. Security Council Resolution 435, which had been adopted in 1978.

The U.N. effort involved a military force to monitor the ceasefire, a civilian police contingent to monitor the activities of the South African controlled police force and a civilian component to supervise -- but in effect to assist -- in the conduct of the elections.[6] The U.N. team began operations in April 1989 and remained in the country through the granting of independence almost a year later. During this period, the United Nations obtained changes in various laws relating to the electoral process, supervised the repatriation of refugees and the implementation of an amnesty law, monitored the 10-week voter registration process, helped negotiate a code of conduct among the political parties contesting the elections and arranged for the presence of at least three United Nations election monitors for each of Namibia's 408 polling sites.

Other observers played relatively peripheral roles, although several nongovernmental organizations organized pre-election efforts that contributed to a fairer electoral system. The

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Organization of African Unity (OAU) maintained a permanent presence in Namibia for much of the transition process, although one member of the team subsequently described the OAU effort as one designed to ensure that SWAPO be given a fair chance. A Commonwealth team visited Namibia in August and issued a report strongly criticizing several provisions of the proposed electoral law.[7]

Earlier, in May, an eight-member international delegation organized by the National Democratic Institute for International Affairs (NDI) examined the electoral system proposed by the South African authorities and urged the United Nations to take an aggressive stand in advocating changes on a number of matters.[8] The Lawyers Committee for Civil Rights Under Law, meanwhile, established a permanent office in Namibia to monitor the election campaign and organized three high profile pre-election missions.[9] As a partial consequence of one such mission, the UN Secretary General dispatched to Namibia a senior legal adviser to assist in drafting the electoral law.

These considerable efforts were vindicated when Namibians successfully went to the polls during a five-day period in November 1989. Despite forecasts of violence and administrative chaos, the process was administered with few problems. SWAPO, which had fought South African control of Namibia for almost 30 years, was the overwhelming winner of the elections. A new constitution was quickly negotiated and, in March 1990, Namibia achieved independence.

The peaceful resolution of the Namibian conflict immediately directed attention to the potential for a U.N. role in settling other longstanding conflicts.[10] Indeed, even before the Namibia mission was completed, the United Nations agreed for the first time in the history of the organization to monitor an election in a sovereign country.[11] The 1989-1990 Nicaragua monitoring effort was justified as contributing to the peaceful resolution of a regional conflict. In Haiti, later in 1990, the United Nations again agreed to monitor an elections, even though the jurisprudential basis was more difficult to rationalize.

B. Conflict resolution

Zimbabwe and Namibia represent two instances where elections subject to international supervision contributed to the peaceful resolution of longstanding conflicts. By contrast, the 1980 elections in Uganda illustrate that a positive outcome is not always a foregone conclusion even when international observers are present for an election following the end of a civil war.

The Ugandan elections occurred on December 10, 1980, a year-and-a-half after the fall of Idi Amin, whose brutal nine-year rule ended with his overthrow by the Tanzanian armed forces, with assistance from the Uganda National Liberation Front (UNLF). Fresh from its success in Zimbabwe, the Commonwealth nations agreed to observe the elections in Uganda. For a variety of reasons, however, the operation was not as well conceived as the Zimbabwe effort.

The nine-member Commonwealth team arrived in Uganda several weeks before the elections. There was little time, however, to recommend changes in the election laws or to foster a proper campaign environment. The campaign was marred by acts of violence and allegations of intimidation, most of which were attributed to supporters of former president Milton Obote and directed against followers of Yoweri Museveni and his Uganda Patriotic Movement.[12]

Following the elections, with the votes not completely counted but with preliminary results indicating an Obote victory, the team issued a statement endorsing the process and then left the country. The team, therefore, was unable to assess the serious charges of fraud and manipulation raised by Museveni in the aftermath of the elections. Museveni withdrew from the political process and renewed the armed struggle. During the next four years, more than 100,000 people died as a result of the fighting and thousands of others became refugees or displaced persons. Finally, in 1986, Obote was overthrown and Museveni seized control of the country.

The failure of the 1980 electoral process to resolve the conflict and the unsatisfactory role played by the Commonwealth observers left many Ugandans embittered by the experience. Museveni has not rushed to schedule new elections, but has instead commenced a phased transition process, which should culminate with national elections sometime during the next three years.

The repercussions of the Commonwealth's inadequate performance, meanwhile, extended beyond Uganda's borders. The Zambian opposition in 1991 was and the current Kenyan opposition is reluctant to participate in elections monitored only by a team of Commonwealth observers. The concern is that the Commonwealth team will hesitate to criticize publicly a member government, even in the face of blatant fraud and electoral irregularities.

The imminent elections in Angola offer another example where an international component is playing a conflict resolution role. In 1991, the Angolan government and the UNITA forces, which had been fighting a guerrilla war since Angola's independence in 1975, reached agreement on a ceasefire formula that called for a reduction of forces in the armies of the major combatants; the establishment of a smaller, integrated military and police force; and presidential and legislative elections in September 1992. A U.N. peacekeeping force, UNAVEM, was authorized to monitor the ceasefire. Portugal, the then-Soviet Union and the United States, meanwhile, formed joint monitoring and verification bodies to assist the United Nations in diffusing incidents of both a political and military nature.

In March 1992, UNAVEM's mandate was extended to electoral verification.[13] Civilian election monitors were dispatched to monitor the registration process and the election campaign, and also to assist the election commission with administrative preparations for the elections. The mission will expand for the balloting process, as more than 400 election monitors are expected to operate under U.N. auspices on the election days. UNAVEM also will conduct a parallel vote tabulation to verify the accuracy of the vote counting phase of the elections.

UNAVEM, to date, has prepared two reports concerning the electoral process. The report issued in June 1992 was generally sanguine, although it noted several potential problems relating principally to completing the peace accord requirements, intimidation, the slow pace of the registration process and the actual organization of the balloting.[14] The integrated nature of the Angola operation, combining peacekeeping and electoral verification in a sovereign country, provides a prototype for future U.N. efforts.

C. Political Development

Election observing has not always been viewed benignly by African governments. Indeed, until recently, African governments, protective of their sovereignty and respectful of the nonintervention principle, viewed the notion of international election monitoring with considerable skepticism, absent the decolonization context.

In 1985, a small team of international observers, sponsored by a Washington-based human rights organization, sought to monitor the 1985 Zimbabwe elections, the first held after independence. The team was denied meetings with government officials, and its presence was criticized in the government-controlled media.[15] One member of the team, who subsequently became Nigeria's foreign minister, left Zimbabwe before the elections because of the government's negative stance toward the observation effort.

In 1990, elections in Sao Tome and Cape Verde resulted in the defeat of incumbent governments. Small teams of OAU representatives "observed" the elections, but their presence was more symbolic than substantive.

The March 1991 elections in Benin marked an important shift in the perspective of an African government to the presence of election monitors. A 10-member nongovernmental delegation, sponsored by the African-American Institute, was invited by the government to observe the elections. Perhaps more portentous, the Benin-based Research Group for Democracy and Social and Economic Development (GERDDES) initiated a monitoring effort involving 45 observers from Benin and four other West African countries. The GERDDES team, which was present during both rounds of the elections and benefitted from the familiarity of team members with the region, identified some election irregularities but concluded that the overall process was fair.[16]

The next notable monitoring initiative was organized in anticipation of the October 31, 1991 elections in Zambia. Two nongovernmental organizations, the Carter Center of Emory University and the National Democratic Institute for International Affairs, sponsored a series of three pre-election fact-finding missions; a high-level international observer delegation for the elections, led by former U.S. President Jimmy Carter; and a domestic monitoring effort, which trained and placed more than 3,500 Zambians at polling sites throughout the country.[17]

The pre-election missions addressed substantive political issues that went well beyond election day administration and recommended specific changes in the election law and

procedures, many of which were accepted. They questioned, for example, the procedures for counting the ballots. They examined the implementation of electoral procedures by a politically appointed Electoral Commission with scarce administrative resources. They expressed concern about the fairness of the media coverage. They implemented a parallel vote tabulation, which was designed to verify the official results and which, in fact, provided early data regarding the overwhelming victory scored by challenger Frederick Chiluba.

In short, the international observers pressed openly for solutions to perceived problems with the electoral process. In so doing, they posed an unfamiliar challenge that often far exceeded the expectations of Zambian authorities. At one point, the incumbent President Kenneth Kaunda remarked that he should have developed clearer terms of reference before inviting President Carter and others to observe the elections. Ruling party leaders also reacted negatively to the idea of a parallel vote tabulation, although Kaunda, on election eve, implicitly endorsed the operation in a television speech. He then urged Zambians to continue to assist the observers "in every way possible to enable them to carry out their tasks in the best way they know how."[18]

The Commonwealth also accepted the government's invitation to observe the elections. A 20-member team, comprising nationals of several Commonwealth countries, arrived several days before the elections to witness the end of the campaign and to observe the polling in different regions of the country. One week before the elections, the ruling party published an advertisement criticizing the presence of international observers. The advertisement drew a strong and immediate response from the chairman of the Commonwealth team, who demanded the prompt publication of "a full retraction of the allegations."[19]

The Organization of African Unity, too, sent a small team to observe the elections. The team's terms of reference mandated it to "cooperate, liaise and consult" with other international and local observers. Some African diplomats based in Lusaka questioned the delegation regarding the OAU's decision to accept the invitation, given the primacy of the nonintervention principles in African affairs. 19 As explained in the team's post-election report, however, the OAU was simply responding to an invitation issued by a founding member of the organization. The report further stated that the team's presence did not establish a precedent subjecting all future African elections to OAU monitoring.[20]

The domestic monitoring effort in Zambia resonated across the continent. Organizations have formed in other African countries with the specific goal of monitoring transition elections and undertaking civic education programs. Since the elections, the leaders of the Zambian association have participated in training sessions for several of these groups.

The monitoring of the June 21, 1992 regional and local elections in Ethiopia represented a unique and innovative approach to the coordination of a large-scale international observer effort. More than 250 international observers were present for the elections. They were designated by governments, the U.N., OAU and two nongovernmental organizations. The observers operated under the Joint International Observer Group (JIOG) umbrella, with United

Nations-designated personnel acting as the JIOG secretariat. Ambassadors from four Western countries and the United Nations resident representative assumed most of the responsibility for political decisions made by the JIOG.

The Ethiopian elections turned into a formalistic affair. Voter registration occurred, but it did not serve any of the purposes associated with voter registration, which at the very least should provide election officials with a reliable estimate as to the number of prospective voters on election day. Candidates were designated for specific offices, but there was no meaningful campaign or genuine competition among candidates or parties. Ballots were printed, but there was no real control on their distribution. Voters went to the polls, some waiting in the inevitable long lines, but it was difficult to believe that they understood the significance of the elections or the difference between these elections and those that occurred during the previous regime.

Several aspects of the monitoring effort are worth noting. A code of conduct for observers reflected the conception of the operation as a civilian peacekeeping force. Contrary to standard international practice, the code proscribed, for example, the issuance of public statements by the observers. Nonetheless, given the withdrawal of several parties from the elections and other serious problems associated with the process, the observers ultimately played the traditional role of election evaluators, with the two nongovernmental organizations operating under the JIOG umbrella issuing critical statements regarding the conduct of the elections.

III. CHALLENGES AND CONSIDERATIONS

A. Intervention and Sovereignty

International election monitoring raises delicate questions of national sovereignty. Some African political leaders consider the very idea as conflicting with the principle of nonintervention, which remains particularly dear to African states. Election monitoring also invokes echoes of north-south colonial relationships from the not-too-distant past.

Traditional conceptions of sovereignty, however, should not preclude election observation efforts, even absent a direct threat to international peace and security. At least in theory, the role of election "observers" is a relatively passive one.[21] They have no legal authority to intervene in correcting imperfections, although in practice their ability to publicize shortcomings in the process often make them important actors in their own right. Notwithstanding their circumscribed juridical role, international observers sometimes become mediators between ruling and opposition parties or between election authorities and domestic monitoring groups.

The intervention issue is also diminished in instances where the sovereign government invites or welcomes the presence of observers. Indeed, for both practical and jurisprudential reasons, most organizations (intergovernmental and nongovernmental) will not send an observer delegation absent an invitation from the government. Practically, international observers need the general cooperation of the incumbent government at a minimum to obtain visas and to

preclude active government interference with the observation process. Legally, international observers possess no juridical authority; they must comply with all laws, including those that govern such matters as access to the polling sites. In addition to a government invitation, international observers, to be credible, must be welcomed by the leading opposition parties and must not be seen as being present solely at the behest of one political party.

Concerns about sovereignty and outside interference notwithstanding, the practice of observing and monitoring elections is gaining increased acceptance around the world. The Conference on Security and Cooperation in Europe, for example, issued a declaration in June 1990 requiring all member states to accept the presence of international observers for national elections.[22] The United Nations General Assembly adopted a resolution in December 1991 endorsing the practice of election observing, including monitoring by nongovernmental organizations.[23] The OAU has fielded election observers delegations, most notably, as discussed above, to the 1991 elections in the sovereign member nation of Zambia. And nongovernmental organizations are now being invited to observe elections in African countries on an almost routine basis.

B. Resource Allocation

For controversial transition elections in countries emerging from authoritarian rule, large multinational delegations promote voter confidence and deter election-day fraud. A large delegation allows for the deployment of international observers to locations throughout the country on election day. It also facilitates a range of expertise on a delegation among election technicians, media experts, parliamentarians, political party leaders, civic organizers, democratic activists and academics.

Large-scale efforts, however, are expensive and may not always constitute the most productive use of scarce resources, even those resources already dedicated to political development assistance. U.N. missions that combine an election verification role with more traditional peacekeeping are, not surprisingly, extraordinarily expensive. Moreover, there is a risk of redundancy and waste, where several independent organizations commit to monitoring an election, although, as discussed below, in certain circumstances it may be helpful for more than one organization to observe a particular election.

Given the limited resources available, organizations should develop criteria for evaluating requests for their involvement. In particular, organizations should consider the extent to which their contribution would be unique and would in fact contribute to a free and fair election process. Also, intergovernmental organizations should avoid being used in an inappropriate manner by member states eager to legitimize flawed election processes. Observer delegations sponsored by nongovernmental organizations face a similar risk if they agree to withhold public statements under any circumstances.

C. Who Should Observe?

In Africa, the United Nations, OAU, Commonwealth and nongovernmental organizations may all find themselves invited to observe a given country's elections. Acceptance by all parties may lead to confusion, duplication and waste. One solution is to establish an umbrella group that is responsible for coordinating all observers, as was realized in Ethiopia. To avoid some of the problems, however, that emerged in Ethiopia explicit terms of reference should delineate the authority of the different organizations operating under the umbrella, particularly with respect to the timing and content of public statements evaluating the election process.

It is also important to appreciate that many organizations prefer operating in a manner that reflects their institutional autonomy and that different organizations bring varied levels of expertise and experience to the election observing process. For example, the United Nations may be better suited to take the lead in situations that require a large-scale peacekeeping effort. The United Nations also brings with it a unique capability to establish effective communications networks and to recruit experts from all regions of the world.

In some circumstances, an organization may decide to organize an election observation program in a given country notwithstanding the involvement of other organizations. Under international pressure to hold meaningful multiparty elections, the Kenyan government, for example, has invited the Commonwealth to observe elections that must be scheduled before March 1993. But as an organization of governments, the Commonwealth may be constrained in its willingness to issue a critical report. This concern is prevalent among opposition activists who fear that member governments will not want to jeopardize cordial relations with the Kenyan government nor invite scrutiny of their own electoral processes. In these circumstances, nongovernmental organizations might be more willing to publicly criticize a flawed election process.[24]

If in fact more than one observer operation is established, each organization should recognize the danger of inconsistent post-election evaluations, which can increase domestic tensions and damage the credibility of the overall observation effort. Generally, observers find it desirable, at the very least, to communicate with counterparts from other organizations. This coordination ensures that no group announces findings based on incomplete or unrepresentative observations and avoids the issuance of inconsistent statements. In Zambia, for example, leaders of Carter Center/NDI, Commonwealth and OAU delegations met immediately before and after the elections to review and report on the observations of delegation members deployed throughout the country.

D. Terms of Reference

For international observer delegations to contribute constructively to an electoral process, they must develop and maintain a reputation for impartiality. Explicit delegation terms of reference contribute to achieving this goal. The terms of reference should specify that the observers not take sides or be perceived by any major political force within the country to favor

a particular electoral result. The terms of reference should further identify specific issues for the observers to address.[25]

Often, particularly for observer efforts organized by intergovernmental organizations, the terms of reference will be negotiated with the host government before the observer operation begins. Although the details may vary depending on the situation, they should generally include provisions for:

- the privileges and immunities of all observer personnel during their stay in the country;
- complete access by observers to election administrators, polling sites and counting centers; and
- the opportunity to evaluate all aspects of the election process, including the election law, voter registration, the campaign, handling of electoral complaints, casting of ballots, counting and tabulation of votes, and the installation of a new government.

E. Basis for Evaluating an Election

International standards for evaluating the legitimacy of particular elections derive from international treaties and other legal instruments and from custom and practice. These standards have substantially evolved in recent years.[26]

Several international human rights instruments guarantee individuals the right to participate in selecting their governments.[27] They also require equal opportunity for all citizens to become candidates and the right of candidates to espouse their political views. Finally, they affirm principles of political freedom, including the rights to freedom of peaceful assembly, to freedom of association, and to freedom of opinion and expression. The more recent resolutions and election observer reports of the United Nations and regional intergovernmental organizations also establish standards for evaluating the fairness of election processes, as do the reports of credible nongovernmental organizations.[28]

More difficult than defining general standards is applying the standards to a specific case. Most elections exhibit problems and shortcomings, especially transition elections in which the institutional framework and rules that govern the electoral process are themselves often a matter of controversy. Observers must strive to ensure that both the positive and the negative are fairly reported, that assessments are placed in the proper historical, political and cultural context and, to the extent reasonably possible, that statements are written with care so as not to be misrepresented by political actors for their own purposes.

Obviously, no precise formula exists for determining in the abstract the exact emphasis that particular factors deserve. Indeed, it may be impossible to measure the extent to which

inequities in the campaign and irregularities in the balloting and counting processes affect the outcome of an election.[29]

If an observer mission organized by an intergovernmental organization, such as the United Nations, the OAU or the Commonwealth, criticizes an election process conducted by a member state, the standing of the government within the organizations may be called into question. This is not an entirely hypothetical circumstance. The Organization of American States confronted this issue following the 1989 elections in Panama, although the OAS had not formally observed the elections. Relying in part on the report of a nongovernmental delegation, the OAS member states approved a resolution condemning the Noriega government while continuing to recognize the government.[30]

F. Domestic Election Monitors

In recent years, the importance of organizing nonpartisan, domestic monitoring efforts has been increasingly recognized.[31] These initiatives substantially enhance public confidence and promote popular participation in elections. The presence of observers at polling stations provides voters with a sense of security and deters more blatant forms of intimidation. Also, pollwatching encourages transparency and allows civic and nongovernmental organizations to play a direct role in the election-day activities.

Unlike international observers, domestic groups -- such as religious, professional, business, women's and student organizations -- are intimately familiar with the country's language, culture and political situation. In this context, international observer delegations benefit considerably from the presence of effective domestic monitoring groups, relying on them for pre-election briefings and for advice on which polling sites to visit. Likewise, domestic monitors often benefit from the sheltered political space created by a formidable international presence.

With the exception of an extraordinary U.N. undertaking as in Namibia, international observer delegations are incapable of fielding delegates at every polling site on election day. Given this constraint, international observers typically do not remain at a given polling station throughout election day. Domestic organizations, by contrast, can often recruit volunteers who are assigned to a given polling site for the entire day. Training these volunteers not only improves the quality of a particular election, but also creates a cadre of citizens committed to supporting nascent democratic institutions.

G. Election Assistance

In addition to election monitoring, the provision of material and technical assistance to governments undergoing transition or in need of strengthening election systems has become increasingly common. Material assistance may take the form of funds to support the work of the election commission; vehicles, computers and other infrastructure needs; and contributions of election paraphernalia such as ballot boxes, ballot paper, registration books and indelible ink.

For the June 1992 Ethiopian elections, for example, the government received more than $12 million in cash or in-kind contributions from donor countries.

Technical assistance may involve sending technical experts to help a national election commission prepare for elections. For example, an election expert designated by the United Nations recently spent a month advising the newly-formed Liberian election commission on preparing an election budget and revising the existing election code. Similarly, before the June 21 Ethiopian elections, Sweden sponsored the visit of two elections experts to help the National Election Commission develop rules of implementation for use by officials on election day.

Dispatching a team of international experts to evaluate an election system represents another form of technical assistance. In 1990, the government of Senegal, recognizing that controversy regarding the electoral process threatened the country's stability, invited NDI to evaluate the Senegalese election system. Responding to the request, NDI organized a five-member team comprising nationals from Belgium, Canada, France, Mauritius and the United States. The team visited Senegal for a week, consulted with all active political parties and the election commission, and prepared a comprehensive report, which recommended several changes in the election system.[32] A government appointed commission subsequently adopted all of the recommendations, leading to the formation of a coalition government and a reduction in tensions within the country. A year later, NDI was invited to conduct a similar evaluation in Cameroon.[33]

IV. LOOKING FORWARD

The United Nations is currently committed to administering a plebiscite in the Western Sahara and monitoring the September elections in Angola. The United Nations also will likely undertake an operation similar to Angola in Mozambique, will observe the Eritrean plebiscite and will be involved in South African elections when they are scheduled. More generally, as of July 15, 1992, the United Nations had received requests from seven additional African countries for election monitors and from 13 African countries for technical election-related assistance.

Other organizations, such as the OAU, the Commonwealth and various nongovernmental groups, also have been besieged by requests for election monitors and election assistance. In mid-September, the OAU, for example, is sponsoring a week-long training program designed to develop an OAU capability with respect to requests for election-related assistance. As OAU Secretary General Salim Salim stated in a recent interview:

> Now that the wind of democratization is sweeping through our continent, my concern . . . is that while the friends of Africa should support this process, the best and most constructive way of doing so is to support Africa in creating institutions for democracy, institutions which can guarantee that the question of

> democratization is not just a whimsical thing . . . And it is in that context that the OAU is going to play a role.[34]

The United States government, meanwhile, recently awarded a large grant to a consortium of nongovernmental organizations for the purpose of providing election related assistance to African countries.

During the next 12 months, the African elections most likely to draw major international attention include those in Kenya, Togo and Liberia. Other "first" or "transition" elections occurring on the continent during the next 12 months also, undoubtedly, will be subject to some form of international monitoring.

In Kenya, the government has invited the Commonwealth to send an observer delegation for presidential and legislative elections that must be scheduled before March 1993. The government, however, appears disinclined to cooperate with other observer teams and has effectively prevented one nongovernmental organization from providing technical assistance to a domestic monitoring group. Given Kenya's profound economic difficulties, the government is susceptible to pressures from the donor community to provide for a meaningful and competitive electoral process.

The Togo transition has been beset by problems. The appointment of a transitional government was followed by a attempted coup, which restored a measure of power to the former head of state. The transition period is now scheduled to conclude by the end of 1992, following a constitutional referendum and legislative and presidential elections. The Togolese government has invited several organizations to send observers. Also, the Togo affiliate of the GERDDES organization plans a large-scale monitoring effort.

The elections in Liberia, now tentatively scheduled for November 30, are being viewed as a means for resolving the civil war that has beset the country Liberia since 1990. A military force operating under the auspices of Economic Community of West African States (ECOWAS) is monitoring the ceasefire and is expected to play a major role in ensuring that a peaceful environment exists for the duration of the electoral campaign. President Carter and his International Negotiating Network, meanwhile, have actively sought to mediate the conflict, and the Carter Center will be organizing a major international observer delegation. Also, the United Nations and various nongovernmental organizations have advised the election commission on strategies for administering the elections and for obtaining the necessary funds to permit the occurrence of the elections.

CONCLUSION

In Africa, pluralism and multiparty democracy are slowly taking root. Many African countries are undertaking transitions from authoritarian rule by holding competitive, multiparty elections. In many cases, these countries are seeking technical and financial assistance from the international community and the presence of international observers at the time of the elections.

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While positive responses to these requests are desirable, issues of resource allocation and standardizing verification methodology also must be addressed. Moreover, in the long term, sustaining democratic systems of government will require strengthening civil societies and creating a cultural ethos in which peaceful competition and alternation in power are accepted values.

ENDNOTES

1. See generally, United Nations Department of Political Affairs, Trusteeship and Decolonization, *United Nations Participation in Popular Consultations and Elections* (December 1983). See also D. Amato, *Elections Under International Supervision, 1948-1970* (dissertation submitted to the Johns Hopkins School of Advanced International Studies 1970).

2. *United Nations Participation in Popular Consultations and Elections*, *supra* note 1.

3. See, e.g., Freedom House, *Report on the Freedom House Mission to Observe the Common Roll Election in Zimbabwe/Rhodesia - April 1979*, reprinted in *Executive-Legislative Consultation on Foreign Policy: Sanctions Against Rhodesia*, Committee on Foreign Affairs, 97th Congress, 2nd Session, 1982, p. 361. For an extensive critique of the Freedom House effort in the 1979 elections, see F. Broadhead and E. Herman, *Demonstration Elections*, pp. 206-221 (1984).

4. P. Chitnis, *Free and Fair? The 1979 Rhodesian Elections: A Report by Observers on Behalf of the British Parliamentary Human Rights Group*, reprinted in *Executive-Legislative Consultation on Foreign Policy: Sanctions Against Rhodesia*, Committee on Foreign Affairs, 97th Congress, 2nd Session, 1982, pp. 280-347.

5. See generally, Commonwealth Secretariat, *Southern Rhodesia Elections February 1980: The Report of the Commonwealth Observer Group on Elections Leading to an Independent Zimbabwe* (1980).

6. See generally, National Democratic Institute for International Affairs, *Nation Building: The UN and Namibia* (1990).

7. Report of the Commonwealth Observer Group on Namibia, *Preparing for a Free Namibia, Elections Transition and Independence* (Commonwealth Secretariat 1989).

8. National Democratic Institute for International Affairs, *Democratic Elections in Namibia: An International Experiment in Nation Building* (June 1989).

9. Lawyers Committee for Civil Rights, *Report of the First Observer Mission of The Commission on Independence for Namibia* (July 1989); Lawyers Committee for Civil Rights, *Report of the Second Observer Mission of The Commission on Independence for Namibia* (August 1989).

10. See Report of the Secretary General, *Enhancing the Effectiveness of the Principle of Periodic and Genuine Elections*, U.N. Doc. A/46/609, (November 19, 1991).

11. See generally, McCoy, Garber and Pastor, "Pollwatching and Peacekeeping," *Journal of Democracy*, Fall 1991.

12. Commonwealth Secretariat, *Uganda Elections, December 1980: Report of the Commonwealth Observer Group* (1980).

13. U.N. Security Council Res. 747, adopted March 24, 1992. See also *Further Report of the Secretary General on the United Nations Angola Verification Mission*, U.N. Doc. S/23671 (March 3, 1992).

14. *Further Report of the Secretary-General on the United Nations Angola Verification Mission*, U.N. Doc. S/24125 (June 24, 1992).

15. See International Human Rights Law Group, *Zimbabwe: Report on the 1985 General Elections*, p. iv (1986).

16. T. Bakary, "Election Observation in Black Africa" (April 1991).

17. See generally, National Democratic Institute for International Affairs and Carter Center of Emory University, *The October 31, 1991 National Elections in Zambia* (1992).

18. *Id.* at p. 50.

19. *Id.* at pp. 143-44.

20. Organization of Africa Unity, *Report on the October 1991 Zambian Elections* (1992).

21. In some circumstances, the United Nations has been called upon to actually administer, rather than merely observe or supervise, elections. The settlement plan for Cambodia envisions United Nations administration of the entire electoral process, and the plan for elections to resolve the conflict in Western Sahara envision a similar UN role. There also may be other contexts where the intensity of a conflict may warrant an active United Nations or OAU role in administering an election, but resource and political constraints make such situations unlikely in most African countries.

22. Conference on Security and Cooperation in Europe, *Document of the Copenhagen Meeting of the Conference on the Human Dimension*, (June 1990) section 1, paragraph 8. The June 1990 document adopted by the 34 counties party to the CSCE process reflects the contemporary attitude toward observer efforts:

> The participating States consider that the presence of observers, both foreign and domestic, can enhance the electoral process for States in which elections are taking place. They therefore invite observers from any other CSCE participating States and any appropriate private institutions and organizations who may wish to do so to observe the course of their national election proceedings, to the extent provided by law. They also will endeavor to facilitate similar access for elections proceedings held below the national level. Such observers will undertake not to interfere in the electoral proceedings.

23. Report of the U.N. Secretary-General, supra note 8.

24. The mutually reinforcing roles of observer delegations sponsored by intergovernmental and nongovernmental organizations is developed in an article analyzing the role of international observers in the 1990 Nicaraguan elections. See McCoy et al, supra note 11 at pp. 110-11.

25. See, e.g., *The October 31 1991 National Elections in Zambia*, supra note 17 at pp. 102-109.

26. T. Franck, "The Emerging Right to Democratic Governance," *American Journal of International Law*, Vol. 86, p.75 (1992).

27. L. Garber, *Guidelines for International Election Observing*, pp. 5-6 (1984).

28. See *Nation Building: The U.N. and Namibia*, supra note 6 at pp.80-81.

29. See, e.g., National Democratic Institute for International Affairs, *The October 1990 Elections in Pakistan*, pp.105-109 (1991).

30. OEA/Ser.F/II.21, approved May 17, 1989; see also, National Democratic and Republican Institutes for International Affairs, *The May 7, 1989 Panamanian Elections*, pp. 123-24 (1989).

31. L. Garber, "Observers at Polling Places Must Include Those Without A Stake," *The Christian Science Monitor*, May 13, 1992.

32. National Democratic Institute for International Affairs, *An Assessment of the Senegalese Election Code* (1991).

33. National Democratic Institute for International Affairs, *Democratization in Cameroon: International Delegation Report* (1991).

34. M. Novicki, "Interview with Salim Ahmed Salim," *Africa Report* p. 36 (May-June 1992).

Chapter 15

The Role of International Observers

Larry Garber

International observers[1] were present for all of the 1990 elections in Eastern and Central Europe. Their collective efforts highlight the growing acceptance and understanding of the roles that international observers can play in supporting free and fair election processes, especially in transition elections following years of nondemocratic rule. Moreover, these election observation experiences led to an institutionalization of the process among the countries party to the Conference on Security and Cooperation in Europe (CSCE) as reflected in the Copenhagen declaration adopted

[1] Defining the term "international observer" is not always easy. Generally, an individual's self-definition is accepted by both the domestic authorities and by the international community, including the media. Of course, such self-definition ignores the *bona fides* of an individual or group as a neutral and objective observer of the process.

on June 29, 1990, less than two weeks after the elections in Bulgaria marked the conclusion of the spring 1990 election season.

This chapter describes the attitudes exhibited toward observers in the different countries of the region and evaluates the contribution that the observers made to the election processes. The final sections comment on the lessons to be learned from the observers' experiences in 1990 and on the future direction of observation efforts in the region.

I

The different governments in the region all accepted the presence of international observers for the 1990 elections. For those who have worked hard to convince reluctant governments in other regions of the world to permit international observers, the warm welcome afforded international observers marked a surprising and positive development in Eastern and Central Europe. In some countries (*e.g.*, East Germany, Hungary, Poland and Czechoslovakia), the presence of observers was not seen as necessary to ensure a fair campaign environment or to deter fraud; indeed, for the 1989 Polish legislative elections, Solidarity and other groups discouraged the presence of large observer delegations because they believed that it would be more beneficial in the long term to develop and rely on local monitoring initiatives.

The Central European countries welcomed observers principally as a means of demonstrating international support for the dramatic changes occurring in these countries. In Hungary and Czechoslovakia, the National Democratic and Republican Institutes for International Affairs jointly sponsored large-scale international delegations that not only observed the elections, but also participated in post-election seminars, respectively, on "Mechanisms for Promoting a Transition Process" and a "Symposium on Democracy." The observation process became a learning experience, which was

particularly relevant for delegation members who were seeking to initiate democratic transitions in their own countries.[2]

In Romania and Bulgaria, where democratic traditions are much weaker, observers played the more traditional roles of encouraging a fair campaign and of deterring election-day fraud. No barriers were encountered by observation efforts in either country, although expectations varied as to the significance of their presence in encouraging fair elections. The quality of the evaluations issued by different observer groups also varied. Still, there can be no doubt that observers in both countries gave added confidence to populations participating in multiparty elections for the first time in more than a generation. Moreover, in several instances, the observers, during pre-election surveys, were able to suggest administrative reforms that improved the quality of the process.

In Romania, the government initially invited the United Nations to observe the May elections. The Secretary General declined the invitation, ostensibly because the election was occurring in a sovereign country and no regional security threat was at issue.[3] The government then encouraged the presence of observers sponsored by governments and nongovernmental organizations. A far-reaching decree was adopted providing observers with free and unimpeded access to the observation process, from the beginning of the election campaign until the announcement of the election results.[4] The

[2] The delegations in Hungary and Czechoslovakia included nationals from Bangladesh, Kenya, Liberia, Nigeria and South Africa.

[3] The United Nations' attitude on the question of observers has been undergoing some evolution in recent years. Until recently, the U.N. would observe elections only in a decolonization situation. The February 1990 elections in Nicaragua represented the organization's first foray into observing elections in a sovereign country. The Secretary General explained the decision to observe the Nicaraguan elections as fulfilling the U.N. mandate to contribute to regional security. This rationale was more attenuated in Haiti, where again the U.N. decided to observe elections in a sovereign nation.

[4] The decree provided observers unhampered access to information and documentation on the legal framework concerning the elections and on the norms governing basic human rights and freedoms, uninhibited travel and

Romanian government maintained this open attitude even after observers conducting pre-election missions issued statements critical of the campaign environment.[5]

Opposition supporters also encouraged the presence of observers, even while they discounted the possibility of fair elections. At times, opposition leaders and activists held quite unrealistic expectations about the contribution that international observers could make to a fair process. These activists, and also prospective voters, noted that observers would be present only for a short time and expressed fears regarding what might happen after the observers left the country. Indeed, the Romanian experience underscored the limited role that observers can play, particularly in a society where domestic groups are not well-organized.

In Bulgaria, the government's attitude toward observers was initially more ambivalent. While the election law adopted in April 1990, two months before the elections, authorized the presence of "guests," the government sought to confine the definition to a discrete group of legislators from neighboring countries. Under pressure from a variety of sources, the government ultimately acceded to permitting free access to all those who sought to be present for the elections.

The observers in Bulgaria benefitted from the emergence of a nationwide civic organization, the Bulgarian Association for Fair Elections (BAFE) (see Chapter 8). Both in the pre-election period and on election day, BAFE facilitated the activities of the observers, without linking the observers to a particular contestant in the election process. Moreover, BAFE's network and its successful implementation of a parallel vote tabulation provided observers with reliable and immediate information regarding the overall process, thus

contacts with the leaders of any political group,...and unconditional access to electoral meetings and to monitoring the electoral process in any of the country's localities. The decree also provided that observers abide by their neutrality status and not interfere with the electoral process, and that the observers could convene press conferences at the end of their mission and request to be received by the Romanian authorities.

[5] See, *e.g.*, International Human Rights Law Group, *Report on the Romanian Campaign for President and Parliament* (May 9, 1990).

assisting the delegation's ability to issue a statement soon after the elections.

Bulgaria offers a good example of how observers contributed to the election process by more than just their presence on election day. During the pre-election period, observers from NDI and other organizations encouraged reforms in the administrative process relating to the tally sheets and the voter registration lists. On election day, the leaders of the NDI/NRIIA international observer delegation, building upon the goodwill established between government officials and participants in the pre-election missions, played a critical role in ensuring that the parallel vote tabulation was implemented as planned. And following the elections, some of the observers investigated complaints registered by the opposition, demonstrating a seriousness of purpose and adding substantive weight to their overall assessment of the process.

II

The Romanian and Bulgarian experiences highlight the difficulties that observers face in evaluating controversial elections. In Romania, observers confronted a situation in which the ruling National Salvation Front scored an overwhelming victory, following an election campaign marked by Front abuses of the perquisites of incumbency and serious acts of intimidation. In addition, the elections were fraught with administrative problems and in some cases outright fraud in the balloting process.

Some observers, most notably members of a British parliamentary group and an official delegation sponsored by the United States government, visited the country for only a few days and directed their attention primarily to the balloting process. Failing to observe systematic fraud, these delegations issued generally favorable statements.

Other observers were more skeptical. In its statement, the 60-member NDI/NRIIA international delegation stressed the problems that existed during the campaign as well as on election day. While recognizing that some democratic progress had been made, the

delegation emphasized that the elections had not demonstrated the democratic *bona fides* of the Front.

In Bulgaria, the situation was equally complicated. Here too, there was a serious imbalance in resources available to the contesting parties, although a much more meaningful campaign took place than in Romania. Moreover, pre-election and election-day visits throughout the country reported on the existence of a climate of fear, caused in large measure by the legacy of 45 years of totalitarian rule. Nonetheless, few administrative problems occurred on election day, and very few incidents of outright fraud were alleged. The parallel vote tabulations conducted by BAFE and by a West German polling firm detected no fraud in the tabulation of results.

In Bulgaria, as in Romania, some observers sought to emphasize the positive aspects of the process. For its part, the NDI/NRIIA international observer delegation drew a more subtle distinction, highlighting the existence of fear and its impact on the process but also recognizing that this factor in and of itself did not provide a basis for invalidating the elections. The delegation recognized that, despite the imperfections, the elections provided Bulgarians an opportunity to participate in a meaningful process and that the results reflected the will of the voters as expressed at the ballot box on election day.

III

Several lessons can be drawn from observing the 1990 elections in the countries of the region. Recognition was given to the different roles that observer missions can play in transition elections, ranging from demonstrating support for a democratic process (East Germany and Hungary) and celebrating the rebirth of democracy (Poland and Czechoslovakia) to evaluating elections occurring under difficult circumstances (Romania and Bulgaria).

The elections, particularly in Romania and Bulgaria, also highlighted the importance of adopting sound methodology in assessing election processes. Such a methodology includes conducting pre-election missions to identify problems and facilitate solutions; establishing contacts and informing the population of observer presence; maintaining a neutral and objective point of view; working

with local, nonpartisan organizations; and being prepared to conduct post-election follow-up investigations. Encouraging parties and other organizations to conduct parallel vote tabulations can also significantly enhance the observation process.

IV

On June 29, 1990, the 35 countries then party to the Conference on Security and Cooperation in Europe (CSCE) approved a lengthy document concerning the "human dimension" of the CSCE process. Influenced by the events of the previous months, the CSCE countries declared "that the will of the people, freely and fairly expressed through periodic and genuine elections, is the basis of the authority and legitimacy of all government."

The document sets forth standards for free and fair elections in CSCE countries. The standards require that CSCE countries: hold free elections at reasonable intervals; permit all seats in at least one chamber of the national legislature to be freely contested; guarantee universal and equal suffrage to all adult citizens; ensure that votes are cast by secret ballot or by equivalent free voting procedure; ensure that the votes are counted and reported honestly; respect the rights of citizens to seek political office, individually or as representatives of political parties; ensure that law and public policy permit a free campaign environment; provide for unimpeded access to the media; and guarantee that the candidates who obtain the necessary number of votes are duly installed in office. These standards reflect a broad consensus on what constitutes free and fair elections and should serve as a model for the development of similar standards by other intergovernmental organizations.

With respect to international observers, the CSCE document provides:

> The participating States consider that the presence of observers, both domestic and foreign, can enhance the electoral process for States in which elections are taking place. They therefore *invite* observers from any other CSCE participating States and any appropriate private institutions and organizations who may wish to do so to

observe the course of their national election proceedings, to the extent permitted by law. They will also endeavor to facilitate similar access for election proceedings held below the national level. Such observers will undertake not to interfere in the electoral proceedings.

This is the first international document to recognize the status of international observers. By virtue of its very explicit language, the document should help deflect arguments that election observing constitutes interference in the internal affairs of CSCE countries. This provision also may help overcome the resentment felt in some countries regarding the willingness of developed countries, which are advocates of election observing, to welcome observers for elections in their own countries.

Several questions remain to be addressed in order to determine the future role of observers in CSCE countries. First, the CSCE must decide whether to establish a mechanism for observing elections itself rather than simply encouraging member states to do so. The advantage of CSCE observer missions would be their ability to formally represent the entire CSCE community, thereby adding international encouragement for free and fair elections.

Establishing such a mechanism, however, would raise a host of additional questions. Are all CSCE states eligible for representation on an observer mission? Which elections would be observed by CSCE observer missions? How long would an observer team be authorized to spend in the country (and who would pay for the mission)? Would the observer missions be limited to a reporting role or would they be instructed to facilitate the resolution of difficult legal, administrative and political issues? Finally, what weight would CSCE observer missions have on the issue of government recognition and bilateral relations in the case of a critical evaluation of the election process? Similar questions are currently under consideration by other intergovernmental organizations, including the United Nations,[6] the Organization of American States and the Commonwealth nations.

[6] See, G.A. Resolution 45/150 (adopted December 18, 1990). See also, *Response of the National Democratic Institute for International Affairs to United Nations General Assembly Resolution 45/150 Developing a United Nations Elections Assistance Capability* (submitted to the Secretary General, June 15, 1991).

Assuming CSCE observer missions prove impossible to organize, at least in the short term, government and nongovernmental organization observer missions will continue to play key roles. The CSCE document assures such delegations access to the election process but does not spell out in detail what that access entails. In keeping with the trend exhibited in Eastern and Central Europe during the spring of 1990, and in other parts of the world during the past five years, observer missions, at a minimum, should be authorized: to monitor all aspects of the election process from the beginning of the campaign through the installation of a new government; to travel and communicate freely within the country; to visit polling sites on election day and vote tabulation centers after the polls close; and to issue public statements before and after the elections. The decree adopted by the Romanian government before the May 20, 1990 elections could serve as a model in this regard. The observers, of course, would be obliged to abide by all domestic laws and regulations and to avoid interfering in the domestic political process.

Governments and nongovernmental organizations sponsoring observer missions should comprehensively brief their designees on what is expected of them and should set forth terms of reference reflecting the complexities involved in evaluating an election process. At the very least, the terms of reference should require objective standards and the requirement that the observers evaluate the three critical phases of an election process: 1) the election campaign; 2) the balloting and counting processes; and 3) the post-election disposition of complaints.

Observer groups sponsored by different organizations should be prepared to share information regarding the process, although it will be difficult to coordinate the post-election statements issued by various observer groups. The domestic and international media, which serve as the principal vehicles for disseminating the views of international observers, should be selective in their reliance on information from observer groups, relying, to the extent possible, on those groups that are observing elections in a manner consistent with evolving international standards.[7]

[7] See, L. Garber, *Guidelines for International Election Observing* (International Human Rights Law Group, 1984).

V

Given the role that observers played in Eastern and Central Europe in 1990, it is not surprising that there are high expectations for continued observer involvement in future elections. While the allocation of resources for observer missions can almost always be justified for transition elections, the direct benefits become less obvious as elections become more institutionalized and fears of fraud and intimidation become less severe. In such circumstances, other forms of political development assistance — directed at newly established legislatures, independent judicial systems, free media outlets, local governments and other institutions — become more relevant

Still, a trustworthy election system is critical to ensuring the existence of a democratic form of government. When questions arise regarding the quality of the election system, governments and nongovernmental organizations should be prepared to sponsor international observer delegations that can then determine whether a commitment to free and fair elections exists and, where appropriate, encourage ways to improve the electoral process

POLLWATCHING AND PEACEMAKING

Jennifer McCoy, Larry Garber, & Robert Pastor

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Even before the Gulf War rekindled hopes that the United Nations could enforce the elusive principle of collective security, sovereign states had begun to request another form of security assistance from the international community—help in resolving internal conflicts and guaranteeing processes of democratization. International organizations like the UN and the Organization of American States (OAS) were designed primarily to keep the peace among states, not to resolve civil wars, even those involving external intervention. Similarly, such domestic affairs as designing the rules of the political game and conducting elections have been considered to lie outside the purview of international organizations.

The Nicaraguan elections of February 1990, however, challenged traditional concepts of sovereignty and introduced an unprecedented role for international actors in the internal affairs of that troubled country. Since then, the model developed in Nicaragua has been used in Haiti; modified for use in Suriname, Guyana, and El Salvador; and proposed as a means for resolving civil conflicts in Africa and Asia.

The model consists of an old formula, free elections, applied in a radically new manner. In Nicaragua, groups of international observers helped both to negotiate the rules of the electoral "game" and to implement a collectively guaranteed democratization process arising from a regional peace plan. The outcome was the world's first peaceful transfer of power from a revolutionary government to its opposition, and the first election in Nicaraguan history in which all major parties

competed and accepted the results. The principal actors both inside and outside Nicaragua were satisfied that the process had worked. The defeated Sandinistas, while obviously unhappy with the results, recognized that their long-term interests and those of Nicaragua were better served by respecting the vote than by defiantly holding onto power. The Nicaraguan experience, as well as other recent cases where international election monitors have been present, suggests the usefulness of this model in resolving the world's most intractable conflicts.

Historically, most Latin American governments have advocated respect for the principle of "nonintervention"—a principle that obviously favors incumbent governments. No principle has been more frustrating to an expansive power and more sacred to a weak nation. Latin America enshrined the principle in Article 15 of the OAS Charter: "No State or group of States has the right to intervene, directly or indirectly, for any reason whatever, in the internal or external affairs of any other State. The foregoing principle prohibits not only armed force but also any other form of interference." Yet as Venezuelan president Carlos Andrés Pérez told the OAS on 27 April 1990, the nonintervention solution had become part of the problem by "allowing the protection of dictatorships like those of Somoza, Stroessner, Duvalier, and Trujillo. . . . Nonintervention became a passive intervention against democracy."

Frustrated by the protracted internal wars that were ravaging their region, the five Central American presidents devised a way through this problem at Esquipulas, Guatemala, in 1987. There they approved a plan to end the conflict in the region by undertaking a collectively guaranteed process of national reconciliation and democratization. That plan represented a conceptual breakthrough in international relations, slicing through the cord connecting internal strife and external intervention by dealing with both dimensions of the conflict at the same time. It laid the basis for the ultimate resolution of the Nicaraguan conflict.

The 1990 Nicaraguan elections illustrate how outside actors—the other Central American governments and the international election observers—can serve as collective guarantors helping to promote national reconciliation and democratization. In this case, a massive observer presence by two intergovernmental organizations—the UN and the OAS—combined with the active participation of the Council of Freely Elected Heads of Government (the Council), a distinguished group of current and former Western Hemispheric leaders chaired by former president Jimmy Carter, contributed significantly to the success of the voting.

The worldwide upsurge of democracy and the reduction of tension between the superpowers offer an unprecedented opportunity for outside actors to help domestic groups negotiate and accept new political rules of the game that, in turn, could permit peaceful change and the resolution of longstanding conflicts. The UN Security Council plan for

resolving the Cambodian conflict through UN-administered elections and the agreement of the UN and OAS to mediate the civil conflict and monitor the March 1991 elections in El Salvador indicate the breadth of the potential role that could be played by international organizations. Likewise, the U.S.-Soviet agreements to cooperate in joint efforts to resolve the Angolan and Afghan civil wars through internationally monitored elections indicate the potential role of such elections for resolving other long-term internal conflicts tied to foreign intervention.

In some cases, however, foreign governments cannot effectively negotiate internal matters, and intergovernmental organizations are often unable or unwilling to do so. In such cases, the best method of resolution may be private mediation rather than state-led diplomacy. Whether they are private individuals or intergovernmental organizations, outside mediators can often successfully bring the antagonists to the table, help devise the rules of the game, and guarantee a modicum of fairness in the election process.

Defining the Problem

Elections held in different types of situations pose distinct problems and opportunities. The most visible and significant role for international actors is during "first elections," when countries are making a democratic transition and opposition groups are genuinely competing for the first time. In cases where civil violence is likely, there may be a need for special measures to guarantee not only the election's fairness, but also the security of the participants. In July 1990, for example, Haitian president Ertha Pascal-Trouillot asked the UN for security advisors. The request initiated a debate that lasted until the General Assembly and the Security Council agreed in October to provide such advisors, together with civilian observers. The May 1991 Angolan accord, signed by government and UNITA leaders and mediated by Portugal, calls for a joint political and military commission—to be made up of representatives from the Angolan government and UNITA, plus Portugal, the U.S., and the Soviet Union—to prepare for elections in 1992.

Besides physical peril, lack of confidence in the election machinery and the government personnel supervising the elections is the greatest obstacle to a successful outcome. The danger lies in the deep distrust among contending parties and the possibility that a party might boycott the election because of perceived inequities or bias in the process. In countries where mutual distrust runs deep, observers thus play a dual role: They serve the government by helping to keep the opposition in the race, a prerequisite for a legitimate process, and they serve the opposition by ensuring that the election will either be fair or else be denounced as fraudulent.

Depending on the outcome of the elections, observers do one of three

things. They can legitimize a ruling-party victory where such a victory would not otherwise be credible. This was the case in the elections in Korea in 1987, in Bulgaria in 1990, and in the Dominican Republic in 1990. Observers can also confirm an opposition victory and persuade the surprised incumbents to accept defeat, as happened in Nicaragua and Chile. Finally, observers can cry fraud if a government refuses to acknowledge the true outcome of an election, as in Panama and the Philippines, with significant costs for the incumbent.

In countries with limited democratic experience or where incumbent leaders or parties are accustomed to or accused of using the electoral machinery to maintain power, governments may actually benefit from international observers. Confident incumbents have been known to invite international observers, who can certify elections no matter who wins. This was the case with the Sandinistas, and may have been the reasoning of Guyanese president Hugh Desmond Hoyte, who has invited both the Commonwealth and, with the encouragement of the opposition, Carter and the Council of Freely Elected Heads of Government to observe elections to be held in the fall of 1991. This same reasoning may convince other governments historically hostile to observers, such as Mexico, to permit their presence as a means of making a ruling-party victory credible in the eyes of a skeptical opposition and international community.

Even in countries that have previously held free elections, international observers can play an important role in reducing tensions and ensuring that the rules of the game are respected by all sides. In the recent elections in the Dominican Republic, for example, the observer delegation led by Jimmy Carter defused a potentially explosive situation by proposing procedures to review disputed election results. In the end, opposition leader Juan Bosch found it awkward to reject the observers' conclusion that he had lost to incumbent president Joaquin Balaguer, for Bosch had himself been the principal force behind the invitation to Carter's group. In Suriname, a country with a history of free elections tarnished by military intervention, the OAS was invited not only to observe the May 1991 elections, but more importantly, to stay until the inauguration of the new civilian government.

In some circumstances, an intergovernmental organization may actually have to administer or supervise an election process in order to establish the legitimacy of the result. Such was the case with the 1989 Namibian elections, which the South African government administered under UN supervision. Similarly, the current plan for resolving the Cambodian conflict calls for UN control over the entire election process. More commonly, domestic authorities administer elections in accord with their country's constitution, while the presence of observers is invited or permitted as a means of reassuring parties and voters alike.

In Nicaragua and Haiti in 1990, the governments invited

intergovernmental and private groups to observe the elections. In other cases, the government may be unwilling to give intergovernmental organizations a formal role, though private groups may be permitted to observe. This happened in Chile, Pakistan, Romania, Bulgaria, Hungary and Czechoslovakia, as well as in the failed cases of Panama in 1989, Haiti in 1987, and the Philippines in 1986.

Election observing, in its simplest form, has a long history.[1] Since World War II, the UN has observed elections, referenda, and plebiscites—most often in situations involving transitions from colonial to independent status. The November 1989 elections in Namibia were a harbinger of the expanding role of international observers as conflict mediators. The peaceful conduct of those elections helped to resolve a 30-year-old war between South Africa and the South West African Peoples Organization (SWAPO), and set the stage for Namibian independence.

Because of Namibia's unique legal status, the UN assumed a formal role in supervising the elections there. While South Africa maintained administrative control during the transition period, UN police and election monitors were in the country for the eight months preceding the elections. During this period, UN representatives, often acting at the urging of private observer groups, negotiated critical changes in the election law that South Africa had originally proposed. Outside observers joined most Namibians in crediting the UN team, whose members were at every polling site, with ensuring the success of the five-day voting process.

In the Western Hemisphere, the OAS sent observers to more than 15 countries between 1962 and 1989. Usually, however, OAS teams stayed for a very short time around election day. The purpose was less to monitor the electoral process per se than to show moral support for democratic elections.

During the past decade, the phenomenon of private groups observing elections has become commonplace all over the world, although their role in the election process generally has been limited. Until recently the history of election observing has been mostly one of passive onlooking rather than active mediation.

Before the Nicaraguan case, the UN had never accepted an invitation to observe elections in a member country, and never before had the OAS agreed to furnish a massive observer presence for the duration of an electoral campaign and voting process. Each organization signed a formal protocol with the government of Nicaragua, reflecting the unprecedented nature of the effort. Each organization stressed the uniqueness of this case—especially its relation to the regional peace process—and warned that it was not setting a precedent for similar efforts in other countries.

Nonetheless, other sovereign countries and opposition groups within them are now requesting or discussing the possibility of similar efforts.

The model of international election monitoring developed in Nicaragua and other recent cases therefore needs to be carefully evaluated.[2]

The Functions of International Observers

The need for international observers derives from several sources. International observers provide psychological support to participants in the election process. In many cases, the observers' mere presence reassures a skeptical population regarding the secrecy of the ballot, the efficacy of the process, and the safety of the voters.

The presence of more than 2,500 observers in Nicaragua, along with an education campaign by the Catholic Church, served to reassure voters that the ballot would be secret. When asked how they voted, many voters responded with the words of the educational campaign—"El voto es secreto." The visible presence of high-level observers in Panama in May 1989 seemed to encourage a large voter turnout, despite widespread skepticism about Noriega's intentions. The reassurance furnished to skittish Haitian voters by large numbers of international observers was crucial in 1990, especially in light of the election-day massacre that had occurred in 1987.

A more classic rationale for the presence of election-day observers is that they can deter fraud in the balloting and counting processes. To serve this purpose, however, the observer delegation's presence must be well publicized, the delegation must have enough members to visit a significant number of polling sites, and it must obtain adequate information regarding the counting of the results. The latter is particularly important since serious manipulation is most likely to occur during the counting phase. Election-day fraud was a major concern of the Nicaraguan opposition from the outset. By fielding large delegations and deploying them systematically around the country, the OAS and UN were well-positioned to deter any significant attempt at manipulation. Together, the two organizations visited more than 80 percent of the country's polling sites on election day.

A third function of observers is to report to the international community on the overall fairness of an election process. Such an evaluation generally requires a sustained observation effort that considers the quality of the election laws, voter registration, the election campaign, the balloting and counting processes, and the degree to which the results are respected. This purpose has gained significance as countries like the United States have made a government's commitment to periodic and genuine elections a factor in bilateral relationships.

Finally, the presence of observers may provide a vehicle for resolving longstanding disputes. Observers may act as mediators and facilitators, promoting confidence in the process and easing the mutual distrust that might otherwise flare into full-blown conflict. This is obviously the most

complicated role that observers can play, requiring a considerable commitment of resources and skill.

The UN, OAS, and Council delegations to Nicaragua together fulfilled the four functions described above. Their presence during the registration phase, the campaign period, and on election day boosted public confidence in the credibility and efficacy of the election process, and allayed some of the fear that inevitably exists in a society with a limited democratic tradition. At least as important, the observers helped to transform the antagonists' attitudes, contributing to an easing of hostility on both sides. The significance of this change in attitudes became clear on the day after the election, when all sides committed themselves to a smooth transition and began negotiations to achieve it.

Lessons from International Observing

The first lesson is that where distrust is deep, the major parties must be motivated to participate in elections and to accept the presence of observers. The government needs to view international observers as a vehicle for ensuring that the world will recognize its victory, or for proving that it is indeed committed to free elections. The opposition needs to believe that it can win free elections or at least do well enough to magnify its influence, and then it needs to find third parties who can guarantee that any election tampering will be exposed. An invitation from both sides provides the international observers with real leverage to insist on fair elections since neither side will want to be accused of manipulation or an insincere commitment to free elections.

In Nicaragua, for example, the successful conduct of free and fair elections in which all parties accepted the outcome depended on several factors: 1) strong motivation on the part of the ruling Sandinistas and the opposition to participate in elections; 2) the willingness of the Nicaraguan government to invite international organizations to observe and judge the overall conduct of the election process; and 3) the long-term presence of credible international observers who gained the trust of both sides.

The Sandinistas clearly stood to gain from holding elections deemed honest by world—and U.S.—opinion. Nicaraguan history is replete with examples of the opposition withdrawing from or boycotting elections conducted by a distrusted government. Most recently in 1984, major opposition groups, encouraged by the U.S. government, withdrew from the race due to harassment and their fear that the Sandinistas would rig the election. Although the elections were judged reasonably fair by a few international groups, they were marred by the boycott of these parties. The Sandinistas thus sought to avoid another boycott in 1990.

The Sandinistas also nourished a strong, unwavering belief that they would win a fair contest. Their calculation was that an observer-certified

Sandinista victory might end U.S. support for the contras and the trade embargo, open the way for renewed international aid and loans, and eventually lead to peace and economic recovery.

The opposition was wary of participating in elections administered by a government it did not trust. Yet even those sectors that had boycotted the previous elections decided to participate in the 1990 elections, for several reasons. First, most realized that the 1984 boycott and the contra war had failed to unseat the Sandinistas; elections offered the opposition its best chance of gaining power. Second, the Central American peace accords helped reassure them and reinforced the process. Third, the opposition thought that it could win free elections, and that the international observers could ensure a fair process. Finally, the U.S. government shifted its policy to support a peaceful resolution of the Nicaraguan conflict and thus encouraged opposition parties to unite and participate in the elections.

Even where there are serious flaws in the electoral process, the opposition can gain from participating, provided that there are observers who can effectively monitor the vote and denounce the government if it tries to rig the result. The elections in the Philippines and Panama were cases where the opposition decided to participate even though they were skeptical that the incumbents would permit or accept the results of a fair election. Opposition groups used their campaigns to mobilize supporters, and also drew enough international attention to raise the pressure on the incumbents to open the political process somewhat.

Both Marcos and Noriega severely underestimated how much discontent could be tapped by opposition forces competing even under inequitable conditions. When the extent of their miscalculation was revealed and the opposition won overwhelming victories, the incumbents resorted to blatant fraud. In the Philippines, denunciation of the elections by international observers brought strained relations with several foreign governments, and soon thereafter, a popular revolt that toppled Marcos. In Panama, Noriega's attempt at massive fraud during the vote count was exposed by Jimmy Carter, acting as an observer, thus leaving Noriega domestically and internationally isolated.

The second lesson is the importance of a sustained and active observer presence. In most cases, credible domestic groups can provide such a presence. If no domestic group is viewed as neutral and fair, however, then intergovernmental or international nongovernmental organizations might have to step in.

The Philippine National Movement for Free Elections (NAMFREL) has provided a model for domestic monitoring organizations. Relying on a nationwide network of volunteers, NAMFREL played a critical role in the 1986 presidential election between Ferdinand Marcos and Corazon Aquino. NAMFREL first lobbied for changes in the election law, many of which were included in a 1985 revision of the Philippine election

code. Then, overcoming impediments from pro-Marcos forces, NAMFREL sent volunteers to polling sites throughout the country on election day. Finally, NAMFREL's "quick count," which relied on reports by its volunteers, supported Aquino's claim that she had won, a conclusion accepted by the Filipino people and the international community.

The NAMFREL model has been followed, with some modifications, by civic activists in other countries. In Chile, the Committee for Free Elections and the National Citizens Crusade played important roles in encouraging voter registration for the 1988 plebiscite and in monitoring the balloting and counting processes on plebiscite day. In Panama, a lay Catholic group organized a quick count of the 1989 election results, demonstrating that the opposition had won an overwhelming victory over the Noriega camp. More recently, the Bulgarian Association for Fair Elections recruited, in less than two months, more than 10,000 volunteers who monitored polling sites throughout the country and carried out a parallel vote tabulation that showed a ruling-party victory, thus negating the opposition's charges of fraud.

In the above cases, international observers concluded that, despite contrary claims by the government or opposition, volunteers from these domestic groups conducted themselves in a nonpartisan manner on election day. In other instances, however, international observers have been more wary about relying on information from ostensibly nonpartisan organizations. In the 1987 Korean elections, for example, international observers considered an organization operating under the auspices of the Korean Council of Churches as too openly partisan and thus discounted much of the information it supplied.

After a decade of extreme political polarization in Nicaragua, there was no domestic group perceived as politically neutral. Under these circumstances, the UN and OAS shouldered the burden of mounting a sustained and continuous presence. Both organizations established permanent missions in August 1989, well in advance of the October voter registration period. The Council began a series of monthly visits in September and established an office and permanent representative in October. Other private groups sent one or more delegations to observe the campaign and elections, and the Washington-based Center for Democracy established a permanent office as well.

The continued presence of the observers and repeated visits by the leaders of the missions allowed the three main observer groups to become well acquainted with the participants, build trust in the process, help mediate disputes, and reassure the public. By election day, the ties established between political leaders and observers helped the latter to persuade all parties to accept the results.

The observers' presence also minimized campaign violence and encouraged voter participation. Periodic reports by the main observer

groups helped to correct specific shortcomings or irregularities in the process. Equally important, the high profile of the observers and the local and international media attention they received ensured that their statements carried domestic and international weight, thus giving all parties, but particularly the government, an incentive to behave in ways that minimized criticism.

In contrast, in the Panamanian and the 1987 Haitian elections, the observers, despite several preelection visits, were unable to build up the trust that might have prevented a breakdown of the electoral process. The Romanian elections in May 1990, meanwhile, illustrate the limits of a short-term observer mission. The official U.S. delegation, with a brief stay and limited focus, issued a positive statement regarding the election-day events. Their statement was subsequently disavowed, however, by the U.S. State Department, which relied on statements by other international observer groups who evaluated the overall context of the elections and were more critical in their assessment of the process.

Despite their comparative advantage in underwriting large-scale, long-term observer missions, intergovernmental organizations also have certain limitations. First, they are generally barred from intervening in the internal affairs of their members. Second, because states are their constituencies, they have different relationships with governments than with opposition parties. This bias was recognized in Nicaragua, but the opposition decided that it was offset by the benefits accorded to their electoral prospects by the presence of large numbers of observers. Finally, observer missions as large and sophisticated as the ones sent to Nicaragua impose heavy burdens on the budget and personnel of the sponsoring institutions.

Private Groups and Parallel Counts

A third lesson is the important role that private groups can play by organizing periodic high-level visits during various phases of the electoral process. Such visits can both provide opportunities to focus on particular issues that threaten the credibility of the process, and help to reinforce the work of domestic and intergovernmental observer groups. As the Council delegation demonstrated in Nicaragua, private groups have a flexibility to facilitate the resolution of problems that intergovernmental organizations lack; this is particularly true where the group is led by prominent figures who have the confidence of all parties.[1]

In Guyana, the Council's direct mediation has achieved important electoral reforms that address fundamental opposition concerns and allegations of past electoral fraud. Most significantly, President Hoyte agreed during Carter's October 1990 visit to changes that will make it easier for opposition-party pollwatchers to check the vote count. Hoyte

also agreed to discard Guyana's old, discredited voter lists and undertake a new house-by-house registration. A subsequent Council visit in April 1991 ended with both sides agreeing on a complete restructuring of the Election Commission.

There is a wide range of private election-monitoring groups with distinct roles and comparative advantages. The National Democratic and National Republican Institutes for International Affairs (NDI and NRI, respectively) have individually and jointly fielded large bipartisan and multinational delegations that have provided respected judgments on the quality of elections in several countries. After the October 1990 elections in Pakistan, for instance, the NDI delegation was able to determine that irregularities were not serious enough to have significantly altered the overall outcome. This served to defuse former prime minister Benazir Bhutto's charges that the elections had been stolen, and alleviated some of the tension that was building in the country. In Bulgaria, NDI pre-election missions encouraged changes in election procedures and contributed to a more equitable campaign.

The International Human Rights Law Group (IHRLG) has observed some 25 elections since 1983, and has developed guidelines that are used by other groups. IHRLG has a comparative advantage in analyzing electoral laws and procedures, and directs particular attention to the question of how the electoral process may affect overall human rights situations.

In some cases, even a single observer can have an effect on the international community's evaluation of an election. A notable example occurred following the 1979 elections in Rhodesia. A report prepared by Lord Pratap Chitnis and presented at a U.S. congressional hearing countered the accepted wisdom that the elections had been free and fair.

Governments seeking legitimacy are often more responsive to the suggestions made by outside observers and by private groups than those of other governments or domestic groups. By focusing on specific issues, even a relatively small delegation can help to calm tensions within a country, particularly on election night or the day after, and can present an objective report to the international community. Finally, the level of international attention directed toward an election by the media and policy makers is related to the prestige and effectiveness of the observer group.

The fourth lesson is that parallel vote counts can greatly boost confidence in the electoral process and provide verification of official results. Parallel counts are tabulations of actual results gathered at the polling site, not "exit polls" or opinion surveys. Political parties generally perform such tabulations to provide strategic information for their leaders on election night; however, in cases where the parties do not trust either the election administrators or one another, local or international groups may be needed to do a parallel tabulation.

In Nicaragua, the Supreme Electoral Council gave the OAS and UN permission to do parallel vote counts, and furnished each organization with copies of the vote tallies from each voting site. Based on a sample of these tallies, the organizations computed a "quick count" that provided crucial information early on election night indicating that the Sandinistas were losing by a significant margin. This information was used by Carter's Council, the OAS, and the UN in their discussions with President Ortega and later with President-elect Chamorro to help defuse a tense and potentially violent situation.

In the Philippines and Panama, the parallel vote tabulations provided the basis upon which international observers were able to conclude that the opposition candidates won the elections, despite the fact that official results showed a different outcome. In Chile, as in Nicaragua, the parallel vote tabulations provided the leverage needed to convince surprised government leaders that the opposition victory should be accepted. In the June 1990 Bulgarian elections, the parallel vote tabulation served to legitimize a ruling-party victory despite claims of election-day irregularities and delays in releasing the official results.

In the December 1990 Haitian elections, the OAS-UN joint parallel tabulation was vital given the extreme volatility of the political situation and the formidable administrative problem of conducting an election in a country with poor communications, a high illiteracy rate, and no history of free elections. The official count took more than a week to complete, so it was the "quick count" that allowed election officials to make an early announcement of Father Jean-Baptiste Aristide's victory, thus forestalling possible violence.

Where a parallel vote tabulation is not possible, other forms of analysis may prove useful. In Pakistan's 1988 elections, for example, the National Democratic Institute used statistical analysis to counter Benazir Bhutto's claim that she was unfairly denied an absolute majority in parliament. Similarly in 1990, an analysis comparing 1988 and 1990 voter turnout and results failed to support allegations of massive fraud.

An Expanded Role

In 1980, Maurice Bishop, the Prime Minister of Grenada, mocked elections as a "five-second exercise every five years," and many agreed with him. Today, Bishop's comment is rightly seen as a self-serving justification for his attempt to hold on to unquestioned power. The point of an election is not the five-second exercise, but rather the right of citizens to replace their leaders. Using those five seconds five years later, the people hold their leaders and the system accountable for what has happened in the interim.

Elections, however, are not the culmination of democracy; they are rather the first, crucial step toward building it. In many Central American

countries, for example, newly elected civilian presidents do not have the kind of authority over the armed forces that democracy requires. It will take time for these countries to consolidate their democratic institutions.

An expanded role for international observers in settling conflicts and promoting democratization has not been easily achieved. Governments, jealous of their prerogatives as the guardians of state sovereignty, remain wary of officially recognizing the presence of election observers, whether representing intergovernmental or private groups. Yet over time the usefulness of international observers and mediators has been recognized and institutionalized, particularly in "first elections" or in countries torn by civil violence or longstanding distrust among political parties.

Even in Europe, where dramatic changes occurred during the past year with limited civil violence, the role of election observers has been explicitly recognized. A June 1990 document adopted by the 35 countries participating in the Conference on Security and Cooperation in Europe declares: "The participating states consider that the presence of observers, both foreign and domestic, can enhance the electoral process for states in which elections are taking place."

Elections are a means for allocating power peacefully. When they fail, international as well as domestic peace is often put at risk. The international community therefore has both a need and a duty to reinforce and assure the legitimacy of democratic elections. Observers and mediators have already helped; they could do still more, if only more nations would support their efforts.

NOTES

1. See Larry Garber, *Guidelines for International Election Observing* (Washington, D.C., International Human Rights Law Group, 1984).

2. For more information on election observing in specific cases, see the following reports: The Council of Freely-Elected Heads of Government, Observing Nicaragua's Elections, 1989-90, Special Report #1 (Atlanta, Georgia: Carter Center of Emory University, 1990); The Council of Freely-Elected Heads of Government and National Democratic Institute, *The 1990 General Elections in Haiti* (Washington, D.C., 1991) and *The 1990 Dominican Republic Election* (Washington, D.C., 1990); National Democratic Institute and National Republican Institute, *The June 1990 Election in Bulgaria* (Washington, D.C., 1990), *The May 1990 Elections in Romania* (Washington, D.C., 1991), and *The May 7 1989 Panamanian Elections* (Washington, D.C., 1989); National Democratic Institute, *Nation-Building: The UN and Namibia* (Washington, D.C., 1990), *The October 1990 Elections in Pakistan* (Washington, D.C., 1991), *The Pakistan Elections* Foundation for Democracy (Washington, D.C., 1989), *Chile's Transition to Democracy: The October 5 1988 Plebiscite* (Washington, D.C., 1991), and *Reforming the Philippine Electoral Process: Developments, 1986-1988* (Washington, D.C., 1991), and the International Human Rights Law Group, *The 1987 Korean Presidential Election* (Washington, D.C., 1988).

3. For a more detailed account of the role played by the Council and other international observers in Nicaragua, see Robert A. Pastor, "The Making of a Free Election," *Journal of Democracy* 1 (Summer 1990): 13-25.

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Enhancing the effectiveness of the principle of periodic and genuine elections

Report of the Secretary-General

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I. INTRODUCTION

1. The present report is submitted in implementation of paragraph 11 of General Assembly resolution 45/150 of 18 December 1990 entitled "Enhancing the effectiveness of the principle of periodic and genuine elections". In that resolution, the General Assembly, inter alia, requested the Secretary-General to seek the views of Member States, specialized agencies, other competent bodies of the United Nations system and those with specific expertise in the area, concerning suitable approaches that would permit the Organization to respond to the requests of Member States for electoral assistance. The General Assembly also requested the Secretary-General to report his findings, together with an account of United Nations experience in election monitoring, to the Assembly at its forty-sixth session.

2. Pursuant to paragraph 10 of the resolution, the Secretary-General, in a note verbale of 15 February 1991, invited Member States to submit their views on the subject. Similar letters were sent to a number of specialized agencies, international and regional organizations and intergovernmental and non-governmental organizations. As at 23 October 1991, replies had been received from 51 Member States and 12 from other entities.

3. Given the breadth of many of the replies, it has been considered appropriate to include those received from Governments and intergovernmental organizations in an addendum to the present report. 1/ Common concerns, arguments and suggestions are also reflected in the main text. Views other than those from the Governments, have similarly been used as appropriate.

4. The present report is submitted in response to General Assembly resolution 45/150.

Concepts

5. The already complex discussion on the future role of the United Nations in the electoral field has not been helped by the adequacy or precision of the terms employed. The expression "electoral assistance" has been used in some cases (e.g., Haiti) as an all-encompassing term, which included the verification of an electoral process, technical assistance and observation of measures relating to electoral security. In other cases, the term has been used as a synonym for technical support provided to the electoral authorities. The terms "supervision", "observation", "verification" and "monitoring" are often employed almost interchangeably. The United Nations involvement in elections has basically been of two kinds: electoral verification, involving the presence of United Nations observers in the territory or country concerned; and electoral assistance, encompassing the provision of a variety of technical or advisory services, but not involving any verification functions. These two terms have been used throughout the report, except when quoting from official documents.

6. The term "verification" of an electoral process will thus be used

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interchangeably to cover electoral supervision or observation of any popular consultation, be it an election, a referendum or a plebiscite. The manner in which the Organization has exercised its responsibility in this field presents some common essential features as well as variations, depending on the case concerned. The expression "electoral supervision" has been used in those cases describing United Nations involvement on its own or in conjunction with the competent national organ, in the organization and conduct of a popular consultation. In the framework of decolonization, supervision missions were dispatched, inter alia, to Togo, Cameroon under British administration, Ruanda-Urundi, Western Samoa, the Cook Islands and Equatorial Guinea. When such missions take place following peace settlements in which the United Nations has been in some way involved, electoral supervision may be part of a broader verification mission with other components. Depending on the situation in the territory or country concerned, thorough and extensive verification techniques might be needed. In other cases, as in Namibia, not only the results of the elections but all steps of the process, in both its political and electoral aspects, might require certification by the Special Representative of the Secretary-General to confirm their validity.

7. Other cases of electoral verification involve the dispatching of United Nations missions to countries where, as in the cases of Nicaragua and Haiti, the election or referendum is administered and organized by a national organ and, for this reason, the United Nations role might be less encompassing. In some decolonization cases the term "observation" has been used by the Trusteeship Council or by the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to describe small missions consisting of representatives of Member States who travel to the Territory in question for a relatively brief period, sometimes a few days. Such has been the case for instance, with the missions to observe elections and referenda in the Trust Territory of the Pacific Islands and the 1977 referendum and elections in French Somaliland.

8. The term "electoral assistance" will be employed in the case of the provision of a variety of technical assistance including analysis, advice, equipment or training, to government institutions in relation to specific requirements of the country's electoral process. Such assistance could range from the provision of the services of experts and consultants on legal or technical matters to the provision of data-processing equipment, electoral material or assistance in the administrative and managerial aspects of the electoral process. In most cases, technical assistance has been provided directly and not as a component of a verification (supervision or observation) mission. The provision of technical assistance could, in some cases, precede a verification mission and could be used as a tool in the evaluation of its opportunity and feasibility. The Centre for Human Rights, the Department of Technical Cooperation for Development and the United Nations Development Programme (UNDP) have been providing assistance related to electoral matters in the framework of their respective programmes. The lending of such assistance does not as a rule require a decision of a political nature by the United Nations.

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II. UNITED NATIONS EXPERIENCE IN ELECTORAL VERIFICATION

A. Experience in Non-Self-Governing Territories

9. While the involvement of the United Nations in the verification of electoral processes in independent States is new and still a matter of debate, the history of the Organization's involvement in the conduct of popular consultations or elections in colonial territories is rich and varied and of long standing. 2/ Its basis is founded on the principle of equal rights and self-determination of peoples laid down in Article 1, paragraph 2 of the Charter of the United Nations and further elaborated as regards Trust Territories in Article 76 b of the Charter. The Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in General Assembly resolution 1514 (XV) of 14 December 1960, gave further impetus to this right and sanctioned its extension to all Non-Self-Governing Territories covered by Chapter XI of the Charter. Resolution 1541 (XV) of 14 December 1960, which contains the principles which should guide Members in determining whether or not an obligation exists to transmit the information called for in article 73 e of the Charter of the United Nations, provides in principle IX (b) for the possibility of United Nations supervision of electoral processes in Non-Self-Governing Territories. Thereafter, the role of the United Nations in verifying acts of popular consultation was not limited to Trust Territories, but could extend to all Territories falling within the scope of the Declaration. The Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, contained in the annex to resolution 2625 (XXV) of 24 October 1970, further enshrined the right of peoples to self-determination, as did article 1 common to the two International Covenants on Human Rights.

1. Trust and Non-Self-Governing Territories

10. From the beginning, the purpose of United Nations involvement in popular consultations has been to ensure that the people of a Territory exercising their right to self-determination were able to make their choice in a free and unfettered manner. At the same time, it should be pointed out that the precise function of the United Nations in observing or supervising popular consultations has not been uniform. It has varied according to the circumstances of the case and the mandate established by the General Assembly, the Trusteeship Council or other appropriate organ. The ultimate objective in all cases, however, has been to ensure that the people make their choice and determine their future in complete freedom.

11. The determination of the time and the circumstances under which a popular consultation was to be held was sometimes made by the Administering Authority, at others by a United Nations visiting mission, which, in turn, made a recommendation to the competent United Nations political bodies, normally the General Assembly or the Trusteeship Council.

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12. Whatever the nature and circumstances of an act of popular consultation, a legal framework has to govern such acts. From the viewpoint of the United Nations, the basic legal instruments have been of the Charter of the United Nations, the Declaration on the Granting of Independence to Colonial Countries and Peoples and relevant international agreements. Within the context of such basic documents, the legal framework for each given act was established on the one hand by the General Assembly or any other appropriate United Nations organ and on the other by the Administering Authority or the authorities in the Territory. The legal basis for United Nations involvement was provided by resolutions of the General Assembly (e.g., in the cases of Togoland under British and French Administrations, Ruanda-Urundi, Western Samoa, the Cook Islands, or French Somaliland), the Security Council (e.g., Bahrein) or the Trusteeship Council (e.g., the many observation missions to the Trust Territory of the Pacific Islands). Apart from establishing the legal basis, the resolutions also provided for the appointment of a Commissioner, or of a mission, and defined their mandates. The term "supervision" generally has been employed to describe United Nations presence encompassing the whole process of popular consultation. In some of those cases (e.g., supervision of the plebiscites in Togoland under British Administration (1956) and Northern Cameroon (1959 and 1961) and of legislative elections in Togoland under French Administration (1958), and in Ruanda-Urundi (1961)), a commissioner or a commission was appointed, the basic electoral provisions for the organization and conduct of the electoral process were drawn up in consultation with the United Nations Commissioner and the wording of the question in the ballot to be put to the voters in the case of a referendum was formulated or approved by the appropriate United Nations organ, which afterwards endorsed or approved the results of the vote. An "observation" was usually more limited in scope, and the mission was headed by a chairman appointed by the Trusteeship Council, as in the cases of elections and referenda in the Trust Territory of the Pacific Islands (1978-1990), or by the Chairman of the Special Committee, as in the case of Niue (1974). At the conclusion of the exercise, the mission compiled a report to the relevant organ of the Organization with an account of the visit to the Territory and its observation of all the aspects and phases of the consultation, together with conclusions and recommendations, as appropriate. The report was also transmitted to the Administering Authority.

13. The United Nations has always insisted on either observing or, in the case of supervision, being closely associated with all phases of the organization and conduct of popular consultations, which involved: definition of a calendar for the various phases of the electoral process; setting up the system of voting; establishing the conditions for registration and registering voters; maintenance of law and order; implementation of a political education programme; monitoring of the political campaign; arrangements for polling day; provision of penalties for offences in connection with the vote; counting and tabulation of the vote; declaration of the results; and arrangements for appeals and review. The United Nations also established the practice of maintaining close consultation with the authorities concerned and of reviewing various aspects of the legal framework in order to ensure that they were in conformity with the requirements of complete freedom and impartiality.

14. One characteristic of the operations in these Territories was their comparatively small size. 3/ The number of observers rarely exceeded 30. This was the case even in situations of deep mutual distrust and of open or latent conflict with neighbouring countries.

2. Namibia

15. In a formal sense, the case of Namibia belongs to the previous group, but the operation became a category in itself. The operation in Namibia, known as the United Nations Transition Assistance Group (UNTAG), marked the culmination of 70 years of international involvement - first through the League of Nations and then the United Nations - on behalf of the people of the Territory. Following the termination of the Mandate by the General Assembly in 1966, the Territory was placed under the direct responsibility of the United Nations, which administered it through the United Nations Council for Namibia established in May 1967. The Security Council, in 1969, endorsed the decision of the General Assembly, and the International Court of Justice, in 1971, confirmed the illegality of South Africa's continued presence in the Territory. In 1976, the Security Council declared in its resolution 385 (1976) that it was imperative to hold free elections in Namibia under United Nations supervision and control. Thereafter, efforts were undertaken in 1977 by the then five Western members of the Security Council - the three permanent members plus Canada and the Federal Republic of Germany - later known as the "Contact Group", which, following extensive talks with South Africa, South West Africa People's Organization (SWAPO) and the front-line States, presented in April 1978 a "proposal for a settlement of the Namibian situation". In July 1978, the Security Council requested the Secretary-General to appoint a Special Representative for Namibia in order to ensure the early independence of Namibia through free elections under the supervision and control of the United Nations (resolution 431 (1978)). On the basis of the report submitted by a survey mission to the Territory led by the Special Representative, Mr. Martti Ahtisaari (Finland), a plan to implement a settlement proposal was submitted to the Security Council by the Secretary-General in August of the same year. In its resolution 435 (1978), the Security Council approved the Plan for the independence of Namibia and its implementation. Under the Plan, South Africa was to administer the elections for a Constituent Assembly, through the appointment of an Administrator-General, while the United Nations exercised its supervision and control through a Special Representative of the Secretary-General assisted by a United Nations Transition Assistance Group (UNTAG).

16. The Plan contained detailed provisions for the implementation of the settlement over a seven-month period. Various steps included a cease-fire between South Africa and SWAPO accompanied by the confinement to bases of all combatants; the dismantling and demilitarization of local military and paramilitary forces; the release of all political prisoners and detainees before the start of the election campaign; repeal of all discriminatory and restrictive laws that might abridge or inhibit the object of free and fair elections; and the return of refugees and of former SWAPO forces under United

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Nations supervision. In carrying out his responsibilities, the Special Representative was to work together with the Administrator-General appointed by South Africa to ensure the orderly transition to independence. While the maintenance of law and order during the transition period was to remain with the existing police forces, the Administrator-General was to ensure their good conduct to the satisfaction of the Special Representative. The latter was responsible for monitoring the activities of the local security forces, the South West African Police (SWAPOL), through international police monitors, to ensure that they discharged their duties in a professional, objective and impartial manner.

17. The responsibilities of the Special Representative in the political and electoral process were extensive. He was to satisfy himself at each stage of the fairness and appropriateness of all measures affecting the political process at all levels of administration before such measures took effect, and was authorized to make proposals regarding any aspect of each stage. In addition, the official electoral campaign was only to begin when the Special Representative had satisfied himself of the fairness and appropriateness of electoral procedures. The implementation of the electoral process, including the registration of voters and the tabulation and publication of the voting results was to be conducted to his satisfaction. He was also to take steps to ensure that there was no intimidation or interference with the electoral process from any quarter.

18. UNTAG was essentially a political operation, the basic mandate of which was that free and fair elections were to be held in Namibia. Its task comprised the creation of conditions for such an election, which required ensuring a major change in the political atmosphere, so that the electoral campaign would develop in a democratic climate. A very large-scale operation, UNTAG consisted of a civilian component, which included a large police element, and a military component. At its maximum deployment, during the elections from 7 to 11 November 1989, the overall strength was almost 8,000, including just under 2,000 civilians, 1,500 civilian police monitors (CIVPOL) and approximately 4,500 military personnel.

19. The electoral supervision was very thoroughly carried out. Namibia was divided into 23 electoral districts for the organization and conduct of elections. For the registration of voters, 283 internationally recruited staff were working in the field as counterparts to all senior registration officials appointed by the Administrator-General in the 23 electoral districts, on a one-to-one ratio. About 700,000 voters were registered almost without incident. UNTAG CIVPOL were assigned to all temporary and permanent registration centres to monitor SWAPOL to ensure the absence of intimidation during the registration period. Among their responsibilities, UNTAG police monitors were to ensure the good conduct of the existing police force and to take the necessary action to ascertain its suitability for continued employment during the transition period.

20. On election day, some 358 polling stations had been established, of which 215 were at fixed locations and 143 were mobile. For the effective

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supervision and control of elections at fixed polling stations, the Special Representative was assisted by 1,783 UNTAG electoral personnel who supervised some 2,500 counterparts appointed by the Administrator-General, a four-to-five ratio. Out of the 1,753 UNTAG supervisors, 885 were seconded from 27 Member States, 358 were provided by the military component of UNTAG and the remaining 510 were drawn from within the United Nations system. Over 100 nationalities were represented in the operation.

21. It was not only the scale and thoroughness of the operation that made UNTAG a special case; its mandate as regards the political and electoral process was similarly innovative and broadly encompassing. In order to create the political conditions for free and fair elections, UNTAG organized a massive public information campaign using radio, television, visual materials and prints, as well as a people-to-people campaign of voter education. An extensive programme of contacts was developed by UNTAG political offices.

22. UNTAG negotiated the adoption and amendment of laws and ordinances with the Administrator-General on the following issues: amnesty and the repeal of discriminatory and restrictive laws; laws concerning the registration of voters, registration of political parties, elections and the establishment of the Constituent Assembly, as well as agreements concerning UNTAG's role therein. Other negotiations related to the release of political prisoners, the return of over 40,000 refugees, a political code of conduct for political parties and the monitoring of the Constituent Assembly, after the elections, to ensure compliance with the 1982 Principles concerning the Constituent Assembly and the Constitution for an independent Namibia negotiated by the Contact Group with South Africa and SWAPO (S/15287). In addition, the settlement proposal provided for the appointment of an independent jurist of international standing to advise on any disputes that might arise in connection with the release of political prisoners and detainees.

23. The visible presence of UNTAG in monitoring all transition steps to independence in order to ensure the implementation of the process according to the Plan contributed to the overall atmosphere of order and confidence. The elections were certified to have been free and fair by the Special Representative, thus paving the way for the convening of the Constituant Assembly and the early independence of Namibia.

3. Western Sahara

24. In April 1991, the Security Council decided, in resolution 690 (1991), to establish, under its authority, a United Nations Mission for the Referendum in Western Sahara (MINURSO) in accordance with the report presented by the Secretary-General (S/22464 and Corr.1), according to which a referendum for self-determination would be organized to enable the people of the Territory to decide their future. The referendum is to be organized and supervised by the United Nations in cooperation with the Organization of African Unity. That report, which was approved by the Security Council in the same resolution, contains the main elements of the plan for the implementation of the

settlement proposals agreed to by the Kingdom of Morocco and the Frente Popular para la liberación de Saguia el-Hamra y de Río de Oro (Frente POLISARIO), including the vesting of sole and exclusive responsibility on all matters with regard to the organization and conduct of the referendum in a Special Representative, acting under the authority of the Secretary-General. The Special Representative is to be assisted by MINURSO, which will consist of civilian, security and military units functioning as an integrated operation. MINURSO's presence in the territory is expected to last for up to 35 weeks, including a period of some weeks after the results of the referendum have been proclaimed. The Plan contains provisions, inter alia, for the release of political prisoners and detainees, exchange of prisoners of war, return of refugees, arrangements for the identification and registration of voters and the establishment of a code of conduct for the referendum campaign. The civilian unit of MINURSO is expected to total approximately 275 international staff members, the security unit up to 300 police officers and the military unit approximately 1,600 observers. 4/

B. Verification in Member States

25. Prior to the verification missions in Nicaragua and Haiti, a mission to witness the plebiscite on the Panama Canal Treaties was carried out in October 1977. The Secretary-General at the invitation of the Government of Panama, sent a Special Representative, Mr. Erik Suy (Belgium), assisted by a small team, whose mandate was to witness how the people of Panama pronounced themselves on the treaties between Panama and the United States of America agreed in Washington, D.C., on 7 September 1977. The mission observed the pre-plebiscite campaign and all stages of the process and concluded that "the plebiscite of 23 October 1977 took place in a normal way and that it was an example in democracy" (A/32/424).

26. It will be recalled that the Agreement on a Comprehensive Political Settlement of the Cambodia Conflict signed in Paris on 23 October 1991 provides, inter alia, for free and fair elections to be organized and conducted by the United Nations. 5/

1. Nicaragua

27. In the Agreement on Procedures for the establishment of a firm and lasting Peace in Central America, also known as the Esquipulas II Agreement (A/42/521-S/19085), of 7 August 1987, the Presidents of Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua undertook, inter alia, to "promote an authentic democratic process [in their own countries] that is pluralistic and participatory, which entails the promotion of social justice and respect for human rights" and "to invite the Organization of American States, [and] the United Nations ... to send observers to verify that the electoral process has been governed by the strictest rules of equal access for all political parties to the communications media and by ample opportunities for organizing public demonstrations and any other type of political

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propaganda". In a Joint Declaration of 14 February 1989 adopted at Costa del Sol, El Salvador (A/44/140-S/20491), the five Presidents of the Central American countries took note of the announcement by the President of Nicaragua of a series of measures that his Government was prepared to undertake in order to foster a process of democratization and reconciliation in his country, among which was the holding of national elections no later than 25 February 1990. In the Declaration it was also noted that international observers, in particular the representatives of the Secretary-General of the United Nations and the Secretary-General of the Organization of American States (OAS), would be invited to be present in all electoral districts during the process, in order to "verify that the electoral process is genuine". In the same Declaration, the Central American Governments also undertook to draw up a joint plan for the voluntary demobilization, repatriation or relocation of members of the Nicaraguan resistance and their families.

28. On the basis of the foregoing, the Minister for Foreign Affairs of Nicaragua, in a letter dated 3 March 1989, requested the Secretary-General to establish a group of international observers whose mission would be to verify that the measures announced by the Government of Nicaragua were implemented and that the electoral process was "genuine during every stage". The request put the United Nations in a very particular situation. On the one hand, there could be no question about United Nations experience in performing tasks of this kind in Trust and Non-Self-Governing Territories and in the context of decolonization. On the other, there was no precedent for carrying out such observation in an independent country. Since the General Assembly was not in session at the time, the following month the Secretary-General addressed a letter to the President of the General Assembly (A/44/210) informing him of the Nicaraguan request and noting that, although in the past the Organization had declined invitations from Member States, this particular case involved special factors. First, it was not a request by a single Member State, but one which, in accordance with the Costa del Sol Declaration, had the support and the backing of the Presidents of the other four Central American countries and clearly was being made in the context of the Esquipulas peace process; secondly, the General Assembly, in its resolution 43/24 of 15 November 1988 had requested the Secretary-General "to afford the fullest possible support to the Central American Governments in their efforts to achieve peace, especially by taking the measures necessary for the development and effective functioning of the essential verification machinery". Finally, it was not simply a request for a token presence on election day, which had been a feature of many other previous invitations by Member States, but for the verification of the fairness of the entire process throughout its 10-month duration and in all electoral districts.

29. Before deciding on the Nicaraguan request, the Secretary-General sent several missions to Nicaragua to establish contacts with the Government, electoral authorities and opposition parties and to observe the debate in the Legislative Assembly on the reforms of the electoral laws and of the laws regulating the mass media. The matter was also raised at a later stage in the course of contacts with the Nicaraguan resistance. An in-depth study was made of the legal instruments emerging from the electoral reform process, and

United Nations expert consultants submitted a detailed report to the Nicaraguan Government containing, inter alia, a number of suggestions in specific areas, which they believed required further clarification. The Secretary-General also wrote to the Secretary-General of the Organization of American States (OAS) suggesting that the mandate be carried out jointly, since the respective General Assemblies had instructed the two Secretaries-General to increase their cooperation in that area (A/44/304, annex). It also became vitally important to define clearly the conditions and the terms of reference under which United Nations observation might be carried out.

30. On 5 July 1989, having ascertained the absence of any objection to the considerations put forward in his earlier letter to the President of the General Assembly, the Secretary-General informed him that, acting within the terms of resolution 43/24, he was prepared to establish a United Nations Observer Mission to verify the electoral process in Nicaragua. The terms of reference of the Mission were contained in an exchange of letters between the Secretary-General and the Government of Nicaragua (A/44/375). Subsequently, the General Assembly in resolution 44/10, expressed its support for the Secretary-General's decision. The Security Council, in its resolution 637 (1989) of 27 July 1989, dealing with the Central American peace process, also took note of the Secretary-General's agreement with Nicaragua to deploy a United Nations elections observer mission in that country.

31. The United Nations Observer Mission to verify the electoral process in Nicaragua (ONUVEN) became operational on 25 August 1989. The Secretary-General appointed Mr. Elliot L. Richardson (United States of America) to serve as his Personal Representative. As with UNTAG, though for different reasons, ONUVEN was innovative as far as United Nations practice is concerned.

32. Although much smaller than UNTAG in size (237 observers at maximum strength), ONUVEN established in-depth procedures that did and will prove valuable for other verification exercises. The fact that the Mission was operating in a sovereign and independent country made it an even more complex and delicate exercise than previous missions undertaken in dependent territories. ONUVEN's mandate included the following tasks: verifying that political parties were equitably represented in the Nicaraguan Supreme Electoral Council and its subsidiary bodies; verifying that political parties enjoyed complete freedom of organization and mobilization, without hindrance or intimidation; verifying that all political parties had equitable access to State television and radio; verifying that the electoral rolls were properly drawn up; and informing the Supreme Electoral Council of any complaints received or any irregularities or interference detected in the electoral process. The Mission submitted periodic reports, including a final report to the Secretary-General and, through him, to the General Assembly (A/44/642, A/44/834, A/44/917, A/44/921 and A/44/927).

33. At its forty-fifth session, the General Assembly, in resolution 45/15, took note of the reports of the Secretary-General on the verification of the electoral process in Nicaragua at each and every stage by ONUVEN carried out at the request of the Government of Nicaragua and in particular its conclusion that the electoral process as a whole was orderly, free and fair.

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34. The Mission enjoyed unrestricted freedom of movement throughout the country, so that the presence of the observers became widely known. Offices were established in all but one of the electoral regions during the second phase of the mission to coincide with the official opening of the electoral campaign. Observers attended all major political rallies and closely monitored and analysed access to and coverage of the media, including radio and TV programmes. For the third and final phase of the process, the core group of 54 officials, plus half a dozen expert consultants advising the mission, was reinforced with the arrival of 200 additional observers, one third drawn from the United Nations Secretariat, one third from organizations belonging to the United Nations system working in the region and another third provided by Governments of 20 Member States. The total number of nationalities eventually represented in the operation was 50.

35. Another innovation introduced by ONUVEN was the systematic use of statistically-based verification methods, both during registration and voting. Because of the different political conditions, the size of the Nicaraguan electorate (over 1.7 million registered voters) and the number of polling stations (over 4,300), it was neither appropriate nor possible for the Mission to apply the one-to-one verification approach conducted by UNTAG. During election day, ONUVEN observers visited 49 per cent of all polling stations, filling out a questionnaire for each one of them. The Mission also made a projection of the results of the Presidential election based on a large random sample of polling stations (about 300), which produced extremely accurate predictions. The projection (also called quick count) was within half a point of 1 per cent accurate by 9 p.m. on election day. The information, which remained confidential, proved to be crucial in the overnight efforts by the Secretary-General's Personal Representative, Elliot Richardson, the Secretary-General of the Organization of American States and former United States President Jimmy Carter representing the Council of Freely Elected Heads of State, involving the President of Nicaragua and the victorious opposition coalition. An agreement by both sides to restrain the reaction of their respective supporters that night was a key factor in ensuring the successful initiation of the transitional efforts in which the United Nations played an important role.

36. ONUVEN was the first operation by the United Nations within the context of the Central American peace process. In September 1989, the International Support and Verification Commission (CIAV), composed of the Secretaries-General of the United Nations and of the OAS, was established pursuant to the Joint Plan for the voluntary demobilization, repatriation or relocation of members of the Nicaraguan resistance and their families and of other irregular forces when they request it, adopted in August 1989 by the Presidents of the Central American countries at their meeting at Tela, Honduras (A/44/451-S/20778). In November 1989, the Security Council approved the establishment of the United Nations Observer Group in Central America (ONUCA) to verify compliance by the five Central American Governments with the security commitments entered into under Esquipulas II. A variety of political factors and developments, both inside and outside the region, prevented the demobilization of the Nicaraguan resistance prior to the February 1990

elections in conformity with the timetable agreed upon at Tela by the five Presidents.

2. Haiti

37. Haiti's informal request for electoral assistance through UNDP was one of the first acts of the provisional Government that took office in March 1990. The request came at a time when the country remained in the grip of an endemic political, economic, social and institutional crisis. The successive short-lived governments after the fall of President Jean-Claude Duvalier were each the product of either a coup d'état or an election of questionable credibility. The holding of free and fair elections in a favourable climate was seen as a matter of top priority. A technical assistance mission and a number of visits by envoys of the Secretary-General, as well as by Mr. Joao Augusto de Medicis (Brazil), the Personal Representative of the Secretary-General, further clarified the official request that the Interim President of Haiti addressed to the Secretary-General on 23 June 1990 (A/44/965 and Corr.1, annex). The letter specified that all sectors responsible for holding free, fair and credible elections - the Council of State, the Interim Electoral Council and the Haitian Armed Forces - joined in the request for assistance. In addition to technical cooperation in the electoral field already financed by UNDP, the request called for the observation and verification of the elections, covering the entire electoral process as well as public security assistance, upon which participation by voters and consequently the credibility of the outcome depended. Assistance was therefore requested in the form of advisers with experience in security matters for the Coordinating Committee of the Haitian Armed Forces in developing and implementing electoral security plans, as well as United Nations observation of their implementation throughout the national territory. Another letter dated 9 August 1990 elaborated on the request and described the functions to be performed by the civilian and security components of the observer mission (A/44/973, annex II).

38. On 7 September 1990, the Secretary-General, recalling his oral statement on 28 June, informed the Security Council (S/21845) that he had received a letter dated 20 August from the Chairman of the Group of Latin American and Caribbean States forwarding the text of a draft resolution that the Group intended to submit for consideration to the General Assembly as a means of responding to the specific request by Haiti (A/44/973, annex I). Should the General Assembly adopt the draft resolution, the Secretary-General added he would establish a United Nations Observer Group for the Verification of Elections in Haiti (ONUVEH) to provide assistance in the observation and verification of the electoral process and in drawing up security plans and observing their implementation.

39. The request for United Nations electoral verification in an independent country generated considerable discussion within the Organization, and one of the issues was whether the request could be reconciled with the provisions of Article 2, paragraph 7 of the Charter. Opinions differed on the existence of an international dimension in the Haitian case. Furthermore, as the Haitian

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request involved security aspects, discussions over its substance were also accompanied by different views on the question of the respective competence of the Security Council and the General Assembly regarding deployment of military personnel. If on the one hand the decision to establish an electoral verification mission appeared to fall within the competence of the General Assembly, others argued that the dispatching of military or police personnel to a Member State was the prerogative of the Security Council.

40. On 5 October 1990, members of the Security Council informed the Secretary-General of their concurrence on the importance of a positive response to the Haitian request. Without prejudice to their positions on the competence of the organs of the United Nations and of their right to raise the matter at any later time, they noted that the assistance involved, inter alia, the provision of advisers, observers and experts on electoral security matters but did not include the use of any peace-keeping forces, and that the proposed assistance to the electoral process would be considered in its entirety by the General Assembly (S/21847). Following extensive consultations, on 10 October 1990, the General Assembly eventually adopted by consensus resolution 45/2 on electoral assistance to Haiti. The resolution requested the Secretary-General to provide the broadest possible support to the Government of Haiti in meeting the following requests: a nucleus of some 50 observers for the duration of the electoral process and its reinforcement during elections and voter registration; assistance to the Coordinating Committee for the security of elections, to be provided by two or three advisers; and observation of the implementation of the electoral security plans by specialized observers with solid experience in the field of public order.

41. The case of Haiti differed from that of Nicaragua in that the international dimension of the case was less evident. The design of the Mission was also different in several aspects. Somewhat smaller in size than ONUVEN, the Mission in Haiti included an important innovation: the provision of technical assistance to the Committee on Electoral Security and the deployment of 62 security observers charged with following the implementation of security measures. Also for the first time, the Mission included a large-scale UNDP technical assistance project to the Provisional Electoral Council, a measure made necessary by the lack of experience on the part of the electoral authorities.

42. The Mission submitted to the Secretary-General, who in turn transmitted them to the General Assembly, two reports on the conduct of the elections, including the Presidential election that resulted in the victory in the first round of Fr. Jean-Bertrand Aristide, elected with over 67 per cent of the votes (A/45/870/Add.1). The General Assembly in its resolution 45/257 A of 21 December 1990 welcomed the successful implementation of and results of its resolution 45/2 expressed its determination to assist Haiti in overcoming its severe economic and social problems and decided to keep the question on assistance to Haiti under review, requesting the Secretary-General to consult the Government of Haiti as soon as possible concerning appropriate initiatives for the launching of a special programme of emergency assistance to Haiti and

to inform the Assembly on the outcome of such consultations. At its resumed session, five months later, the General Assembly, after receiving the Secretary-General's report (A/45/1002), adopted resolution 45/257 B which requested the Secretary-General to provide immediate assistance to the launching of an emergency programme and renewed its appeal to Member States, international financial institutions, the specialized agencies and organizations and programmes of the United Nations system to provide immediately the special assistance which Haiti required in order to support the efforts made by its people and Government in their struggle for democracy and economic survival.

43. Following the violent overthrow on 29 September 1991 of the elected President of Haiti, the General Assembly [illegible]pted on 11 October 1991 resolution 46/7 on the situation of democracy and [illegible] rights in Haiti in which, *inter alia*, bearing in mind that on the bas[illegible]s resolution 45/2 the United Nations system had supported the effor[illegible] the people of Haiti to consolidate their democratic institutions and had [illegible] supported the holding of free elections on 16 December 1990, and gi[illegible] the importance of the international community's supporting the development of democracy in Haiti through the strengthening of its institutions and high priority for the serious social and economic problems that it faced, it strongly condemned the attempted illegal replacement of the constitutional President of Haiti and the use of violence, military coercion and the violation of human rights in that country, affirmed as unacceptable any entity resulting from that illegal situation and demanded the immediate restoration of the legitimate Government of President Jean-Bertrand Aristide.

III. UNITED NATIONS BODIES INVOLVED IN ELECTORAL ASSISTANCE

44. Electoral verification and technical electoral assistance are not unrelated activities. One important role of technical assistance mechanisms has been their use, at the outset of a Member State's request, as an instrument for initial fact-finding, gathering of information, evaluation of situations, etc. A second important role of electoral assistance, first practised in Haiti, is to provide, simultaneously with the verification operation, independent technical support, thus avoiding or minimizing possible problems due to deficiencies in electoral organization. Technical assistance might also contribute, through the strengthening of technical and professional capabilities, to the credibility of the electoral organization and the electoral process itself.

45. The involvement of the United Nations system in the electoral area has not been limited to electoral verification. For many years now, technical assistance has been provided to Governments in the field of governance and the organization of public administration, of which administration of electoral processes is an integral part. Governments have used the standard channels and mechanisms of authorization for requesting assistance for the organization of elections or for strengthening their electoral institutions. Technical assistance projects have focused on areas or institutions related to electoral

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administration (e.g., the strengthening of civil registers and their linking to permanent electoral rolls and the introduction of new systems of personal identification to be used, inter alia, for electoral purposes). Such activities have been carried out by the Centre for Human Rights, the Department of Technical Cooperation for Development and the United Nations Development Programme. Their experience is briefly reviewed in the following paragraphs.

A. Centre for Human Rights

46. The Centre for Human Rights provides advisory and technical assistance in the legal and technical aspects of democratic elections as part of its programme of Advisory Services and Technical Assistance for Human Rights. The Centre, in consultation with the Government concerned, nominates experts in the various aspects of democratic elections who review national legislation and the practical aspects of the organization of elections. These experts visit the country concerned for in-depth exchanges of view and experiences with those involved in the elections process and make recommendations and suggestions as required. Under the programme, the mandate of the experts extends to providing legal and technical advice, but does not include involvement in the organization of the elections nor in supervising or observing how they actually take place. Assistance has been provided to the Governments of Romania and Albania on these issues, and discussions are now underway with the Government of Lesotho to explore the way in which expert assistance with regard to the legal and technical aspects of the elections scheduled for 1992 could be provided under the advisory services and technical assistance programme in the field of human rights.

47. In April/May 1990, at the request of the Government of Romania, a mission of two experts accompanied by a staff member of the Centre for Human Rights visited Bucharest to provide expert assistance with regard to the legal and technical aspects of the parliamentary and presidential elections scheduled for 20 May 1990. The experts held a series of meetings with the Central Electoral Bureau and met with the President and members of the Constitutional, Legal and Human Rights Commission of the Provisional National Unity Council, which had drafted the electoral law. They also met with government representatives and governmental legal experts and discussed the implementation of the electoral law with others interested in the subject. Prior to leaving Romania, the experts made preliminary observations and recommendations, and after returning to Geneva they adopted a detailed report containing further observations and recommendations.

48. At the request of the Government of Albania, two United Nations experts, accompanied by two United Nations staff members, visited that country from 20 to 23 March 1991 to provide expert assistance with regard to the legal and technical aspects of democratic elections scheduled for 31 March 1991. During their stay in Albania, the experts held a series of meetings with the Chairman of the Election Commission and other members of the Commission, the Chairman of the Computing Centre for the Elections and with the persons responsible for

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State television. They also met with government representatives and with leaders of the major political parties engaging in the elections. Prior to leaving Albania, the experts provided the Government with their preliminary observations and recommendations and upon returning to Geneva drafted a detailed report with additional observations and recommendations.

49. During both these missions the experts discussed a wide range of issues with those responsible for the elections. Among these issues were: (a) procedures for handing complaints of irregularities in connection with the elections; (b) voting by persons residing outside the country; (c) voting by persons deprived of their liberty, but who still possess the right to vote; (d) future assistance on the elaboration of the new constitution and electoral law; (e) foreign observers, their status and how they could be organized; (f) security aspects of the polling station and the ballot boxes. In addition, other issues were discussed, such as the preparation of the electoral rolls, the qualifications of the candidates, the procedure and finalization of the nomination of candidates, the constitution and functioning of the constituency and polling station bureaux, minimum percentage of participation in each constituency to validate votes, provision for the interruption of voting, the equal access of the parties and independent candidates to the media, impartial coverage of the campaign by the State controlled media, the printing of party publications, the subsidies foreseen for the election campaign of the political parties, and the provision of information to voters on how voting takes place and on the freedom and secret nature of the ballot. Discussions also dealt with the responsibilities of public officials to ensure a peaceful and equitable campaign with regard to all parties and candidates.

50. Detailed recommendations were made in a number of areas, especially dealing with the procedures to be followed at polling stations before, during and after the vote. In addition, where necessary, legislative changes were recommended and clear general instructions for the interpretation of the various legislative texts were suggested. The observations and recommendations of the experts touched many other aspects of the electoral procedure, and the experts pointed out in each of their reports that the successful carrying out of free and fair democratic elections would depend upon the enjoyment of such rights as freedom of association, assembly, expression and opinion and of the other rights associated with democratic elections and on the practical implementation of the provisions of the electoral law. The visits to the countries concerned enabled the experts to appreciate at first hand the efforts made to organize free and fair democratic elections and to better understand the practical framework within which they had been organized. In both instances the experts met with the full cooperation of all authorities.

B. Department of Technical Cooperation for Development

51. As the Secretariat's arm for United Nations technical cooperation activities, the Department of Technical Cooperation for Development is

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mandated to assist Member States, at their request, to strengthen their public sector institutions for effective governance. In this context, the Department has fielded missions, through its Interregional Advisory Services, to analyse and provide advice on a variety of electoral issues. These included the creation of permanent electoral registers, organization of registration processes, identification of citizens through more adequate documentation, possibilities of computerizing electoral rolls, strengthening the operation of electoral councils, handling of adjudications and grievance resolution, etc. In specific cases, such technical missions have culminated in the formulation and execution of large-scale technical cooperation programmes, as in the case of Haiti. More recently, the Department was involved in the context of the Central European Electoral Systems Symposium, in sponsoring the presentation of the Central American experience in the creation of a network of regional electoral institutions, and subsequent support to the organization of a Central European Association.

52. At present, the Department is actively pursuing a project for the strengthening of electoral administrations of developing countries, consisting in a series of workshops on electoral administration in Africa and Asia. The purpose of the workshops is to exchange experiences, collect information on the status of different countries and create the conditions for the creation and start-up of a permanent exchange mechanism. Another workshop will bring together electoral institutions and aid agencies from developed countries in order to discuss coordination of aid, as well as an enlarged role of electoral institutions in technical assistance. The project will conclude with an interregional conference that will bring together participants from different regions and discuss additional issues of relevance for the consolidation of the practice of fair elections.

C. United Nations Development Programme

53. Since 1976, UNDP has financed a series of projects that have provided electoral assistance. Eight of these have directly supported portions of electoral processes or have helped in establishing infrastructures necessary for the holding of elections. The majority of these projects have been carried out in the Latin American and Caribbean region. Almost all of them have been executed by the Department of Technical Cooperation for Development or by the Governments themselves.

54. UNDP assistance has been provided in a variety of different contexts. Most of the projects were geared at improving the technical capabilities of national electoral institutions. Areas of assistance included the establishment and maintenance of civil electoral registers, electoral electronic data processing, vote counting technologies, legal and logistic assistance, civic and voter education, radio communications and public information. Haiti was the first case in which comprehensive assistance was provided both for the setting up of the Electoral Council and for its support throughout the whole electoral process.

IV. CONSIDERATIONS OF A PRACTICAL NATURE

55. The experience acquired by the Organization has revealed how important it is that the electoral process to be verified have an international dimension and that the United Nations mission cover the entire electoral process, both in chronological as well as in geographical terms. Agreement on and clear understanding of the terms of reference of the mission to be undertaken and of its modalities are also important prerequisites for its success and to determine the cost of the operation (e.g., a request for the presence of observers at each polling site would significantly increase the cost of the operation). Such agreement or understanding should be based on information collected by a preliminary mission to the country concerned.

56. In the case of Namibia, the mandate of UNTAG was defined by Security Council resolution 435 (1978), in which the United Nations Plan for Namibia was approved, as well as by further explanatory reports or statements by the Secretary-General. The approaches followed for ONUVEN and ONUVEH were different. In the case of ONUVEN, the mandate of the mission was spelt out in an exchange of letters between the Government of Nicaragua and the Secretary-General, while in the case of ONUVEH the mandate was contained in General Assembly resolution 45/2, in which the Secretary-General was requested to meet, to the extent possible, a series of requests from the Government of Haiti including election observers and security personnel, and which had been preceded by protracted exchanges between the interim government and United Nations officials. In all the three cases the establishment of the actual verification mission was preceded by a series of preliminary or survey teams.

57. From the experience acquired in the establishment of field missions not necessarily connected with electoral verification, it appears that it would be desirable for the terms of reference of future missions to include not only the aspects of the electoral process to be verified, but also the approximate calendar for the entire operation and an estimate of the personnel and resources required. This would be useful in the consideration of the proposal by the relevant organs of the United Nations.

58. While the technical aspects of supervision or observation are important, they do not by any means constitute the sole contribution that a verification mission can or should make to the conduct of an electoral process. One of the basic reasons for United Nations involvement is to increase confidence in the electoral process, which should result in turn in increased vot participation and greater legitimacy for the process itself. A. ntion has already been drawn to the fact that the experiences acquired by the Organization reveal how important it is for electoral verification missions to have an international dimension, cover the entire electoral process and have agreement on and clear understanding of the terms of reference of the mission and its modalities. A basic lesson drawn from the experience of UNTAG, ONUVEN and ONUVEH is the psychological impact that the presence of United Nations observers has at all levels of the society and its contribution to a smooth electoral process. Electoral verification goes beyond the mere recording of the process and inevitably involves a role in the early correction of whatever

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shortcomings are discovered. A passive role would be untenable, all the more so in situations of extreme mistrust, polarization or violence. Public information activities on the purpose and scope of the mission and, where appropriate, civic education campaigns have also proven to be useful tools, which justify their inclusion in the mandate of future missions.

59. The maintenance of a peaceful environment, in which public order and the political freedoms of citizens are guaranteed during the whole electoral period, is an essential factor in the credibility of the elections. In the case of Namibia, the electoral component of UNTAG included the presence of police monitors, in addition to the military component, elements that were absent in the case of ONUVEN. On the other hand, in Haiti the issue of electoral security was a major concern. United Nations assistance in this field can constitute, in certain cases, a fundamental element in achieving free, honest and credible elections. The suitability of such assistance should, however, be examined on a case-by-case basis, according to the circumstances of each country.

60. It has already been said that two key requirements for the proper organization of an electoral verification mission are adequate lead time and the dispatch to the country concerned of a preparatory team with the objective of clarifying the mandate of the mission, as well as planning its deployment. If it appears likely that an electoral verification mission will be approved by the appropriate political organ, it might be desirable to install a small advance group of experienced field officers in the country concerned who, in close cooperation with Headquarters, would make adequate preparations for the establishment of the mission. The Secretariat should therefore be in a position to have the personnel and resources available for the sending of a preliminary survey mission at very short notice and to speed up the establishment of the mission once approval has been obtained from the political organ concerned.

61. An essential prerequisite for the establishment of a verification mission is the conclusion of a Status of Mission Agreement with the host Government concerned describing, in addition to privileges and immunities of the United Nations operation, any condition that would allow the mission to fulfil its purpose.

62. If, in addition to verification, the request also involves the provision of technical assistance, it is important that the latter be provided at an early stage. Requests for technical assistance do not require approval of a political organ and therefore can be implemented more swiftly and at an earlier stage than the verification itself. In the case of Haiti, for instance, the provision of technical assistance began at least three months before the verification mission. The organization of future electoral missions should be coordinated with the provision by UNDP of any technical assistance project.

63. The extraordinary expansion of peace-keeping operations in the past four years has placed great stress on the financial capability and on the human

resources of the Organization. The impact of an operation such as UNTAG on the manpower of the Secretariat has been enormous. The staffing of missions has thus been and continues to be a matter of great concern to the Organization. In the case of electoral verification, it is essential to maintain an updated roster of staff members with experience in the electoral field, as well as specialized personnel, perhaps drawn from national electoral bodies of Member States, who can be called upon at rather short notice to assist in future missions.

64. Once a verification mission has been established, the influx of additional observers required for the period of registration and voting can pose severe logistical problems, particularly in the area of transportation and lodging. Logistical limits might thus be one of the factors in determining the total number of observers. The number of observers in Nicaragua and Haiti during registration and at polling day was increased through the addition of personnel from organizations within the United Nations system working in the region who were familiar with the language and conditions of the country. In some cases, selected individuals from non-governmental organizations have been integrated as observers in verification missions. In this context, it is important to ensure the continuous managerial control of all aspects of the operation by United Nations staff, answerable to the Secretary-General, at each location of the mission.

65. As is well known, several regional and intergovernmental organizations, as well as non-governmental organizations, have abundant experience in the electoral field, and many of the replies received emphasize the importance of coordinating future United Nations initiatives with them. In Nicaragua and Haiti, close coordination was established with OAS, with each organization maintaining its own identity in structure but joining for specific purposes such as carrying out a quick count in Haiti and the distribution of observers throughout the territory. These arrangements minimized duplication of effort and avoided additional expenses. More ambitious agreements, such as joint missions, or agreements covering a wider sharing of tasks would have to be carefully analysed, since the advantages resulting in cost reduction might be offset by difficulties of a managerial or political nature.

66. Contacts with non-governmental organizations have often been mutually fruitful. Because of their nature, those organizations are often able to make a contribution in areas where the United Nations, for political or other reasons, lacks the capacity to be effective. On the other hand, there might be cases where non-governmental organizations or institutions have a different agenda or working methods or might be perceived as politically partisan. Cooperation with these organizations in the framework of a verification mission would thus need to be evaluated on an ad hoc basis.

67. Without enough lead time to complete logistical arrangements for a verification mission, it might not be possible to cover all stages of the electoral process or to make the necessary arrangements to ensure the presence of the observers throughout the territory. In such a case, the Organization

should not become involved in any verification activity. The experience accumulated in previous operations might permit, in the future, a more rapid response to requests for electoral verification. However, this could only be achieved if the Secretary-General had greater authority for the allotment of funds for preparatory activities while awaiting a decision by the appropriate organ of the United Nations.

Financing

68. An important aspect of United Nations involvement in electoral matters is the question of financing. In this regard, a distinction should be made between the financing of electoral verification missions and the financing of electoral assistance (technical or advisory services).

69. Verification missions have been financed in a variety of ways. Those carried out in the framework of decolonization were financed under the regular budget within the framework of the responsibilities of the Trusteeship Council or the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples. In the cases of Namibia and MINURSO, the missions were assessed against the special peace-keeping formula. The verification missions in Nicaragua and Haiti were financed from the regular budget of the Organization.

70. Technical assistance projects have been financed from the regular budget and voluntary contributions. In the case of the Department of Technical Cooperation for Development, the services of interregional advisers, provided upon request by Governments, have been financed from the regular budget. Projects have also been financed from within the Indicative Planning Figures (IPF) of UNDP.

71. In the latest report of the Secretary-General on the work of the Organization, 1/ reference was made to the dichotomy between the increasingly varied and complex mandates entrusted to the Secretariat and the lack of adequate funding of the operations resulting from these mandates. Member States should be aware that any serious electoral verification mission conducted by the United Nations could involve substantial expenditures for the Organization.

72. Several replies received from Member States contained suggestions on the means of financing the Organization's activities in the electoral field. According to some replies, financing should be covered by voluntary contributions. Others suggested that the bulk of the expenses should be borne by the requesting country. In the case of electoral technical assistance, the financing by voluntary contributions and/or by the requesting Government may prove to be workable, provided funds are made available prior to the initiation of the project. However, the financing of verification missions is a more complex issue because the establishment of such missions may require authorization by the General Assembly or, in some cases, the Security Council. In the case of future requests from Member States for verification of their electoral processes, it might be proposed that all missions approved

by the General Assembly or the Security Council should be funded from the regular budget of the Organization outside of the contingency fund.

73. A further consideration militating against the financing of electoral verification missions on a purely voluntary basis is the dire budgetary situation of several United Nations operations financed in this manner. In addition, some Governments in their replies expressed the concern that such an approach might result in selective contributions, with voluntary funds being available for electoral verification in certain countries and not in others. This could also affect the perception of the impartiality of the United Nations in conducting this type of operation.

74. Many of the replies received from Member States stressed the need to reduce the cost of future operations. Some arrangements have been worked out whereby, the requesting Government has offered certain facilities to the mission, although the acceptance of such offers must be carefully weighed in light of the need to preserve the impartiality of the mission. Obviously, any electoral verification field mission must have appropriate accommodations, communications and transport facilities; if adequate financial provisions are not made for such necessities, there could be a negative impact on the mission.

V. CONCLUDING OBSERVATIONS

75. In the present report I have presented an overview of the experience of the Organization in the fields of electoral verification and assistance, which I hope will prove useful in the debate in the General Assembly on these questions. In the past few years, the world has witnessed enormous changes, the full effect of which is still unclear. We are living in times of great hope coupled with uncertainties. In this complex situation, the purposes and principles of the Charter such as respect for human rights, social progress, and economic development in larger freedom are receiving greater recognition and encouragement than ever before. Political pluralism is increasingly evident in recent years, yet accelerated economic development is necessary to provide the underpinning required for the consolidation of genuine participatory democracy, in which socio-economic as well as political rights are respected.

76. Elections in and of themselves do not constitute democracy. They are not an end but a step, albeit an important and often essential one, on the path towards the democratization of societies and the realization of the right to take part in the governance of one's country as enunciated in major international human rights instruments. It would be unfortunate to confuse the end with the means and to forget that democracy implies far more than the mere act of periodically casting a vote, but covers the entire process of participation by citizens in the political life of their country.

77. Many of the replies received from Member States in the preparation of this report favour a continued and, indeed, expanded United Nations

involvement in electoral processes, going beyond mere technical assistance. Certain States, however, expressed reservations concerning an unqualified expansion of the role of the United Nations in the field of electoral verification, citing in essence the provisions of Article 2, paragraph 7, of the Charter.

78. It is the view of most Member States that replied to my inquiry, a view which I share, that electoral verification by the United Nations should remain an exceptional activity of the Organization and should be undertaken only in well-defined circumstances.

79. While I consider it important for the United Nations to continue to use its discretion in deciding how to respond to requests for electoral verification and to decide on a case-by-case basis, I believe that certain criteria, along the lines of those I mentioned in my 1990 report on the work of the Organization, ought to be met before agreeing to such requests. Namely, requests should pertain primarily to situations with a clear international dimension; the monitoring of an election or referendum should cover the entire electoral process in order to secure conditions of fairness and impartiality; where the induction of a United Nations presence in the electoral process of a State at a critical point in its political life is sought by the Government concerned, there must be broad public support in the State for the United Nations assuming such a role; and, finally, there should be approval by the competent organ of the United Nations.

80. As far as organizational aspects are concerned, most Member States that replied opposed the establishment of a new United Nations structure to verify elections or provide electoral assistance. For my part, I consider it necessary for the Organization to retain the necessary flexibility to tackle the variety of situations that are likely to arise, while ensuring proper coordination and consistency in responding to requests from Member States.

81. In order to ensure consistency in the handling of such requests in the future, it is my view that a senior official should be designated in the Offices of the Secretary-General to act as focal point within the Secretariat. This senior official, who could carry the designation of Coordinator for Electoral Matters, could assist the Secretary-General in the consideration and channeling of requests for electoral verification or assistance to the appropriate Office or Programme; ensure carefully considered responses to such requests, build on experience gained to develop an institutional memory of United Nations experience in the electoral field; and develop and maintain a roster of international experts who could provide technical assistance as well as assist in the verification of electoral processes. He would be assisted by a small staff in the discharge of his functions. The Coordinator would neither pre-empt nor supersede ongoing arrangements regarding electoral assistance. The responsibilities of the Coordinator would be without prejudice to operational arrangements for missions which the Organization should decide to undertake and would be confined to the conceptual level. The Coordinator would also maintain close contact with regional and other intergovernmental organizations to ensure

appropriate working arrangements with them and the avoidance of duplication of efforts.

82. As a first step, I am accordingly requesting the Assistant Secretary-General of the Office for Research and the Collection of Information, with the assistance of a task force composed of representatives of offices and departments having experience in this field, to assist the Secretary-General in developing detailed guidelines and terms of reference for United Nations electoral involvement. He will also prepare uniform criteria for the assessment of electoral processes and prepare a manual for use by United Nations election monitors. This official will also be responsible for organizing preliminary missions to determine United Nations responses to requests for electoral verification.

Notes

1/ Replies received from non-governmental organizations, institutions or other entities are available for consultation in the Secretariat.

2/ For further details see Decolonization Bulletin No. 19 of December 1983 and Decolonization Bulletin No. 39 of April 1990 and the annex to the present report.

3/ The 1972 joint Trusteeship Council and Special Committee mission to Papua New Guinea, carried out in a fairly large country with minimal logistical support, would deserve further study.

4/ For further details see Security Council resolution 690 (1991), S/21360 and S/22464 and Corr.1.

5/ For further details see A/46/608-S/23177 and Security Council resolutions 717 (1991) and 718 (1991).

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ANNEX

Plebiscites, referenda and elections held under the supervision or observation of the United Nations in Trust and Non-Self-Governing Territories

Year	Territory
1956	Togoland unification and future Togoland under British administration: plebiscite supervision.
1958	Togoland under French administration: election supervision.
1959	British Cameroon (northern part): plebiscite supervision.
1961	British Cameroon (southern and northern parts): plebiscite supervision.
1961	Western Samoa: plebiscite supervision.
1961-1962	Ruanda-Urundi: election supervision (including referendum on the Mwami).
1963	Malaysia: inquiry on future of Sabah and Sarawak prior to establishment of Federation of Malaysia.
1965	Cook Islands: election supervision.
1967	Aden: election supervision (Mission was not permitted to achieve fulfilment of its mandate).
1968	Equatorial Guinea: referendum/election supervision.
1969	West Irian: act of self-determination.
1970	Bahrain: ascertain wishes of people of Bahrain.
1972	Papua New Guinea: election observation.
1974	Niue: referendum observation.
1974	Gilbert and Ellice Islands: referendum observation.
1975	Mariana Islands, Trust Territory of the Pacific Islands: plebiscite observation.
1977	French Somaliland: referendum/election observation.
1978	Trust Territory of the Pacific Islands: referendum.

/...

Year	Territory
1979	Marshall Islands, Trust Territory of the Pacific Islands: referendum.
1979	Palau, Trust Territory of the Pacific Islands: referendum.
1979	New Hebrides: election observation.
1980	Turks and Caicos Islands: election observation.
1983	Palau, Trust Territory of the Pacific Islands: plebiscite observation.
1983	Federated States of Micronesia, Trust Territory of the Pacific Islands: plebiscite observation.
1983	Marshall Islands, Trust Territory of the Pacific Islands: plebiscite observation.
1986	Palau, Trust Territory of the Pacific Islands: plebiscite observation (February 1986) plebiscite observation (December 1986)
1984	Cocos (Keeling) Islands: act of self-determination.
1987	Palau, Trust Territory of the Pacific Islands: plebiscite observation (June 1987) plebiscite observation (August 1987)
1989	Namibia: election supervision and control.
1990	Palau, Trust Territory of the Pacific Islands: plebiscite observation.

UNITED NATIONS

A

General Assembly

Distr.
GENERAL

A/RES/46/137
9 March 1992

Forty-sixth session
Agenda item 98

RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

[on the report of the Third Committee (A/46/721/Add.1 and Corr.1)]

46/137. Enhancing the effectiveness of the principle of periodic and genuine elections

The General Assembly,

Recalling its resolutions 44/146 of 15 December 1989 and 45/150 of 18 December 1990, as well as Commission on Human Rights resolution 1989/51 of 7 March 1989, 1/

Having considered the report of the Secretary-General, 2/

Aware of its obligations under the Charter of the United Nations to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples and to promote and encourage respect for human rights and fundamental freedoms for all,

Reaffirming the Universal Declaration of Human Rights, 3/ which provides that everyone has the right to take part in the government of his or her country, directly or through freely chosen representatives, that everyone has the right of equal access to public service in his or her country, that the will of the people shall be the basis of the authority of government and that this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures,

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1/ See Official Records of the Economic and Social Council, 1989, Supplement No. 2 (E/1989/20), chap. II, sect. A.

2/ A/46/609 and Corr.1 and Add.1 and 2.

3/ Resolution 217 A (III).

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Noting that the International Covenant on Civil and Political Rights 4/ provides that every citizen shall have the right and the opportunity, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, to take part in the conduct of public affairs, directly or through freely chosen representatives, to vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors, and to have access, on general terms of equality, to public service in his or her country,

Condemning the system of apartheid and any other denial or abridgement of the right to vote on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Recalling that, under the Charter, all States enjoy sovereign equality and that each State, in accordance with the will of its people, has the right freely to choose and develop its political, social, economic and cultural systems,

Recognizing that there is no single political system or electoral method that is equally suited to all nations and their people and that the efforts of the international community to enhance the effectiveness of the principle of periodic and genuine elections should not call into question each State's sovereign right, in accordance with the will of its people, freely to choose and develop its political, social, economic and cultural systems, whether or not they conform to the preferences of other States,

Noting with appreciation the advisory services and technical assistance provided by the Centre for Human Rights of the Secretariat as well as the technical assistance provided by the Department of Technical Cooperation for Development of the Secretariat and the United Nations Development Programme to some Member States, including those in transition to democracy, at their request, and inviting those bodies to continue and intensify these efforts as requested,

Noting the electoral assistance provided to Member States at their request by the Organization,

Affirming that electoral verification by the United Nations should remain an exceptional activity of the Organization to be undertaken in well-defined circumstances, primarily in situations with a clear international dimension,

Taking note of the criteria contained in paragraph 79 of the report of the Secretary-General 5/ which ought to be met before the Organization agrees to requests for electoral verification,

1. Takes note with appreciation of the report of the Secretary-General;

4/ See resolution 2200 A (XXI), annex.

5/ See A/46/609 and Corr.1.

/...

2. Underscores the significance of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, which establish that the authority to govern shall be based on the will of the people, as expressed in periodic and genuine elections;

3. Stresses its conviction that periodic and genuine elections are a necessary and indispensable element of sustained efforts to protect the rights and interests of the governed and that, as a matter of practical experience, the right of everyone to take part in the government of his or her country is a crucial factor in the effective enjoyment by all of a wide range of other human rights and fundamental freedoms, embracing political, economic, social and cultural rights;

4. Declares that determining the will of the people requires an electoral process that provides an equal opportunity for all citizens to become candidates and put forward their political views, individually and in cooperation with others, as provided in national constitutions and laws;

5. Underscores the duty of each Member State, in accordance with the provisions of the Charter of the United Nations, to respect the decisions taken by other States, in accordance with the will of their people, in freely choosing and developing their electoral institutions;

6. Reaffirms that apartheid must be abolished, that the systematic denial or abridgement of the right to vote on the grounds of race or colour is a gross violation of human rights and an affront to the conscience and dignity of mankind, and that the right to participate in a political system based on common and equal citizenship and universal franchise is essential for the exercise of the principle of periodic and genuine elections;

7. Affirms the value of the electoral assistance that the United Nations has provided at the request of some Member States, in the context of full respect for their sovereignty;

8. Believes that the international community should continue to give serious consideration to ways in which the United Nations can respond to the requests of Member States as they seek to promote and strengthen their electoral institutions and procedures;

9. Endorses the view of the Secretary-General that he should designate a senior official in the Offices of the Secretary-General to act as a focal point, in addition to existing duties and in order to ensure consistency in the handling of requests of Member States organizing elections, who would assist the Secretary-General to coordinate and consider requests for electoral verification and to channel requests for electoral assistance to the appropriate office or programme, to ensure careful consideration of requests for electoral verification, to build on experience gained to develop an institutional memory, to develop and maintain a roster of international experts who could provide technical assistance as well as assist in the verification of electoral processes and to maintain contact with regional and other intergovernmental organizations to ensure appropriate working arrangements with them and the avoidance of duplication of efforts, and requests the Secretary-General to designate such an official to take on these tasks;

/...

TOTAL P.08

10. Determines that the designation of the senior official would neither pre-empt nor supersede ongoing arrangements regarding electoral assistance nor prejudice the operational arrangements for missions that the Organization may decide to undertake;

11. Requests the Secretary-General to allocate whenever appropriate, and within existing resources, a small number of staff and other resources to support the designated senior official in carrying out his or her functions;

12. Commends the Centre for Human Rights of the Secretariat as well as the Department of Technical Cooperation for Development of the Secretariat and the United Nations Development Programme for the advisory services and technical assistance that they have provided and continue to provide to requesting Member States, and requests that they collaborate closely with the senior official designated by the Secretary-General and inform him or her of the assistance provided and activities undertaken by them in the area of electoral assistance;

13. Requests the Secretary-General to notify the competent organ of the United Nations upon receipt of official requests from Member States for electoral verification and, upon the direction of that organ, to provide appropriate assistance;

14. Also requests the Secretary-General to establish, in accordance with United Nations financial regulations, a voluntary trust fund for cases where the requesting Member State is unable to finance, in whole or in part, the electoral verification mission and to propose guidelines for disbursements therefrom;

15. Affirms the effectiveness of and the need for coordination with intergovernmental organizations, including regional organizations having international electoral assistance experience;

16. Commends the efforts of non-governmental organizations that have provided electoral assistance at the request of Member States;

17. Invites those Member States which have not responded to the Secretary-General's request, pursuant to paragraph 10 of resolution 45/150, to submit views concerning suitable approaches that will permit the Organization to respond to the requests from Member States for electoral assistance, so do so in order to enable the Secretary-General to include those views in his next report to the General Assembly;

18. Requests the Secretary-General to report to the General Assembly at its forty-seventh session on the implementation of the present resolution, on the experience of the Organization in providing electoral assistance to requesting Member States and on recommendations for providing such assistance, on the detailed guidelines and terms of reference being developed for United Nations electoral involvement and on the nature and disposition of the requests from Member States, under the item entitled "Human rights questions".

75th plenary meeting
17 December 1991

AUG-31-1992 13:17 FROM UN HQ DPA USG TO 912029393166 P.08

ACTIVITIES OF THE ELECTORAL ASSISTANCE UNIT

BACKGROUND

On 17 December 1991 the General Assembly passed resolution 46/137 authorizing the Secretary-General to "designate a senior official ... to act as a focal point ... in order to ensure consistency in the handling of requests of Member States organizing elections, who would assist the Secretary-General to coordinate and consider requests for electoral verification and to channel requests for electoral assistance to the appropriate office or programme, to ensure careful consideration of requests for electoral verification, to build on experience gained to develop an institutional memory, to develop and maintain a roster of international experts who could provide technical assistance as well as assist in the verification of electoral processes and to maintain contact with regional and other intergovernmental organizations to ensure appropriate working arrangements with them and the avoidance of duplication of efforts."

By operative paragraphs 13 and 18 of its resolution, the General Assembly made several additional requests to the Secretary-General, specifically "... to establish, in accordance with United Nations financial regulations, a voluntary trust fund for cases where the requesting Member State is unable to finance, in whole or in part, the electoral verification mission and to propose guidelines for disbursements therefrom; ..." and "... to report to the General Assembly at its forty-seventh session on the implementation of the present resolution, on the Organization's experience in and recommendations for providing electoral assistance to requesting Member States, on the detailed guidelines and terms of reference being developed for United Nations electoral involvement and on the nature and disposition of the requests from Member States..."

THE IMPLEMENTATION OF THE GENERAL ASSEMBLY RESOLUTIONS

As requested by the General Assembly resolution 46/137, the Secretary-General has appointed Mr. James O.C. Jonah, Under Secretary-General of the Department of Political Affairs as the senior officer who will have the responsibility of acting as the Focal Point on Electoral Matters. There will also be a Task-Force on Electoral matters comprising representatives of all departments and organizations related to the subject that will be meeting periodically to ensure adequate coordination of activities within the system.

The Focal Point is assisted in this activity by an Electoral Assistance Unit with a small staff. The Unit became operational on 1 April. The appended flow sheet (Annex I) gives an idea of the approach it intends to follow in the processing of the requests of Member States for electoral assistance. The screening role and the support to the Focal Point in providing consistent answers to such requests is a central part of its activity. In addition, given the fact that it will have significant substantive capacity in the electoral field and has been requested to build up a roster of electoral experts, the Unit will be conducting fact-finding and evaluation missions and will be available to provide support, as required, in the initial stages of development of projects or major missions. As soon as a project or a mission becomes operational, the implementation will be the full responsibility of the relevant implementing organization, and the role of the Unit will be limited to following the experience in order to build up the institutional memory in the electoral assistance field.

In spite of the number of requests that might be coming, the Unit will be kept small, yet capable of providing the full range of responses that will be requested from it. This can be achieved by creating an external network to support the Unit's objectives and by building up an adequate information system. Conducive to that goal are the following activities, that attempt to reinforce the capacity of the Unit without increasing its size: (a) Establishment of mechanisms for the exchange of information and/or coordination of technical assistance with donor countries; (b) Setting up a roster of experts and consultants; (c) Establishment of databanks and information systems on electoral issues; (d) Organization of high-level training workshops for electoral consultants and key UN and UNDP personnel; (e) Creation and start-up of networks of electoral organizations in Africa; (f) Development of guidelines and training materials in the electoral field.

Annex II and III provide information on the status of requests that have been received from Member States, as well as on other subprogrammes of the Unit. They will be updated monthly.

20 July 1992

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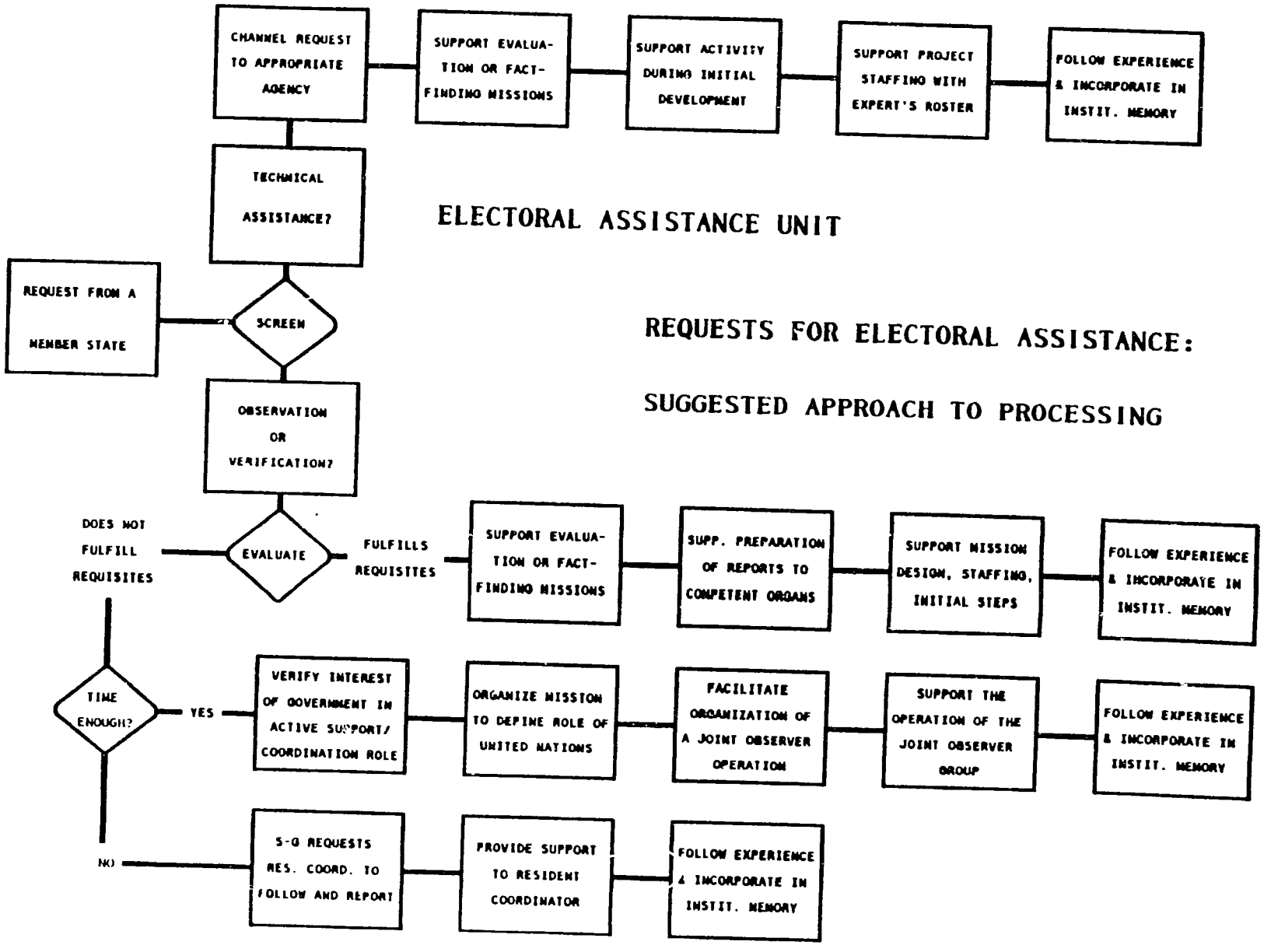
ELECTORAL ASSISTANCE UNIT

REQUESTS FOR ELECTORAL ASSISTANCE: SUGGESTED APPROACH TO PROCESSING



STATUS OF MEMBER STATES REQUESTS - AS OF 15 July 1992

COUNTRY	STATUS
ALBANIA	Request: A Government request for technical assistance was submitted through UNDP in mid-February 1992. Action taken: A technical mission, comprising two consultants and one member of the EAU was sent between 9 and 16 March 1992. One of the consultants stayed in Albania to help the government with the coordination of international observers activities. Some contributions in kind (worth approximately $ 250,000) were provided through a UNDP project. **Elections were held succesfully on 22 and 29 March 1992.** Future action: The new government might be interested in technical support in relation to the creation of a permanent electoral organization, as well as in relation to the preparation of the forthcoming municipal elections. Consultations on the subject will be made through the Resident Coordinator.
ANGOLA	Request: The verification of the electoral process by the United Nations was part of the Estoril Agreements. Technical assistance was requested by the Government of Angola in December 1991. **The elections are scheduled to take place on 29 and 30 September 1992.** Action taken: The Security Council approved on 24 March 1992 the expansion of UNAVEM II to cover the verification of the electoral process. The electoral component of UNAVEM has been in place since early May. A US$ 3.7 million technical assistance project, involving cost-sharing arrangements with several countries, was prepared during visits made by EAU staff between November 1991 and March 1992. The project began activities in March 1992. Future action: Now that both the Electoral Component of UNAVEM and the UNDP project are completely operational, the role of the Unit is essentially limited to the provision of technical advice, if required. It might also be involved in the case of decisions or action concerning electoral matters in which the focal point intervenes. After the mission is completed, the Unit should analyze the experience, and the lessons learned there, as a part of its function of creating an institutional memory of UN involvement in electoral matters.
ARGENTINA	Request: Technical assistance to the electoral organization as an extention of previous projects was requested by the Government. It is an essentially technical activity being financed mostly through cost-sharing by the Government of Argentina. Action taken: Obtaining relevant information on outcomes or products of the project that might be useful in other situations. Future action: None, unless there are further requests.

AZERBEIJAN

Request: Invitation of the Government to send observers to the presidential elections of June 7 - received 30 May.

Action taken: Letter of the S-G declining the invitation on account of the short lead time. As there is no Resident Coordinator in the country, it was not possible to ask him to follow the electoral process and report to the S-G on its results, as done in Cameroon in a similar situation. **Presidential elections were held on 7 June 1992.**

Future action: None, unless there are further requests.

BURUNDI

Request: A broad general request for technical and financial assistance was sent to DESD through the Resident Coordinator. **The general elections are scheduled for the first quarter of 1993.**

Action taken: A letter has been written to the Resident Coordinator giving her detailed information on the procedures for submitting requests.

Future action: None, unless there are further requests.

CAMBODIA

Request: As contemplated in the Paris agreements, the United Nations has the responsibility for the organization and conduct of the **elections scheduled for April/May 1993.**

Action taken: The electoral component of UNTAC recently began its activities with the appointment of the Chief Electoral Officer and the deployment of political observers.

Future action: Limited involvement, as in Angola.

CAMEROON

Request: On 19 February 1992, the Government of Cameroon requested the sending of observers to follow the electoral process.

Action taken: The S-G declined the invitation on account of the time available, but informed the Government that he was asking the Resident Coordinator "to follow the electoral process and to report to him on its results". **Elections took place on 1 March 1992,** and the Resident Coordinator has submitted his report.

Future action: None, unless there are further requests.

CENTRAL AFRICAN REPUBLIC

Request: A request for financial assistance to the organization of a "National Debate" and for the electoral process has been presented through and it is being forwarded to the Unit. **The elections are scheduled for the last quarter of 1992.**

Action Taken: A letter has been written to the Resident Representative giving him detailed information on the procedures for submitting requests.

Future action: Will depend on the evolution of the situation.

CHAD:

Request: A broad general request for technical and financial assistance was sent to DESD through the Resident Representative. **Elections date to be determined.**

Action taken: Assistance is given to DESD for the preparation of the mission to be sent to Chad and also support in the identification of consultants for technical assistance project.

Future action: Will depend on the results of the mission.

CONGO

Request: The Government of Congo requested technical assistance from UNDP. **The Presidential elections are to take place at the end of 1992.**

Action taken: UNDP is providing the required assistance and is also playing a coordinating role in the technical assistance field. **The legislative elections which took place in July 1992** were followed through the Resident Coordinator.

Future action: UNDP commitment began before the creation of the Unit, which has not been directly involved. We need to complete our dossiers on this case.

EL SALVADOR

Request: On 19 June 1992, the Resident Coordinator transmitted a request of the Supreme Electoral Tribunal for a team of experts to emit an opinion on alternatives to modernize the electoral registers.

Action taken: A mission is being organized and it is hoped it will visit El Salvador during the first two weeks of August.

Future action: It is expected that there will be United Nations involvement in the observation of the national elections of 1994.

ERITREA

Request: The organization of a referendum under international supervision was envisaged in the National Charter. Letters from the Transitional Government of Ethiopia and the Referendum Commission of Eritrea, dated 13 December 1991 and 19 May 1992 respectively, formalized the request to the UN. The process is scheduled to begin in July 1992, and the **referendum is to take place in April 1993.**

Action taken: The Secretary-General has taken the matter to the President of the General Assembly, asking him to conduct informal consultations among the regional groups to authorize involvement of the UN in Eritrea. In the meantime, it has been suggested to the Referendum Commission of Eritrea that a technical mission might be sent to gather the information required to ascertain the involvement of the UN in the exercise. As soon as the agreement of the Referendum Commission is received, a mission will be travelling to Asmara to gather information for the preparation of a report to be submitted to the G.A.

Future action: As soon as a mandate is obtained, the EAU will be involved in the drafting of the reports to be submitted to the competent organs, and in supporting the initial steps of a verification mission.

ESTONIA

Request: On 16 June 1992, the Government of Estonia invited the UN to send representatives to witness and to observe the holding of a referendum on the adoption of a new Constitution.

Action taken: The Estonian Government was informed on 16 June that, since their request came too late, it was impossible to take any action. However, with regard to the next elections, the UN could consider, within its mandate, the Estonian Government's request. **The referendum took place on 28 June 1992.**

Future action: None, unless there are further requests.

ETHIOPIA

Request: The Transitional Government of Ethiopia requested technical assistance and an observation mission to follow the regional elections.

Action taken: On account of the short lead time and other missing requisites, it was not possible to fulfill the request. However, given the significance of these elections in terms of the overall process, a more active role was adopted. A mission was sent mid-May to Addis Ababa and the UN was instrumental in coordinating and providing support to a Joint International Observer Group, comprising observers from several countries as well as volunteers from the international community in Addis Ababa, including the UN system. A UNDP project providing support to the Joint Group and to the electoral authorities was prepared. The electoral process was followed by the Joint International Observer Group. **The regional elections took place on 21 June 1992.**

Future action: Future involvement of the United Nations in the **parliamentary and presidential elections in 1993** will depend on the requests of the Government of Ethiopia and on the evolution of the situation.

GHANA

Request: On 8 April 1992, the Government of Ghana requested technical assistance and on 6 May invited the United Nations to observe the **presidential and parliamentary elections scheduled to take place on 3 November and 8 December, respectively.**

Action taken: As the process has already begun with the referendum process and there is no international dimension, the S-G has answered that he will ask the Resident Coordinator to follow and report on the electoral process, offering as an alternative an active role in facilitating the organization and coordination of an international group of observers, as in Ethiopia. If the last option is accepted, a mission to define the role of the UN will follow.

Future action: None, other than the above.

GUINEA

Request: The Government of Guinea requested technical assistance from UNDP during March 1992. **The Legislative elections are planned for December 1992.**

Action taken: A technical mission, comprising one officer from the Electoral Assistance Unit and one external consultant was sent in May 1992. A draft project document was prepared and submitted to the government for approval.

Future action: Support in the identification of consultants for the technical assistance project.

GUYANA

Request: The Government of Guyana requested the UNDP technical assistance in relation to the cartographic and organizational aspects of the registration process.

Action taken: A project has been approved and technical assistance is being provided.

Future action: None expected. An interesting computer model covering the cartographic aspects was produced, and it might be used for other cases.

HAITI

Request: A small amount of funds remaining from the technical assistance provided for the electoral process was intented to be used to prepare a project for the creation of a permanent electoral register, and to improve the situation of personal documentation.

Action taken: Action suspended.

Future action: Depends on evolution of the situation.

LESOTHO

Request: A request was made on 5 August 1991 to the Secretary-General for assistance and support to the electoral process.

Action taken: The Center for Human Rights sent a mission to Lesotho in November 1991 which produced a report on the electoral law. The Center is expected to provide further help, particularly in the field of civic education.

Future action: None, other than the above.

LIBERIA

Request: On 11 February 1992, the Minister of Foreign Affairs of Liberia sent a letter to the Secretary-General, requesting technical and financial assistance as well as the sending of international observers to follow the electoral process.

Action taken: Two consultants were sent to Liberia to (a) evaluate the availability of population data, (b) evaluate the situation of the constituency maps, and (c) provide support to the Electoral Commission as required. No decision has being taken for the moment in relation to the other aspects of the request. The consultants have completed their mission.

Future action: Will depend on the evolution of the situation. It should be pointed out that the extensive involvement of the ECOWAS, as well as the Carter Center and other US NGOs make it especially important to ensure coordination of efforts.

MADAGASCAR

Request: An initial request from the Government for technical assistance was made through UNDP. On 15 May a further request for United Nations observation of the electoral process was transmitted through the Resident Coordinator of UNDP. **The constitutional referendum has been delayed until 19 July and the presidential and legislative elections should take place 45 to 60 days later.**

Action taken: In response to the technical assistance request, a consultant was sent in April. On June 15 the Secretary-General answered that he will ask the Resident Coordinator to follow and report on the electoral process, offering as an alternative the possibility of an active role in facilitating the organization and coordination of an international group of observers, as done in Ethiopia.

Future action: If the last option is accepted, a mission to define the role of the UN will follow. Otherwise, support might be provided to the Resident Coordinator, if required, to fulfill the request of the Secretary-General.

MALI

Request: A request for technical assistance was made through UNDP in September 1991. On 10 February the Government of Mali requested of the Secretary-General the verification/observation of the electoral process. The Minister of Foreign Relations also contacted the Administrator of the UNDP requesting the financing of international observers from other organizations.

Action taken: A consultant was sent on 1 December 1991 to collaborate with the electoral authorities. As to the request for UN observers, the Secretary-General asked the UNDP Resident Coordinator to follow the electoral process and report to him on its results of the elections. The Administrator of UNDP authorized the financing of independent international observers invited by the Government of Mali and a consultant was sent to help the Resident Coordinator in the preparation of reports and in the organization of the visit of the observers. **The elections took place in April 1992.**

Future action: The results of the election were generally accepted, even though the rate of participation (around 20%) was very low. We have proposed to the Resident Coordinator the possibility that he suggest to the government the preparation of a global evaluation of the electoral process, so that problems limiting participation can be solved in future elections.

MOZAMBIQUE

Request: The United Nations have been invited as an observer to the peace negotiations that are taking place between the Government of Mozambique and RENAMO.

Action taken: The United Nations have been participating as an observer since 22 June 1992.

Future action: The United Nations might be asked to play a role in the implementation of the peace agreements, which might include an involvement in the verification of the elections.

NIGER

Request: A broad general request for technical and financial assistance was sent to EAU and UNDP through the Resident Representative. **The general elections are scheduled for January 1993.**

Action taken: A letter has been sent to the Resident Representative giving him detailed information on the procedure for submitting requests.

Future action: Will depend on the Resident Representative's reply and on the evolution of the political situation.

ROMANIA

Request: The Government of Romania presented a request for assistance in the electoral field in March 1990.

Action taken: The Center for Human Rights sent a mission from 30 April to 4 May 1990, which provided advice to the electoral authorities for the **elections that took place on 20 May 1990**. The Center has been providing further support to the Romanian authorities.

Future action: The CHR has signed an agreement for the provision of technical assistance to the Government of Romania over the next three years.

RWANDA

Request: A request for assistance in the preparation of cost estimates, request to donors and coordination of foreign assistance was transmitted through the UNDP on 14 May 1992. **The date for the elections are yet to be determined.**

Action taken: A two-person preliminary mission left for Rwanda on 7 June 1992, for two weeks, to assess the situation and requirements.

Future action: It might be expected that a project document for providing further techn assistance will be prepared, and that the UN will have a role in the coordination of foreign assistance.

SEYCHELLES

Request: The Director of elections and the opposition party have requested the SG to send observers to the **elections to be held on 24 and 26 July 1992.**

Action taken: The SG and Mr. Jonah answered both concerned parties tha, the Resident Coordinator in Seychelles will be following the forthcoming elections and will report the results to the SG.

Future action: None.

TOGO

Request: On 17 April 1992, the Government of Togo presented a request for technical and material assistance as well as the sending of a large number of international observers. The elections scheduled for May 1992 were postponed to a date yet to be determined.

Action taken: A technical mission, comprising one officer from the Electoral Assistance Unit and one consultant, visited Togo from 10 to 26 May. A project document for providing technical assistance was prepared.

Future action: Support in the identification of consultants for technical assistance project.

WESTERN SAHARA

Request: Organization of elections.

Action taken: Still in the process of negotiating issues related to the registration of voters.

Future action: Will depend on the evolution of the situation.

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ORGANIZATION OF AMERICAN STATES

GENERAL ASSEMBLY

OEA/Ser.P/XX.02
31 August 1990
Volume I

TWENTIETH REGULAR SESSION
ASUNCION, PARAGUAY
June 4 - 9, 1990

PROCEEDINGS
VOLUME I

AG/RES. 1025 (XX-O/90) - AG/RES. 1076 (XX-O/90)
CERTIFIED TEXTS OF THE RESOLUTION

GENERAL SECRETARIAT
ORGANIZATION OF AMERICAN STATES
WASHINGTON, D.C. 20006
1990

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AG/RES. 1063 (XX-O/90)

UNIT FOR DEMOCRATIC DEVELOPMENT

(Resolution adopted at the eighth plenary session, held on June 8, 1990)

THE GENERAL ASSEMBLY,

RECALLING the preamble of the Charter of the Organization of American States, which states that "representative democracy is an indispensable condition for the stability, peace and development of the region";

TAKING INTO ACCOUNT:

That one of the essential purposes of the Organization is to "promote and consolidate representative democracy, with due respect for the principle of nonintervention";

That further, one of the principles of the Charter reaffirms that "[E]very State has the right to choose, without external interference, its political, economic, and social system and to organize itself in the way best suited to it, and has the duty to abstain from intervening in the affairs of another State. Subject to the foregoing, the American States shall cooperate fully among themselves, independently of the nature of their political, economic, and social systems";

That according to Article 16 of the Charter, "[E]ach State has the right to develop its cultural, political and economic life freely and naturally. In this free development, the State shall respect the rights of the individual and the principles of universal morality";

RECOGNIZING that in the context of representative democracy, there is no political system or electoral method that is equally appropriate for all nations and their peoples and that the efforts of the international community to shore up effectiveness of the principle of holding genuine and periodic elections should not cast any doubt on the sovereign right of each State to elect and develop their political, social and cultural systems freely, whether or not they are to the liking of other States;

CONSIDERING the recommendation regarding the implementation and development of AG/RES. 940 (XVIII-O/88), contained in resolution AG/RES. 991 (XIX-O/89), to maintain unwavering support for democratic processes in the hemisphere and to step up and increase its efforts towards achieving the integrated development of the countries of the region, in view of the close relationship between socioeconomic development and democracy, of which the Organization is an indispensable mainstay;

RECALLING its resolution AG/RES. 993 (XIX-O/89) supporting the Secretary General's efforts to respond to requests from a member state for assistance in observing its electoral process;

WELCOMING the decision taken by member states to support and strengthen genuinely democratic and participatory systems through full respect for all human rights, particularly the holding of free and fair elections, which respect freedom of speech and assembly and the will of the people, as noted in resolution AG/RES. 991 (XIX-O/89);

NOTING WITH APPRECIATION the effective manner in which the Secretary General and member states responded to the invitation extended by the Government of Nicaragua in organizing a group of international observers to monitor the elections which took place in that country on February 25, 1990, and the important role which they played in the realization of a peaceful and fair electoral process, and also, the process of cooperation initiated between the Republic of Haiti and the Organization of American States in the framework of the organization of upcoming general elections, a decisive stage towards the establishment of representative democracy in that country;

RECOGNIZING the significant role which the Organization of American States can play in supporting and assisting member states in their efforts to renew, preserve or strengthen democratic institutions and processes by serving as a forum for the exchange of information and expertise,

RESOLVES:

1. To request the Secretary General to establish within the General Secretariat a Unit for Democratic Development.

2. To ask that such a Unit provide a program of support for democratic development that can respond promptly and effectively to member states which, in the full exercise of their sovereignty, request advice or assistance to preserve or strengthen their political institutions and democratic procedures.

3. To request the Secretary General to develop a proposal for such a program, in consultation with the Permanent Council.

4. That to this end, member states agree to extend their full cooperation to the Secretary General to assist him in determining the types of assistance or services such a facility might provide. These could include, inter alia:

- facilitating the exchange of information and expertise by means of seminars and training programs;

- developing an inventory of individuals and institutions specializing in political studies on democratic systems and institutions;

- the development of standards and procedures for organizing electoral observer missions;

- coordination with other multilateral organizations concerned with these matters;

- encouraging dialogue on democratic principles and values within the hemisphere;

5. To agree that the provision of such assistance be based on the following principles:

- the kinds of services to be rendered to any member state shall be determined by the requesting Government in consultation with the Secretary General, and with due respect for the principle of nonintervention;

- the amount of assistance and the conditions under which it is to be rendered will be decided by the Secretary General with due regard for the availability of resources;

- as far as possible, such services will be financed and staffed from existing resources, projects and/or special contributions or assessments.

6. To ask the Secretary General to inform the Permanent Council within six months of his progress in implementing this resolution and to report to the General Assembly at its next regular session.

ORGANIZATION OF AMERICAN STATES

GENERAL ASSEMBLY

TWENTY-FIRST REGULAR SESSION
June 3, 1991
Santiago, Chile

OEA/Ser.P
AG/doc.2734/91
4 June 1991
Original: Spanish

THE SANTIAGO COMMITMENT TO DEMOCRACY AND THE RENEWAL OF THE INTER-AMERICAN SYSTEM

(Approved at the third plenary session held on June 4, 1991)

The Ministers of Foreign Affairs and Chiefs of Delegation of the member states of the Organization of American States, meeting in Santiago, Chile, as the representatives of their democratically-elected governments to the twenty-first regular session of the General Assembly of the OAS,

Aware that profound international political and economic changes and the end of the cold war open up new opportunities and responsibilities for concerted action by all countries through global and regional organizations, as well as in their bilateral relationships;

Bearing in mind that the changes towards a more open and democratic international system are not completely established, and that cooperation must be encouraged and strengthened so that those favorable trends may continue;

Recognizing the need to advance decisively towards a just and democratic order based on full respect for international law, the peaceful settlement of disputes, solidarity and the revitalization of multilateral diplomacy and of international organizations;

Mindful that representative democracy is the form of government of the region and that its consolidation, improvement and true enjoyment are shared priorities;

Reaffirming that the principles enshrined in the OAS Charter and the ideals of peace, democracy, social justice, comprehensive development and solidarity are the permanent foundation of the Inter-American System;

Recognizing that cooperation to guarantee the peace and security of the hemisphere is one of the essential purposes consecrated in the Charter of the OAS, and that the proliferation of arms adversely affects international security and takes resources away from the economic and social development of the peoples of the member states;

Resolved to work for the intensification of the struggle against extreme poverty and the elimination of the economic and social inequalities in each nation and among the nations of the hemisphere;

Noting with interest the report of the Consultation Group on the Renewal of the Inter-American System; and

Convinced that the OAS is the political forum for dialogue, understanding and cooperation among all the countries of the hemisphere, whose potential, enhanced by the accession of new member states, must be increased to make it an effective voice in the world for the decisions of its members;

DECLARE:

- Their inescapable commitment to the defense and promotion of representative democracy and human rights in the region, within the framework of respect for the principles of self-determination and non-intervention;

- Their firm resolve to stimulate the renewal of the Organization of American States, to make it more effective and useful in the application of its guiding principles and for the attainment of its objectives;

- Their determination to continue to prepare and develop a relevant agenda for the Organization, in order to respond appropriately to the new challenges and demands in the world and in the region, and their decision to assign special priority in this decade to the following actions:

  a. An intensification of the common struggle and cooperative actions against extreme poverty to help reduce economic and social inequalities in the hemisphere, thus strengthening the promotion and consolidation of democracy in the region.

  b. Strengthening representative democracy as an expression of the legitimate and free manifestation of the will of the people, always respecting the sovereignty and independence of member states;

  c. Promoting the enjoyment and defense of human rights in accordance with Inter-American instruments in force and through particular existing agencies; and ensuring that discrimination does not become an obstacle to political participation by undervalued or minority ethnic groups;

  d. Promoting the progressive liberalization of trade and the expansion of investments, access to scientific and technological knowledge and the reduction of the foreign debt of the countries of the region and, from this perspective, support for the "Enterprise for the Americas Initiative" and the Uruguay Round of the GATT negotiations;

e. Contributing to the protection by all of our environment for the benefit of present and future generations, thus assuring sustainable development in the region;

f. Encouragement to the adoption and execution of appropriate measures to prevent and combat the illicit use and production of narcotic drugs and psychotropic substances, and traffic therein, chemical precursors and money laundering, and related clandestine traffic in arms, ammunitions and explosives;

g. The favoring of integration processes in the region and, to this end, the adoption of a program of work designed, inter alia, to harmonize legislations in the region, particularly the civil and common law systems;

h. Promotion and intensification of cultural, educational, scientific and technological exchanges as instruments for integration, with full respect for the cultural heritage of each of the member states;

i. An increase in technical cooperation and encouragement of a transfer of technology to enhance the capabilities for economic growth of the countries in the region.

Their decision to initiate a process of consultation on hemispheric security in light of the new conditions in the region and the world, from a revised and comprehensive perspective of security and disarmament, including the subject of all forms of proliferation of weapons and instruments of mass destruction, so that the largest possible volume of resources may be devoted to the economic and social development of the member states; and an appeal to other competent organizations in the world to unite their efforts to those of the OAS.

Their decision to adopt efficacious, timely and expeditious procedures for the promotion and defense of representative democracy, in keeping with the Charter of the Organization of American States.

Consequently, the Ministers of Foreign Affairs and the Chiefs of Delegation of the member states of the Organization of American States, in the name of their peoples, declare their firm political commitment to the promotion and protection of human rights and representative democracy, as indispensable conditions for the stability, peace and development of the region, and for the success of the changes and renewal that the Inter-American System will require at the threshold of the twenty-first century.

176/0565c.91I(5)

END

GENERAL ASSEMBLY

OEA/Ser.P
AG/doc.2739/91
4 June 1991
Original: Spanish/English

TWENTY-FIRST REGULAR SESSION
June 3, 1991
Santiago, Chile

REPRESENTATIVE DEMOCRACY

WHEREAS:

The Preamble of the Charter of the OAS establishes that representative democracy is an indispensable condition for the stability, peace and development of the region;

Under the provisions of the Charter, one of the basic purposes of the Organization of American States is to promote and consolidate representative democracy, with due respect for the principle of nonintervention;

Due respect must be observed for the policies of each member country in regard to the recognition of states and governments;

Bearing in mind the widespread existence of democratic governments in the hemisphere, the principle enshrined in the Charter, namely, that the solidarity of the American States and the high aims which it pursues require the political organization of those States to be based on effective exercise of representative democracy--must be made operative;

GENERAL SECRETARIAT OF THE ORGANIZATION OF AMERICAN STATES, WASHINGTON, D.C. 20006

The region faces serious political, social and economic problems that may threaten the stability of democratic governments,

THE GENERAL ASSEMBLY

RESOLVES:

1. To instruct the Secretary General to call for the immediate convocation of a meeting of the Permanent Council in the case of any event giving rise to the sudden or irregular interruption of the democratic political institutional process or of the legitimate exercise of power by the democratically elected government in any of the Organization's member states, in order, within the framework of the Charter, to examine the situation, decide on and convene an ad hoc meeting of the ministers of foreign affairs, or a special session of the General Assembly, all of which must take place within a ten-day period.

2. To determine that the purpose of the ad hoc meeting of ministers of foreign affairs or the special session of the General Assembly shall be to look into the events collectively and adopt any measures deemed appropriate, in accordance with the Charter and international law.

3. To instruct the Permanent Council to devise a set of proposals that will serve as incentives to preserve and strengthen democratic systems, based on international solidarity and cooperation, and to apprise the General Assembly thereof at its twenty-second regular session.

188/0574c.91I(5)

FAD217-03 pg/16

INTERNATIONAL CONFERENCE ON POPULAR PARTICIPATION IN THE RECOVERY AND DEVELOPMENT PROCESS IN AFRICA

AFRICAN CHARTER FOR POPULAR PARTICIPATION IN DEVELOPMENT AND TRANSFORMATION (ARUSHA 1990)

Arusha, United Republic of Tanzania
12 - 16 February 1990

PREAMBLE

F20217-03 p4/16

1. The International Conference on Popular Participation in the Recovery and Development Process in Africa was held, in Arusha, the United Republic of Tanzania from 12 to 16 February 1990, as a rare collaborative effort between African people's organizations, the African governments, non-governmental organizations and the United Nations agencies, in the search for a collective understanding of the role of popular participation in the development and transformation of the region. It was also an occasion to articulate and give renewed focus to the concepts of democratic development, people's solidarity and creativity and self-reliance and to formulate policy recommendations for national governments, popular organizations and the international community in order to strengthen participatory processes and patterns of development. It was the third in a series of major international conferences organized by the Economic Commission for Africa in collaboration with the rest of the United Nations system to contribute to the implementation of the United Nations Programme of Action for African Economic Recovery and Development, 1986-1990 (UN-PAAERD). It came as a sequel to the Abuja International Conference on Africa: The Challenge of Economic Recovery and Accelerated Development held in 1987, and the 1988 Khartoum International Conference on the Human Dimension of Africa's Economic Recovery and Development. It is important to note that the initiative for this Conference came from the submission of the NGOs to the Ad Hoc Committee of the Whole of the General Assembly on the mid-term review and assessment of the implementation of UN-PAAERD in September 1988.

2. The Conference was organized under the auspices of the United Nations Inter-Agency Task Force on the Follow-up on the Implementation of the UN-PAAERD at the Regional Level (UN-IATF) and with the full support and warm hospitality of the government and people of the United Republic of Tanzania. The ECA Conference of Ministers responsible for Economic Development and Planning adopted resolution 664(XXIV) at its twenty-fourth session in which it supported this Conference and urged member states of the Commission, the international community, NGOs and the United Nations system to support and actively participate in it. The Conference was attended by over 500 participants from a wide range of African people's organizations - including, in particular, non-governmental, grass-roots, peasant, women and youth organizations and associations, trade unions and others - as well as representatives of African Governments, agencies of the United Nations system, non-African non-governmental organizations, regional, sub-regional and intergovernmental organizations, bilateral donors, multilateral organizations as well as specialists, both from within and outside Africa. The Conference was opened by H.E. Ali Hassan Mwinyi, President of the United Republic of Tanzania. Opening statements were also made by the representative of the Secretary-General of the United Nations, the Executive Secretary of the Economic Commission for Africa, the representative of the Secretary-General of the Organization of African Unity, the Secretary-General of the Organization of African Trade Union Unity and representatives of the Non-Governmental Organizations, African Women's Organizations and the Pan African Youth Movement. The Conference would like to put on record its appreciation for the full support and warm hospitality of the Government and people of the United Republic of Tanzania.

3. The Conference was organized out of concern for the serious deterioration in the human and economic conditions in Africa in the decade of the 1980s, the recognition of the lack of progress in achieving popular participation and the lack of full appreciation of the role popular participation plays in the process of recovery and development.

4. The objectives of the Conference were to:

(a) Recognize the role of people's participation in Africa's recovery and development efforts;

(b) Sensitize national governments and the international community to the dimensions, dynamics, processes and potential of a development approach rooted in popular initiatives and self-reliant efforts;

(c) Identify obstacles to people's participation in development and define appropriate approaches to the promotion of popular participation in policy formulation, planning, implementation, monitoring and evaluation of development programmes;

(d) Recommend actions to be taken by Governments, the United Nations system as well as the public and private donor agencies in building an enabling environment for authentic popular participation in the development process and

encourage people and their organizations to undertake self-reliant development initiatives;

(e) Facilitate the exchange of information, experience and knowledge for mutual support among people and their organizations; and,

(f) Propose indicators for the monitoring of progress in facilitating people's participation in Africa's development.

5. We, the people, engaged in debate and dialogue on the issues involved over the span of four plenary sessions and fourteen workshops during the five-day long International Conference. In the light of our deliberations, we have decided to place on record our collective analysis, conclusions, policy recommendations and action proposals for the consideration of the people, the African Governments and the international community.

I. ASSERTING THE ROLE OF POPULAR PARTICIPATION

6. We are united in our conviction that the crisis currently engulfing Africa, is not only an economic crisis but also a human, legal, political and social crisis. It is a crisis of unprecedented and unacceptable proportions manifested not only in abysmal declines in economic indicators and trends, but more tragically and glaringly in the suffering, hardship and impoverishment of the vast majority of African people. At the same time, the political context of socio-economic development has been characterized, in many instances, by an over-centralization of power and impediments to the effective participation of the overwhelming majority of the people in social, political and economic development. As a result, the motivation of the majority of African people and their organizations to contribute their best to the development process, and to the betterment of their own well-being as well as their say in national development has been severely constrained and curtailed and their collective and individual creativity has been undervalued and underutilized.

7. We affirm that nations cannot be built without the popular support and full participation of the people, nor can the economic crisis be resolved and the human and economic conditions improved without the full and effective contribution, creativity and popular enthusiasm of the vast majority of the people. After all, it is to the people that the very benefits of development should and must accrue. We are convinced that neither can Africa's perpetual economic crisis be overcome, nor can a bright future for Africa and its people see the light of day unless the structures, pattern and political context of the process of socio-economic development are appropriately altered.

8. We, therefore, have no doubt that at the heart of Africa's development objectives must lie the ultimate and overriding goal of human-centered development that ensures the overall well-being of the people through sustained improvement in their living standards and the full and effective participation of the people in charting their development policies, programmes and processes and contributing to their realization. We furthermore observe that given the current world political and economic situation, Africa is becoming further marginalized in world affairs, both geo-politically and economically. African countries must realize that, more than ever before, their greatest resource is their people and that it is through their active and full participation that Africa can surmount the difficulties that lie ahead.

9. We are convinced that to achieve the above objective will require a re-direction of resources to satisfy, in the first place, the critical needs of the people, to achieve economic and social justice and to emphasize self-reliance on the one hand, and, on the other hand, to empower the people to determine the direction and content of development and to effectively contribute to the enhancement of production and productivity that are required. Bearing this in mind and having carefully analyzed the structure of the African economies, the root causes of the repeated economic crisis and the strategies and programmes that have hitherto been applied to deal with them, we are convinced that Africa has no alternative but to urgently and immediately embark upon the task of transforming the structure of its economies to achieve long-term self-sustained growth and development that is both human centered and participatory in nature. Furthermore, Africa's grave environmental and ecological crisis cannot be solved in the absence of a process of sustainable development which commands the full support and participation of the people. We believe in this context that the African Alternative Framework

to Structural Adjustment Programmes for Socio-Economic Recovery and Transformation (AAF-SAP) - which was endorsed by the twenty-fifth Assembly of Heads of State and Government of the Organization of African Unity (OAU) held in July 1989, and by the Conference of Heads of the State or Government of Non-Aligned countries held in Belgrade in September 1989 and by the Forty-fourth Session of the General Assembly of the United Nations which invited the international community, including multilateral, financial and development institutions, to consider the framework as a basis for constructive dialogue and fruitful consultation - offers the best framework for such an approach. We also wish in this regard to put on record our disapproval of all economic programmes, such as orthodox Structural Adjustment Programmes, which undermine the human condition and disregard the potential and role of popular participation in self-sustaining development.

10. In our sincere view, popular participation is both a means and an end. As an instrument of development, popular participation provides the driving force for collective commitment for the determination of people-based development processes and willingness by the people to undertake sacrifices and expend their social energies for its execution. As an end in itself, popular participation is the fundamental right of the people to fully and effectively participate in the determination of the decisions which affect their lives at all levels and at all times.

II. PROMOTING POPULAR PARTICIPATION

11. We believe strongly that popular participation is, in essence, the empowerment of the people to effectively involve themselves in creating the structures and in designing policies and programmes that serve the interests of all as well as to effectively contribute to the development process and share equitably in its benefits. Therefore, there must be an opening up of political process to accommodate freedom of opinions, tolerate differences, accept consensus on issues as well as ensure the effective participation of the people and their organizations and associations. This requires action on the part of all, first and foremost of the people themselves. But equally important are the actions of the State and the international community, to create the necessary conditions for such an empowerment and facilitate effective popular participation in societal and economic life. This requires that the political system evolve to allow for democracy and full participation by all sections of our societies.

12. In view of the critical contribution made by women to African societies and economies and the extreme subordination and discrimination suffered by women in Africa, it is the consensus of the participants that the attainment of equal rights by women in social, economic and political spheres must become a central feature of a democratic and participatory pattern of development. Further, it is the consensus of this conference that the attainment of women's full participation must be given highest priority by society as a whole and African Governments in particular. This right should be fought for and defended by society, African Non-Governmental Organizations and Voluntary Development Organizations as well as by non-African Non-Governmental Organizations and Voluntary Development Organizations, Governments and the United Nations system in due recognition of the primary role being played by women now and on the course to recovery and transformation of Africa for better quality of life.

People's Role

13. We want to emphasize the basic fact that the role of the people and their popular organizations is central to the realization of popular participation. They have to be fully involved, committed and indeed, seize the initiative. In this regard, it is essential that they establish independent people's organizations at various levels that are genuinely grass-root, voluntary, democratically administered and self-reliant and that are rooted in the tradition and culture of the society so as to ensure community empowerment and self-development. Consultative machinery at various levels should be established with governments on various aspects of democratic participation. It is crucial that the people and their popular organizations should develop links across national borders to promote co-operation and inter-relationships on sub-regional, regional, south-south and south-north bases. This is necessary for sharing lessons of experience, developing people's solidarity and raising political consciousness on democratic participation.

14. In view of the vital and central role played by women in family well-being and maintenance, their special commitment to the survival, protection and development of children, as well as survival of society and their important role in the process of African recovery and

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reconstruction, special emphasis should be put by all the people in terms of eliminating biases particularly with respect to the reduction of the burden on women and taking positive action to ensure their full equality and effective participation in the development process.

15. Having said this, we must underscore that popular participation begins and must be earnestly practiced at the family level, because home is the base for development. It must also be practiced at the work place, and in all organizations, and in all walks of life.

Role of African Governments

16. We strongly believe that popular participation is dependent on the nature of the State itself and ability of Government to respond to popular demand. Since African Governments have a critical role to play in the promotion of popular participation, they have to yield space to the people, without which popular participation will be difficult to achieve. Too often, the social base of power and decision-making are too narrow. Hence the urgent need to broaden these; to galvanize and tap the people's energy and commitment; and to promote political accountability by the State to the people. This makes it imperative that a new partnership between African Governments and the people in the common interest of societal and accelerated socio-economic development should be established without delay. This new partnership must not only recognize the importance of gender issues but must take action to ensure women's involvement at all levels of decision-making. In particular Governments should set themselves specific targets for the appointment of women in senior policy and management posts in all sectors of government.

17. We believe that for people to participate meaningfully in their self-development, their freedom to express themselves and their freedom from fear must be guaranteed. This can only be assured through the extension and protection of people's basic human rights and we urge all Governments to vigorously implement the African Charter on Human and People's Rights and the Universal Declaration of Human Rights, the Convention on the Rights of the Child, the ILO Convention No. 87 concerning Freedom of Association and Protection of the Right to Organize and the Convention on the Elimination of All Forms of Discrimination Against Women.

18. We also believe that one of the key conditions for ensuring people's participation throughout the continent is the bringing to an end of all wars and armed conflicts. The millions of African refugees and displaced persons are those with least opportunity to participate in the determination of their future. We urge Governments and all parties to Africa's conflicts, domestic and external, to seek peaceful means of resolving their differences and of establishing peace throughout Africa. In situations of armed conflicts, we uphold the right of civilians to food and other basic necessities and emphasize that the international community must exercise its moral authority to ensure that this right is protected.

19. We cannot overemphasize the benefits that can be reaped if, with the elimination of internal strife or inter-country conflicts, the resources spent on defence were to be redirected to productive activities and social services to the people. As rightly noted in the African Alternative Framework to Structural Adjustment Programmes for Socio-economic Recovery and Transformation, "It is not difficult to imagine what it would mean to social welfare in Africa, with all its positive multiplier effects, if a saving can be achieved in defence spending and non-productive expenditures". We believe that our Governments can make such savings and we call upon them to do so urgently.

20. We are, however, aware of certain situations, particularly, for the Front-line States which continue to face the destabilization acts of apartheid South Africa. This destabilization results in a debilitating diversion of resources that would otherwise have been used to meet critical basic needs of the people in these countries.

Role of the International Community

21. We call on the international community to examine its own record on popular participation, and hereafter to support indigenous efforts which promote the emergence of a democratic environment and facilitate the people's effective participation and empowerment in the political life of their countries.

22. We also call on the United Nations system to intensify its effort to promote the application of justice in international economic relations, the defence of human rights, the maintenance of peace and the achievement of disarmament and to assist African countries and people's organizations with the development of human and economic resources. We also call

on the United Nations system to implement its own decision to have at least 30 per cent of senior positions held by women. Special efforts are needed to ensure that African women are adequately represented at senior levels in United Nations agencies, particularly those operating in Africa.

III. POPULAR PARTICIPATION IN DEVELOPMENT

23. On the basis of the foregoing, we lay down the following basic strategies, modalities and actions for effective participation in development.

A. At the level of Governments

1. African Governments must adopt development strategies, approaches and programmes, the content and parameters of which are in line with the interest and aspirations of the people and which incorporate, rather than alienate, African values and economic, social, cultural, political and environmental realities.

2. We strongly urge African Governments to promote the formulation and implementation of national development programmes within the framework of the aforesaid aspirations, interests and realities, which develop as a result of a popular participatory process, and which aim at the transformation of the African economies to achieve self-reliant and self-sustaining people-centered development based on popular participation and democratic consensus.

3. In implementing these endogenous and people-centered development strategies, an enabling environment must be created to facilitate broad-based participation, on a decentralized-basis, in the development process. Such an enabling environment is an essential pre-requisite for the stimulation of initiatives and creativity and for enhancing output and productivity by actions such as:

   (i) extending more economic power to the people through the equitable distribution of income, support for their productive capacity through enhanced access to productive inputs, such as land, credit, technology, etc., and in such a manner as to reflect the central role played by women in the economy;

   (ii) promoting mass literacy and skills training in particular and development of human resources in general;

   (iii) greater participation and consensus-building in the formulation and implementation of economic and social policies at all levels, including the identification and elimination of laws and bureaucratic procedures that pose obstacles to people's participation;

   (iv) increasing employment opportunities for the rural and urban poor, expanding opportunities for them to contribute to the generation of output and enhanced productivity levels and creating better marketing conditions for the benefit of the producers; and,

   (v) strengthening communication capacities for rural development, mass literacy etc.

4. Small-scale indigenous entrepreneurship and producers co-operatives, as forms of productive participatory development, should be promoted and actions should be taken to increase their productivity.

5. Intensifying the efforts to achieve sub-regional and regional economic co-operation and integration and increased intra-African trade.

B. At the level of the people and their organizations

To foster participation and democratic development, the people and their organizations should:

1. Establish autonomous grass-roots organizations to promote participatory self-reliant development and increase the output and productivity of the masses.

2. Develop their capacity to participate effectively in debates on economic policy and development issues. This requires building people's capacity to formulate and analyze development programmes and approaches.

3. Promote education, literacy skill training and human resource development as a means of enhancing popular participation.

4. Shake off lethargy and traditional beliefs that are impediments to development, especially the customs and cultural practices that undermine the status of women in society, while recognizing and valuing those beliefs and practices that contribute to development. Rural and urban people's organizations, such as workers, peasants, women, youth, students etc., should be encouraged to initiate and implement strategies to strengthen their productive power and meet their basic needs.

5. Concerted efforts should be made to change prevailing attitudes towards the disabled so as to integrate them and bring them into the main stream of development.

6. Create and enhance networks and collaborative relationships among peoples organizations. This will have the effect of social involvement capable of inducing social change.

7. People's organizations should support strongly and participate in the efforts to promote effective sub-regional and regional economic co-operation and integration and intra-African trade.

C. At the level of the International Community

We also call on the international community to support popular participation in Africa by:

1. Supporting African countries in their drive to internalize the development and transformation process. The IMF, World Bank and other bilateral and multilateral donors are urged to accept and support African initiatives to conceptualize, formulate and implement endogenously designed development and transformation programmes.

2. Directing technical assistance programmes, first and foremost, to the strengthening of national capabilities for policy analysis and the design and implementation of economic reform and development programmes.

3. Fostering the democratization of development in African countries by supporting the decentralization of development processes, the active participation of the people and their organizations in the formulation of development strategies and economic reform programmes and open debate and consensus - building processes on development and reform issues.

4. Allowing for the release of resources for development on a participatory basis which will require the reversal of the net outflow of financial resources from Africa to the multilateral financial institutions and donor countries and their use for development purposes and for the benefit of the people.

5. Reducing drastically the stock of Africa's debt and debt-servicing obligations and providing a long-term period of moratorium on remaining debt-servicing obligations in order to release resources for financing development and transformation on a participatory basis.

6. Ensuring that the human dimension is central to adjustment programmes which must be compatible with the objectives and aspirations of the African people and with African realities and must be conceived and designed internally by African countries as part and parcel of the long-term objectives and framework of development and transformation.

7. Supporting African NGOs, grass-roots organizations, women's and youth organizations and trade unions in activities such as training, networking and other programme activities, as well as the documentation and wide dissemination of their experiences.

D. At the level of NGOS and VDOs

The African and non-African NGOs and VDOs have an important role in supporting recovery and development efforts and popular participation initiatives and organizations in Africa. They are urged to take the following actions:

1. African NGOs and VDOs and their partners should be fully participatory, democratic and accountable.

2. African NGOs, VDOs and GROs should develop and/or strengthen institutional structures at the regional sub-regional and national levels, such as FAVDO, to bring them together.

3. African NGOs and VDOs should broaden the dissemination of successful African popular participation and grass-root experiences throughout the continent and the exchange of experience thereon to create a multiplier effect and sensitize policy-makers.

4. The International Conference on Popular Participation is clear in its recognition of the value of the contribution of grass-roots organizations and NGOs to Africa's development and demonstrates that effective dialogue between governments, NGOs and grass-roots organizations is essential and valuable. This Conference recommends that national fora be established to enable honest and open dialogue between African Governments, grass-roots organizations and NGOs in order that the experience of grass-roots participatory development informs national policy-making.

5. Non-African NGOs and VDOs should give increased support and target their operations within the framework of national economic strategies and reform programmes aimed at transforming the structures of the African economies with a view to internalizing the development process and ensuring its sustainability with a particular focus on the human dimension and people's participation.

6. Non-African NGOs and VDOs should give due recognition to African NGOs and participatory, self-reliant development initiatives launched by African grass-roots organizations.

7. Non-African NGOs and VDOs should utilize African expertise to the maximum extent possible with regard to their development work in Africa and advocacy and campaigning work at the international level.

8. Non-African NGOs should strengthen their advocacy work internationally at their home countries and with regard to bilateral donors and the multilateral system, closely monitoring their response to the African crisis and holding donor governments and agencies accountable for their policies and actions. In particular, non-African and African NGOs should formulate a programme of action geared towards their fullest participation in the end-term review of UN-PAAERD.

9. Co-operation and dialogue between African and Non-African NGOs and VDOs should be strengthened to increase the effectiveness of their interventions at the community level and the building of greater understanding on the part of international public opinion of the real causes of the African socio-economic crisis and the actions that are needed to deal with its root causes.

10. Non-African NGOs acknowledge that their influence as donors is often detrimental to ensuring genuine partnership with African NGOs, VDOs and grass-root organizations and affects the enabling environment for popular participation. In that context co-operation in all its forms must be transparent and reflect African priorities.

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11. African and non-African NGOs and VDOs should, in addition to their traditional humanitarian activities, increasingly provide support for the productive capacities of the African poor and for promoting environmentally sound patterns of local development.

E. At level of the Media and communication

1. The national and regional media should make every effort to fight for and defend their freedom at all cost, and make special effort to champion the cause of popular participation and publicize activities and programmes thereof and generally provide access for the dissemination of information and education programmes on popular participation.

2. Combining their indigenous communication systems with appropriate use of modern low-cost communications technology, African communities and NGOs, VDOs and trade unions and other mass organizations must strengthen their communication capacities for development. Regional and national NGOs should participate in the assessment of Africa's Development Support Communication Needs to be carried out under the auspices of the United Nations Steering Committee and the United Nations Inter-Agency Task Force on UN-PAAERD.

F. At the level of women's organizations

In ensuring that the participation of women in the development process is advanced and strengthened, popular women's organizations should:

1. Continue to strengthen their capacity as builders of confidence among women;

2. Strive for the attainment of policies and programmes that reflect and recognize women's roles as producers, mothers, active community mobilizers and custodians of culture;

3. Work to ensure the full understanding of men, in particular, and the society, in general, of women's role in the recovery and transformation of Africa so that men and women together might articulate and pursue appropriate courses of action;

4. Implement measures to reduce the burden carried by women through: (a) advocating to the society at large, including central and local government levels, the importance of task sharing in the home and community, especially in the areas of water and wood fetching, child rearing etc.; (b) promoting the establishment and proper functioning of community-based day care centers in all communities; and, (c) striving to attain economic equality by advocating the rights of women to land and greater access to credit.

5. Women's organizations should be democratic, autonomous and accountable organizations.

G. At the level of organized labour

Trade Unions should:

1. Be democratic, voluntary, autonomous and accountable organizations.

2. Initiate, animate and promote mass literacy and training programmes.

3. Organize and mobilize rural workers in accordance with ILO Convention 141, which African Governments are strongly urged to ratify.

4. Defend trade union rights, in particular the right to strike.

5. Assist in the formation of workers' co-operatives.

6. Assist in organizing the unemployed for productive activities, such as the establishment of small and medium scale enterprises.

7. Give special attention to effective and democratic participation of women members at all levels of trade unions.

8. Promote work place democracy through the call for the protection of workers' rights to freedom of association, collective bargaining and participatory management.

H. At the level of youth and students and their organizations

Considering the centrality of the youth and students in Africa's population and the recovery and development process, the following actions should be taken:

1. Preparation and adoption of an African Charter on Youth and Student Rights to include the right to organize, education, employment and free and public expression.

2. The full democratic participation of youth and students in African society requires immediate steps by Government, popular organizations, parents and the youth themselves to eliminate the major impediments to youth participation, such as frequent bans on youth and student organizations, police brutality against unarmed protesting students, detention and harassment on campuses, dismissal from studies and the frequent and arbitrary closure of educational institutions.

3. Youth, students, Governments and the international community must join forces urgently to combat growing drug trafficking and drug abuse. We also urge Governments to sign and ratify the International Convention on the Illicit Trafficking of Drugs and Psychotropic Substances.

4. The advancement of youth participation in development also requires the protection of Africa's minors against forced military service, whether in national or insurgent/rebel groups.

5. African youth and students should organize national autonomous associations to participate in and contribute to development activities and programmes such as literacy, reafforestation, agriculture and environmental protection.

6. Student and youth organizations must also strive to be democratic, accountable, voluntary and autonomous and should co-ordinate their activities with workers', women's and peasant organizations.

7. National youth and student organizations should take urgent steps to strengthen and further democratize existing pan-African youth and student organizations to make them play their roles more effectively in Africa's development process.

IV. MONITORING POPULAR PARTICIPATION

24. We proclaim the urgent necessity to involve the people in monitoring popular participation in Africa on the basis of agreed indicators and we propose the use of the following indicators, which are not necessarily exhaustive, for measuring the progress in the implementation of the recommendations of the Charter.

1. The literacy rate, which is an index of the capacity for mass participation in public debate, decision-making and general development processes;

2. Freedom of association, especially political association, and presence of democratic institutions, such as political parties, trade unions, people's grass-root organizations and professional associations, and the guarantee of constitutional rights.

3. Representation of the people and their organizations in national bodies.

4. The rule of law and social and economic justice, including equitable distribution of income and the creation of full employment opportunities.

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5. Protection of the ecological, human and legal environment.

6. Press and media freedom to facilitate public debate on major issues.

7. Number and scope of grassroots organizations with effective participation in development activities, producers and consumers co-operatives and community projects.

8. Extent of implementation of the Abuja Declaration on Women (1989) in each country.

9. Political accountability of leadership at all levels measured by the use of checks and balances;

10. Decentralization of decision-making processes and institutions.

25. We are convinced of the imperative necessity to follow-up and monitor the implementation of this Charter and to report periodically thereon on progress achieved as well as problems encountered. We accordingly recommend that at the national level a follow-up mechanism on which representatives at high level of Government, trade unions, women's organizations, NGOs, VDOs, grass-roots and youth and student organizations will be members.

26. At the regional level, we propose a joint OAU/ECA Regional Monitoring Machinery on which also, in addition to representatives of these two organizations will be representatives of the network of organizations named above. This regional monitoring group will submit biennial progress reports on the implementation of the Charter to the ECA Conference of Ministers and the Assembly of Heads of State and Government of the OAU.

CONCLUSION

27. This Conference has taken place during a period when the world continues to witness tumultuous changes in Eastern Europe. Even more dramatically, this Conference has taken place during the very week when Nelson Mandela's release has exhilarated all of Africa, and galvanized the international community.

28. There is an inescapable thread of continuity between those events and our Conference: it is the power of people to effect momentous change. At no other time in the post-war period has popular participation had so astonishing and profound an impact.

29. History and experience both teach that this world never works in compartments. The forces of freedom and democracy are contagious. Inevitably, and irresistibly, popular participation will have a vital role to play on the continent of Africa, and play that role we will.

30. It is manifestly unacceptable that development and transformation in Africa, can proceed without the full participation of its people. It is manifestly unacceptable that the people and their organizations be excluded from the decision-making process. It is manifestly unacceptable that popular participation be seen as anything less than the centerpiece in the struggle to achieve economic and social justice for all.

31. In promoting popular participation, it is necessary to recognize that a new partnership and compact must be forged among all the ACTORS in the process of social, political and economic change. Without this collective commitment, popular participation is neither possible nor capable of producing results. We, therefore, pledge to work together in this new partnership to promote full and effective participation by the masses together with Governments in the recovery and development process in Africa.

32. We, the people here assembled, have no illusion that the Charter will be embraced overnight by all of those to whom it is directed. But we are confident that this document is an indispensable step on the road to everything we would wish for the people of Africa.

Done at Arusha, The United Republic of Tanzania
16 February 1990

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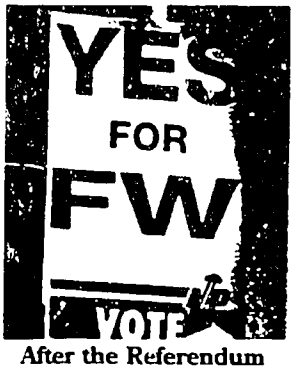

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INTERVIEW

By Margaret A. Novicki

A New Agenda for the OAU Salim Ahmed Salim

Margaret A. Novicki

The OAU Secretary-General outlines a new generation of activity for the continent's three-decade-old organization, addressing issues of economic integration, conflict resolution, and the management of political change.

Africa Report: The Organization of African Unity [OAU] concentrated much of its efforts on decolonization in years past. Given the global changes over the past few years and a new political landscape in Africa, what is the agenda for the OAU in the 1990s?

Salim: We are now entering the phase of the second liberation of the African continent. The first liberation phase concentrated on the political independence of our countries, and so the OAU's efforts for the last three decades were more or less focused on how to restore the dignity of the African people, which had been undermined severely as a result of colonization and racial bigotry. Now we have almost finished the phase of what I would call classical decolonization. The whole of Africa is now free, and we have one or two problems remaining: that of the Western Sahara, where I hope a referendum will take place, and the question of South Africa. There are great expectations that in the not too distant future, we will see the emergence of a democratic, non-racial, united South Africa. And so Africa will continue to use its resources and its solidarity to work in tandem with the international community to ensure the realization of that objective.

But the major preoccupation of our time now is how to work for the upliftment of the lot of our people, because as is commonly known, despite 30 years of independence, and despite progress in the social and health sectors, for example, we have a lot of problems on our continent. Therefore, the priorities of the moment will be to concentrate on socio-economic development: how to translate the objectives of inter-African cooperation into a more meaningful, practical dimension. Last year in Abuja, the heads of state signed the treaty for the establishment of the African economic community. We have already started discussing the specifics in terms of how to bring that about. The initial phase is to strengthen cooperation at the sub-regional level, whether it is Ecowas in West Africa, or the Preferential Trade Area and the Southern African Development Coordination Conference in southern Africa—these are going to be the pillars of the forthcoming African economic community. So that is the first priority: how to promote economic cooperation and realize the goal of African economic integration.

But it is not really possible to achieve meaningful economic progress and prosperity in our societies unless this is done in conditions of peace, stability, and tranquillity. Consequently, one of the major preoccupations of the organization must be to get more and more involved in the question of stability and security in our continent. This means, for example, getting involved in helping to resolve internal conflicts. This is again a new area, because in the past, internal conflicts were considered to be no-go, taboo areas for the OAU. But now it is accepted that we cannot behave like ostriches in Addis Ababa and let Somalia burn, let a situation of conflict prevail in Sudan, in Rwanda, and elsewhere and have the OAU keep quiet. It is now accepted by African leaders and desired by our people generally that the OAU has to be involved in that.

Secondly, we have to be involved in the whole question of the management of change. Africa is going through a very exciting period, a period of transition toward greater democratization, and we have to work to ensure that this transition takes place in conditions devoid as far as possible of turbulence, anarchy, and

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chaos. But more importantly, we have to work to ensure that the question of democratic transformation takes root and becomes something of a permanent thing, not simply a response to pressures from outside, not simply because it is now fashionable to do so. We must see to it that democratic institutions and democratic foundations are created-which will ensure that our people are the ultimate ones who decide on the destiny of our continent.

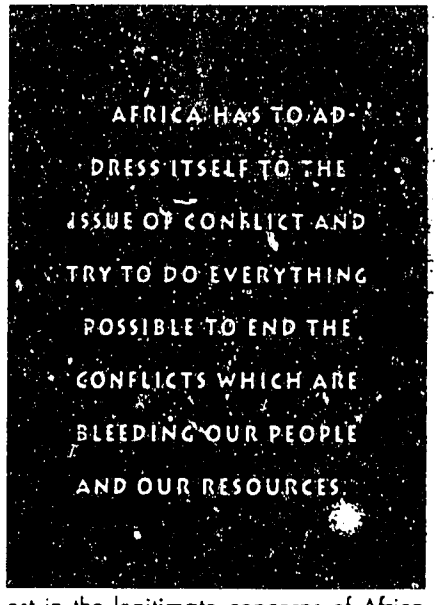
Africa Report: The question of sovereignty has limited the OAU's ability to act in specific instances. How can you surmount the fact that countries are extremely sensitive about their sovereignty and often do not want interference in their "internal affairs"? Secondly, although there have been a number of economic groupings in Africa, countries find it difficult to sacrifice in order to unite for a greater good. How can economic union work continent-wide, when some of the smaller units haven't?

Salim: First, nobody's challenging the sovereignty of countries. It would be a wrong approach to start from the premise that by getting involved in an attempt to resolve a conflict, you are infringing on the sovereignty of a given country. In reality, it is the sovereign decisions of the African continent that have now made it possible for us to get involved with internal conflicts, because two years ago, the heads of state and government took a decision in Addis Ababa that Africa has to solve its own problems, that Africa has to address itself to the issue of conflict and try to do everything possible to end the conflicts which are bleeding our people and our resources.

Nobody can suggest to me that one can invoke sovereignty and argue against a collective decision to put an end to the misery, anarchy, chaos, and mayhem that, for example, is taking place in Somalia. After all, when the OAU was created, its very purpose was to serve the interests of our people, and what is more important than the sanctity of life itself?

So first, one can never invoke sovereignty to argue against fighting a situation which causes millions to lose their lives. But secondly, and happily, the African leaders now accept that the OAU must play an important role in conflict resolution. Third, I am actually inundated by requests in Addis Ababa for the OAU to do this here and that there by countries concerned. This is the dramatic shift that has taken place, whereas in the past, we were being criticized: "Why are you trying to interfere in this or that?" Now, we are getting different criticism from member-states and others inside and outside Africa: "What is the OAU doing about Somalia? What is it doing about Sudan? What is it doing about Rwanda, Liberia?"

Personally I think this is a very healthy criticism and a healthy development. So the situation has changed. But I would go farther. The world has changed because of the end of the Cold War and therefore with it, the competition or rivalry in the classical sense between the great powers. There is less and less interest in the legitimate concerns of Africa by the outside world, barring exceptions here and there. And so if the African countries themselves do not take the trouble to address themselves to the problems of our continent, if the OAU is seen to be indifferent to these problems, I am afraid that the process of marginalization of our continent will be complete. The only way to break out of this trend toward marginalizing our people and our continent is for African countries themselves, first and foremost, to assume our responsibilities and to ensure that through our collective action and our collective solidarity, we force ourselves on the international agenda.



The same thing applies regarding the question of economic cooperation. Let me not give you a false impression: We are still in considerable difficulties, there will still be the question of sovereignty, or what is perceived as national interests. But the history of the world as it is now evolving teaches us very clearly that we are moving toward larger entities. Powerful countries are working together, like those which formed the European Economic Community, almost all the former colonial powers of Africa, countries which individually are more developed in terms of science, technology, and capital than any combination of African countries. And yet these countries find it necessary to work together.

If the United States feels the urge to work together with Canada and Mexico in the context of a free trade area, if the ASEAN countries are working together, it would be ludicrous for African countries to go on any other path. So there is now greater recognition by our continent of the need to work together and though we will have problems, the goal and clarity of our objectives are there and all we have to do is to keep on pushing and build bridges brick by brick. It is not going to be easy, it is not going to be a dramatic transformation. After all, Rome was not built in a day, even though I don't believe we can afford the luxury of procrastination on this issue. But still with patience, with determination, with perseverance, we will overcome the hurdles.

Africa Report: Regarding OAU involvement in Africa's internal conflicts, does the OAU have specific mechanisms in mind to do so?

Salim: I am very clear in my own mind about what can be done, but we are now in the process of consultations, with member-states and within the secretariat and with other people with similar experiences, to see how best we can implement this new area of responsibility. For example, there is the question of enhancing the human capacity of the organization's secretariat to deal with the question of conflict. We have started to do that by reorganizing the general secretariat of the OAU. We now have a special division dealing with the question of conflict anticipation, conflict prevention, conflict resolution, and conflict management. So we have to build on that division. We have to ensure that the people who are manning that division are properly equipped to do so.

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Then there is the question of creating a mechanism—and I have discussed this in the last council of ministers meeting and the ministers agreed with me in principle—which would enable the secretary-general and the OAU to act swiftly and decisively in situations of conflict. Then there is the question of having some sort of political organ which can backstop the efforts of the general secretariat. The question of resources is very crucial: resources in terms of money, but also in terms of identifying the areas where, when the need arises, we can call for support. I see no reason why, for example, as the question of peace-making and peace-keeping becomes more and more an integral part of the OAU's role, it should not be possible to ask our armies in each African country to have a section, company, or battalion, depending on the size of that country's army, to be specifically trained in matters of peace-making and peace-keeping, so that in the event that we need something, we can make use of all these countries to help us.

But we will still need funds. Peace-keeping is a very expensive affair, as the United Nations realizes. So we have to think in terms of how we can get funds. It may be by creating a trust fund, or getting voluntary contributions—these are all ideas which have not yet been crystallized. The only thing I can tell you is that definitely we are proceeding ahead on examining the ways and means of having an appropriate mechanism for conflict resolution being done by the OAU.

Africa Report: The World Bank president said at the last OAU summit that what Africa needs first and foremost is good governance. What specifically can the OAU do to encourage the process of democratization, and how do member-states feel about the OAU playing a role in this?

Salim: There is a process of democratization taking place in the continent and we understand that the outside world has shown a lot of concern, but really the people who are responsible for change in African countries are the Africans themselves. No one, no matter how powerful, how strong, how well-intentioned, can actually have democracy created in any African society. It has to be the people of that society, taking into account their own social, cultural, and historical values. And I put it to you that the African people, by the very fact that they engaged for so long in a struggle for freedom, are democratic in nature. They yearn for democracy. The struggle for freedom was part of the struggle for democracy. So the struggle for democratization now is simply a logical extension of that struggle.

Now that the wind of democratization is sweeping through our continent, my concern—and I have expressed it during my talks in Washington with congressmen and administration officials—is that while the friends of Africa should support this process, the best and most constructive way of doing so is to support Africa in creating institutions for democracy, institutions which can guarantee that the question of democratization is not a whimsical thing, a passing phase. It does not depend on the likes and dislikes of a particular individual or government, but is something permanent.

> THE AFRICAN PEOPLE BY THE VERY FACT THAT THEY ENGAGED FOR SO LONG IN A STRUGGLE FOR FREEDOM ARE DEMOCRATIC IN NATURE. THEY YEARN FOR DEMOCRACY.

And it is in that context that the OAU is going to play a role. In other words, how can the OAU itself help in the process of change? By ensuring that this change takes place in a very orderly manner in an atmosphere free of turbulence, chaos, and anarchy, in a consensual manner. At the same time, we also hope to help in creating a climate devoid of intolerance—because where there is no tolerance, you cannot build democracy—to create a situation where our people understand that you can have political differences without being enemies, that you can belong to one political party and another person to another. These things take time, but I am saying that the process of democratization in Africa is going ahead, it is irreversible and unstoppable. What we must ensure is that this process is a genuine one, that the end product is really the creation of real democracy and real democracy can only be created through the creation of permanent institutions.

Africa Report: What is your view of South African President de Klerk's visit to Nigeria? As President Babangida is chairman of the OAU, does the visit represent a new philosophy toward South Africa within the OAU?

Salim: President de Klerk has gone to Nigeria at the invitation of President Babangida as the head of state of Nigeria. But also President Babangida is the current chairman of the OAU and naturally, his discussions with de Klerk provide a unique opportunity for the Nigerian head of state, who has served the OAU with total commitment and distinction, to discuss areas of concern to Africa, as far as the situation in South Africa is concerned. But to my knowledge, it does not in any way alter the basic position and premises of the OAU, namely: We are for change in South Africa and we are prepared to do everything possible to encourage the process of change, but we are not prepared to relax completely the type of pressures which are necessary to ensure that the process of change is not aborted. We have followed with interest the recent situation in South Africa. We have welcomed the outcome of the referendum, which has given de Klerk a mandate to negotiate and go ahead with the question of constitutional changes in the context of Codesa. We think this is encouraging. On the other hand, we believe that de Klerk should use the mandate that he got to ensure that the process of constitution-making is not in any way undermined and that the end product is the emergence of a democratic, non-racial, united South Africa. So this is the position.

There is the question of sanctions. Many of the sanctions have now been lifted, some unilaterally by individual countries, but some as the result of the conscious decision of the international community. The United Nations, the

Commonwealth, and the OAU, for example, are saying now that it doesn't make any sense to continue with people-to-people sanctions. We have said there is no problem as far as transportation, people visiting each other, these are areas which have been relaxed and I think rightly so. But there are certain areas which have to remain, for example, financial sanctions, the arms embargo. Even though I am quite conscious of the fact that they have been violated by people, they ore important both for symbolic purposes and also as pressure so that change in South Africa is not at any point either undermined or aborted.

Africa Report: What will be the major issues before the June OAU summit in Senegal?

Salim: The follow-up to the question of economic integration. South Africa obviously will be a major issue because by that time we will have a clearer idea of what is going on there and what role the OAU should play in terms of helping in the emergence of a new South Africa. The question of conflicts will assume very great importance—the discussions on Liberia, Somalia, on the Horn of Africa—and the democratic changes and the impact of these changes in the world. Lastly, a whole reassessment by Africa on what is Africa's role in the context of the present world situation, how can we refuse this trend toward marginalization of our continent. Those are going to be some of the main features of the summit.

Africa Report: How do you answer the OAU's critics who say it has been very ineffectual as an organization, a talk-shop, a waste of Africa's scarce resources? Given that a number of countries have difficulty in meeting their financial commitments to the OAU, some have even suggested that the OAU disband. What would you point to as the failings and the accomplishments of the organization?

Salim: I would quote someone who said if we didn't have the OAU, we would have to invent it now. Very seriously, the OAU has had its shortcomings. I would not be the one to defend the organization for issues which are indefensible. I think the OAU has done extremely well in some areas, primarily in the field of decolonization, because that was an area where African leaders devoted their attention and provided support, logistical, political, and diplomatic, to the liberation struggle. I think it is no mean achievement that now Africa is free and we are only talking of the unfinished business of South Africa.

People have to take these things in their historical context. Twenty years ago, it was inconceivable to think in terms of an independent Zimbabwe, an independent Angola or Mozambique. I quarreled on more than one occasion at the United Nations with the gentleman who used to be the representative of Portugal and with the former foreign minister of Portugal who believed that Portugal extended up to Mozambique and Angola, that those countries were part of metropolitan Portugal. These are things which have happened in our lifetime. It is not something which we read from the histories of a hundred years ago. And so the fact that now we can laugh about them and we consider the whole thing to be so anachronistic is a measure of the success of the Organization of African Unity in galvanizing African support, in coordinating support ond getting support from the world community.

> WE HAVE MADE MISTAKES. AFRICA FROM THE VERY BEGINNING SHOULD HAVE ADDRESSED ITSELF TO THE QUESTION OF CONFLICT. IT SHOULD HAVE NEVER ALLOWED INTERNAL CONFLICTS TO GO UNATTENDED.

The second area of importance is that despite all its failings and its difficulties, the OAU has been able to project what I would call an Africon identity, to solidify ond enhance the Africanness of the African people, to feel together. Now this unity is sometimes artificial, but it is there. There is something called Africa and we can talk about it. Why do I say we would have to invent the OAU? Because really unless you have this togeiherness of the African countries, which is best symbolized in the OAU, individual African countries would be of completely no consequence in the world. If the EEC countries think in terms of reinforcing Europe, which combination of countries in Africa can have an impact on the world scene? Not even what I would call Africa's great powers, Nigeria, Egypt, and potentially South Africa. Even they would be in no position to make a significant difference in the world arena. But collectively and working together, no one can simply ignore Africa.

We have made mistakes. Africa from the very beginning should have addressed itself to the question of conflict. It should have never allowed internal conflicts to go unattended. It should never have allowed the violation of human rights to be done with impunity. We had situations of massive killings in some cases, we have had characters who not only vilified our people and our continent, but got away with murder, and we kept quiet. These were some of the mistakes. We made the mistake of not putting into concrete action our own commitments in terms of economic cooperation. These are shortcomings, but now we are trying to overcome these shortcomings.

The fact that now people are talking in terms of taking the question of economic integration seriously, the fact that our leaders and our governments are now addressing themselves to the question of conflict resolution and conflict management—these are indicative of the significance that we attach to the question of change in our continent and I think this change will have its own impact on the OAU.

The OAU cannot be completely different from its member-states. After all, the OAU is a composite of 51 independent states. It is like the United Nations. It is an amalgam of all the countries. But I do not share the views of the cynics, of those who say the organization should be disbanded. In the real world, you accept the criticisms and see what can be done to overcome these criticisms. If we disbanded, who is going to speak for the continent? Which organization or which combination of countries can speak in the name of the 500 million or so Africans? ■

Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE

June 1990

U.S. Commission on Security and Cooperation in Europe
Washington, DC

CSCE

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DOCUMENT OF THE COPENHAGEN MEETING OF THE CONFERENCE ON THE HUMAN DIMENSION OF THE CSCE

The representatives of the participating States of the Conference on Security and Cooperation in Europe (CSCE), Austria, Belgium, Bulgaria, Canada, Cyprus, Czechoslovakia, Denmark, Finland, France, the German Democratic Republic, the Federal Republic of Germany, Greece, the Holy See, Hungary, Iceland, Ireland, Italy, Liechtenstein, Luxembourg, Malta, Monaco, the Netherlands, Norway, Poland, Portugal, Romania, San Marino, Spain, Sweden, Switzerland, Turkey, the Union of Soviet Socialist Republics, the United Kingdom, the United States of America and Yugoslavia, met in Copenhagen from 5 to 29 June 1990, in accordance with the provisions relating to the Conference on the Human Dimension of the CSCE contained in the Concluding Document of the Vienna Follow-up Meeting of the CSCE.

The representative of Albania attended the Copenhagen Meeting as observer.

The first Meeting of the Conference was held in Paris from 30 May to 23 June 1989.

The Copenhagen Meeting was opened and closed by the Minister for Foreign Affairs of Denmark.

The formal opening of the Copenhagen Meeting was attended by Her Majesty the Queen of Denmark and His Royal Highness the Prince Consort.

Opening statements were made by Ministers and Deputy Ministers of the participating States.

At a special meeting of the Ministers for Foreign Affairs of the participating States of the CSCE on 5 June 1990, convened on the invitation of the Minister for Foreign Affairs of Denmark, it was agreed to convene a Preparatory Committee in Vienna on 10 July 1990 to prepare a Summit Meeting in Paris of their Heads of State or Government.

The participating States welcome with great satisfaction the fundamental political changes that have occurred in Europe since the first Meeting of the Conference on the Human Dimension of the CSCE in Paris in 1989. They note that the CSCE process has contributed significantly to bringing about these changes and that these developments in turn have greatly advanced the implementation of the provisions of the Final Act and the other CSCE documents.

They recognize that pluralistic democracy and the rule of law are essential for ensuring respect for all human rights and fundamental freedoms, the development of human contacts and the resolution of other issues of a related humanitarian character. They therefore wel-

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come the commitment expressed by all participating States to the ideals of democracy and political pluralism as well as their common determination to build democratic societies based on free elections and the rule of law.

At the Copenhagen Meeting the participating States held a review of the implementation of their commitments in the field of the human dimension. They considered that the degree of compliance with the commitments contained in the relevant provisions of the CSCE documents had shown a fundamental improvement since the Paris Meeting. They also expressed the view, however, that further steps are required for the full realization of their commitments relating to the human dimension.

The participating States express their conviction that full respect for human rights and fundamental freedoms and the development of societies based on pluralistic democracy and the rule of law are prerequisites for progress in setting up the lasting order of peace, security, justice and co-operation that they seek to establish in Europe. They therefore reaffirm their commitment to implement fully all provisions of the Final Act and of the other CSCE documents relating to the human dimension and undertake to build on the progress they have made.

They recognize that co-operation among themselves, as well as the active involvement of persons, groups, organizations and institutions, will be essential to ensure continuing progress towards their shared objectives.

In order to strengthen respect for, and enjoyment of, human rights and fundamental freedoms, to develop human contacts and to resolve issues of a related humanitarian character, the participating States agree on the following:

X X X

(6) The participating States declare that the will of the people, freely and fairly expressed through periodic and genuine elections, is the basis of the authority and legitimacy of all government. The participating States will accordingly respect the right of their citizens to take part in the governing of their country, either directly or through representatives freely chosen by them through fair electoral processes. They recognize their responsibility to defend and protect, in accordance with their laws, their international human rights obligations and their international commitments, the democratic order freely established through the will of the people against the activities of persons, groups or organizations that engage in or refuse to renounce terrorism or violence aimed at the overthrow of that order or of that of another participating State.

(7) To ensure that the will of the people serves as the basis of the authority of government, the participating States will

(7.1) —hold free elections at reasonable intervals, as established by law;

(7.2) —permit all seats in at least one chamber of the national legislature to be freely contested in a popular vote;

(7.3) —guarantee universal and equal suffrage to adult citizens;

(7.4) —ensure that votes are cast by secret ballot or by equivalent free voting procedure, and that they are counted and reported honestly with the official results made public;

(7.5) —respect the right of citizens to seek political or public office, individually or as representatives of political parties or organizations, without discrimination;

(7.6) —respect the right of individuals and groups to establish, in full freedom, their own political parties or other political organizations and provide such political parties and organizations with the necessary legal guarantees to enable them to compete with each other on a basis of equal treatment before the law and by the authorities;

(7.7) —ensure that law and public policy work to permit political campaigning to be conducted in a fair and free atmosphere in which neither administrative action, violence nor intimidation bars the parties and the candidates from freely presenting their views and qualifications, or prevents the voters from learning and discussing them or from casting their vote free of fear of retribution;

(7.8) —provide that no legal or administrative obstacle stands in the way of unimpeded access to the media on a non-discriminatory basis for all political groupings and individuals wishing to participate in the electoral process;

(7.9) —ensure that candidates who obtain the necessary number of votes required by law are duly installed in office and are permitted to remain in office until their term expires or is otherwise brought to an end in a manner that is regulated by law in conformity with democratic parliamentary and constitutional procedures.

(8) The participating States consider that the presence of observers, both foreign and domestic, can enhance the electoral process for States in which elections are taking place. They therefore invite observers from any other CSCE participating States and any appropriate private institutions and organizations who may wish to do so to observe the course of their national election proceedings, to the extent permitted by law. They will also endeavour to facilitate similar access for election proceedings held below the national level. Such observers will undertake not to interfere in the electoral proceedings.

Activities Report

THE OFFICE FOR FREE ELECTIONS

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OFFICE FOR DEMOCRATIC INSTITUTIONS AND HUMAN RIGHTS

The following information briefly reports on the establishment of the Conference on Security and Cooperation in Europe's Office for Free Elections in Warsaw and its activities in 1991. It also describes the Office's transformation into the Office for Democratic Institutions and Human Rights and outlines future ODIHR plans.

Staffing and Office Management

The Office for Free Elections began its work with the arrival in Poland in April 1991 of its Director, Ambassador Luchino Cortese, seconded to the CSCE by Italy. Deputy Director Jack Zetkulic, seconded by the United States of America, arrived in Warsaw in June. The Polish Government provided the Office with its current quarters at ulica Krucza/Wspolna in Warsaw. The locally hired Polish staff consists of an Assistant to the Director, two secretaries, and a driver/messenger. The Office was officially inaugurated on July 9, 1991.

The Bulgarian Elections

At the invitation of the Bulgarian government, the Director and Deputy Director visited Sofia in August to explore ways to assist Bulgaria's progress toward free and democratic elections. After meetings with a broad spectrum of Bulgarian political leaders, they made arrangements for an OFE election seminar held in Sofia September 10-11. The seminar brought together Bulgarian national and regional electoral commissioners with experts from Canada, Denmark, and the United States.

The Deputy Director returned to Sofia before the October 13 national elections in order to help coordinate the activities of the nearly 200 international observers of the contest. Working together with the Bulgarian National Election Commission and local non-governmental groups, he provided advice, information, and logistical support to dozens of national and intergovernmental delegations. As the OFE has done in every national election in the new democracies since its establishment, it served as a channel for Bulgarian invitations to international election observers.

The Polish Elections

Before Poland's first democratic Parliamentary elections, the OFE organized and hosted an elections seminar September 24-27 which concentrated on the media's role during a democratic electoral campaign. It brought together 35 representatives of Polish national and regional television and radio stations with experts from Great Britain, Switzerland, and the United States, including academics, foreign correspondents, and broadcasters. Topics addressed in the seminar included media access in the campaign, objectivity, and the relationship of political parties to the press. The seminar was widely reported in the Polish media and was cited as an important contribution to the further development of the democratic Polish media.

As the October 27 general elections approached in Poland, the OFE assisted in the coordination of international election observers who came to Poland from European intergovernmental organizations, NGOs, and foreign governments. The Office served as a clearinghouse for information and offered its facilities and staff to a dozen observer teams, including a large team of observers from the Council of Europe.

Fact-Finding Mission to Albania

The CSCE Council of Ministers, meeting in Berlin in June, directed Germany, the Chairman-in-Office of the Committee of Senior Officials, to send a rapporteur mission to Albania to gauge further progress toward democracy in what was then the newest CSCE participating state. The Director and Deputy Director took part in the September 16-20 mission and the OFE drafted the mission's report. This role as rapporteur highlighted the Office's capabilities outside the area of elections and foreshadowed the later expansion of the Office's responsibilities to include a broader range of democracy building activities.

The Regional Association of Electoral Officials for Central and Eastern Europe

The OFE, in conjunction with the National Electoral Office of Hungary and the International Foundation for Electoral Systems, sponsored an organizational meeting in Budapest November 18-19 of a Regional Association of Electoral Officials for Central and Eastern Europe. The membership of the new Association will be comprised of national electoral administrators from the eleven countries in the region. Its mission is to serve as a venue for the exchange of information and of experience among its members about democratic election administration, as well as to provide opportunities for future consultation and cooperation among professional electoral officials. This Association represents an important step in the development of an increasingly professional and non-partisan community of electoral administrators in the new democracies.

Pre-Election Activities in Romania and Albania

Local elections were held in Romania on February 9. As it has in other such contests, the Office coordinated the Romanian government's invitations to international observer delegations. Office activities in anticipation of parliamentary elections -- now expected in June -- will be more extensive. Working together with the International Foundation for Electoral Systems and other international organizations, the Office will organize and sponsor at least one election seminar bringing together Romanian electoral officials and international experts from other CSCE countries, especially those from other new democracies in the region.

Responding to a request from the President of the Albanian People's Assembly, the Office analyzed the Albanian parliament's draft election law, comparing it to CSCE and other international standards and offering practical suggestions to the law's drafters. Albanian national elections may take place as early as March and the Office is working with Albanian authorities to organize seminars and other exchanges. It is also working with international organizations to provide Albania with the physical resources needed to manage the election.

Fact-Finding Mission to Yugoslavia

Between December 12 1991 and January 10 1992, the CSCE Human Rights Rapporteur Mission visited Bosnia-Herzegovina, Croatia, Macedonia, Montenegro, Slovenia, and Serbia -- including Kosovo and Vojvodina. The OFE Director served as rapporteur for the Mission, which collected first-hand information on the human rights situation in the area, including the difficult position of minorities. The Mission analyzed the complicated and constantly changing situation and

reported to the CSCE Council of Ministers meeting in Prague January 30-31.

Transformation of the OFE into the Office for Democratic Institutions and Human Rights

Even before the Office for Free Elections was officially inaugurated, CSCE states considered the advantages of establishing a CSCE institution responsible for a broader range of activities in the areas of human rights, democracy, and the rule of law. United States Secretary of State Baker, supported by several other ministers including Polish Foreign Minister Skubiszewski, recommended at the Berlin Council of Ministers Meeting in Berlin in June of 1991 that the OFE eventually be expanded into an Office for Democratic Institutions. This expansion was discussed at subsequent CSCE meetings in Moscow and Oslo.

The CSCE Council of Ministers, meeting in Prague January 30-31, decided to transform the OFE into the Office for Democratic Institutions and Human Rights. The new mandate includes all previous responsibilities regarding elections. In addition, the ODIHR will serve as the institutional framework for sharing information on available technical assistance, expertise, and national and international programs aimed at assisting the new democracies in building democratic institutions.

Apart from its responsibility as a clearinghouse for such information, the ODIHR will have specific tasks as directed by the CSCE's Committee of Senior Officials. It will implement the "Human Dimension Mechanism," the CSCE's pool of experts who will be sent on rapporteur missions to investigate areas of concern regarding human rights. It will organize a meeting in Warsaw to address implementation of CSCE human dimension commitments every year in which a follow-up meeting does not take place (envisioned every other year). It will also organize two international seminars in Warsaw this year on issues of concern to CSCE countries: first, the development of free media in the new democracies and, second, the difficult problem of migration. The CSCE's Follow-up Meeting to be held in Helsinki in the spring will work out the modalities for these meetings. Finally, the ODIHR has been designated to participate as rapporteur in missions now taking place in the newest CSCE participating states - Armenia, Azerbaijan, Belarus, Kazakhstan, Kirgistan, Moldova, Tajikistan, Turkmenistan, Ukraine and Uzbekistan.

Section 2

Preparing a Legal Framework for Elections

(Sessions 3-4)

10478

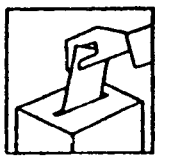
American Enterprise Institute
Studies in Political and Social Processes

At the Polls

Democracy at the Polls

A Comparative Study of Competitive National Elections

Edited by
David Butler, Howard R. Penniman,
and Austin Ranney



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Introduction: Democratic and Nondemocratic Elections

David Butler, Howard R. Penniman, and Austin Ranney

"General elections," wrote Sir Lewis Namier, "are the locks on the stream of British democracy, controlling the flow of the river and its traffic."[1] His point can be generalized to the histories of all Western democratic nations. In each country's elections those who seek to direct its public affairs must defend their records and convince the voters that the policies they propose for the future are feasible, desirable, and best carried out by those who propose them. The office seekers try to show that their opponents' policies are ill conceived and that their past failures in office make them poor bets for managing the government in the future. The voters consider the competing cases and make their decisions. Their votes are cast and counted, the candidates elected take office, and a new government is formed or an existing one renewed.

As the election debate is fought out in [illegible] campaign and as the expectations it arouses are satisfied or disappointed after the winning candidates take office, the whole politics of a democratic nation is encapsulated. Thus the electoral process lies at the heart of democratic government, and the critical difference between democratic and nondemocratic regimes is to be found in whether or nor they hold elections and, if they do, what kind.

That, at any rate, is the major premise of the *At the Polls* volumes published by the American Enterprise Institute for Public Policy Research since 1975 on the conduct and outcomes of general elections in selected democratic nations throughout the world. By mid-1980 two volumes had been published on elections in Australia, France, and Japan and one each on elections in Canada, West Germany, India, Ireland, Israel, Italy, three of the four Scandinavian countries, New

[1] Sir Lewis Namier, *Avenue of History* (London: Hamish Hamilton, 1952), p. 183.

Zealand, the United Kingdom, and Venezuela. There were also in various stages of preparation new volumes on Belgium, Colombia, the European Parliament, Greece, the Netherlands, Spain, Switzerland, and the United States; and second-look volumes on Canada, Denmark, Germany, India, Italy, Norway, Sweden, and the United Kingdom.

These books have dealt with similar sets of concerns and have used similar research and analytical techniques. Over 200 scholars have written articles that illuminate aspects of the electoral systems and politics of the countries they have covered. However, these writers' purpose has been to concentrate on the special conditions and processes of their particular countries, not to generalize about all countries. The books are a series of single-country studies, not a comparative or cross-national study of democratic electoral processes in general.

In 1978 two of this book's editors produced the first cross-national analysis in the series, but one focusing upon another kind of democratic election—direct voting by the people on statutory and constitutional measures in referendums.[2] They found that compiling accounts of the experiences of the countries that have made the greatest use of referendums cast new light on many established generalizations. This experience encouraged the three present editors to attempt the more ambitious project undertaken in this book. We have asked our team of distinguished authors to use the information in the *At the Polls* volumes and in all the other relevant literature to see what cross-national generalizations can be made about the conduct and impact of general elections in Western democracies. Most of this book is devoted to presenting their findings.

First, however, we should explain briefly what we mean by "democratic general elections" in this book and why we have included some countries in, and excluded others from, our purview.

What Is a "Democratic General Election"?

Anyone who uses the word "democracy" in scholarly analysis, political debate, or even friendly conversation is sure to encounter the bothersome problem that the word means quite different things to different people. Some, for instance, see "democracy" as strictly a political

[2] David Butler and Austin Ranney, eds., *Referendums: A Comparative Study of Practice and Theory* (Washington, D.C.: American Enterprise Institute, 1978). Note that AEI had previously published a study of a particular referendum: Anthony King, *Britain Says Yes: The 1975 Referendum on the Common Market* (Washington, D.C.: American Enterprise Institute, 1977).

device, a way of making public decisions. Others see it as far more: it is also, they variously say, a certain kind of economic or social system, a particular distribution of wealth and status, and/or even a way of conducting interpersonal relations. Even among those who use the term in a strictly political sense, there is sharp disagreement: some believe that the essence of democracy is vesting in popular majorities the full power to rule, while others believe, with equal passion, that the protection of minority rights against all tyrannies, including majority tyranny, is democracy's highest value.[3]

The editors and authors of this book have no intention of plunging into this Serbonian bog where far greater minds have foundered. We are content with what we believe to be the most common usage in Western democracies. And we believe that most of those who are concerned with the subject matter of this book will agree with us that a "general election" is one in which contests are held for most or all the elected offices of a nation's central government, and that a "democratic general election" is one in which those contests largely or wholly satisfy the following six conditions:[4]

1. Substantially the entire adult population has the right to vote for candidates for office.
2. Elections take place regularly within prescribed time limits.
3. No substantial group in the adult population is denied the opportunity of forming a party and putting up candidates.
4. All the seats in the major legislative chamber can be contested and usually are.
5. Campaigns are conducted with reasonable fairness in that neither law nor violence nor intimidation bars the candidates from presenting their views and qualifications or prevents the voters from learning and discussing them.
6. Votes are cast freely and secretly; they are counted and reported honestly; and the candidates who receive the proportions required by law are duly installed in office until their terms expire and a new election is held.

[3] The literature on the meaning(s) of "democracy" is far too vast to be listed here. But see Robert A. Dahl, *A Preface to Democratic Theory* (Chicago: University of Chicago Press, 1956); Carole Pateman, *Participation and Democratic Theory* (New York: Cambridge University Press, 1970); Giovanni Sartori, *Democratic Theory* (New York: Frederick A. Praeger, 1965; and Joseph A. Schumpeter, *Capitalism, Socialism, and Democracy*, 3d ed. (New York: Harper Torchbooks, 1950).

[4] Cf. W. J. M. Mackenzie, *Free Elections* (New York: Holt, Rinehart and Winston, 1958); and Gerald M. Pomper, *Elections in America* (New York: Dodd, Mead & Company, 1968).

Why These Twenty-Eight Nations?

The foregoing conditions, we should be clear, add up to a *model* of democratic general elections; they are not necessarily a precise empirical description of how elections are actually conducted in every detail in any particular country. Hence actual general elections in modern nations can be arranged on a scale according to how closely they satisfy the model's conditions. At the nondemocratic end of the scale we would no doubt place the countries that do not hold elections at all. *The Europa World Book 1979* lists thirty-three countries in this class.[5] One notch nearer the democratic end of the scale perhaps come the thirty-three nations in which elections are regularly held but only one candidate is allowed for each office, and those candidates are all chosen by the nation's sole or "hegemonic" political party.[6]

Even with these sixty-six nations removed, there are still a large number we might have covered in this book. To keep the number manageable we made two further cuts: we eliminated all countries with populations of less than 3 million (which excluded such unquestionably democratic nations as Costa Rica, Iceland, Jamaica, Luxembourg, and Malta); and we eliminated all countries which were not classified as either "free" or "partly free" in the most recent world survey by Freedom House.[7]

The twenty-eight countries remaining thus do not in any sense constitute an exhaustive list of the world's democratic regimes. They do, however, provide us with a reasonable and manageable working list of nations which hold democratic general elections: Australia, Austria, Belgium, Canada, Colombia, Denmark, the Dominican Republic, Finland, France, West Germany, Greece, India, Ireland, Israel, Italy, Japan, the Netherlands, New Zealand, Norway, Portugal, Spain, Sri Lanka, Sweden, Switzerland, Turkey, the United Kingdom, the United States, and Venezuela.[8]

We asked our authors to compile all the material they could on each of these countries. Their efforts, and ours in the chapters we have written, have taught us a good deal about the practical problems of cross-national elections research. In most countries the formal rules governing the conduct of elections and the results of recent elections

[5] For example, Brunei, Burundi, Chad, Ecuador, Nepal, and Saudi Arabia.

[6] In addition to the Soviet Union and the other Communist "people's republics," the list includes Cameroon, Gabon, Ivory Coast, Liberia, Tunisia, and Zambia.

[7] As summarized in *U.S. News and World Report*, January 19, 1976, pp. 24-25.

[8] Freedom House also lists Upper Volta as "partly free," but most of our authors were unable to get any information on its electoral process, so we excluded it from our list.

are relatively easy to ascertain and in many instances are published. On the other hand, information about extralegal electoral processes is often hard to come by, and the scholarly and journalistic literature on them is large but patchy. There are a number of accounts of most aspects of elections in the countries covered by the *At the Polls* series. There are fewer accounts of electoral affairs in Finland, Portugal, and Spain. And most of our authors have found the pickings from the Dominican Republic and Sri Lanka very slim. To help those who would like to pursue the book's concerns further, we have included for each chapter a short bibliography of the most useful sources for the field it covers.

Twenty-three of our twenty-eight countries have "parliamentary" systems: that is, the voters elect all the members of the national parliament's major chamber, and the majority party or a coalition of less-than-majority parties chooses the political executive. In three nations—Colombia, France, and Venezuela—the voters directly elect the chief executive officer, and in Finland and the United States that officer is formally elected by "presidential electors" who are themselves elected by the voters and register their presidential preferences. Accordingly, the book considers national legislative elections in all twenty-eight nations and also presidential elections in the five "presidential" systems.

The Book's Objective and Strategy

Our objective in this book is nothing less than a comparative cross-national analysis of the conduct and impact of national general elections in the twenty-eight nations we have selected.

We recognize that comparative studies of political processes and institutions are often disappointing because there is so little that is truly comparable. Every country's political system is an organic whole, and cross-national analysis of the separate parts of many systems runs a serious risk of producing more confusion than illumination. The whole connotation of such key terms as "government," "cabinet," and "party" can be quite different in polities that are superficially similar. Each word has surplus meanings that are conditioned by history and current practices, and often the result is that every comparison has to be qualified so extensively by an exposition of variations that it becomes all but meaningless.

Of all democratic institutions, however, electoral processes offer perhaps the richest possibilities for meaningful comparisons and contrasts. Elections everywhere take place under fixed rules and within finite time periods. Their outcomes in votes and seats are expressed in

numbers and thus lend themselves to quantitative analysis. To be sure, all statements of cause-and-effect relations must be made tentatively and cautiously, for identical or very similar formal rules and political practices may produce quite different results in different political cultures. Nevertheless, anyone seeking to draw up new electoral arrangements for a country or to modify existing ones could probably extrapolate from foreign experience with less risk of error than in dealing with almost any other aspect of democratic government.

We are well aware that we have tackled a very large subject in this book. It would be easy, without prolixity, to expand every one of these chapters to book length. Elections, as we shall see, are governed by elaborate laws and regulations designed to ensure fair play. Each campaign is conducted within a complex culture and a traditional pattern of politics that make foreign observers acutely aware of the uniqueness of each country that regularly and freely goes to the polls. The study of voting behavior, in terms of both individual psychology and political impact, has been one of the largest areas of growth in postwar political science not only in the United States but in many other countries as well. The systems by which votes are translated into legislative seats have been extraordinarily diverse, and the consequences of various forms of proportional representation and majoritarian systems have stimulated an impressive body of literature. And arching over all the technical details of the subject are many of the great problems of democratic theory—the meaning and institutionalization of choice, representation, accountability, freedom of political expression, and freedom of political action.

We believe that each of this book's chapters deals with a major element of the democratic electoral process, but we are also well aware that we have had to exclude other aspects, such as the processes by which political parties choose their national leaders, the impact of various electoral systems and outcomes on popular confidence in democratic institutions and leaders, and theories of "rational voting." For each of the elements we have chosen, however, we have asked the author to consider to what extent generalizations can be made about it that extend beyond a single polity. And since the laws and customs governing elections have far-reaching implications for the viability and flexibility of the countries' larger political systems, we conclude with a chapter on what elections decide and a chapter on the role of elections in democratic government.

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ESTABLISHING A LEGAL FRAMEWORK FOR ELECTIONS

Larry Garber[1]

OVERVIEW

Arrangements for a credible electoral process begin with the formation of a suitable legal framework. Under "normal" circumstances, this framework is dependent upon constitutional provisions regarding the form of government and the offices subject to electoral contestation. Also, certain rules of the game (e.g. the age of candidates, voter eligibility requirements) frequently are mandated by provisions of the constitution.

A transition situation often requires a different approach. The existing constitution and legislative bodies may not be viewed as legitimate. Moreover, the whole point of the first election may be the formation of a constituent assembly, whose primary purpose will be promulgation of a new constitution. This constituent assembly may or may not also be tasked with acting as the national legislature during the interim period.

Also, in transition situations, the specific laws necessary, as well as their precise content, are not always obvious. Various considerations, including time pressures, administrative and logistical capabilities, and the likely number of contestants in the prospective elections, all affect the range of options.

This memorandum describes, in broad terms, several categories of laws relating to the electoral process and considers several questions that should be addressed in designing an election system. The experiences of different countries in adopting these laws, particularly for first elections, are discussed and the considerations that led to specific choices explained.

The memorandum is designed to help those involved in preparing for transition elections understand the choices facing them. The underlying premise is that no ideal election law exists. The positions adopted by election law negotiators, more often than not, reflect an appreciation of their party's political circumstances, rather than some grand democratic philosophy of how voters choices should be translated into seats in a legislative body. Compromises, which

[1] Senior Associate for Electoral Processes, National Democratic Institute for International Affairs, Washington, D.C.

conducting nonpartisan international programs to help maintain and strengthen democratic institutions

ultimately lead to a consensus on key issues, are essential if the overall electoral process is to obtain the confidence of the vast majority of the population.

The memorandum is based on the experiences of the National Democratic Institute for International Affairs (NDI), which has observed elections in more than 25 countries and has provided technical advice on election systems to several countries in different regions of the world. The emphasis of this memorandum is on countries in transition, where fears and suspicions are particularly prevalent.

The memorandum comprises six sections, which cover the following topics: election systems; political parties; delimitation of constituencies; voter registration; election campaign; and election administration. In some countries, these subjects are all included in a single comprehensive law, while in others they are divided into two or more laws.

ELECTION SYSTEM LAW

In establishing a legal framework for the election process, an initial decision must involve the selection of an election system. This involves not only choosing between proportional representation and majoritarian systems, but also the specific variation to be used. Where a proportional representation system is adopted, the election law framers must also consider whether to use national or regional lists or some combination of the two, whether a threshold clause will be employed, and which formula will be used for allocating seats in the constituent assembly or legislative bodies. Where a majority system is used, the drawing of constituency boundaries may become particularly controversial.

This memorandum is not the place to address the relative benefits of different election systems. However, it should always be kept mind that the choice of a particular elect system circumscribes the overall legal framework governing the conduct of the elections.

POLITICAL PARTY LAW

In many countries, the first law promulgated following the initiation of a democratic transition concerns the legalization and recognition of political organizations as legal entities. Such a law generally will specify the requirements for registering a political party. Two models are used with respect to these laws.

In some countries, the requirements for registering a political party are deliberately quite minimal. A party may be required simply to tender its name, symbol, charter, officers and a small list of subscribers to the Central Election Commission or some other designated body, such as a local court.

Other countries impose more stringent requirements. These may include presenting the names of a large number of party members, a demonstration that the party has national support (*e.g.*, by showing the party has members in different regions of the country), a registration fee

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and a party manifesto. In addition, some countries restrict the registration of certain types of parties, such as those that are anti-democratic in character (*e.g.*, fascist parties in Portugal, Nazi parties in Germany, etc.) or those that are racially, ethnically or religiously based (*e.g.*, Bulgaria, where a constitutional provision prohibits the formation of such parties).

The theory behind a minimalist approach is that the public, and not the state, should decide through an election process which parties deserve recognition. Legal requirements, which make it difficult, and in some cases impossible, for certain parties to register artificially limits the choices available to the electorate.

On the other side, the argument for imposing somewhat significant requirements is that the consequence of the minimalist position is a proliferation of political parties, which may confuse voters and make difficult the equitable distribution of media access and public funds for campaign purposes. In Romania, for example, there are presently more than 250 political parties. This is significantly complicating efforts to develop a meaningful electoral process.

The more detailed political party laws also may contain provisions prescribing permissible activities for political parties. The list of activities may include: publishing a newsletter, newspaper or magazine; fundraising; recruiting supporters; engaging in propaganda; organizing rallies; using the media to disseminate political messages; training and selecting candidates; and participating in government. The law also may specify a procedure for resolving disputes involving parties, either by reference to an administrative body or through the regular court system.

DELIMITATION LAW

Delimitation is the process whereby electoral constituencies are drawn. In most countries, the one person/one vote principle is now recognized with respect to at least one legislative chamber. The practice in many countries, however, deviates from the principle to varying degrees. In Zambia, for example, the delimitation process for the 1991 elections resulted in the establishment of single-member constituencies that ranged in size from 6,000 to 71,000. Other factors generally considered in the delimitation process are natural boundaries, geographic contiguity and administrative districts.

The choice of election system will, to a large extent, determine the need for a law governing the delimitation of constituencies. If a majority system is adopted, then such a law is essential and the process governing delimitation becomes among the most important aspects of the overall electoral process. Under a proportional representation system, the delimitation process assumes less importance, although rules are still required to allocate seats in a manner that ensures respect for the one person/one vote principle. Thus, the law may stipulate that seats be allocated on a national basis or that the number of seats assigned to a given constituency be based on the number of registered voters in the constituency or, as in Czechoslovakia, depend on the number of voters actually casting ballots in the constituency.

The legal framework relating to the delimitation procedure often prescribes: when it should be done (*e.g.*, before every election, after every census, every 10 years); who should conduct the delimitation (*e.g.*, legislature, court, election commission, special independent commission); and how delimitation decisions can be challenged (*e.g.*, regular courts, expedited procedures in special courts). Finally, the following factors should be considered in the context of determining whether and how to establish a delimitation process: availability of reliable census data; the possibility of political gerrymandering; and pressures of time with respect to the scheduling of an election date.

VOTER REGISTRATION

All election systems require some means for identifying eligible voters. However, systems differ in terms of requiring or not requiring pre-election registration and in terms of placing the onus on the government to register the population or requiring the population to assume the burden of initiating the registration process.

In some countries, the voter registry is prepared by the government based on pre-existing lists developed for other purposes. Obviously, such an approach requires the existence of relatively accurate lists. Where this approach is used, particularly in a first election, procedures must be established that permit review of and challenges to the list in a timely manner.

Other countries rely on a voter registration process, involving a census conducted by government appointed officials. The system requires the census takers to visit every household in the country and to obtain accurate information regarding the names of all eligible voters. This system imposes a tremendous burden on the government and may lead to controversy if certain areas are avoided by the census takers. To alleviate such problems, the government may deputize registrars designated by political parties and civic organizations, and facilitate effective review of the list generated by the census.

A third group of countries requires prospective voters to present themselves at a designated registration site before the elections. The legal framework for registering voters should prescribe the officials responsible for registering voters, the period in which registration occurs, the registration venues, the precise procedures by which a citizen is registered, the role of political parties in the process, and the mechanisms for challenging the decisions of the registration officials. This approach process helps in preparing administratively for the elections. but can be costly and result in the disenfranchisement of voters who are unable to register during the prescribed period. An added benefit of the pre-registration approach is that it serves as a very effective voter education tool for the population at large and as a training mechanism for prospective election officials.

Finally, some countries permit voters merely to present at the polling site proof of citizenship and their age. The advantages of this approach is that it avoids a time consuming and, in some cases, costly process, but it also may result in confusion and delays at the polling site.

In addition to the form of voter identification, the law should specify eligibility requirements such as age (the worldwide trend is to lower the voting age, with 18 the most commonly used cut-off point), residency, citizenship and mental competence. Literacy tests and financial considerations, however, are no longer considered valid criteria for determining voter eligibility.

ELECTION CAMPAIGN LAW

This law is often merged into the general election law, but is considered separately because it relates to a distinct phase of the election process, *i.e.*, the pre-election period. The legal provisions relating to the campaign are critical in ensuring a meaningful election where voters are adequately informed regarding issues and candidates. The content of laws governing the campaign period are often controversial in the context of a transition situation, particularly where one party has been in power for a lengthy period of time and other parties have been banned or severely repressed.

The law should establish the official campaign period and the activities permitted and proscribed during this period. Among the permitted activities, mention should be made of the general rights of candidates and parties: to discuss all issues; to organize rallies and demonstrations (subject to public order considerations); to use the media, both print and broadcast; to place posters in public sites; and to distribute propaganda. The list of prohibited activities often includes: interfering with the political activities of opponents; intimidating voters; and bribing voters by offering them money or goods.

With respect to media access, practices differ. In some countries, political advertising on television and radio is proscribed, although special public affairs programs, featuring debates or discussions, are often scheduled for the campaign period. Other countries permit political parties to purchase advertising time, in some cases at reduced rates prescribed by law or regulation. Finally, some countries provide free access to television and radio to all registered parties.

Determining the amount of time afforded each party and when it should be available (*e.g.*, prime time) often become controversial issues, especially when there are large number of parties contesting the elections. Sometimes, for purposes of allocating media time, an attempt is made to distinguish among parties based upon the number of members in the party or by the number of lists a party is presenting in the elections. Reference to the number of representatives in the existing legislature or the number of votes received in a previous elections are also used as a basis for distinguishing among parties, but is obviously inappropriate in a situation where the existing legislature has not been democratically elected.

Another major component of the law governing the election campaign concerns campaign financing. Again, practice differs among countries. The options include:

- allowing candidates and/or parties to raise private funds for campaign purposes, but requiring the documentation and public disclosure of contributions and/or expenditures;

- providing candidates and/or parties a limited amount of public funds and allowing them to supplement these funds through private contributions;

- providing candidates and/or parties with full public funding, while prohibiting the use of any private funds;

- providing candidates and/or parties with public funds equal to the amount of private contributions raised; and

- providing candidates and/or parties with public funds, but requiring them to reimburse funds if they do not meet certain minimum thresholds in the elections.

The law also should address the following issues relating to campaign financing:

- what limits, if any, should be placed on the amounts and types of expenditures that may be incurred by candidates and/or parties during the campaign?

- what limits, if any, should be placed on financial contributions to candidates and/or political parties by individuals, labor unions, corporations and public employees?

- what subsidies, if any, should be provided to candidates and/or parties (*e.g.*, postage, printing of brochures, media access, tax exemptions, tax benefits for contributors, etc.)?

The law might also include a provision regarding campaign contributions from foreign sources. Some countries prohibit all such contributions. Other countries permit such contributions, but require meticulous reporting of the source and amount of the contributions. Other countries permit such contributions, but impose a tax. For example, in Nicaragua parties were authorized to receive contributions from abroad, but half of the funds collected were required to be given to the Supreme Electoral Tribunal to cover election administration expenses. The Bulgarian Political Party Law of 1990, on the other hand, proscribed foreign contributions generally, but then suspended this provision for a year in view of the existing inequities among the parties contesting the country's first multi-party elections in more than 50 years.

Other issues that also might be addressed in the law governing campaign activities concern the use of negative campaigning by candidates and parties. Proscribing such types of campaigning, however, raises fundamental issues of free speech. The better approach, therefore, might be to encourage adoption of a code of conduct, which is agreed to by all the parties but is not necessarily enforceable before a court of law.

The law also should include enforcement mechanisms. Three models can be identified for dealing with complaints concerning the election process: investigation and prosecution by the body responsible for administering the elections; establishment of special tribunals to handle complaints involving specific issues (*e.g.*, in Namibia in 1989, there was a special commission established to deal with election-related intimidation); and reliance on candidates and parties to initiate complaints, which are then brought to regular courts or to an election administrative body. Where there is a violation, the law should specify the appropriate sanctions, which may include fines, compensation to an opponent and, in egregious cases, suspension of a party or candidate from contesting the elections.

ELECTION ADMINISTRATION LAW

The legal framework for an electoral process also must include a law setting forth the precise procedures to be used for the casting and counting of ballots. Among the subjects that should be addressed in this law are the following:

- who is responsible for administering the polling sites (*e.g.*, civil servants, judges, teachers, party designees, etc.)?

- who is eligible to vote and what must the voter present to the polling officials establish his/her eligibility (*e.g.*, a national identity card establishing proof of citizenship and age, a special voter registration card, name included on a voter registration list, attestation by one or more witnesses, etc.)?

- where and how polling sites should be organized (*e.g.*, schools and public buildings, use of mobile units, concentration of polling sites v. limiting one polling site to a given venue, polling sites segregated by gender as in Chile and Pakistan, etc.)?

- how many voters should be authorized to vote at a given polling site (*e.g.*, 200 in the Philippines, as many as 3000 in Zambia)?

- what types of ballots are to be used and how should they be marked (*e.g.*, single ballot requiring mark by voter, multiple ballots requiring voter to place ballot choice in a sealed envelope, prescribing use of only one approved mark v. interpreting voter intention regardless of precise nature of mark placed on ballot, etc.)?

- who should be present inside the polling site while balloting and counting are underway (*e.g.*, polling officials, party agents, nonpartisan monitors, media representatives, international observers, police and security forces, etc.)?

- how challenges concerning voter eligibility, or the counting of ballots or other matters should be resolved at the polling site level and what appeals should be permitted (*e.g.*, majority vote among polling officials present, setting aside of ballot and referring challenge to a superior electoral body, etc.)?

- what forms should be completed as part of the counting process and how should the results from a given polling site be reported to a higher level?

Deciding which of the myriad options should be chosen concerning these matters depends on consideration of local conditions. Literacy levels, for example, may influence the type of ballot chosen. Similarly, the level of distrust existing in a society may influence who is permitted inside the polling site. Logistical considerations may be the determining factor in deciding where the ballots are counted and how results are reported to higher levels.

CONCLUSION

In circumstances where a large percentage of the population has never voted, the importance of establishing the legal framework for the planned elections as soon as possible cannot be overestimated. Voter education programs, for example, should inform the public concerning the precise procedures that will be used in the planned elections. Moreover, given the number of individuals who will be involved in administering the elections at all levels, it is imperative that these individuals be well-trained regarding their specific responsibilities. At the same time, care must be taken to ensure that the legal framework takes into account the existing conditions in a country and permits the occurrence of elections that are accepted as legitimate by the vast majority of the population.

THE PRIMARY FUNCTIONS

OF AN ELECTION SYSTEM

by

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THE PRIMARY FUNCTIONS OF AN ELECTION SYSTEM

An election is a single event whereas an election system is that set of laws and procedures which permit elections to occur again and again in an orderly manner.

An election system may be envisaged as a set of ten logical and inter-related functions (see Figure) which must be performed. Although there are, to be sure, different methods and techniques for performing each function (as well as different organizational structures for administering them), one way or another someone must accomplish the following ten things:

Legislating the Election System

No election system can operate without statutory foundation. Whether provisional under decree or formally enacted by a legislature, there must be some generally agreed upon legal document which sets out the basic election rules and procedures. Some election forms and procedures are, however, essentially administrative in nature and should therefore be left for the election authority to promulgate as regulations. This legislative function should, then, be broadly interpreted to include administrative regulations as well as their legal framework.

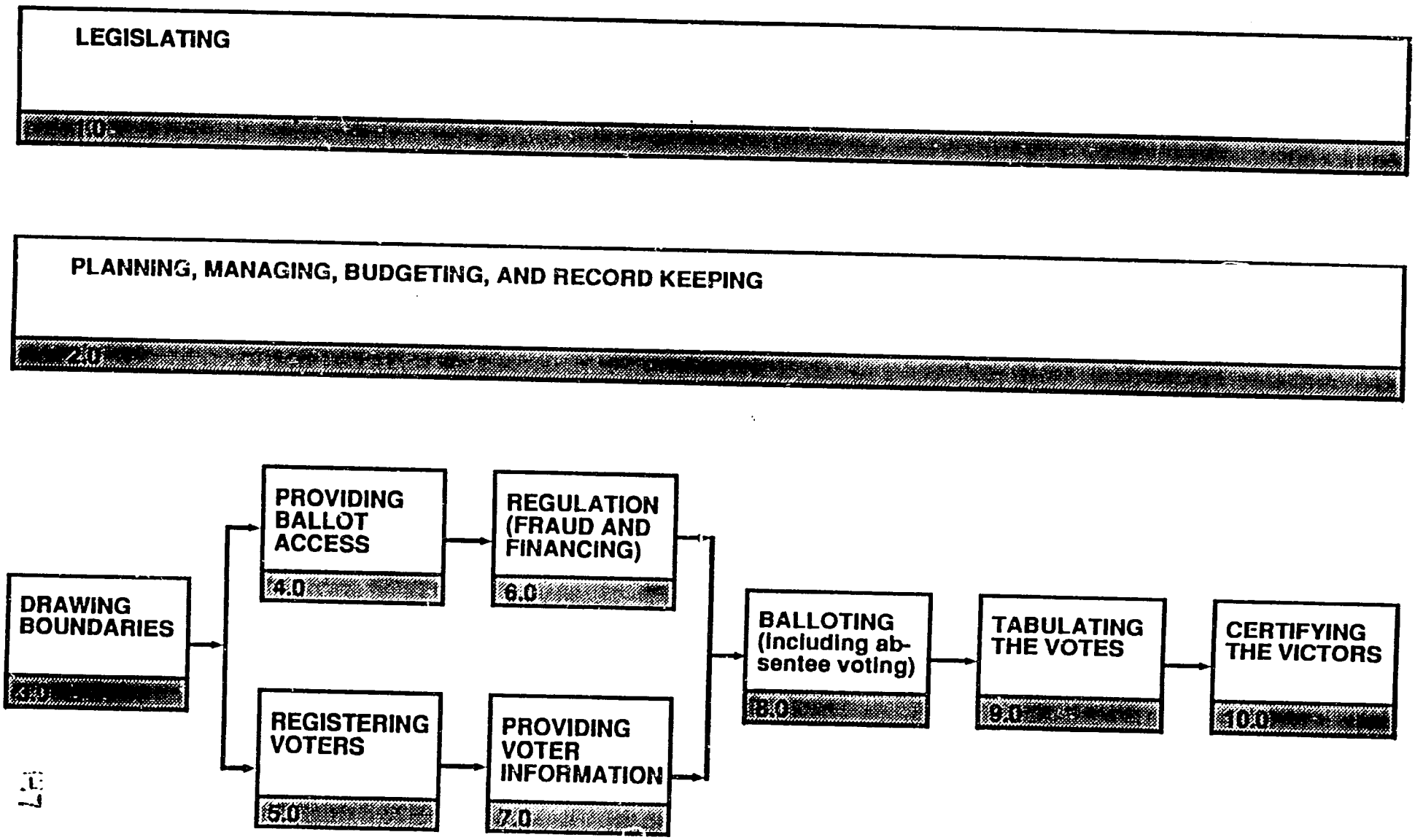
Administering the Election System

This function refers to the design, creation, and staffing of the agency or organizational structure responsible for the overall administration and management of the election process. It encompasses routine planning, management, and budgeting responsibilities as well as any special enforcement or quasi-judicial powers which might be granted to the election authority. A vital aspect of this administrative function is the generation of an election timetable or flow diagram which identifies all major tasks related to conducting a forthcoming election, defines the dates for their accomplishment, and assigns responsibilities for their completion.

Drawing Boundaries

Drawing boundaries refers to the detailed mapping or definition of two types of electoral units. The first type of electoral unit is the "constituency" which is a district or sector of political representation (whether single or multi-member). Constituencies pertain not only to the national legislature but also to any lower levels of elected government. The second type of electoral unit is the "precinct" which is a geographical voting district wherein all voters cast their ballots at a single conveniently located voting place.

PRIMARY FUNCTIONS OF AN ELECTION SYSTEM



Providing Ballot Access

Providing ballot access refers to the rules and procedures whereby political parties and candidates (including independent candidates) come to be officially recognized for the purpose of appearing on an official election ballot and, importantly, how they maintain or lose such recognition. This function also includes the procedures for submitting certain questions (initiatives, referenda, constitutional amendments, etc.) to a public vote.

Registering Voters

Registering voters refers, clearly, to the rules and procedures whereby eligible citizens come to appear on the voter list. It includes the method by which the list is prepared, maintained, changed, added to, and deleted from. It also, rather importantly, encompasses the method by which the voter establishes his identity not only in registering but also in presenting himself at the voting place on election day. And finally, this function includes the considerable task of recruiting and training registrars.

Regulating Campaigns

The regulation of campaigns has, in a sense, two aspects. The first is that set of laws which are generally and collectively referred to as "fair campaign and election practices." These laws prohibit such patently corrupt or unfair practices as ballot box stuffing, falsely registering, intimidating or bribing voters, interfering with opposition rallies, and the like. The second aspect of regulating campaigns is that body of laws and procedures regarding campaign finance reporting requirements, limitations, or public subventions either direct or indirect.

Providing Voter Information and Education

This function refers to providing official information to voters (as distinct from information provided by parties or candidates) regarding the time, manner, and places of registration; the time, manner, and places of voting; and, perhaps, a sample of the ballot which the voter will encounter at the voting place on election day. It may also include the development of programs in the schools for the purpose of training the young in democratic values, practices, disciplines, and procedures.

Balloting

Balloting refers to the essentially logistical aspects of election day. It encompasses choosing the date and time for the election as well as selecting the balloting technique. It also includes designating the voting places; recruiting, training, and deploying election day workers; providing the requisite materials and supplies to the voting places; designing, preparing, and controlling the ballots; and devising the detailed procedures to be followed at the voting places on election day. It may further include providing absentee voting services for those citizens unable to go to a voting place on election day.

Tabulating the Votes

Tabulating the vote refers, obviously, to the procedures followed for counting the votes, for resolving ballots in question, for reporting the results, and for accounting for all ballots distributed.

Certifying the Results

Although this function refers ultimately to the legal ceremony of issuing certificates of election to the victors, it also includes the critically important procedures for resolving any legitimate challenge to the election process or its outcome.

CONCLUDING OBSERVATIONS

These ten functions constitute a general model of an election system. The task of developing a <u>particular</u> election system is one of devising and documenting detailed procedures for accomplishing these functions in a manner consistent with the environment in which the election system is to operate.

Chapter 13

Choice of Electoral Systems

Antonio Nadais

A multitude of factors shaped the choice of electoral systems for the 1990 elections in Eastern and Central Europe. Foremost among them, at least as implicitly identified in roundtable discussions, were the need, first, to confer legitimacy on the democratic transition by ensuring the broadest possible representation of the population, and, second, to establish mechanisms that could solve the numerous economic, social and political problems that formed communism's legacy.

Solving these problems requires political stability. To achieve a certain level of stability, a majoritarian-oriented electoral system, with a strong and credible executive branch of government, seemed preferable. Interest in creating a closer relationship between the electors and the elected also argued for the adoption of a majoritarian system. On the other hand, proportional representation systems provided greater assurance that all sectors of the population, including

minority groups, would be represented in the new legislatures, an important consideration after years of one-party rule.

In short, the classic dilemmas regarding the choice of an electoral system – between representativeness and stability and between a strong legislature and a strong executive – were apparent in Eastern and Central Europe. The critical challenge was to achieve both representativeness and stability, especially given that the prior regimes had been not only politically repressive but also grossly inefficient. Each country faced this quandary, however, according to its own particular conditions and priorities.

I

In addition to these general factors, other considerations also influenced the choice of electoral systems. Of particular importance were the communist electoral traditions and, where it existed, the memory of a democratic period before the arrival of communism.

Two contradictory reactions to the communist electoral tradition emerged. The natural first response was one of rejection: everything inherited from the communist regime was bad and, therefore, should be replaced. The second reaction, albeit subconscious or for reasons of convenience, was acceptance of previous practices, at least as a starting point.

As for past experiences with democracy, again two competing reactions were apparent. On the one hand, the new decision-makers looked, with understandable nostalgia, to the pre-communist era as a model. On the other hand, they recognized the mistakes made during this earlier period – mistakes that often translated into political and governmental instability, which facilitated the overthrow of democratic regimes by fascism before the war and by communism afterward.

Each country also had to consider how to structure its party system. During the transition period, large numbers of parties emerged in all the countries, in addition to the Communist and satellite parties that already existed. The new parties suffered from an understandable lack of structure and resources, especially at the local level. These circumstances argued for the creation of rules to

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·ncourage some form of party consolidation, by benefitting large ımbrella coalitions that could better compete with the well-organized :ommunist parties. Consequently, several countries introduced efinements to the proportional system that established threshold lauses for parliamentary representation: 5 percent in the case of :zechoslovakia, 4 percent in Hungary and Bulgaria. These clauses vere designed to discourage small parties from contesting the ·lections independently and thus undermining an opposition coalition o the benefit of the Communist Party. Similarly, Bulgaria, Hungary ınd Poland chose a two-round version of the majoritarian system ›ecause it would be more likely to encourage party coalitions and ·onsolidation than would the one-round version.

The interests of the Communist Party, and the extent to which it till enjoyed a relatively strong position in the country, also played a ole. In Bulgaria, for instance, many saw the decision to elect one-ıalf of the parliament by the majority system in single-member :onstituencies as benefiting the Communist Party, whose candidates, n principle, were better known. This was somewhat offset by the lecision to use a two-round system, which permitted the opposition ›arties to unite in the second round behind a single candidate, who vould then stand a better chance of defeating the Communist Party andidate.

II

Not surprisingly, considering the competing considerations nvolved, the countries of Eastern and Central Europe adopted diverse ·lectoral systems. Broadly speaking, there were three groups: 1) :zechoslovakia, Romania and the GDR, which chose proportional ystems, 2) Poland, which kept the two-round majority system nherited from the communist regime, and 3) Bulgaria and Hungary, vhich adopted mixed systems -- or to be more precise, systems with wo (or more) components, one being proportional and one using the najority principle. Actually, Romania, at the same time as it held egislative elections using a proportional system, held a direct ›residential election using a two-round majoritarian system.

In Bulgaria, half of the 400 deputies to the Grand National Assembly were elected by a two-round majority system in single-member constituencies. The other 200 were elected proportionally, according to the so-called d'Hondt method, in relatively small constituencies (normally electing between four and 11 deputies, with one electing 17 and Sofia, the capital, electing 26). There was no connection whatsoever between the two parts of the system.

In the GDR, elections to the 400-seat Chamber of the People (*Volkskammer*) were held under an electoral law that established a pure proportional system, with no threshold clause, within the framework of 15 rather large electoral constituencies, each of which elected an average of 27 deputies. The GDR made this choice for a number of reasons. First, the system had historical roots in the Weimar Republic. Second, the GDR was influenced by the Federal Republic of Germany, which has a system that, apart from establishing a threshold of 5 percent, is strictly proportional. Finally, the electoral system structure was influenced by the inclusion in the roundtable negotiations of many small groups, such as New Forum and Democratic Awakening. These groups, so influential in the downfall of the communist regime, would have lost all their leverage at the polls had a threshold clause been adopted.

In Czechoslovakia, the electoral law for the two houses of parliament, the Chamber of the People (200 seats) and the Chamber of the Nations (150 seats: 75 each drawn from the Czech Republic and the Slovak Republic), resulted from negotiations among the different parties. The Communist Party, which dominated the parliament, and Civic Forum, whose Vaclav Havel occupied the office of the presidency and that dominated the coalition government, played the leading roles. The communist members of the government were generally unorthodox and acted more or less independently of the party, which was already in disarray. Respecting Czechoslovakia's tradition, the electoral system was a proportional one, with 12 electoral constituencies and a threshold clause requiring a party to obtain 5 percent of the vote in at least one of the two republics in order to obtain seats in parliament.

To allow voters some choice with respect to individual candidates, the law provided that if more than 10 percent of those voting for a party exercised their right to make individual selections from among the candidates presented by that party, they could

effectuate a reordering of the party list. Thus, candidates obtaining more than 50 percent of the preferences would be ranked according to the order of the number of votes cast for them, regardless of their place in the list. In the elections, there was no reordering of lists, even with an educated electorate and a high turnout.

The method used for allocating seats among the different parties worked as follows. The total number of valid votes cast in each constituency was divided by the number of deputies to be elected in that same constituency plus one (the "electoral quota"). The number of votes received by a list in a constituency was then divided by the electoral quota for that constituency, which determined how many seats a list received in a given constituency. The votes that were not used (the "rests"), as well as the seats that were not filled, were considered at the republic level, using the same procedure, except that the seats that were still not filled were allocated to the parties with the largest "rests" (and not, transferred to the national level).

In Hungary, the system adopted was particularly complex and yielded rather unpredictable results. Of the 386 deputies to the parliament, 176 were elected by a two-round majority system in single-member constituencies, 152 were elected by the proportional system in 20 relatively small electoral constituencies and 58 were elected at the national level by a proportional system applied to the votes that were "not used" (as defined by law) at the other two levels.

To be elected from a single-member constituency, a candidate was required to obtain more than half of the valid votes, provided that a majority of the registered voters participated in the elections. If these conditions were not met, a second round was held. Where less than the requisite number of voters participated in the first round, all the candidates were eligible to contest the second round. If no candidate received a majority in the first round, the three leading vote recipients, plus all candidates that received more than 15 percent, competed in a second round.

At the regional level, a system of electoral quotients was used for each constituency. The electoral quotient was found by dividing the total number of valid votes cast in the constituency by the number of seats to be filled plus one. As many candidates from each list were elected as the number of times the electoral quotient was contained in its result. If some deputies of the constituency remained un-elected after this process, the vacancies were transferred to the national

constituency. At the national constituency level, all the votes that were not used to elect a deputy in any of the other two levels were collected. A coalition or union of lists was allowed, and a threshold clause of 4 percent at the national level was established.

In Poland, the roundtable negotiations occurred at a time when expectations about the possibility of a truly democratic outcome were less sanguine, and this more limited view is reflected in the electoral system accepted by the Solidarity-led opposition. A two-round majority system, inherited from the communist regime, was retained. The opposition agreed that the freedom to present candidates would apply to all 100 seats in the Senate and to 35 percent (161) of the 460 seats in the Sejm. The other 65 percent of the seats in this lower house were reserved for candidates endorsed by the ruling party and its satellite parties. To be elected outright in the first round, a candidate had to obtain more than half of the votes cast. If no candidate obtained a first-round majority, the two front-runners competed in a second round. As in Hungary, for the election to be valid, at least half of the registered voters in a constituency had to cast their ballots.

In Romania, the Provisional Council of National Unity chose a proportional electoral system for the two houses of parliament. The House of Deputies had, in principle, 387 deputies, but the total could increase. If a party representing a national minority and registered before the enactment of the law did not elect any deputies by the normal procedures, it was automatically granted one seat. The Senate had 119 seats, two to four for each constituency and 14 for Bucharest.

The Council was completely under the control of the National Salvation Front, but other parties, including the Liberal, Peasant and Social Democratic parties, argued for electoral changes. It was the opposition, and particularly the Liberal Party, that, for obvious reasons, insisted on the adoption of the proportional system.

III

As is often the case in developing regulations for elections after a period of dictatorship, added care was taken to ensure that the

elections were genuinely democratic. This need was heightened in Eastern and Central Europe by the fact that the dominant party of the old regime survived, in one form or another, and contested the elections.

From the opposition point of view, it was thus imperative to secure two essential points: to prevent the remnants of the old regime from subverting the fairness of the elections, especially in the administration of the process, and to counter the advantages acquired by the Communist parties through their long tenure in power. Still, somewhat surprisingly, many communist-era practices with respect to election administration were maintained for reasons ranging from inertia to the seeming political neutrality of those practices to the sheer practical impossibility of substituting other systems.

In some countries, the transition period also influenced the organization and development of the elections in a peculiar way. Groups that played leading roles in their country's transition processes – a small number – inevitably gained significant control over such essential aspects of the electoral process as electoral administration, access to the mass media and campaign financing. An exception was the GDR, where the groups that led the movement to overthrow the communist regime were soon pushed aside. The decisive role belonged to the West German parties, which, by giving their Eastern counterparts material support and respectability, completely altered the character of the transition process.

IV

In all the countries under consideration, local authorities prepared electoral registries on the basis of existing lists of citizens maintained either by local or by central authorities. In theory, citizens were not required to take any action to be included on the voter registries. In some countries, such as Bulgaria and Romania, commanders of military units conducted registration of military personnel. In Czechoslovakia, by contrast, it was strictly forbidden to create polling places – and therefore registries – that included only military personnel. The decision-makers felt the need to prevent imposing any kind of pressure on military personnel, especially in the form of

collective sanctions, that might have been attempted if the results from the military vote could have been easily distinguished from that of the general population.

The registries were publicly displayed, and in some cases written notification was delivered to every registered citizen. Following publication of the registries, citizens could present grievances about the accuracy of the lists to the responsible authorities. The decisions made by these authorities could be appealed before the local courts. The possibility of appeal, which would be of great importance in countries with long-standing democratic traditions, was rather less relevant in Eastern Europe given the character of the judiciary under the communist regimes. Nonetheless, the judiciary represented at least some form of check on a local administration that was still largely under communist control.

A common feature of the registration procedures was the provision for absentee ballots. In several countries, local authorities issued certificates of registration to electors who would be unable to vote in the place where they were registered, thus enabling them to vote elsewhere. This process usually entailed eliminating the name from the original register and entering the name in a special section of the register at the place where the individual sought to vote. The rationale was to allow the greatest possible participation on election day. At the same time, these liberal provisions could have opened the way for double voting and other types of fraud. In Bulgaria, authorities stamped national identity cards explicitly as a safeguard against this form of fraud.

V

Each country established a central commission to administer the elections, a necessary measure to promote confidence in the fairness and freedom of the electoral process. Typically, there was a three-tier system of electoral commissions, comprising a central or national commission, constituency commissions and polling-station commissions. The systems granted the possibility of appeal to a higher level commission. There were four different systems used to determine the membership of the electoral commissions.

The first system of selecting a national electoral commission involved creating commissions comprising an equal number of representatives of the parties contesting the elections. This system represented a complete break with the communist legacy. It was used in Czechoslovakia and the GDR.

The second system was similar, except that it added to the party representatives some members elected by parliament or by local authorities, after consultations with the parties. In spite of the fact that there were fewer of these government-selected members than of the party representatives, this system presented some risks, because the bodies that elected them were still under communist control. This system was used in Hungary.

The third system provided for commissions that included a fixed number of party representatives (one seat each allocated to the parties presenting the largest lists of candidates) and a smaller number of judges (or, in the lowest tier, jurists or other people of outstanding reputation) selected by lot. This system had obvious risks, due to the close relationship under the communist regime between the judiciary and the ruling party. In Romania, where this system was used, these risks were exacerbated by the fact that the commissions were allowed to function before the party representatives were nominated, with the sole presence of the judges. In fact, the party representatives were able to begin working only one or two weeks before the elections.

The fourth system established commissions that included individuals designated by the major parties that participated in the roundtable negotiations. In addition, the same parties recommended several nonpartisan members. In Bulgaria, where this system was used, the president of the republic and local authorities formally nominated the commissions.

VI

Establishing mechanisms for ensuring a fair campaign was of paramount concern to those negotiating the election laws. Especially critical was the issue of access to the mass media or, more broadly, the role of the mass media in the campaign. The state or the Communist Party (or affiliated organizations, such as trade unions)

owned and controlled all radio and television station and essentially all other media.

General rules were established granting parties and candidates free and equal access to the mass media. Implementation of these rules, however, differed widely. In Hungary and Czechoslovakia, political parties were granted time on radio and television for political advertising. In Czechoslovakia, all parties received equal time, while in Hungary part of the available time was allocated to the parties in proportion to the number of candidates they presented.

In Bulgaria, parties were also granted time on radio and television. With respect to television, during three nights a week the ruling party and the leading opposition coalition were each granted 20 minutes; the third major party was granted 15 minutes and the remaining parties split five minutes. Radio and television also were required to provide coverage of the campaigns of the different parties in proportion to their numbers of candidates.

It is no surprise that the problems relating to media access were greatest in Romania: the law stated the principle of equality and freedom of access but provided no specific implementation rules, and so in practice the principle was not respected. The National Salvation Front retained tight control over radio and television and therefore enjoyed much more prominent coverage of its campaign. Some other peculiar legacies of the Ceausescu regime, such as the need to register typewriters and other materials with the authorities, also remained in effect. The government also refused to allow the opposition to use printing presses offered by foreign entities, while at the same time printers at the government presses refused to print some opposition materials. These problems certainly hindered the electoral campaigns of the opposition parties.

Campaign financing was also a major issue in all of the countries. The Communist parties enjoyed considerable advantages in terms of resources, and therefore the opposition parties insisted on mechanisms to create a modicum of balance. In some cases, opposition parties faced the prospect of not being able to campaign effectively, or at all, without some form of financial assistance.

Funding for the parties and candidates consisted principally of subsidies from the state budget. These subsidies existed in Bulgaria, Hungary and Romania (although in Romania the criteria for the allocation of the subsidies were far from clear). In Czechoslovakia,

on the other hand, the law specifically required that the parties themselves finance the campaign. But the law also created a procedure that allowed parties to obtain bank loans to finance their campaigns. And after the elections, all parties that received more than 2 percent of the valid votes for any of the houses of parliament in either of the republics were provided a "refund" from the state budget at the rate of 10 crowns for each vote.

In addition to subsidies, the government sometimes offered the use of buildings and equipment to the opposition parties, but these gestures were never enough to offset the wide disparity of resources between those parties and the communists. Given the generally dire economic situations in these countries, parties could not rely heavily on private donations from individuals. In many cases, financial assistance from abroad, whether by individuals or by organizations, helped reduce the gap. Laws governing foreign assistance ranged from implicit permission to a complete prohibition. In Bulgaria, the electoral law exempted the 1990 elections from the general rule that parties accept no foreign assistance.

VII

Secrecy of the ballot constitutes a fundamental element of a truly democratic electoral system. And so, the electoral legislation of all the countries under consideration not only guaranteed the possibility of ballot secrecy, but deemed it mandatory. Voting outside the booth was sometimes expressly forbidden (as in Bulgaria), and assistance to the voter inside the booth was allowed only in very narrowly defined cases. An exception was Romania, where relatives of the voter or election officials received liberal permission to lend assistance inside the polling booth.

The importance of explicit provisions regarding the secret ballot was a legacy of elections under the communist regimes. Under these regimes, while the possibility of a secret ballot was normally written into the law, it was common practice for the vote to be public. Voting in secret was often viewed with suspicion. Moreover, during the transition period the communist apparatus was still in place. Consequently, forms of intimidation or pressure over the voters were

still clearly possible and had to be reduced. Mandating a secret ballot and publicizing this fact was considered necessary to counter the population's fears.

The concern for secrecy and openness was reversed when it came to the counting of the votes: what was secret during the communist regime (and helped produce extraordinary majorities) now had to be as open as possible to ensure the fairness of, and confidence in, the electoral process. One way of opening the work of the electoral administration, as discussed earlier, was to include representatives of different parties on the electoral commissions. Another was to allow people other than the commission members to witness the counting and tabulation processes. In Bulgaria, candidates and their aides, party workers, reporters and guests (*i.e.*, members of nonpartisan organizations and international observers) could be present during the counting of the votes at all levels. In the GDR and Hungary, the activities of the electoral administration were characterized in the law as "public," thus assuring that every citizen and especially the media could monitor all aspects of the process. By contrast, in Czechoslovakia, where fear of electoral malpractice was considerably less, only members of the higher commission or people authorized by the Central Electoral Commission could be present inside the polling stations during the counting process.

Generally speaking, the electoral laws of Eastern European countries did not explicitly address the issue of ballot security after the votes were counted. Still, it was an important issue, particularly in the case of a recount, as occurred in several instances in Bulgaria.

Despite the continued domination of local authorities by the communist status quo, several countries saw no problem in entrusting them with the task of keeping the election materials following the elections. In the GDR, however, these materials were delivered to the National Electoral Commission. In Hungary also, in the event of a protest, local officials sent election materials to the competent electoral committee for review as opposed to the local council.

The issue of judicial review during the electoral process was rather complex. Whereas judicial review is an important guarantee in democratic countries where the rule of law is well established, it created special problems in Eastern and Central Europe. The complicity of the judiciary in communist rule, and its consequences for the recruitment and training of judges, meant that the courts could not

be fully trusted to ensure fairness. As a result, opposition parties generally did not want judicial interference in the electoral process. Nonetheless, in certain circumstances – particularly in less sensitive areas such as electoral registration, as discussed above – the courts represented an additional check.

As for the review of actions by the electoral administrators, particularly with respect to the counting of votes, all the countries relied primarily on the electoral administrators themselves: any decision made by an electoral commission could always be challenged before a superior commission. But the courts were not totally absent from the process. In Czechoslovakia and Hungary, decisions of the central or national electoral commission were subject to judicial review by the Supreme Court, whose decision was final. In Hungary, it was also possible to appeal to the local or municipal courts decisions made by lower electoral commissions; the decisions of these courts were final. Meanwhile, in Bulgaria and Romania, the relevant house of parliament determined whether to validate or invalidate the parliamentary mandates, but the courts could review issues relating to the nomination of candidates.

VIII

In conclusion, and with some hindsight, we can ask whether the electoral systems that were chosen for the 1990 elections in Eastern and Central Europe effectively achieved their aims. With respect to ensuring the broadest possible representation of the population, we can fairly say that this goal generally was met: the voters were able to cast their ballots relatively freely, and the electoral systems did not distort their will in an unacceptable way.

According to public opinion polls shortly after the elections, it seemed that the parliaments of Eastern and Central Europe already failed to represent broadly the opinions of the electors. This phenomenon, to some extent, is common everywhere, albeit to a lesser degree. And if it occurred in Eastern and Central Europe with greater intensity, this was due less to the electoral systems than to the fact that the elections were held during a period of rapid transition. The parliaments that faced the greatest problems of legitimacy,

however, were those in countries where the elections took place during an earlier stage of the transition process, such as Bulgaria and Romania, and where, consequently, the communists or former communists maintained greater control.

The problem, generally speaking, was not in the expression of the electors' will, but in its formation. And there, the electoral legislation had only limited reach, namely when regulating electoral campaigns. Legislation did what it could, and only in Romania were widespread, serious problems reported with respect to the openness and fairness of the campaign.

As for the aim of establishing mechanisms that could solve the problems inherited from the communist regimes, reaching a verdict is somewhat more difficult. Political stability has not been easy to find among the countries of the region. Yet political instability is, almost by definition, an inherent part of any transition process. There was not much the electoral systems could do to counter the existing deep political causes of instability.

At the same time, the countries of Eastern and Central Europe have managed reasonably well to contain their instabilities, even by Western standards. Instability only seems of such great concern because of the severity of the problems facing these countries. Nonetheless, the alternatives in the choice of electoral systems could certainly have been more fully explored, in the light of the peculiar conditions of the countries involved and the need to encourage more fully the participation of all sectors of the population in the transition process.

In short, legitimacy prevailed over stability. From a longer-term perspective, the democratization of Eastern and Central Europe is well under way. In this context, the choices of electoral systems have been, all things considered, of relatively minor importance. The really important choices concern the issues of policy that confront the newly elected executive and legislative bodies in each of the countries of the region

COMPREHENSIVE MISSION REPORT FROM CONSULTANT IN ELECTORAL ADMINISTRATION IN LIBERIA

LIR/91/001
RECONSTRUCTION AND REHABILITATION OF LIBERIA

by

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COMPREHENSIVE MISSION REPORT FROM CONSULTANT IN ELECTORAL ADMINISTRATION IN LIBERIA

Within the framework of the EMERGENCY RELIEF OPERATIONS FOR LIBERIA, a mission was set up with a main purpose of providing advice to the Elections Commission on a variety of aspects related to the conduct of free and fair elections: Inter alia, rules and regulations governing the election, organizational structure required for both the registration of voters and the administration of the ballot, preparation and control of the budget, list of activities and equipment that might be financed by external donors as well as possibilities for approaching these donors.

Advice on these matters has been provided by the Consultant in a direct manner and in cooperation with UNSCOL and the Elections Commissioners. The main contents of the Consultant contribution are included in this report and related documents --Project Document for consideration of UNDP, and document dealing with activities and equipment to be financed by external donors. By itself this comprehensive mission report basically contains an evaluation of current political conditions which are deemed relevant for the conduct of an election, and alternative technical solutions to a number of problems that are certainly to appear in organizing an election free and fair.

At the time when preparing this report, the political process in Liberia is in a stalemate, and the prospects for a near election seem rather elusive. Nevertheless, once an electoral calendar is definitely set up, problems like those addressed by in this report will require technical solutions. The particular alternatives included here stem from professional practice and international experience, and are being discussed as an unavoidable part in this type of consultancy.

CURRENT CONDITIONS AND PROSPECTIVE REQUIREMENTS FOR GENERAL ELECTIONS IN LIBERIA

1. On the ground of the IV Yamoussoukro agreement, a five members ad hoc Elections Commission --from now on EC-- was set up after agreement between the Monrovia based Interim Government of National Unity (IGNU) and the Gbarnga based National Patriotic Front of Liberia (NPFL) Administration. The commissioners were to be "credible, competent, and qualified liberians to conduct the affairs of a free, fair and open election in Liberia." Three commissioners including the chairman were selected by the NPFL Administration, and the other two including a co-chairman by the IGNU. The selected commissioners convened their first meeting on December 31, 1991 at the headquarters of the regional peacekeeping force ECOMOG under Nigeria's General Bakut in Monrovia, in order to elect chairman and co-chairman. On January 3, 1992, the EC was

inducted into office by Bishop Payne of the Lutheran Church of Liberia.

2. On March 3, the EC called a press conference to present itself to the public and announce a six month electoral calendar ending into an election by August 1992, although a date was not specified. In actual terms, EC operations have developed far behind schedule. On June 5, at a new press conference basic guidelines concerning the activities of political parties were made public as well as a plan for the EC to start extensive travelling throughout the country, beginning in July in order to meet county officials and be made known to the general public. There are draft guidelines for the registration of voters and the conduct of the election, although their discussion within the EC has not been completed by the end of June. Nor a definite budget of electoral expenses has been approved yet by the EC. Facilities for a national office of the EC have already been arranged, but the process of staffing the Commission as well as of recruitment and appointment of registrars and electoral officials has not yet started. If the previous electoral calendar were displaced to start in July, the election would have to take place by the end of 1992.

3, The way in which the EC was established clearly illustrates the current state of political conditions among liberians. According to standards of international law as well as in legal-constitutional terms, there is nothing like a Liberian State at present. There are two territories, each of them under a different government. There are two legislative assemblies. There are two different currencies (the liberian dollar in the area of Monrovia, and the J.J. Roberts upcountry). The ECOMOG force, intended to help the encampment and disarmament of former combatants since the end of the armed conflict, started deployment out of Monrovia in May. Dual territoriality was mentioned in the Yamoussoukro agreement. At the diplomatic front, there are two missions in Liberia now --US and Nigeria. The US mission was the only one that remained open during the conflict. Finally, there are two new institutions, both emanating from public agreement between the two governments: There is the ad hoc Elections Commission, and an equally ad hoc Supreme Court basically to judge over eventual electoral disputes.

4. The above reasoning has been stated in order to stress a point of the utmost relevance: That in terms of the existing conditions, the institutional arrangement allows for a wide margin of freedom for revision, reform or specification of rules and regulations that were previously used in the country. In other terms, much institutional space is left available for adjusting electoral rules to the present needs of the polity.

As far as the conduct of a general election is concerned, the EC constitutes both a supreme executive authority and the only legitimate source of rules and regulations governing the election. Furthermore, since the rules of the electoral game must be accepted by all main contenders for an election to be free and fair, basic responsibility lies over EC in playing a role of consensus building among political parties and independent candidates. As a previous legislative experience on competitive elections there is the text of a former Constitution of 1985 as well as an Elections Law of 1986, which repealed previous rules under which the 1985 general election had taken place. Within this legal-institutional context, the EC can rule as it deems proper and expedient on the ground of the general principle that for the conduct of a forthcoming general election, regulations contained in the former Constitution of 1985 as well as in the Elections Law of 1986 apply only as addressed by guidelines of the ad hoc EC.

Former electoral legislation is valuable to the extent that relevant political parties and candidates will be willing to accept it as a source of legal inspiration and practical guide. Yet the experience with competitive politics in Liberia being so scarce and a forthcoming election being so exceptional, a legalistic approach to the use of former rules would be unnecessarily disfunctional for the reaching of goals of national reconciliation and participatory democracy.

It is apparent that Liberian politics since the 1980's have been structuring on a multiparty basis. There were 12 parties in the political arena by the time of the 1985 election. Two among the most popular were banned before the election by the Doe regime (LPP of present IGNU's President Sawyer, and UPP of IGNU's Foreign Affairs Minister Matthews). There were five minor parties that could not run by being unable to raise the registration fee required by the EC, and one party that did not run after contesting the legitimacy of the EC. Yet four parties contended: LAP, LUP, UP, and Doe's NDPL. Today, eight parties can at least be identified: LPP Liberian People's Party of IGNU Amos Sawyer; NPP National Patriotic Party of NPFL Charles Taylor; UPP United People's Party of Baccus Matthews; NDPL National Democratic Party of Liberia of former President Doe; TWP True Whig Party, the oldest party of the country to which presidents before Doe belonged; LAP Liberia Action Party of IGNU Finance Minister Byron Tarr and Ellen Johnson-Sirleaf; UP Unity Party of IGNU Defense Minister Edward Kesselly; LUP Liberian Unification Party of Gabriel Kpolleh. In terms of ideology, differences can be found between the more conservative TWP and the more liberal LPP or UPP, although the attempt to classify these Liberian parties along clear-cut ideological lines would be misleading as it would also be the hypothesis that each of them has a differentiated social basis in the body politic.

As for relationships between parties, the word has passed in certain media about talks among TWP, LUP, LAP, UP and NDPL concerning eventual electoral coalitions. It should also be said

that, except for former Doe's NDPL, all other parties participated on a recent convention of parties, interest groups, churches, media and elders called in Gbarnga by Charles Taylor during the last week of May. A final communique was agreed upon and signed by all parties attending the conference where, inter alia, a mention was made of two governments, the Interim Government of Monrovia, and that of NPFL in Gbarnga.

5. A date for elections is hard to hypothesize given the uncertainties of the political agenda in Liberia. Nevertheless, whenever a general elections would take place, a number of conditions are to be met for the election to be free and fair, and a certain problems demanding technical solutions are to be tackled with.

Minimum conditions for a free and fair election would include an atmosphere of peace that comprises personal security, and freedom of movement and speech for all contenders in every electoral constituency; fairly equal access to publicly owned media for all contending parties --specially radio and TV; voter's registration properly conducted that would enhance the possibilities for voter turnout, and minimize that of double voting by a person under the same or different names; administration of the ballot on a safe, direct and secret manner, and under the scrutiny of all main contending parties; counting of votes in a public manner, and early publication of results. Under conditions like those stated above, an election may suffer of a number of irregularities, yet it would very unlikely allow for significant fraud.

Among the problems that would demand technical solutions are those related to the electoral system (FORMULA for representation) and minor rules and regulations, the registration of voters, the administration of the ballot, and counting of the vote.

THE ELECTORAL SYSTEM

6. Concerning main electoral rules, it must be emphasized that the election to be dealt with in Liberian politics is of an exceptional nature. It belongs to the category of transitional or opening elections. It means an election which works as a step forward in the way towards democracy, The democratization process would usually require more than a single election since --on its entire complexity-- that type of process goes far beyond the electoral game. Yet being the first election a most relevant part in the democratization process, it usually works as a turning point towards new scenarios where other problems are to be dealt with such as the establishing of basic political legislation, security organizations, public services, international relations, etc. For all of these the opening election may help, but will not provide definite solutions.

Still when stemming from the unstable equilibrium of negotiations after an armed conflict, the electoral system is doomed to play a central role in the future of the polity. When the rule governing a first election arise out of consensus among the main political contenders, and are suited to the problems they intend to solve, those rules will most likely last for long. Main goals to be attained after a civil conflict are those of national reconciliation, and achieving an acceptable level of political representation by all main contenders.

From the two single formulas of political representation -- majority rule (MR) and proportional representation (PR)-- the later has proved particularly effective in the pursuit of reconciliation and popular representation. Such was the experience with PR when reestablishing democracy in Western Europe after World War II as well as in the more recent transitions to democracy after civil wars in Nicaragua and El Salvador. Other experiences may be added such as those from the presidential systems of Latin America at the time of redemocratization in the 1980's, and elections after the collapse of Communist regimes in Eastern Europe (most recent election in Albania, March 1992). A personal note can be attached as this consultant was technically assisting as a UN expert the electoral process in Nicaragua 1990, El Salvador 1991, and Albania 1992. Finally, scientific literature on the value of PR is conclusive as this is the formula most widely applied for elections worldwide (1).

7. The legal provisions under which the 1985 election was ran in Liberia established majority rule for each of three different ballots: The President, a Senate and a House of Representatives. All three elections are ruled in two rounds, going to a second ballot among the two first runners if no candidate obtains more than half of the vote in the first round. For the Senate, two Senators are elected in each of 13 counties. For the House, there were 86 single-member constituencies in 1985 with approximately the same number of eligible voters. Constituencies are organized into precincts not exceeding one thousand registered voters. A polling center is established within each precinct.

8. The electoral rules formerly applied in Liberia have not been tested nor proved effective for competitive multiparty elections. The only multiparty election held in the country was in 1985 when two main parties were banned from running, and the results were manipulated according to all serious assessments. With regard to the formula of representation for the House ruling that election --MR in single-member constituencies-- still if those results had been honestly obtained, a party with 50.09% of the vote would have had around 80% of the seats. This is implied within the inner logic of MR for a House that would be filled simultaneously with a Presidential election, since most voters are not likely to split their vote between different parties for different offices on the same occasion.

In the United States, from where Liberian former rules took inspiration, they have a unique electoral system: MR for the houses of Capitol Hill operates on totally different grounds. In fact, the Senate is filled by thirds every two years for a six year term, and the House of Representatives is a totally peculiar type of chamber, which is filled at one time every two years --therefore every other election to the House taking place at the time of Presidential elections. The Presidential election goes by itself every four years on a second or indirect vote from electoral bodies elected by popular vote/majority rule in multi-member constituencies. As said above, simultaneously with the election of the President the House of Representatives is filled every other term, and also one third of the Senate. All these rules operating within a two-party system not subject to party discipline. Contrarily, in most Latin American countries where they have a presidential system of government with a multiplicity of parties, the Assembly is always elected by Proportional Representation in multi-member constituencies.

The formula of PR in multi-member constituencies implies that a number of seats are allocated to each constituency according to its share of the total population. Within a given constituency seats are distributed among political parties in proportion to their share of the vote according to distributing principles that vary in different countries (among the more popular the D'Hondt rule of larger quotients). A threshold or minimum share of the vote (3-5%) is usually required for a party to participate in the distribution of seats within a given constituency.

9. If an alternative to Majority Rule for the election of the House were to be considered in Liberia, this consultant suggestion would definitely advocate PR/multi-member constituencies taking the county as constituency. Main reasons for this are that PR would serve best the purpose of national reconciliation, and turn irrelevant --for the time being-- the problems with demographic statistics concerning the present state of smaller former constituencies as well as the eventual redistricting of constituencies. Both problems are politically sensitive, but hard to resolve --given the uncertainties on displaced populations-- and energy consuming at a time when more important issues are at stake. As for the purpose of national reconciliation, the PR formula will not leave any of the significant parties without representation in the House, while assuring the President a comfortable majority for the governance of the country. It would reduce the alienation of the losers from the system and favor responsible opposition while at the same time fostering the exercise of responsive government.

Given the fact that most citizens do not split their vote between different parties when several elections are held simultaneously, a majority ballot to the front runner for the Presidency will usually imply for his party a still larger share of the seats in the House under the PR formula. PR on a variety of

multi-member constituencies --small, medium and large-- would always give a premium to the first runner, whose proportion of seats will always be larger than its proportion of the popular vote.

10. As for the convenience of using the County as a constituency for the House, a number of reasons can be forwarded. First, the county has historically been legitimized as a territorial unit of administration and representation. It already works as constituency for the Senate. Second, counties vary in size widely; a fact that brings in itself some mix of the effects of majority rule and proportional representation. In spite of the fact that a certain number of seats might be granted to each county regardless of population, the smaller the number of seats of a constituency the more the results of PR would resemble those of MR. In Liberia, there would necessarily be a number of constituencies small (under 5 seats), medium (between 5 and 10), and large (more than 10) according to standard practice. The way the system operates is illustrated in the prospective exercise included in this report. Thirdly, former smaller constituencies are not being denied indefinitely, but merged or integrated into their respective counties for this particular and transitional election. The presidential candidates will anyway feel obliged to campaign all over the territory, and the candidate for the House and Senate will have to concentrate in their respective county constituencies. Fourthly, at the present state of demographic information in Liberia, population estimates at a level lower than the county are not available nor those which might come out of a prospective survey would be totally acceptable. Finally, if the county is taken as constituency for the House, the preparation and administration of the election will be simplified: making lists of candidates, printing and distributing the ballots, and the counting of votes. It will also minimize the likelihood of later disputes on results as a consequence of population problems.

QUESTIONS RELATED TO REGISTRATION OF VOTERS

11. Regarding voter registration there are three main points to be addressed. First is the state of the population and of available demographic information. A second question deals with procedures to properly conduct voters registration under conditions of political distrust among a public that is largely illiterate and undocumented. Finally there is the financial cost of the registration operations.

The population of Liberia, as estimated by August 1992, would amount to 2.612.417 of which the number of refugees in neighbouring countries was estimated by December 1991 in 648.793, an equivalent to 25% of the total population. Around 50% of the population can be considered urban --700.000 live in Monrovia-- in a country with urbanization rates traditionally above African averages. As

eligible voters, the proportion of Liberians 18 and older would amount to 1.233.900 or 47% of the entire population. When corrected by refugees, assuming that only around 40% of them would be 18 and over, the figure of eligible voters presently on Liberian territory would amount to 1.003.000. Relevant to the electoral process is also the fact that the largest proportion of Liberians are still illiterate (over 70%).

According to our estimate, a maximum of 800.000 from all eligible voters might register for the election. In the tables attached it is also forwarded an estimate of prospective registered voters by county. It was the conclusion of a recent UN demographic consultant, and it is also that of this elections consultant that available demographic information and estimates provide an adequate basis --yet susceptible of improvement-- on which an election can be organized. In other terms, problems with population estimates should not be envisaged as a main obstacle for the conduct of a prospective election. The demographic consultant concluded that "The Elections Commission has the statistically needed information for preparing the election. The remaining (demographic) work is related to assist the Commission in the interpretation of election results." Basic uncertainty concerning the possibility for the coming home of refugees will prove hard to surmount. It will also be difficult to know how this fact would affect voters registration in particular constituencies. Hence that "The EC will need to take absence of precise information on the numbers of eligible voters into account in the preparation of the election... (and regarding) changes that must have occurred in the geographical distribution of the population, as said above, we believe that the solution to this problem is in a proper preparation of the elections " (pp.II, 41 and 43 of Report by demographic consultant).

12. Regarding the conduct of a free and fair election, there is a widely tested principle recommending that both registration and polling procedures be handled by multi-partisan teams rather than by supposedly non-party oriented persons. For the specific operations of registration in Liberia more than one thousand registrars will be needed. They can be recruited among local civil servants, but should be assisted by party representatives drawn from lists submitted by the different contending parties.

13. These assistants to the registrars should ideally be paid an honorarium per day besides their expenses for transport and maintenance, since they will be working on a part-time basis and registration is a crucial and exceptional activity requiring much care and attention.

14. The entire registration process might have largely to rely on handwriting and manual handling of information. It is not only that computerizing the voter registry would take much time,

but also that it would be of little use for the future. With regard to time, on the occasion of the 1985 election an American consultant estimated that a computerized registry would take a one year work requiring thirty full time data entry people (each with a terminal on line) working for nine months to produce the initial listing and another two months to correct it after the verification period. As for the future, the elaboration of a permanent registry should not be started upon the data basis elaborated in view of a forthcoming election, given the displacements of population.

15. For eligible voters to get properly registered, more clear rules must be established concerning the identification of individual citizens. There is the fact that the largest part of the citizenry lacks any documental basis of identification. National ID cards were becoming widely used by the time when the armed conflict exploded. Many people destroyed their cards not to be identified as members of a given ethnic community. At present, mostly in urban areas many people have student or employee ID cards which may help to identify eligible voters when registering. According to the rules governing registration in 1985, the EC might require"any information, returns, etc. from the voters and any public official" in order to elaborate the registry, but no identification requirement is specified that, if missing, would prevent registration. Nevertheless, according to general practice some sort of specific requirement should be established for the proper identification of those citizens who do not have any kind of ID or document enabling their identification. In other countries it is required the presence of at least one witness who could be properly identified.

16. The timing for registration is also a crucial aspect of the entire electoral process. Under conditions like those prevailing in Liberia, one may take advantage of the registration process in order the enhance political confidence among the people. Registration in 1985 was conducted during a period of 10 consecutive days excepting sundays. Independently of how successful that particular operation was, there are alternative ways which have proved probably less costly, and are very effective in creating an atmosphere of political confidence among the public. One is registration taking place not on consecutive days, but along certain days allowing for a period of time in between: For example, registration along three or four consecutive sundays. Main advantages are these: On holidays people are less busy, more relaxed and ready to engage themselves in collective endeavours. Besides, from one sunday to the next the word spreads on what registration is all about, and the level of confidence increases. Also the registrars and registration officers and helpers are compelled to spend all their energy on those particular days instead of having it dispersed throughout a longer number of days, some of them busy, but some others tedious. Finally, this procedure will certainly be less costly.

17. As for the financial costs of registration, the entire operation might be almost as costly as the election itself given a number of negative circumstances. On the one hand, registration information from 1985 is either missing or useless because of population displacements. Most people lack any sort of ID card or document upon which their identity can be verified, yet some kind of voter card is to be issued even if it were only to foster the belief among the people that they are not being registered for purposes other than the election. At least 800.000 cards are to be prepared with plastic kits in order to keep them dry, specially if registration is to take place during the rainy season i.e. between July and October. On the other hand, some training for registrars, officers and their assistants will be needed as well as some campaigning for civic education and mobilization. Finally, transportation of eligible voters from most remote areas to the registration centers might have to be facilitated. Although voters registration turns out to be routine under normal circumstances, it poses big problems in cases like the Liberian one, while remaining crucial for the entire election to be honest, free and fair.

Although perfection is elusive, there are certain lessons which can be learned from experiences in other countries where similar problems had to be tackled with in finding and exit from civil strife, population displacements and territorial divisiveness.

QUESTIONS RELATED TO THE CONDUCT OF THE ELECTION

18. In order to ensure a direct, free and secret ballot, there are certain aspects of the process demanding further clarification or reform vis-a-vis the way in which they were regulated in former Liberian elections. These have mostly to do with the appointment of electoral officials and party representatives, the secrecy of the ballot, and the avoidance of double voting.

A guarantee for freedom and fairness of the entire process lies in the way how electoral officials are appointed , and the presence of party representatives at the polling stations is organized. Former Liberian regulations state that no election officer or employee can be a member or affiliate of any political party, and that before assuming office they should subscribe to an oath severing all connections and relationships with any party (Law of 1986, Ch.2.5). This rule is hardly acceptable by standard democratic practice as containing a most negative view of some basic democratic rights. Besides, it will not prevent partisan biased behavior better than the opposite principle: That of having poll workers appointed on a multi-partisan basis so that they can control each other. On the taking of an oath, if deemed necessary, it will suffice to refer to neutral behavior, which can anyway be better ensured by interpartisan checks and controls, and be the subject for further claims on eventual misdoings.

19. The secrecy of the ballot cannot be properly ensured in the way the 1986 Law regulates " assistance to unlettered and physically incapacitated" persons. That legal text establishes that "A voter who is unlettered or physically incapacitated of voting may request an assistance of a helper to mark his ballot in the presence of an election officer... The one assisting the voter shall retire with him in an unoccupied compartment along with an election officer and at his direction, help him in the preparation and marking of his ballot and return the ballot paper properly folded for deposit in the official ballot box." A major problem with this rule is that it openly goes against the secrecy of the ballot after having it fixed in the presence of an officer whom the voter has not chosen. A second problem is that a same person is not prevented from being helper of an undefined number of voters. In a society like the Liberian with more than 70% of the population illiterate, the proportion of citizens in need of a helper when turning out to vote may be expected high.

20. The format of the ballot papers can also help the independency and secrecy of the vote. Again because of a high illiteracy rate, certain characteristics of a ballot will be better than others: Having separate ballots for each of the three offices to be filled; using a different color for each of the three ballots; having simple and distinctive symbols printed by the name of parties and candidates. In fact, all these requirements were included in the Law of 1986 (Ch.4.7).

21. Total avoidance of double voting is hard to attain given the circumstance of proper identification missing for a large number of citizens. Nevertheless, the problem can be minimized by following certain procedures which are already under discussion by the EC: Basically the use of indelible ink and, eventually, the punching of the voters card which would be issued at the time of registration. The punched card could prove less effective than the indelible ink since some voters might be able to get more than one card issued. Moreover, having a card punched may spoil it for future use while at the same time will demand some extra time in the administration of the ballot. Instead it could be recommended that main concern with card control should be displaced to the time of registration.

On its turn, indelible ink is not an infallible guarantee against double voting. Sometimes all or part of the ink is not of good quality or may get spoiled. Hence precautions against these weaknesses are to be taken, basically after seeing to it that a right decision be made on where the ink is to be produced and by whom as well as on proper conditions for transport and storage. A test of the final product at the time when it is due to be used will not help since it will always be too late for replacement.

22. With regard to the counting of votes and the publicity of electoral returns, two points are to be stressed. First, the counting of ballots is a public activity to be conducted before the representatives of parties and candidates as properly established by 1985 Liberian rules (Chs.4.12 and 4.13). Second, the results of the election should be made public as soon as they would come out even on a provisional basis. Any unnecessary delay would favor an atmosphere of suspicion or distrust on the conduct of the election. To most common present standards and for a small country like Liberia --largely urban with acceptable communication networks-- there should not be any reason to expect main returns to be made public later than 24 hours after closing of the polling centers. It looks hardly acceptable the rule of 1985 stating that the Commission shall "count the ballots and announce the returns of the elections not later than 15 days after the day of election" (Ch.4,14).

23. An aspect of the utmost importance for the fairness of the entire process is access for campaigning by all contending parties to publicly owned mass media on a fairly equal and acceptable manner. Access to media needs being regulated by favouring consensus among the main contenders. Such consensus would at least imply acceptance of the distribution of time for appearance as well as of the type of coverage for different activities such as public demonstrations, presentation of candidates and programs, speeches by main candidates, etc.

Summarily, it can be said that different political stands are represented in printed media of Liberia. There are four main daily newspapers, all based in Monrovia: The Inquirer, The News, The Eye and The Monrovia Daily News. There are also four main weekly papers, one edited in Gbarnga, The Patriot, voicing the views of the National Patriotic Party (Taylor's political spokesorgan); and the other three in Monrovia: Prince Johnson's spokesorgan The Scorpion; United People's Party Times from Foreign Minister Mathews' UPP; and First National Poll, a weekly basically dealing with opinion data from sampling surveys by a consulting agency.

There are several radio stations covering different parts of the country, and broadcasting from Monrovia as well as from other cities in the country under NPRAG control (Gbarnga, Voinjama and Harbel). There is also a TV station broadcasting from Gbarnga that cannot be reached in the area of Monrovia.

RECOMMENDATIONS

24. A general recommendation is embodied all along the preceding paragraphs in the sense that consideration by all parties involved, authorities as much as political organizations, should be paid to discussing alternative solutions to main basic problems in the electoral system. A revision of rules and regulations as well

as certain organizational rearrangements seem adequate. Main reasons not to stick necessarily to the rules as they stand are these: On the one hand, the rules governing the elections should be functional for meeting the intended purpose of national reconciliation throughout a free and fair election. Rules from previous experience belong to a totally different political situation to that of present day Liberia. On the other hand, there is scant previous experience with competitive elections in Liberia. Finally there are main shortcomings from the present conditions of the country in terms of settlement of populations, resource scarcity both in the economy and the administrative apparatus of government, and personal security for free movement and easy campaigning.

25. From what has been the U[illegible]d Nations experience in the last few years, and under the pre[illegible]ircumstances of Liberia, an extensive presence of UN in the e[illegible]al process could certainly help in facilitating an atmospher[illegible] popular confidence as well as the organization of [illegible] free and fair election. Main comparative references are the verification missions by UN in countries like Nicaragua 1990, Haiti 1991 or Angola at present. Such operations have to fulfill several requisites defined by the General Assembly in its resolution 46/137. They usually require a complete geographical and chronological coverage of the electoral process as well as the previous approval by the General Assembly or the Security Council. Usually, an agreement between the UN and the country authorities would include terms of reference specifying for the Mission functions like these:

- To verify that political parties enjoy complete freedom of organization and mobilization, without hindrance or intimidation by anyone;

- To verify that all political parties have equitable access to State television and radio in terms of both the timing and the length of broadcasts;

- To verify that electoral rolls are properly drawn up;

- To inform the Elections Commission or its subsidiary bodies of any complaints received or any irregularities or interference observed in the electoral process in order to ensure that the process is conducted in the best possible manner;

- To submit reports to the UN Secretary General, who shall in turn inform the Elections Commission where appropriate. Reports shall be factual and objective, and shall include comments or conclusions that reflect the Mission's role in verifying the electoral process.

Implied within this type of verification mission or independently from it, UN may provide technical assistance to electoral authorities throughout the entire process toward

elections. This type of assistance would be a follow-up of previous consulting missions. Main content of this technical assistance deals with support in relation to final adjustments of the electoral procedures and administration; helping the arrangements for participation of international electoral observers in cooperation with other external agencies; cooperation in the establishment of a permanent registry and electoral administration after the election; and providing technical equipment that might be of use also after the election.

The lessons from previous or ongoing experiences in countries like Nicaragua, Haiti, El Salvador, Albania and Angola say that UN endeavors like those described above are complementary or facilitating of the activities by other external agencies; each of them offering some peculiar specialty to the electoral process: Most widely present Carter Center, IFES and NDI. Most peculiar to UN is familiarity with conditions of extreme social distress and institutional disarray amidst which an election has sometimes to be organized. It frequently implies early diagnosis on the situation

of populations that are to be registered later on as eligible voters as well as on the legal-constitutional arrangement allowing for the election. Extensive experience in organizing field work at grass-root level under poor conditions does also constitute a main UN asset.

(1) During the last decades, extensive scholarly research has been conducted on the actual functioning of electoral systems. A summary of main findings can be found in books like those published by American Enterprise Institute in Washington DC under the heading "Democracy at the Polls." There is also a first volume --under the title "The Political Consequences of Electoral Laws"-- coming out of a long lasting project on the actual working of the electoral system in 25 democracies since World War II. This consultant has been a member of both research teams, and is doing research at present on the more recent cases of Nicaragua and Albania from the new theoretical perspective of "opening elections." Finally, there is a recent volume on current democratization processes in Africa within the series "Democracy in Developing Countries" (Vol.2) published by Adamantine Press, 1988.

SUMMARY OF INTERVIEWS AND OTHER ACTIVITIES HELD DURING MISSION IN LIBERIA

This mission developed during a period of 35 working days between May 23 and July 2 of 1992, following another mission by a Demographic Consultant ending by end of May.

As specified by the terms of reference of this mission, the Consultant closer relationships were with main executives of the UN Special Coordinator in Liberia (UNSCOL) and the Ad Hoc Elections Commission. Since the setting up of an EC office was not fully arranged by the time of this mission, meetings with commissioners

were usually held at Carter Center or UNSCOL offices. Several times the commissioners were also informally met in restaurants.

A most fruitful exchange of views was regularly held with the two officers of the Carter Center in Monrovia, Director Paul McDermot and his Deputy Denise Dauphenais. There were also several meetings with Carter Center Program Director for Africa, Mr. Richard Joseph while his visiting in Liberia between 27-30 June. The Consultant must specially recognize and be thankful for Mr. McDermot support and generosity in facilitating conditions for the conduct of his mission.

Of great interest to the Consultant was exchanging views with a variety of UN consultants and officials from FAO, WHO, UNICEF and UNHCR coming in and out from upcountry. Neutral first hand information on the conditions of the country turns out invaluable in a short term mission like this, necessarily requiring of an overall assessment of factors relevant for the political process and the election. In a sense, it is a privilege for an Elections Consultant being able to share ordinary life within a UN community --like that in Liberia-- fully engaged in relieve operations.

The Consultant remained in Monrovia most of the time, but took a two day trip to Gbarnga and Buchanan, and another short trip to Gbarnga. In Gbarnga he met with NPFL's Minister of Planning Aaron Paye, who had been met in Monrovia before as member of as team in charge of conducting a population survey. There were also meetings at National Patriotic Party headquarters with the Secretary General Christian Herbert, his deputy Erastus Saye-Wieh, and six other high staff officers; and at the LUSH (Liberians United to Serve Humanity) organization with its president Dr. Saaim Naame and his main staff. In Buchanan, a visit was paid to the organizers of a convention of chiefs and elders for the reconciliation among three main ethnic communities. Occasionally, the NPFL Defense Minister was met there too. On a second visit to Gbarnga there was a meeting with the Chairman of the Elections Commission and two other Commissioners.

While travelling in Gbarnga and Buchanan, the Consultant had a chance to spend several hours of conversation with a American free-lance journalist, Bill Berkeley, based in New York city and a specialist in Africa with a book on Liberia. He is preparing at present an essay on Liberia for THE ATLANTIC.

Among the contacts and interviews relevant to the subject of the mission being held in Monrovia are the following:

PARTIES

True Whig Party: Chairman Arthur Bedell, Secretary Maxwell Carter, and six other main party executives and advisors.

Liberian People's Party: Chairman Mr. Dusty Wolokolie, a member of the interim Legislative Assembly.

United People's Party: Secretary General Blamo Nelson, who served as chairman of the May national convention held in Gbarnga following a Taylor initiative.

CHURCHES

Catholic Church: Archbishop Francis, and several of the Brothers of Saint John of God at the Catholic Hospital in Monrovia.

Lutheran Church: Bishop Diggs.

Baptist Church: Rev.Walter Richards, one of the chairmen at the national convention in Gbarnga.

NEWSPAPERS

The Inquirer: Managing Editor Gabriel Williams, also vice chairman of the Liberian Press Union.

The News: Editor in Chief Sam Van Kesselly.

The Eye: News Editor Swah S. Deddeh

OTHER

SELF, Special Emergency Life Food Program: Director Blamo Nelson and Executive Director Dorothy Diggs.

US Embassy: Political Officer Bryan Brown.

APPENDED DOCUMENTS TO MISSION REPORT

- List of activities and equipment within the electoral budget which might be financed through contributions by external donors (prepared by UNDP Elections Consultant).

- Press statement by the Chairman and Members of the Ad Hoc Elections Commission, March 3, 1992.

- Press release, Ad Hoc Elections Commission, 5 June, 1992.

- Guidelines for the registration of political parties and/or independent candidates for election to public office within the Republic of Liberia (issued on June 5, 1992).

- ANNOUNCEMENT, Ad Hoc Elections Commission, 15 June, 1992 (delivered by the mass media in announcing a country-wide by the Commission during the month of July).

SUMMARY VITAE OF ELECTIONS CONSULTANT
RAFAEL LOPEZ-PINTOR

Rafael Lopez-Pintor (born 1942, married, two children, Spanish citizen) is Tenure Professor of Sociology and Political Science at the School of Economics in the Universidad Autonoma of Madrid, Spain, and runs his own consulting firm OYCOS mostly dealing with opinion and electoral research.

He has a Ph.D. degree by the University of North Carolina in Chapel Hill, and a Doctoral degree in Law by the Universidad Complutense in Madrid. Has served as former Director General of the Center for Sociological Research (1979-1983), which is a main polling agency at the time attached to the Office of the Prime Minister of Spain.

He is the author of a number of scholarly books and articles published in different countries of Europe, the United States, and Latin America.

Fluent in Spanish, English and French.

He has worked as election consultant to United Nations in missions to Nicaragua (1989 and 1990), El Salvador (1991), Albania (1992), and Liberia (1992).

The Party and Elections

8.041. For the elections of people into all positions from the local government level up to the presidency, the party will nominate two people to contest for each posittion. This means that the electorate will be given an opportunity to choose between two people in every constituency and in presidential elections. The candidates for the presidency will be nominated by the national conference of the party while the other candidates will be nominated by the local government level general conference of the party. The candidates nominated for state and national legislatures will be screened by the NEC.

Financing of Party

8.042. The general principles prescribed for financing the parties in the two-party system will apply here.

The National Commission on Political Parties and Elections

8.043. Since we propose a single-party model, we suggest that this body should be called the National Commission on Elections and other Political Activities. The functions of this Commission will include :

(*a*) supervision of the registraton of voters ;

(*b*) conduct of all elections;

(*c*) monitoring the financing of the party to ensure that none of its levels or its territorial areas or professional sub-groups are monopolised by any person or group of persons ;

(*d*) monitoring the activities of the party to ensure that religious and ethnic slogans are not used in political campaigns ;

(*e*) carry out any other functions as may be deemed necessary in order to achieve success in the elections.

General Remarks

8.044. A single party structured and allowed to function as described above—in a political system predicated on social justice—will be of immense help to this country. In the first place, by bringing together the people from various parts of the country and of different religious faiths, the party will assist in eliminating or greatly reducing the tensions and violence which had characterised politics in the past. In the second place, the party, by its very nature, will greatly aid the process of cultural integration by focusing attention on the new central value. In the third place, the elections will be more cost-effective than those of the past, in terms of money spent (the leaders can easily control the type and nature of expenditure permissible) and the energy conserved. The competition among politicians for the people's votes is provided for and this should provide adequate psychological satisfaction to people who consider competition an essential element of politics.

ELECTIONS AND ELECTORAL PROCESSES

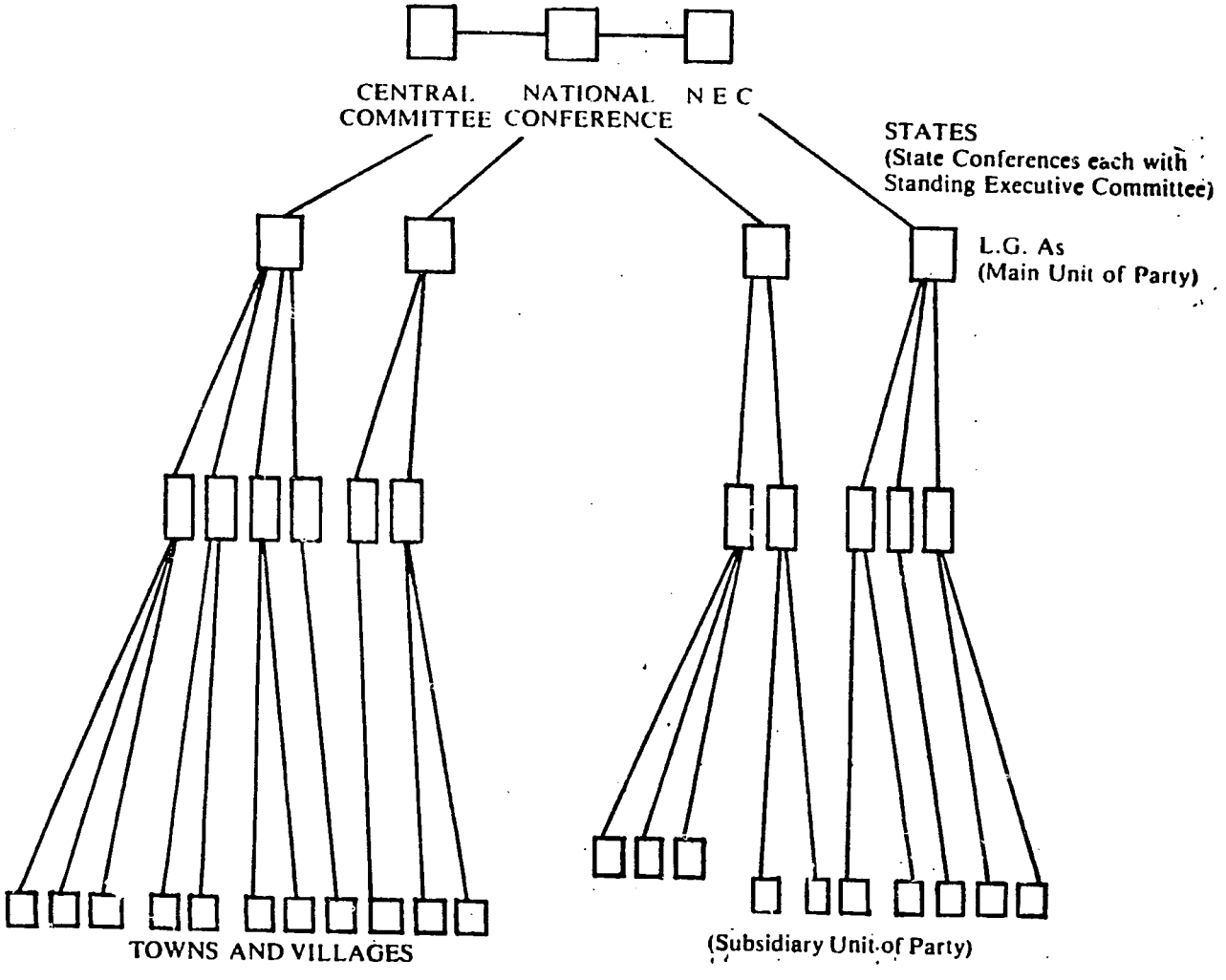
8.045. It is generally agreed that four basic conditions are necessary for the holding of free and fair elections. These are :

(*a*) an honest, competent, non-partisan administration to run elections ;

(*b*) a general acceptance throughout the political community of certain rather vague rules of the game, which limit the struggle for power because of some unspoken sentiment that if the rules are not observed more or less faithfully the game itself will disappear amid the wreckage of the whole system ;

(*c*) a developed system of political parties, traditions and teams of candidates before the electors as alternatives between to choose ; and

(*d*) an independent judiciary to interpret electoral laws.


CENTRAL COMMITTEE
NATIONAL CONFERENCE
N E C
STATES
(State Conferences each with Standing Executive Committee)
L.G. As
(Main Unit of Party)
TOWNS AND VILLAGES
(Subsidiary Unit of Party)

8.046. Many Nigerians who contributed to this aspect of the debate see the absence of a combination of these four conditons as the greatest problem in our political development. As some put it, though we are aware of the importance of free and fair elections as the prerequisites for peace, stability and progress, we are a nation that has never recorded a successful election. Various suggestions are made to improve the situation. Some of these are designed to "improve" the electoral system and/or the electoral process. Others address the quality of the electorate. Most of the contributions, however, have to do with " an honest, competent, non-partisan administration to run elections".

THE ELECTORAL SYSTEM

8.047. It has been suggested that the system of proportional representation be adopted in the new political order. This system of representation, it is contended, makes adequate representation possible. Its other advantages include the fact that it prevents the over-representation of the majority and under-representation of the minority groups. If proportional representation is adopted, the argument goes, every group will be represented in proportion to its strength and this will give the group a sense of security in the country. Though it is accepted that coalition government is often the result of proportional representation, this is seen as an advantage in that it creates "room for negotiations and compromises after the elections among political parties so that no one party arrogates to itself, the right to determine perpetually, the fate of this country".

8.048. This position under-estimates the very serious disadvantages of a system of proportional representation. In the first instance, this form of electoral system removes the representative far away from his electorate. The personal relationship between the electors and the elected which is a cardinal ingredient of representativeness is destroyed. Instead, it is the political party or group that comes between the electorate and its representative. Proportional representation gives room to proliferation of political parties. The greatest weakness of this electoral system is that it often leads to coalition governments. Such governments are often weak.

8.049. Two criteria that a suitable and desirable electoral system must satisfy are that :

(*a*) it must be easily understandable and easy to operate, and

(*b*) it must make for some degree of stability of government.

One of the problems of the Nigerian political system is its instability caused by various factors. It will be unwise to add to these factors an inappropriate electoral system. For these reasons and the fact that we have recommended a two-party system, it is our considered view that the plurality system, or what is called single-member constituency "first-past-the-post system", which we have used before, be continued.

8.050. It has also been suggested that what Nigeria requires is an election system that combines open ballot and a series of electoral colleges, the "Fatima formula" as one contributor to the debate put it. The proposal calls for an open election of one per cent of the voters, in each polling area by the electorate themselves. In a polling area of five hundred voters five persons will be so acclaimed. Those selected in each polling area will constitute the electoral college. At the village level one per cent of the electoral college will be elected by open ballot by their colleagues to represent the village area at the district electoral college. The same process is repeated at the local government level and in the emirate or chiefdom. The state electoral college is, in this arrangement, made up of one per cent of the electoral college in each local government or chiefdom or emirate area. It is this body that elects in the open the governor of the state. For the election of the president, one per cent of members of each state electoral college will constitute the federal electoral college. Not only are elections to be conducted in the open. all candidates wishing to contest election must have passed the appropriate electoral college. In other words, persons wishing to contest state assembly election must have passed through the polling area as well as the village area electoral colleges.

8.051. Even though this is most suitable under a zero-party system, it is claimed that it could be adapted to a multi-party system. The advantages of the system are said to be many. It saves costs because it eliminates the costs of conducting and supervising modern elections including costs of erecting polling stations and polling booths, costs of storage, transportation, distribution, and retrieval of these and other electoral personnel. In addition, the open ballot system which is basic to this method, avoids election rigging which is associated with secret balloting, manipulation of the ballot paper, and the ballot box. Finally, the system exposes the dishonest elements in the society and creates the opportunity for true leaders as opposed to "educated" opportunists to be elected as representatives of the people.

8.052. The "Fatima formula" is not new to Nigeria. In the early fifties, this was the method of election in most parts of Nigeria. It was essentially because of its undemocratic nature that it was discarded. It gives room for the wealthy members of the community to buy their way through. It is much easier to manipulate electoral colleges than the total electorate. It also, to a greater degree than the system of proportional representation, removes the representative from his electorate. Finally, the adoption of such a system would restore the victimisation and intimidation of members of the electorate and members of the electoral college who fail to vote for particular candidates. It is the poor that suffers in such a system.

8.053. There are those who suggest that the quality of those to be given the franchise should be improved. One way of improving the franchise, it is claimed, is to limit voting to only literate members of the community. According to this view, "the greatest problem facing the political future of the country is how to handle an illiterate electorate. Voting right, it is suggested, should be limited to literate voters "who could vote intelligently". Those who do not understand what voting means should be deprived of the privilege "because it is a very sharp weapon". Another idea of how to improve the quality of voters favours the introduction of production of tax clearance certificate. "The franchise should be based on universal tax-paying adult suffrage as evidenced by the production of tax clearance certificate including official exemption from paying of tax". We have considered these suggestions and we find them retrogressive. Those who buy ballot papers, who remove ballot boxes, who invalidate ballot papers, who sneak in ballot papers at counting centres, who cause election officials to disappear are not the illiterates or the unemployed:—they are invariably the greedy, wealthy and educated members of the community.

WHO ADMINISTERS ELECTIONS ?

8.054. Most contributions blame the Federal Electoral Commission (FEDECO) for the country's inability to conduct a fair and free election. A large number of contributors both during the open debates and in their memoranda were convinced that the police were partly responsible for this "greatest killer desease" in our political system. This is not to suggest that the political parties were without blame. The conclusion we read from the contributions is that if the body charged with the reponsibility of administering elections had been honest, competent, and non-partisan, we would have had fairer and freer elections.

8.055. Part of the problem of FEDECO had to do with its composition. The body was composed mainly of retired public servants. In addition, the internal organisation gave room for serious conflict. For example, the executive secretary was not only the administrative head of the Commission, but also there accounting officer. He was thereby given more powers than the chairman of the Commission despite the fact that both were full-time officials. This led to occasional conflicts between the two, not to mention the conflicts between the executive secretary and other members of the Commission.

8.056. Some have suggested that the responsbility for administering elections in Nigeria be given exclusively to the military. The argument is that an electoral commission of military men, balanced as to ethnicity and rank much like current and past military councils could insulate this critical institution from partisan pressures and abuse. Others argue that a civilian FEDECO is incapable of conducting free and fair elections in Nigeria.

8.057. There are those who suggest that the involvement of the armed forces in election be limited only to the period of elections. In other words, they are to discharge "supervisory functions during actual period (s) of elections, leaving the day-to-day administration to corps of paid, professional and permanent civilian staffers" operating under the direction of the armed forces. The involvement of the armed forces in this suggestion goes beyond ensuring the law-and-order atmosphere. It involves (*a*) transportation of ballot papers to and from voting centres ; (*b*) keeping political parties at a distance from the polling booths ; (*c*) supervision of electoral officers; (*d*) counting of the ballots and verifying the results.

8.058. As we have recommended elsewhere in this Report, the tasks for a new "FEDECO" go beyond merely conducting elections. This new body which we have called National Commission on Political Parties and Elections is expected, among other things, to monitor the financing of political parties and political campaigns. This is an all-year round task. The military cannot be fully saddled with such responsibilities. It may be necessary, however, to mobilise the armed forces during election time, if the Commission so decides, to perform specific tasks. In short, while we recognise and emphasise the need to locate the Commission outside the political party orbit, an all military body has very serious disadvantages.

8.059. Some contributions suggest that, in order for the commission to be seen to be fair and just, it should be compossed of representatives of political parties. This method, however, has been tried before with disastrous consequences. We believe, if it is adopted, it would create more problems for the commission than it would solve.

Recommendations

8.060. It is in the light of the foregoing that we make the following recommendations :

(*a*) That the single member constituency at the first-past-the-post electoral system be continued.

(*b*) The National Commission on Political Parties and Elections should consist of seven members ;

(*i*) a Chairman

(*ii*) two military officers not below the rank of Colonel or equivalent

(*iii*) one woman

(*iv*) one representative of labour

(*v*) 2 others.

(*c*) The Chairman and members of the Commission should be appointed by the Council of State on the nomination of the President ;

(*d*) Except for the military members who should be nominated by the military, the President should present five names for the post of Chairman and three names for each of the other posts to the Council of State ;

(*e*) The Chairman should be the chief executive and the accounting officer of the Commission ;

(*f*) Candidates for membership of the Commission :

(*i*) should be not less than fifty years (Chairman) or forty years of age (for other members) ;

(*ii*) should be persons of integrity ;

(*iii*) must not have been actively involved in partisan politics ;

(*iv*) should possess a level of education that will enable them perform their duties adequately and effectively.

(*v*) should have held positions of responsibility in the public or private sector.

(*g*) No one above the age of seventy should serve on the Commission.

(*h*) The tenure of office of the Chairman and members should be five years—in the first instance, renewable for another five years only.

(*i*) Chairman and members of the Commission may be removed by the Council of State only for cause.

(*j*) State Electoral Commissioners should be appointed by the Council of State on the recommendation of the National Commission on political Parties and Elections.

(*k*) The tenure and qualifications of the State Electoral Commissioners should be the same as those of the members of the National Commission on Political Parties and Elections.

(*l*) The Council should appoint its own staff including a secretary, a legal adviser, and an auditor.

ELECTIONS

8.061. (*a*) The National Commission on Political Parties and Elections should be charged with the responsibility of conducting all elections at the three levels of government.

(*b*) Elections for the posts of President/Vice-President and Governor/Deputy Governor should be conducted every five (5) years.

(*c*) Elections for the National and State Assemblies should be conducted every five (5) years.

(*d*) Elections to the Local Government Councils should be conducted every three years.

Office of the President

8.062.—(*a*) A candidate for the post of president should be deemed to have been elected if he obtains a simple majority of the total votes cast in the whole country, and not less than 25 per cent of the total votes cast in each of at least 230 (two hundred and thirty) of the existing three hundred and one Local Government Areas and the Federal Capital Territory (Abuja).

(*b*) If neither of the two contestants is able to meet the above requirements, then the National Commission on Political Parties and Elections should, within seven (7) days of the announcement of the results, convene an electoral college consisting of members of the National and State Assemblies. A candidate should be declared duly elected, if he wins a simple majority of the votes of the total number of members present and voting.

(*c*) The tenure of the President should be five (5) years. The President should not succeed himself in office.

Office of the Vice-President

8.063. The Vice-President should be deemed to have been elected, if the presidential candidate with whom he shares the electoral ticket fulfills the requirements for election as President. The Vice-President may contest for the post of the president at the end of his tenure as vice-president.

National Assembly

8.064. A candidate for membership of the National Assembly should be deemed to have been elected if he wins a simple majority of the votes cast in his constituency.

Office of State Governor

8.065.—(*a*) A candidate for the office of governor of a state should be deemed to have been elected, if he obtains a simple majority of the total votes cast throughout the state, and not less than 25 per cent of the total votes cast in each of at least two-thirds ($\frac{2}{3}$) of the local government areas in the state.

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(*b*) If neither of the two candidates satisfies the above condition, the National Commission on Political Parties and Elections should within seven (7) days of the announcement of the results of the election, convene an electoral college comprising members of the State Assembly and Local Government Councils. A candidate should be deemed to have been duly elected, if he obtains a simple majority of the votes of members of the Electoral College present and voting.

(*c*) The tenure of a state Governor should be five (5) years. The Governor should not succeed himself in office.

Office of a State Deputy Governor

8.066. The Deputy Governor should be deemed to have been elected, if the gubernatorial candidate with whom he shares the electoral ticket fulfills the requirements for election as Governor. The Deputy Governor may contest for the post of the governor at the end of his tenure as deputy governor.

State Assembly

8.067. A candidate for the state assembly should be deemed to have been elected if he wins a simple majority of the votes cast in his constituency.

Local Government Council

8.068.—(*a*) For electoral purposes into the Local Government Councils, each Local Government Council Area should be divided into between 10 and 15 electoral wards.

(*b*) To win election into the Local Government Council, a candidate should obtain a simple majority of the total votes cast in his ward.

(*c*) To be elected chairman of the Local Government Council, a candidate should obtain a simple majority of the total votes cast in the Local Government Council Area.

(*d*) The tenure of Chairman of Local Government Council should be three (3) years. The Chairman of a Local Government Council may succeed himself for another term of office only.

(*e*) To be elected a member of Local Government Council, a candidate should obtain a simple majority of the votes cast in his ward.

REFERENDUM AND RECALL

8.069. Popular democracy, a primary target of the new philosophy of government, requires responsible leadership and enlightened followership whose parameters we have attempted to establish in other parts of this Report. Beyond this, it also demands the institutionalisation of a culture of consultation and reciprocal control with regard to law-making and the use of power and privileges. It is for this purpose that we recommend the use of "REFERENDUM" and "RECALL" in the political process of Nigeria. These are two of the measures that we consider to be appropriate for the yearning of Nigerians who, during the debate, advocated responsive leadership and representation.

Referendum

8.070. One of the widely expressed views during the political debate was the need to increase popular influence and control over issues and policies which affect the life and destiny of the Nigerian people. It was strongly advocated that the popular will should be realised in government, and we are convinced that referendum is a useful instrument for realising such a goal.

8.071. Referendum laws require that certain categories of legislation or proposal may not become law without the approval of the electorate in direct vote. The kinds of measures that require popular consent vary from place to place. However, these measures often include constitutional amendments and major policies.

8.072. The history of referendum in this country is a rather short one. The Nigerian constitution makers and drafters, under civilian or military administration, never considered it necessary throughout our 26 years of political independence to prescribe the use of referendum for the settlement of knotty national issues, except in the case of state creation. In 1961, a plebiscite (referendum) was conducted at the instance of the United Nations to ascertain the views of the people living in the mandated areas as to which country they would like to belong, i.e. Nigeria or Cameroon. The second application of this principle of popular consultation was carried out in the process of excising the Mid-West Region from the West. To even conduct the referendum, both houses of the federal legislature had to pass it by two-thirds majority while the Houses of Assembly of the Regions had to assent to the request before an act enabling the government to create the Mid-West Region. This act had to be further ratified by the houses of assembly of at least two regions and approved by 60 per cent of the registered voters of the Mid-West—voting in a referendum organised for that purpose. The referendum was duly held and about 90 per cent supported the creation of the new Region.

8.073. We have endeavoured to use the above illustration in order to show the reluctance of the political leadership to grant the people the right to decide on very important issues. The reluctance is shown by the tactics of obtaining the support of two-thirds of the two federal legislative houses and then those of at least two legislatures in the Regions.

8.074. Both the Constitution Drafting Committee and the Constituent Assembly that prepared the 1979 Constitution restricted the application of the principle of popular consultation to the same issue of state creation as did the previous political class. Indeed, Section 8(I) of the 1979 Constitution stipulates much more cumbersome conditions for the conduct of a referendum. For instance, Section 8 (*i*) (*b*) calls for the approval of a demand by the people in a referendum by two-thirds majority of all the people of the area, and the result is to be approved by a simple majority of all the States of the Federation supported by a simple majority of the members of the Houses of Assembly. In other words, the section prescribes a referendum in which two-thirds majority of the total population approves the demand instead of the 1962 provision which required 60 per cent of registered voters. Lastly, Section 8 (I) (*d*) requires that the proposal for state creation arising from the referendum must be approved by a resolution passed by two-thirds majority of members of each House of the National Assembly.

8.075. The provisions cited above seem to underscore the unwillingness of the political class to allow certain decisions to be taken above their heads by the Nigerian public. We consider the provisions 8 (I) (*b*) and (*c*) of the 1979 Constitution to be both undemocratic and impractical. It is, indeed, impractical to demand a two-thirds majority of a total population in a referendum given the Nigerian population profile. The Nigerian voting population do not form two-third majority of the total population, even if all of them would vote in a referendum. It is also undemocratic to subject the decision of those with the popular sovereignty to the approval of a few exercising powers delegated to them by the former ; for this is what happens when the result of a referendum at which two-thirds majority of the total population is submitted to the Houses of Assembly for approval.

8.076. We recall that during the debate, some contributors pointed out the above flaws along with other defects in the 1979 Constitution. In their view, the final document, drafted by the Constitution Drafting Committee (CDC), approved by the Constituent Assembly and amended by the Supreme Military Council, should have been submitted for ratification by the Nigerian people in a referendum. That this did not happen, they argued, denied the Nigerian people of their right and undercut the legitimacy which the document should otherwise have enjoyed.

8.077. The summary of the foregoing argument is that, in an issue that is as important as the Constitution (the final law of the land), no one should have the power of final approval of the document except the people in whom the popular sovereignty resides. This position is strongly buttressed by the 1979 Constitution itself which declares that "We the people of the Federal Republic of Nigeria .... do hereby make, enact, and give to ourselves the following Constitution:"

8.078. Nothing in the process of the preparation of the document suggests that there was popular consultation on the acceptability or otherwise of the final draft. The CDC was a body of experts empanelled to draft the Constitution. Neither the appointing body nor the members themselves could claim representation of the people. The Constituent Assembly was a mixed bag. It had members undemocratically elected through an electoral college involving Local Government Council members who were themselves elected indirectly. In addition, the government appointed special members to represent special interests. Such a body could not claim to meaningfully represent the people of Nigeria. Finally, the Nigerian people's "consent" to be ruled by members of the armed forces of which the Supreme Military Council was the final authority could not be said to have been voluntarily and freely given by the people and, as such, the Supreme Military Council could not validly claim to be the people's representatives. But the Supreme Military Council amended the draft and ratified it and claimed to have done so on behalf of the people as suggested by the preamble to the 1979 Constitution.

8.079. The Bureau has given very serious consideration to all the issues raised above. We fully endorse the need for popular consulation. We would like to point out, however, that there is a difference between the nature of the 1979 Constitution and the political order being designed for the nation. The principal difference is that of fiat. We have made certain recommendations which, we believe, should be "imposed" or strictly implemented. The recommendations are based on our understanding of the yearnings of the Nigerian people with whom we consulted during the year-long exercise. We also believe, however, that popular consultation in the form of referendum should be entrenched as a mechanism for obtaining the mandate of the people on specific issues and ascertaining their views on major policies. Such issues and policies should include, among others:

(*a*) ratification of a new constitution

(*b*) major amendments to the constitution, affecting:

(*i*) new philosophy of government

(*ii*) creation of states

(*iii*) adoption of a national language or languages ; and

(*iv*) changes in the system and forms of government.

Recommendations

8.080. In view of the importance and necessity of referendum in a democratic polity as noted above, we recommend as follows:

(*a*) Popular consultation in the form of referendum should be entrenched in the Constitution.

(*b*) The issues to be decided in a referendum shall be those as listed above, and the National Assembly and the Executive should be empowered to expand the list if and when the need arises.

(*c*) Any constitution drafted on the basis of the Political Bureau's report should be submitted to a popular test, without prejudice to whatever drafting and consulting mechanisms the government might wish to adopt.

(*d*) Approval, through a referendum, should be deemed to have been obtained if not less than two-thirds majority of the votes cast are in support of the proposal.

(*e*) Results of the referendum, once ascertained by the competent authority (in this case the National Commission on Political Parties and Elections), should be final.

Recall

8.081. Along with referendum, there is need to institutionalise a system of recall so as to consolidate popular democracy. "Recall" requires that elected officials must vacate their seats even before their terms are up if a certain percentage of the voters demands it. It is one way of ensuring that elected officials who might do as they wish between regular elections are kept in reasonable check. The objective of this form of control is to make elected officials constantly

relate to the wishes and aspirations of the electorate. In other words, it is a way of getting the people's representatives to behave responsibly and, through that, secure the ends of government. The experiences of the past, especially the disenchantment of the electorate over "run-away legislators", widely cited during the political debate, underscore the need for a recall system.

8.082. The principle of recall is based on the belief that the Nigerian people have an idea as to the goals of nationhood and the objectives of representation. It is this idea or conception which determines the depth and extent of their faith in popular democracy and the nature of political judgment they form on the behaviour and performance of their elected representatives. The impeachment proceedings provided for in the 1979 Constitution with regard to the offices of president and governor are some kind of mechanism for making chief executives act responsibly. Legislators at the state and federal levels thus had the power and privilege of keeping the various chief executives "in line" while they, on the other hand, could do as they pleased without commensurate sanctions. Recall is designed to take care of this lapse.

8.083. Since recall is an instrument for deterring dishonourable behaviour by elected public officers, for preventing disillusionment by guaranteeing the people's control over those elected to serve them, and for awakening the sensitivity of both the electorate and the elected to public issues of common concern, it is essential that recall be used rarely and, indeed, only when it is absolutely necessary. For effectiveness, it must be devoid of mockery and frivolity.

Recommendations

8.084. To ensure reasonable and rational use of the RECALL machinery, we believe that the conditions for recourse to it should be streamlined. In this regard, we recommend that :

(*a*) Recall should be a recourse guaranteed to the Nigerian electorate and its essence and mechanics should be fully explained during the process of mobilisation.

(*b*) Recall should be applicable at the local, state and federal levels.

(*c*) Recall should be used in cases of misdemeanours considered to have fallen short of the minimum "good behaviour" required by the electorates of their elected officials.

(*d*) The process of Recall should be set in motion only after a petition of that effect shall have been duly signed by one-third of the registered voters within the relevant constituency while validation should be given to Recall only after it has secured a simple majority of votes cast to that effect.

(*e*) The National Commission on Political Parties and Elections should be empowered to handle the various procedures of Recall, including the resultant election(s).

2

Electoral Systems

David Butler

An electoral system is a means of translating the popular will into an elected assembly. But the "popular will" as expressed at one moment in time in a single mark on a ballot or at most a short list of preference orderings must be a blurred representation of all the complex and changing views on men and measures that coexist in a voter's mind. At their very best, elections are clumsy instruments of choice. In devising the rules for their conduct politicians have wobbled between a pragmatic acceptance of their necessary imperfections and a dream of pure fairness, of achieving a complete match between input—the voters' preferences—and output—the resultant legislature.

No two polities have come up with the same answer to the problems involved in democratic elections. In the petty details, such as the compilation of a register of voters, the timing of nominations, the arrangements for casting and counting votes, and the rules governing campaign practices and election expenses, every country has its own laws; and on the larger question, the mathematical devices for linking votes cast with seats won, there is an extraordinary variety of answers. The Parliament of the European Community is currently committed to producing a scheme under which its next election, due in 1984, can be conducted on a common system in all its member countries. But nothing is more certain than that any harmonization will be on a very limited scale, simply because the national customs surrounding elections are so deeply engrained. Bureaucratic and social traditions would make the standardization of the laws governing the franchise and registration, or behavior in campaigns and on polling day, almost impossible, at least in the short run; it is only at the level of the most general principles that consensus and common action could be agreed.

To make this point is to underline the impossibility of covering in this chapter the infinite diversity of electoral systems, in terms of

either legal form or actual working.[1] But there is no reason to be defeatist; useful generalizations can be offered on the basis of a limited number of examples. Indeed there are few aspects of the political process that lend themselves more readily to comparative treatment (let alone to quantitative treatment). In dealing with elections countries have been very imitative, as the contagious movement across national frontiers of the secret ballot, women's suffrage, and proportional representation has shown.

But there has always been an ethnocentric element in this copying. The English-speaking world followed different traditions from Continental Europe. It is not just that the simplicities of the first past-the-post system tended to survive in countries once ruled by Britain while the rest of the democratic world turned to proportional representation. It is also notable that countries which have wanted to keep single-member constituencies but to diminish the arbitrariness of the system have looked to the alternative vote in the English-speaking world, but elsewhere to the second ballot. Advocates of greater "fairness" have turned to the single transferable vote in the English-speaking world, but elsewhere to list systems of proportional representation.

An electoral system cannot be understood in isolation from the political system of which it is part. Some of the countries with the most similar voting arrangements have the most different politics. But in details of electoral rules the range is extraordinary. Other chapters in this book deal with essentials such as candidate selection, campaign finance, media access, and participation. But that is far from exhausting the catalog of comparative themes. The laws governing fair play in campaigning and in balloting, the restraints on parties and on candidates, and the locus of responsibility for electoral administration are all matters that have been solved in different ways in different countries. Furthermore, the mere size of a legislature and the frequency of its reelection are questions that have no magic answer. Aristotle and John Stuart Mill were willing to tackle them as general problems open to general answers, but the less theoretical institutionalists of the twentieth century have been more cautious.

[1] This chapter focuses on elections to the lower or larger legislative body and not on elections to the upper chamber (which may be chosen by a similar or a different popular vote, may be elected by the lower chamber, may be nominated by the executive, may be partially hereditary, or may be nonexistent). Only in the United States, where the two houses have a similar first-past-the-post basis, is the upper chamber as important as the lower chamber. From the point of view of electoral systems, Australia provides the most interesting case study. Its Senate is chosen by the single transferable vote in contrast to the single member-district system of the lower house: on the whole, when House and Senate elections coincide, people vote identically, and there has been no instance in thirty years of enough voters defying the recommended order of candidates on their party's list for it to be upset. For the situation in other countries, see table 2-1.

This chapter also ignores presidential elections, which in the United States and perhaps in France, Finland, and Portugal are the most important democratic contest. (In almost all the other countries in our twenty-eight which have a president—eleven are monarchies—it is the legislature which chooses the president, who is largely a figurehead.) And it ignores the special problems of some federal systems where the rules on the franchise, party structure, and polling day arrangements vary substantially between component states, the extreme example being the elections to the European Assembly in June 1979.

The Ground Rules

In the early evolution of most electoral systems, the franchise provoked most controversy. Class was the first subject of dispute: the idea of "one man, one vote" was once wildly radical; the masses could not be trusted with power—especially those in "inferior races"; at the very least, their votes must be offset by special representation for property or education. But as one nation after another showed that bourgeois control was not seriously threatened by a working-class electorate, the franchise argument turned to female suffrage. Even wilder illusions flourished about the consequences of women's voting, until they actually voted and behaved much as their menfolk did, showing no special preference for women or for handsome or frivolous men. The last franchise argument has been over age: only in the last two decades have the democratic nations settled down to a consensus on eighteen.

Associated with the broad problem of the franchise are those detailed questions of electoral registration and absentee voting. The right to vote is not enough: the administrative procedures must be adequate for its exercise. Blacks in the southern United States were for a long time denied the benefit of the Fourteenth Amendment by the action of local officials or by other pressures. But even apart from extreme cases like this, countries vary widely in the provision they make for absentee voting and in the extent to which their electoral lists are in fact coterminous with the eligible population. The development of equitable registration procedures was one of the essential elements in the development of elections.

Another battle in the evolution of electoral systems has been over the drawing of boundaries. Except where there is a single nationwide constituency, this may have a vital influence on the outcome. In proportional systems the problem is much less serious than in those with single-member seats. But in any country where there is a regional or local basis for representation, population movements inevitably render obsolete boundaries that may once have been fair, delimiting equal electorates. In general, the drift to the towns and then out to suburbs,

has meant that first country districts and later inner cities have become overrepresented while developing areas have become underrepresented. But the biases arising from such inevitable demographic trends have often been compounded by a deliberate policy of representing space rather than numbers—a rural loading enshrined in law or custom. In Australia until 1974 there was an explicit instruction to those drawing boundaries to give rural seats 20 percent fewer electors than urban ones—and a 10 percent loading still survives. In the United States until the *Baker v. Carr* judgment of 1962, many states deliberately overrepresented country areas. In Britain the boundary commissioners, while instructed to make constituencies as nearly equal as possible, are also told to allow for special geographical difficulties—and the two island constituencies off Scotland have electorates barely a third of the mainland average.

But even equal-sized constituencies may be "unfair," deliberately or accidentally. The gerrymandering of boundaries so that one party gets most of its seats by small margins while its rival wastes votes, piling up huge majorities in carefully designed constituencies, has been known in most parts of the world. It has been checked by the institution of neutral boundary commissioners and by increased insistence, often by the courts, on equality of numbers and other criteria of fairness.

But a party in power may still escape the losses threatened by a redrawing of boundaries by delaying action. In the United States, House seats are automatically reallocated between states every ten years, but until the 1960s state legislatures sometimes delayed the redrawing of boundaries. In Britain in 1969 the Labour government refused to give effect to a routine but disadvantageous redistribution on the ostensible ground that local government was shortly to be reorganized and that parliamentary and local boundaries should coincide.

Most countries set a limit to the life of constituency boundaries—ranging from five years in Australia and New Zealand to fifteen years in Britain. France is the only major country with single-member seats that has no statutory timetable for redistribution.

Another essential element in democratic evolution was the establishment of the secret ballot and the formulation of acceptable rules for the conduct of the polling and the counting of votes. Democratic elections demand popular acceptance. If the voters do not feel that the candidates have had a fair chance to put their case and that votes have been cast freely and counted honestly, the legislature or the government that results can hardly trade on its legitimacy. Each country has devised rules to prevent intimidation, corruption, and ballot fraud. Technical safeguards have checked abuses. But fair elections depend much more on a nation's general ethos than on any enforceable regulations. No country, for example, has developed rules or customs that remove all the advantages that go with being in power, but the campaigning benefits of incumbency for governments and for individual legislators vary widely.

To reiterate this is to stress that the mathematical side of an electoral system is not the whole story. Electoral reformers have too often emphasized arithmetic at the expense of politics. Democratic elections are in practice a matter of party competition. The electoral system may determine the number of parties—and to some extent their coherence and their structure—but many of the essential characteristics of the competing parties have nothing to do with the electoral system; they spring from a country's history and its economic and social structure. The system can make an enormous difference—but not so much as the spirit in which the democratic process is carried on. Yet the main purpose of this chapter must be to discuss the relation of votes and seats, the way in which the marks on the ballot paper are transmuted into the choice of persons.

Translating Votes into Seats

Electoral systems are seldom the stuff of campaign debate. For most of the time most people accept as fixed the rules under which they record their democratic choice. In hardly any of the elections examined in the *At the Polls* series is there serious discussion of a change in the voting system (except in a passing reference to the well-ventilated grievance of the Liberal party in Britain). Yet in every country the political outcome of the election is the product of specific rules—and in almost every country the rules have been subject to repeated modification.

The principal characteristics of the electoral system in each of the twenty-eight democratic countries we are considering in this book are shown in table 2-1. The data in the table suggest that all systems fall into a continuum that runs from a simple first-past-the-post system, based on single-member constituencies, to a purely proportional one with a national list. Before touching on the variants that lie between these poles, let us look briefly at the prime examples of the extreme cases.

Britain (or New Zealand) could be taken as the archetype of majoritarian voting; it certainly illustrates the strong appeal that the simplicity of the first-past-the-post system can have. Single-member constituencies return individual members of Parliament with a con-

TABLE 2.1
ELECTORAL SYSTEMS IN TWENTY-EIGHT DEMOCRATIC COUNTRIES

Country	Electoral System, Lower House[a]	Number of Seats	Number of Constituencies	Year Present Electoral System Adopted[b]	Maximum Years between Elections	Year Women's Suffrage Adopted	Maximum Interval between Redistricting[c]	Venue for Disputes[d]	Other Elections[e]		Most Recent Election		
									Upper house	Head of state	Year	Seats won, by party	
Australia	AV	121	121	1918	3	1902	10 years	high court	STV	app.	1977	Lib.	67
												NCP	19
												ALP	38
Austria	PR	183	9	1919	4	1919	set	const. court	ind. elec.	pop. elec.	1979	Soc.	95
												People's	77
												Lib.	11
Belgium	PR	212	30	1899	4	1948	10 years	leg.	mix.	her.	1978	CS	82
												Soc.	58
												Lib.	37
												other	35
Canada	FPTP	282	264	1976	5	1920	10 years	leg.	app.	app.	1980	Lib.	147
												Con.	103
												NDP	32
Colombia	PR	199	26	1968	4	1957	set	elect. court	PR	pop. elec.	1978	Lib.	109
												Con.	86
												other	4
Denmark	PR	175	17	1920	4	1915	set	leg.	none	her.	1977	S. Dem.	65
												Prog.	26
												Lib.	21
												Con.	15
												other	48
Dominican Republic	PR	91	27	1966	4	1954	set	cent. elect. board	PR	pop. elec.	1978	DRP	49
												Ref'm.	42
Finland	PR	199	15	1906	4	1906	set	sup. court	none	pop. elec.	1979	S. Dem.	52
												Con.	47
												Cent.	36
												Comm.	35
												other	29
France	2nd ballot	491	491	1958	5	1944	none	const. court	ind. elec.	pop. elec.	1978[f]	RPF	154
												UDF	123
												Soc.	115
												Comm.	86
												other	13
West Germany	PR & FPTP	496	248	1949	4	1919	each elec	fed. court	ind. elec.	leg. elec.	1980	CDU/CSU	226
												SPD	218
												FDP	53
												[illegible]	[illegible]

TABLE 2–1 (continued)

Country	Electoral System, Lower House[a]	Number of Seats	Number of Constituencies	Year Present Electoral System Adopted[b]	Maximum Years between Elections	Year Women's Suffrage Adopted	Maximum Interval between Redistricting[c]	Venue for Disputes[d]	Other Elections[e]		Most Recent Election		
									Upper house	Head of state	Year	Seats won, by party	
Greece	PR	300	56	1975	4	1952	none	spec. court	ind. elec.	leg. elec.	1977	ND	173
												PASOK	92
												UDC	15
												other	20
India	FPTP	544	542	1950	5	1919	10 years	elect. tribs.	ind. elec.	leg. elec.	1980	Cong. I	351
												Janata	31
												Lok Dal	41
												Comm. I	11
												Comm. M	35
												other	56
Ireland	STV	148	42	1920	5	1918	12 years	high court	ind. elec.	leg. elec.	1976	FF	84
												FG	43
												Lab.	17
												other	4
Israel	PR	120	1	1948	4	1948	sing. dist.	leg.	none	leg. elec.	1977	Likud	43
												Lab.	32
												DMC	15
												Rel.	12
												other	18
Italy	PR	630	32	1946	5	1946	set	spec. council	PR	leg. elec.	1979	CD	262
												Comm.	201
												Soc.	62
												other	105
Japan	[f]	511	130	1947	4	1946	set	high court	mix.	her.	1980	Lib. Dem.	284
												Jap. Soc.	107
												Komeito	33
												Jap. Comm.	29
												Dem. Soc.	32
												other	26
Netherlands	PR	150	1	1918	4	1922	sing. dist.	leg.	ind. elec.	her.	1977	Soc.	53
												CD	49
												Lib.	28
												other	20
New Zealand	FPTP	92	92	1852	3	1893	5 years	elect. court	none	app.	1978	Nat.	50
												Labor	41
												SC	1

(Table continues)

TABLE 2.1 (continued)

Country	Electoral System, Lower House[a]	Number of Seats	Number of Constituencies	Year Present Electoral System Adopted[b]	Maximum Years between Elections	Year Women's Suffrage Adopted	Maximum Interval between Redistricting[c]	Venue for Disputes[d]	Other Elections[e] Upper house	Other Elections[e] Head of state	Most Recent Election Year	Most Recent Election Seats won, by party	
Norway	PR	155	20	1921	1	1909	set	leg.	ind. elec.	her.	1977	Lab.	76
												Con.	41
												CP	22
												Cent.	12
												other	4
Portugal	PR	250	22	1976	4	1975	set	common courts	none	pop. elec.	1979	Dem.	128
												Soc.	74
												Comm.	47
												other	1
Spain	PR	350	52	1977	4	1977	set	cent. elect. board	PR	her.	1979	CD	168
												Soc.	121
												Comm.	23
												other	38
Sri Lanka	PR	168	24	1978	6	1949	set	spec. court	none	pop. elec.	1977	UNP	139
												Tamil	17
												other[f]	12
Sweden	PR	349	28	1909	4	1918	set	spec. board	none	her.	1979	S. Dem.	152
												Cent.	86
												Con.	55
												Lib.	39
												Comm.	17
Switzerland	PR	200	25	1919	4	1971	set	fed. trib.	PR	leg. elec.	1979	S. Dem.	55
												Rad.	47
												CD	46
												Sw. People's	21
												other	31
Turkey	PR	450	67	1961	4	1934	set	spec. council	mostly PR	leg. elec.	1977	RPP	214
												Justice	189
												Nat. Salv.	24
												other	23
United Kingdom	FPTP	635	635	13th cent.	5	1918	15 years	courts	her. & app.	her.	1979	Cons.	339
												Lab.	269
												Lib.	11
												other	16

(Table continues)

TABLE 2.1 (continued)

Country	Electoral System, Lower House[a]	Number of Seats	Number of Constituencies	Year Present Electoral System Adopted[b]	Maximum Years between Elections	Year Women's Suffrage Adopted	Maximum Interval between Redistricting[c]	Venue for Disputes[d]	Other Elections[e] Upper house	Other Elections[e] Head of state	Most Recent Election Year	Most Recent Election Seats won, by party	
United States	FPTP	435	435	1788	2	1919	10 years	leg.	FPTP	pop. elec.	1978	Dem.	276
												Rep.	159
Venezuela	PR	199	23	1958	5	1946	set	sup. court	PR	pop. elec.	1978	COPEI	86
												AD	86
												other	27

AV, alternative vote; PR, proportional representation; FPTP, first past the post; STV, single transferable vote.

[b] The dates entered in this column indicate when the basic rules currently in force for relating votes to seats in national elections were adopted. Many of the countries listed held democratic elections before this date; many have altered aspects of their electoral systems since; and in some, democratic rule has not been continuous. In countries where democratic government has been interrupted by a period of authoritarian rule or foreign occupation and a new constitution has been adopted since the restoration of democracy, the date of the present constitution is given, even where it reinstituted an electoral system previously used in the country (this is the case, notably, for France, Greece, Spain, and Venezuela).

[c] "Set," borders set; "each elec.," redistricting required for each election; "sing. dist.," single national district.

[d] "Const. court," constitutional court; "leg.," legislature; "elect. court," electoral court; "cent. elect. board," central electoral board; "sup. court," supreme court; "fed. court," federal court; "spec. court," special court; "elect. tribs.," election tribunals.

[e] STV, single transferable vote; "app.," appointed; "ind. elec.," indirect election; "pop. elec.," popular election; "her.," hereditary; "mix.," mixed selection system; PR, proportional representation; "leg. elec.," elected by legislature; FPTP, first past the post.

[f] Multimember plurality, limited vote (used only in Japan).

scious local attachment; although the attachment may mean more to the member than to his constituents, it does guarantee that localities have their own identifiable spokesmen at the center. But the main virtues cited for the system are national ones: it usually gives clear decisions and it forces parties to be broad-based. First-past-the-post voting fosters strong parties and discourages weak ones; two parties are likely to predominate, and whichever gets a plurality in votes usually gets a clear majority in seats. Elections therefore choose governments. A single party, with a majority in the legislature, rules for a parliamentary term at the end of which it can be reendorsed or thrown out of power. The voters are sovereign, selecting not an "electoral college" out of which a coalition or a series of coalitions will emerge but a government which can be held responsible for its actions at the next election. Parties seeking to get and to retain something near to half the national vote have to be tolerant and to keep their appeal within the middle-of-the-road consensus. The way in which a small shift in votes is translated into a much larger shift in seats means that those in power have to be very sensitive to public opinion, as their backbenchers with marginal seats will always remind them. A trifling net movement between the main parties can produce a decisive switch in the balance of power, as Britain learned in 1951 and 1974.

Of course, British history also supplies instances of the anomalies that the first-past-the-post system can produce, and there are plenty of other examples, notably in Canada and South Africa, of its capriciousness. It does not always yield clear majorities. Most votes does not always mean most seats. Furthermore, alternation between single-party governments is not necessarily more conducive to the good of the country than the continuous compromises seen in countries whose electoral systems ensure that there will never be a clear majority.

The Netherlands (or Israel) could be taken as the archetype of proportional representation. The country is one constituency. The voters choose between any parties that put forward candidates, and seats are allocated in exact proportion to votes. With a 150-member parliament it is only necessary to get 0.67 percent of the national vote to secure one seat. The system is totally free from the statistical quirks that bedevil most proportional arrangements, let alone the anomalies of first past the post. The price of its "fairness" can be seen in the prolonged crises that regularly occur over the formation of governments. Up to six months has been spent after an election in bargaining about the composition of the coalition. The parties, and the individual politicians, assured by the electoral system of continued representation, fight doggedly to translate their share of the vote into the maximum share of power—in terms both of offices and of policies. The Dutch arrangements led to a proliferation of parties (in 1971, twenty-eight parties presented lists and fourteen secured seats). But

this tendency should be kept in perspective: in 1977 four parties shared 138 of the 150 seats, while four of the other seven parties had only a single seat each.

Both the British and the Dutch systems are well entrenched in their own countries, but they have their domestic critics. In the Netherlands reforming efforts have, on the whole, focused on demands for a slightly higher threshold than 0.67 percent to secure a seat. In Britain the grievances of the Liberals and other small parties have meant that proposals to change the voting system have always excited some discussion; this increased sharply after 1974, partly because, while the Liberal votes rose to almost 20 percent, the party got only 2 percent of the seats, but also because disillusion had grown about the violent oscillations of policy that went with the alternation of single-party governments. Change was unlikely: those in a position to reform the law are usually reluctant to condemn a system that gave them power. Moreover, there is no consensus on a better alternative.

In Anglo-Saxon countries, even those with very strong party structures, there has been a reluctance to accept the central-party dominance over candidate selection that goes with list systems of proportional representation. But the single-transferable-vote system is seen as complex and, possibly, as a threat to party discipline (though it has not worked out that way in the Australian Senate or the Irish Dáil). The additional member system, insofar as it is understood, seems to involve party lists. Disagreement on alternatives offers a sturdy buttress for the status quo. The most modest of proposed changes, the alternative vote, does preserve the small single-member seat, but, though it is likely to favor a third party in the center, it offers no guarantee of greater proportionality. (It has made remarkably little difference in the Australian lower house.)

In between the British and Dutch extremes, there is a wide range of possibilities. Most of them produce results nearer to the Dutch than the British model. Italy, Germany, and the Scandinavian countries have systems guaranteeing that the proportion of seats will be very close to the proportion of votes—though in Germany and Sweden, very small parties may be excluded. But the United States, India, and Canada follow the British majoritarian pattern, with its propensity to give the largest party an exaggerated share of seats—and minor parties almost none. Fifth Republic France with the second ballot and Australia with the alternative vote have systems that are nearer the majoritarian than the proportional end of the scale. But in twenty out of our twenty-eight countries the arrangements are essentially proportional. Ireland stands in a unique middle position. It uses the single transferable vote—in theory a very pure form of PR—but its constituencies are so small, returning on average only [illegible]

members each, that its results can be capricious (in 1969 Fianna Fáil, with 45.7 percent of the vote, won, getting 51.7 percent of the seats, while in 1973, with 46.2 percent of the vote, it lost, getting 47.6 percent of the seats).

One essential key to judging proportional systems is the threshold which must be crossed for representation to be achieved or increased. The most common threshold is constituency size. Seats cannot be divided: so (even in the single-constituency, 150-member Dutch parliament) a party needs 1/150 of the vote to secure any representation. In Norway most constituencies have from ten to sixteen members; so a party usually needs a minimum of 6 percent of the vote in a region to secure any representation. In Ireland most constituencies have three or four members, which implies a threshold of 25 percent or 20 percent. In Italy, Germany, and Sweden there are reserve seats allotted nationally in order to make the results proportional, but in Germany a party can only qualify for these seats if it secures 5 percent of the national poll (or, which is harder, if it wins three local contests), while in Sweden there is a 4 percent threshold.

At the other extreme, proportional systems have been qualified by bonuses for the more successful parties. In Fourth Republic France in 1951 and 1956, an *apparentement* device allowed a group of allied parties to scoop up all the seats in a constituency if, together, they secured over 50 percent of the vote. In Italy in 1953 there was provision for a national bonus so that if an *apparentement* got 50 percent of the national vote it would get 66 percent of the seats (the *apparentement* just failed to reach 50 percent and the scheme was subsequently repealed).

Within established PR systems finer points of vote counting can make a difference to the allocation of seats. The largest-average method of awarding seats to votes is the simplest; but it favors the larger parties at the expense of the smaller. The d'Hondt formula, which somewhat modifies this tendency, has been more widely used. But in Denmark, Norway, and Sweden a version of the more exactly proportional Sainte-Laguë method is used. Much argument has been expended over the merits of PR systems. Politically the differences in the results are not very great; the Netherlands and Israel aside, no system is totally fair to the smaller parties, and no system diverges very far from proportionality for the major contenders. However, in the delicate business of coalition forming, the presence of one or two more minor party members or the reallocation of a single seat away from a major party can, of course, make a crucial difference.

Measures of imperfection have been drawn up by Rein Taagepera, Douglas Rae, and Arend Lijphart, among others. Taagepera shows [illegible]

underrepresented, varies from 2 percent of the vote in Denmark and Sweden to 18 percent in Ireland and Belgium and, in the non-PR systems, from 20 percent in France to 34 percent in Britain.[2]

The Effects of Electoral Systems

But it would be wrong to focus too much on the problems of proportionality and fairness. All electoral arrangements have a long-term effect on electoral behavior and on party behavior. The whole political system is colored by the electoral system, for the electoral system conditions the number of parties and the continuity of governments. It shapes individual career structures and it influences the internal cohesion and discipline of parties and the general stability of the party structure. The change from proportional representation to the second ballot is one of the larger factors (though far from the only one) explaining the difference between the Fourth and Fifth Republics. The chance consequences of the 5 percent threshold have had a prodigious effect on the history of Germany in the 1960s and 1970s. The interwar history of Britain would have been very different if the House of Commons had overruled the House of Lords on the alternative vote in 1918. The acceptance of proportional representation at the turn of the century saved the Center parties in Scandinavia and the Low Countries. And the different degrees of headquarters control over national and regional lists explain many of the differences in the behavior patterns of individual politicians.

Fear of the next election is a constant of politics. In all democracies, elections offer the final sanction against governments. But the sanction is very different in Britain or Australia, where the switch of one or two voters in every hundred can make the difference between full power and impotent opposition, and in the Netherlands or Denmark, where no party can hope for a clear-cut victory and the overwhelming majority of legislators know their election is secure.

Elections can be seen as an opportunity for an ideological census, a declaration of the voters' fundamental position on the left-right spectrum. If that is the goal, there is everything to be said for perfect proportionality: the legislature, like an opinion poll, must be an honest reflection of the views of the masses. Alternatively, elections can be seen as devices to choose viable governments and give them legitimacy. A clear answer may be better for the country than a

[2] See Rein Taagepera, "Proportionality Profiles of West European Elections" (Paper read at the annual meeting of the American Political Science Association, 1979, in Washington, D.C.); Douglas Rae, *The Political Consequences of Electoral Laws* (New Haven: Yale University Press, 1967); and Arend Lijphart and R. Gibberd, "Threshold and Payoffs in List Systems of PR," *European Journal of Political Research* (1977), pp. 219-44.

mathematically exact one. The conflicting appeals of fairness and of practicality have been apparent in every debate on electoral systems. The pressure toward equity has won out almost everywhere outside the English-speaking world in the acceptance of proportional representation. But pragmatic considerations have qualified the proportional triumph: the thresholds built into most proportional systems imply a recognition that too many parties may make for bad government. A legislature that is a perfect mirror of what the electorate felt on one particular polling day may not be as satisfactory a basis for effective government as one that offers a cruder but more decisive reflection of majority trends.

Glossary

Additional member system. This is exemplified by the proportional system used in Germany. Half the members are elected by first-past-the-post voting in single-member constituencies. The other half are allocated to party lists in such a way that the seats in the full assembly are proportionate to the votes cast in the country as a whole (subject to certain threshold rules).

Alternative vote. This refers to the use of preferential voting within single-member constituencies. For the Australian lower house, for example, every elector is required to number all the candidates in order of preference; the candidate with fewest first preferences is eliminated and the second preferences are counted instead; and the process continues until one candidate has a clear majority.

Apparentement. A provision in a list system of voting by which separate parties can declare themselves linked for the purposes of vote counting and seat allocation (France 1951, 1956, Italy 1953).

Constituency. This is the most common term for the geographic areas into which a country is divided for electoral purposes. A constituency may send one or several members to the legislature. Other terms include district (U.S.A.), riding (Canada), *circonscription* (France), electorate (Australia and New Zealand), and division (U.K.).

Cube law. A formula which has been used to describe the way in which first-past-the-post systems exaggerate majorities in votes into much greater majorities in seats. If votes are divided in the ratio A:B, seats are likely to be divided in the ratio A^3:B^3.

Cumulative voting. A rarely used system of voting in a multimember constituency in which electors can cast more than one of their votes for a single candidate.

D'Hondt system. The formula used in most list systems of proportional representation to allocate seats. It is also known as the highest-average system. Briefly, it ensures that in a constituency no reallocation of seats would reduce discrepancies in the shares of the vote received by the winners.

Droop quota. The formula used in most single-transferable-vote systems to allocate seats. It can be stated [votes/(seats + 1)] + 1.

First past the post (FPTP) system. This, the oldest kind of voting arrangement, still predominates in English-speaking countries. It usually involves single-member districts. Each elector has one vote, and the candidate who gets most votes wins, even if he does not secure an absolute majority. This is also known as the relative majority or plurality system.

Gerrymandering. The drawing of constituency boundaries deliberately to secure party advantage.

Largest remainder system. The formula for allocating seats in list systems that is most favorable to smaller parties. After one seat has been distributed for every full quota (the quota being derived simply by dividing votes by seats), any remaining seats are allocated in turn to the parties with the largest residues.

Limited vote. A system of voting in multimember constituencies with a majoritarian system in which electors have fewer votes than there are seats to fill (now used only in Japan; tried in a few U.K. constituencies 1868–1880).

Panachage. A provision in a list system of proportional representation in which the elector is given the opportunity to vary the order of candidates on his party's list.

Preferential voting. A system of voting in which the elector expresses a rank order of preference between candidates. The alternative vote and the single transferable vote are systems of preferential voting.

Proportional representation (PR). This is a generic term for all the systems of election which seek, by multimember seats or reserve lists, to relate seats to votes more proportionately than is possible under a single-member-constituency system.

Redistribution. The British term for two processes distinguished in American usage: "redistricting," the redrawing of constituency boundaries, and "reapportionment," the reallocation of seats among constituencies.

Sainte-Laguë system. A formula used to allocate seats in some Scandinavian list systems of proportional representation. The use of a divisor larger than the number of seats available ensures a more proportional result than the d'Hondt system.

Second ballot. This refers to the system used in Third and Fifth Republic France, under which, in a single-member-constituency system, there is a second vote a week after the first one if no candidate has an absolute majority. It is analogous to the runoff arrangements in some American primary elections. It is sometimes known as the exhaustive ballot.

Single transferable vote (STV). This refers to the use of preferential voting in multimember constituencies. It is used in the Irish Dáil and the Australian Senate. Electors are asked to number the candidates in order of preference. Any votes surplus to a Droop quota are reallocated according to second preferences. Then the bottom candidates are successively eliminated and their preferences redistributed until all the seats are filled.

Threshold. A minimum condition for securing representation. This device limits purely proportional results, for example, by distributing seats only to parties securing a minimum of 5 percent of the vote (as in Germany) or by having constituencies with so few members that a party needs a substantial vote to have any chance of securing a seat (as in Ireland).

Bibliography

Duverger, Maurice. *Political Parties.* Translated by Barbara and Robert North. New York: Wiley, 1954.

Finer, S. E., ed. *Adversary Politics and Electoral Reform.* London: Wigram, 1975.

Haman, V. *Parliaments of the World.* London: Macmillan, 1976.

Hand, G. J.; Georgel, J.; and Sasse, C. *European Electoral Systems Handbook.* London: Butterworth, 1979.

Lakeman, Enid. *How Democracies Vote.* 3d ed. London: Faber, 1970.

Lijphart, A., and Gibberd, R. W. "Thresholds and Payoffs in List Systems of P.R." *European Journal of Political Research* 5:210–44.

Mackenzie, W. J. M. *Free Elections.* London: Allen & Unwin, 1958.

Milnor, A. J. *Elections and Political Stability.* Boston: Little, Brown, 1969.

Rae, Douglas. *The Political Consequences of Electoral Laws.* New Haven: Yale University Press, 1967.

Rokkan, S. "Elections: Electoral Systems." In *International Encyclopaedia of the Social Sciences,* 1968.

Rokkan, S., and Meyriat, J. *International Guide to Election Statistics.* The Hague: Mouton, 1969.

Taagepera, R. "Proportionality Profiles of West European Electorates." Paper read at the Annual Meeting of the American Political Science Association, 1979, in Washington, D.C.

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& Richard Rose

The International Almanac of Electoral History

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Appendix

THE MECHANICS OF ELECTORAL SYSTEMS

The conversion of votes cast in a parliamentary election into seats in a legislature involves a number of related but distinct stages; at each stage choices can be made between different ways of accomplishing this end (Rose, 1983). Electoral systems can conveniently be divided into two major categories. *Majority* systems award a seat to the candidate who gets the most votes in a given constituency, whether a plurality of votes or an absolute majority, that is, one vote more than half of the total. *Proportional representation* (PR) systems attempt to allocate seats in proportion to votes. There is more than one form of proportional representation; it is the most frequently used method in Western nations today.

In plurality systems (often known as 'first past the post') the candidate with the largest number of votes wins, even if this is less than an absolute majority. In a single-member constituency, electors have one vote. In multi-member constituencies, electors usually have as many votes as there are seats and candidates are ranked in order of the number of votes until all the seats in the constituency have been filled.

Variants of the plurality system have been employed in order to assist in the representation of minorities in multi-member constituencies. The limited vote, used in Spain and Portugal in the 19th and early 20th centuries and in 13 United Kingdom constituencies between 1868 and 1880, restricts the number of votes an elector may cast to less than the total number of seats in a multi-member constituency. The single non transferable vote, used in Japan today, is a version of the limited vote; the elector may cast only one vote regardless of the number of seats in the constituency (Lijphart et al., 1986).

The alternative vote, used in elections to the Australian House of Representatives since 1918, ensures that the winning candidate has an absolute majority. An absolute majority may be obtained on the first count, but with three or more candidates this is by no means certain. Hence each elector is required to rank alternative candidates in order of preference 1, 2, 3 etc. If no majority is secured on the first count the candidate with the lowest number of votes is eliminated and his or her second preferences distributed among the remaining candidates. If this does not produce an absolute majority, then the next lowest candidate is eliminated and his or her second preferences distributed and so on until an absolute majority is secured (Wright, 1986).

The two-ballot system, widely used in continental European countries in the 19th century and in the French Third and Fifth Republics, is a variant on the

alternative vote (Fisichella, 1984). Instead of voters marking their preference in order at a single point in time two ballots may be held. If no candidate wins an absolute majority on the first ballot a second vote takes place. A majority at the second ballot may be guaranteed by eliminating all but the two leading first round contenders (as in Imperial Germany or the presidential elections of the French Fifth Republic). If more than two candidates are allowed to survive in the second round, a plurality can suffice for victory, as in the legislative elections of the Third or Fifth Republic. In France today, a candidate's first round vote must amount to at least 12.5 per cent of the total electorate in order to proceed to the second round. In Third Republic France there were no restrictions on proceeding to the second round, and candidates could enter the second round even if they did not contest the first.

Proportional representation systems are designed to ensure a high degree of correspondence between a party's share of the popular vote and its share of seats in the legislature. Whereas plurality systems may operate with either single or multi-member constituencies, PR must employ multi member constituencies so that seats can be shared amongst the parties. In a single-member constituency, the candidate with the most votes wins and there is no representation for those favouring other candidates. That is the consequence of the election of a single individual to a unique office, such as a President.

In PR systems the initial step in allocating seats is the identification of the quota of votes required to win a seat. In the simplest method of calculating a quota (often known as the *Hare* quota), the total number of valid votes is divided by the number of seats to be allocated. Three alternatives are the *Hagenbach-Bischoff* quota, in which the number of votes is divided by the number of seats plus one; the *Droop* quota, in which the number of votes is divided by the number of seats plus one and adding one to the quotient, and the *Imperiali* quota, used in Italy, where the number of votes is divided by the number of seats plus two. Thus, in a constituency with 60,000 votes and five seats, the respective quotas would be: Hare 12,000; Hagenbach-Bischoff 10,000; Droop 10,001; Imperiali 8,572.

After the electoral quota for a constituency has been determined, the next step is to allocate the seats between the parties. Three major systems are in use.

(i) *Largest remainder*. The vote for each party is divided by the electoral quota. A seat is awarded to each party for each bloc of votes equal to a quota. Smaller parties that have not been awarded any seat will have all their votes counted as a remainder, and a party that has won seats will have a remainder that is short of a full quota. There may also be seats remaining unallocated on the basis of requiring the winner to have a full quota. These seats are then allocated in strict sequence to the parties with the largest remainders. This system enables a small party to win a seat in a constituency, even if its share of the vote is less than a quota, provided that its initial vote is more than the remainder of parties that have already won a seat.

In the example in Table 1 (adapted from Mackenzie, 1956: 77-79), 24,000 valid votes have been cast in a five member constituency. The Hare quota is therefore 24,000/5 = 4,800. In the first stage parties A, B and C each secure a seat, but party D does not because its total vote is less than the quota. Two seats remain to be

allocated at the second stage. One quota is subtracted from the votes cast for parties A, B and C, because they have each won a seat; party D's vote remains unchanged. Since Party A has the largest remainder and party D the second largest remainder they are awarded the two remaining seats.

Table 1: DISTRIBUTION OF SEATS BY THE LARGEST REMAINDER SYSTEM

Party	First Round Votes	Hare Quota	Seats	Second Round Remainder	Seats	Total Seats
A	8,700	4,800	1	3,900	1	2
B	6,800	4,800	1	2,000	0	1
C	5,200	4,800	1	400	0	1
D	3,300	-	0	3,300	1	1
Total	24,000					5

(ii) *Highest average system (d'Hondt version)*. In a series of rounds, each party's vote is divided by the number of seats it has been allocated in the first round quota plus one, then two, and so on. The remaining seats are allocated in turn to the party which has the highest average vote in each of these divisions. Table 2 considers a five-seat constituency contested by four parties, with the distribution of votes as in Table 1. In the first round parties A, B and C have been allocated one seat by passing the Hare quota of 4,800. Their divisor in the next round is therefore two. Party D has not yet won a seat so its divisor is still one. In the second round Party A, with an average of 4,350, has the highest average and therefore wins a seat. In the third and final round A's divisor is now three, because it has now won two seats, whereas the other parties' divisors remain the same. Party B, with 3,400 votes, now has the highest average, so it is awarded the last seat.

Table 2: DISTRIBUTION OF SEATS BY THE D'HONDT HIGHEST AVERAGE SYSTEM

	First Round			Second Round			Third Round			
Party	Votes	Hare Quota	Seats Won	Divisor	Average	Seats Won	Divisor	Average	Seats Won	Total Seats Won
A	8,700	4,800	1	2	4,350	1	3	2,900	0	2
B	6,800	4,800	1	2	3,400	0	2	3,400	1	2
C	5,200	4,800	1	2	2,600	0	2	2,600	0	1
D	3,300	4,800	0	1	3,300	0	1	3,300	0	0
Total	24,000									5

Another method of computation for allocating seats under the highest average system (which produces an identical outcome) uses the Hagenbach-Bischoff quota. Because this quota is smaller than the Hare quota, a larger number of seats may be allocated initially. For the case quoted in Table 2, the Hagenbach-Bischoff quota would be 4,000, and thus four seats would be allocated in the first round, including two to party A, with a vote more than twice the size of the quota.

A third alternative under the d'Hondt system is to allocate seats simply by the highest average without any use of a quota. Each seat is allocated in turn to a party which, after the allocation of an extra seat, will have the highest average number of votes per seat. In the first round, when no party has yet won a seat, the party with a plurality of votes has the highest average, so the first seat goes to Party A. (The order in which the seats are assigned to a party is indicated in brackets in Table 3). After the allocation of a second seat Party B would have the highest average and therefore gains the seat. In the next round Party C has the highest average, then A and the last seat goes to party B.

Table 3. DISTRIBUTION OF SEATS BY THE D'HONDT HIGHEST AVERAGE SYSTEM WITHOUT AN INITIAL ALLOCATION BY QUOTA

Party	Votes	1st seat Divisor	2nd seat Divisor	3rd seat Divisor	4th seat Divisor	5th seat Divisor	Total
A	8,700	8,700(1)	4,350	4,350	4,350(4)	2,900	2
B	6,800	6,800	6,800(2)	3,400	3,400	3,400(5)	2
C	5,200	5,200	5,200	5,200(3)	2,600	2,600	1
D	3,300	3,300	3,300	3,300	3,300	3,300	0
	24,000						5

(iii) *Highest average system (Sainte Laguë version)* This system is identical to d'Hondt except that the divisors used are odd numbers; instead of being 1,2,3,4 etc. they are 1, 3, 5, 7 etc. Because the increase in the size of the divisor is greater under the Sainte-Laguë system it is more difficult for a party, once it has been successful, to win each further seat. It is therefore more favourable to smaller parties than the d'Hondt system. In Table 4 parties A, B and C have each passed the quota of 4,800 in the first round and have each been awarded one seat. Their divisor in the next round is therefore three. Party D, which has not yet won a seat still has a divisor of one. In the second round D wins a seat with a highest average of 3,350. In the final round the divisor is three for all the parties, so the last seat goes to the party with a plurality of votes, Party A.

Table 4. DISTRIBUTION OF SEATS BY THE SAINTE-LAGUË HIGHEST AVERAGE SYSTEM

		First Round			Second Round			Third Round		
Party	Votes	Hare Quota	Seats Won	Divisor	Average	Seats Won	Divisor	Average	Seats Won	Total Seats Won
A	8,700	4,800	1	3	2,900	0	3	2,900	1	2
B	6,800	4,800	1	3	2,267	0	3	2,267	0	1
C	5,200	4,800	1	3	1,733	0	3	1,733	0	1
D	3,350	4,800	0	1	3,350	1	3	1,117	0	1
Total	24,000									5

When a full quota is required to win a seat, it can result in not all the seats in a constituency being allocated. In Table 4 only three parties, A, B, and C have as many votes as a Hare quota of 4,800. Since no party has as many votes as two full quotas, only three seats can be allocated on the basis of full quotas, and two seats remain. With a Hagenbach Bischoff quota of 4,000 or an Imperiali quota of 3,429, Party A would be awarded two seats because its total vote is more than twice the quota, but one seat would still not be allocated. If the quota is combined with either the largest remainder or one of the versions of the highest average system, then all the seats in a constituency can be shared out. In some cases however this second stage calculation is carried out in a regional or even a national grouping. This tends to advantage smaller parties whose support is geographically widespread and whose votes may not be sufficient to reach a constituency quota. Unallocated seats are shared out in this way in Austria, Belgium, Greece and Italy.

In three countries, Denmark, Germany and Sweden, some seats in the parliament are allocated in a nationwide constituency. The seats that the parties have won at constituency level are deducted from the national total, thus compensating for constituency-level disproportionality. Threshold clauses may limit the parties which can participate in the higher-level allocation. For instance, in Germany a party must win either five per cent of the national vote or three single-member constituency seats and in Sweden a party must win four per cent of the national vote or 12 per cent of the vote in one constituency to be included in the nationwide distribution.

The final stage in a proportional representation system is the allocation of seats to particular candidates. In some countries the elector can vote only for the party list, and the ranking of the candidates on the list is determined by the political party. The voter chooses a closed party list and the party list determines the order in which individual candidates can be elected. In many systems electors are able to cast one or more preference votes for individual candidates (Katz, 1986). In Finland, for example, a voter must actually vote for an individual candidate. Votes are then summed according to the candidates' parties and seats allocated proportionately to parties, and within a party, in accord with individual vote totals. More commonly,

the elector must choose a party list and then has the option of expressing a preference for individual candidates within that list. In a few cases voters may vote for candidates on different party lists (*panachage*).

In the Single Transferable Vote system, used in Ireland, Malta and elections to the Australian Senate, the voter ranks the individual candidates rather than voting for a party list. In elections to the Irish Dáil, a candidate must receive a Droop quota in order to be elected in a multi-member constituency (Gallagher, 1978). Any candidate whose first preference votes equal or exceed the Droop quota is declared elected. As there usually remain several seats to be filled, a second count is held. Votes surplus to the quota cast for the successful candidates are transferred amongst the remaining candidates according to the second preferences recorded by the voter. This is calculated by counting all the second preference votes recorded on the ballots of the successful candidate and dividing them in proportion to the number of surplus votes. Any candidate who has now achieved a Droop quota is declared elected. If at any count no candidate is elected the candidate with the smallest number of votes is excluded and all his or her next preference votes are allocated to other candidates. This procedure continues until all the seats have been filled or the number of candidates remaining without a quota is one more than the seats remaining to be filled. Then, the candidate with the least votes is eliminated and the top candidate or candidates are elected without a quota.

A country's electoral law may combine features of several systems. For instance Germany overall achieves a proportional representation distribution, but half the members of the Bundestag are elected by a plurality in single-member constituencies.

Table 5 records the main features of the electoral systems operating today in the countries included in this Almanac. The country chapters provide a historical summary of changes in the electoral systems and further details of national variations.

The index of proportionality (Table 5) shows that the proportionality of electoral systems is a matter of degree (Rose, 1983: 49ff; Lijphart, 1990). The degree of proportionality, according to this index, ranges from 79 per cent in the United Kingdom to 100 per cent in Malta. The index of proportionality ranges from 83 per cent in Spain to 100 per cent among PR systems and among plurality systems from 79 per cent to 94 per cent in the United States Congress. Thus, it is empirically possible for a plurality system to produce a more proportional result than a PR system. On average, a PR system scores 94 per cent on the index, and a plurality system, 86 per cent.

Table 5 BASIC FEATURES OF ELECTORAL SYSTEMS [1]

	Compulsory Voting	Voting Age	Work or Rest Day	Turnout[5] %	Seats N	Constituencies N
1 Australia	Yes	18	Rest	89.2	148	148
2 Austria	No(2)	19	Rest	88.8	183	9(3)
3 Belgium	Yes	18	Rest	87.2	212	30(14)
4 Canada	No	18	Work	74.9	295	295
5 Denmark	No	18	Work	85.1	175(8)	18
a) Constituency					135	17
b) National					40	1
6 Finland	No	18	Sunday & Monday	71.7	200	15
7 France	No	18	Rest	64.9	555 (9)	555
8 Germany	No	18	Rest	83.5	496(10)	249
a) Constituency					248	248
b) National					248	1
9 Greece	Yes	18	Rest	82.6	300	56(13)
10 Iceland	No	18	Rest	89.1	63	9
a) Constituency					50	8
b) National					13	1
11 Ireland	No	18	Work	67.7	166	41
12 Israel	No	18	Rest	78.9	120	1
13 Italy	Yes(3)	18	Sunday & Monday	84.6	630	32 (16)
14 Japan	No	20	Rest	69.9	512	131
15 Luxembourg	Yes	18	Rest	82.5	60	4
16 Malta	No	18	Work	95.5	65	13
17 Netherlands	No(4)	18	Work	85.5(6)	150	1
18 New Zealand	No	18	Rest	86.6	97	97
19 Norway	No	18	Sunday & Monday	83.9	157	19
20 Portugal	No	18	Rest	71.0	246(11)	20
21 Spain	No	18	Work	69.1	350	52
22 Sweden	No	18	Rest	84.9	349	29
a) Constituency					310	28
b) National					39	1
23 Switzerland	No	20	Rest	46.1	200	26
24 United Kingdom	No	18	Work	75.3	650	650
25 United States Congress	No	18	Work	48.2(7)	435 (12)	435

[1] At most recent election for lower house of national parliament.
[2] Compulsory voting in Carinthia, Styria, Tyrol and Vorarlberg.
[3] Voting is not legally compulsory, but is regarded as a civic duty and failure to vote is recorded for five years on an elector's identity card.
[4] Voting was compulsory from 1917 to 1967.
[5] At latest election reported in this book.
[6] Voting was compulsory until 1971. From 1946 to 1967 turnout averaged 94.7 per cent.

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Seats per Constituency Average	Range (17)	Electors per Representative	Constituency Seat Allocation	Higher Level Seat Allocation	Candidate Choice	Index of (20) Proportionality	
1	0	69,954	Alternative Vote		Yes: individual	87	1
20	6-39	29,844	PR: Hare quota	d'Hondt highest avg	Yes: from party list	99	2
7	2-34	33,346	PR: Hare quota	d'Hondt highest avg	Yes: from party list	92	3
1	0	59,793	Plurality	-	Yes: individual	86	4
9	2-21	19,024	PR: Ste Laguë highest avg (18)	Largest remainder	Yes: from party list	95	5
30	0						
14	8-29	20,181	PR: d'Hondt highest avg	-	Yes: from party list	89	6
1	0	65,973	Two ballot plurality	-	Yes: individual	81	7
						99	8
1	0	182,774	Plurality	Largest remainder	Yes: individual		
248	0	182,774	-		No: strict party list		
5	2-32	24,607	PR: Hagenbach-Bischoff quota	Largest remainder	Yes: from party list	93	9
6	5-12	2,721	PR: largest remainder	d'Hondt highest avg	Yes: from party list	96	10
13	0	13,184					
4	3-5	14,752	PR: single transferable vote	-	Yes: individual	95	11
120	0	24,119	PR: d'Hondt highest avg	-	No: strict party list	94	12
20	2-53		PR: imperiali quota	Largest remainder	Yes: from party list	95	13
4	3-5	168,802	Single non-transferable vote	-	Yes: individual	89	14
15	7-23	3,649	PR: Hagenbach-Bischoff highest avg	-	Yes: from party lists (*panachage*) (19)	91	15
5	0	3,789	PR: single transferable vote		Yes: individual	100	16
150	0	71,518	PR: d'Hondt highest avg	-	Yes: from party list	96	17
1	0	21,801	Plurality	-	Yes: individual candidate	88	18
8	4-15	19,748	PR: Ste Laguë highest average (18)	-	Yes: from party lists	91	19
12	3-56	30,965	PR: d'Hondt highest avg	-	No: strict party list	91	20
7	2-33	84,582	PR: d'Hondt highest avg	-	No: strict party list	87	21
					Yes: from party list	97	22
11	3-36	18,138	PR: Ste Laguë highest average (18)	PR: Ste Laguë highest average (18)	-		
39	0						
10	2-35	20,959	PR: Hagenbach-Bischoff highest avg	-	Yes: from party lists (*panachage*)	91	23
1	0	66,432	Plurality	-	Yes: individual	79	24
1	0	403,630	Plurality	-	Yes: individual	94	25

7 Percentage turnout of citizen population of voting age

8 Excludes four seats for representatives from the Faroe Islands and Greenland

9 Excludes 22 seats for the overseas departments and territories.

10 Excludes the representatives of West Berlin. Total number of seats in the Bundestag may be more than 496, because parties who win more single member constituency seats than they would have been allocated by nationwide PR (Überhangmandate) are allowed to keep the additional seats.

11 Excludes four seats for representatives of Portugese citizens resident abroad.

12 Excludes the non-voting representatives of the District of Columbia, Puerto Rico, the U.S. Virgin Islands, Guam, and American Samoa.

13 Each of Austria's nine provinces forms a constituency. Seats not allocated at the constituency stage are allocated in two regions, one comprising Vienna, Lower Austria and Burgenland, and the other the remaining six provinces.

14 Seats not allocated at the constituency level are allocated within groups of constituencies matching Belgium's nine provinces.

15 Seats not allocated at the constituency level are allocated in 13 regional groupings of constituencies.

16 Any seats not allocated at the constituency level are allocated at the national level.

17 Range excludes a number of single member districts in predominantly proportional representation systems, namely: Finland (Åland Islands), Greece (Evrytania, Kefallinia, Lefkas, Samos and Zakynthos), Italy (Val d'Aosta), Japan (Amami-Oshima Islands), Spain (Ceuta and Melilla) and Switzerland (Appenzell Inner-Rhoden, Glarus, Nidwalden, Obwalden and Uri).

18 A modified version of the Ste Laguë system with an initial divisor of 1.4 instead of one.

19 Electors may vote for more than one candidate including those on the lists of different parties.

20 The Index of Proportionality is calculated by summing the difference between each party's percentage share of seats and its share of votes, dividing by two and subtracting the result from 100. The formula is applied to the latest election reported in this book.

Sources:

D. Fisichella, 'The double-ballot system as a weapon against anti-system parties', in A. Lijphart and B. Grofman (eds.) *Choosing an Electoral System* (New York: Praeger, 1984) 181-90

M. Gallagher, 'Party solidarity, exclusivity and inter-party relationships in Ireland : 1922-1977' *Economic and Social Review* 10, 1 (1978) 1-22

R. Katz, 'Intraparty preference voting' in B. Grofman and A. Lijphart (eds.), *Electoral Laws and their Political Consequences* (New York: Agathon, 1986)

A. Lijphart, 'The Political Consequences of Electoral Laws, 1945-85', *American Political Science Review* 85,2 (1990) 481-96

A. Lijphart, R. Lopez Pintor and Y. Sone, 'The limited vote and the single nontransferable vote', in B. Grofman and A. Lijphart (eds.), *Electoral Laws and their Political Consequences* (New York: Agathon, 1986) 154-169

W.J.M. Mackenzie, *Free Elections* (London: George Allen & Unwin, 1956)

R. Rose, 'Elections and electoral systems: choices and alternatives', in V. Bogdanor and D. Butler (eds.), *Democracy and Elections* (Cambridge: Cambridge University Press, 1983) 20-45

J.F.H. Wright, 'Australian experience with majority-preferential and quota preferential systems', in B. Grofman and A. Lijphart, (eds.), *Electoral Laws and their Political Consequences* (New York: Agathon, 1986) 124-138

A RATIONAL APPROACH TO EVALUATING ALTERNATIVE VOTER REGISTRATION SYSTEMS AND PROCEDURES

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A RATIONAL APPROACH TO EVALUATING ALTERNATIVE VOTER REGISTRATION SYSTEMS AND PROCEDURES

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A RATIONAL APPROACH TO EVALUATING ALTERNATIVE VOTER REGISTRATION SYSTEMS AND PROCEDURES

1.0 INTRODUCTION

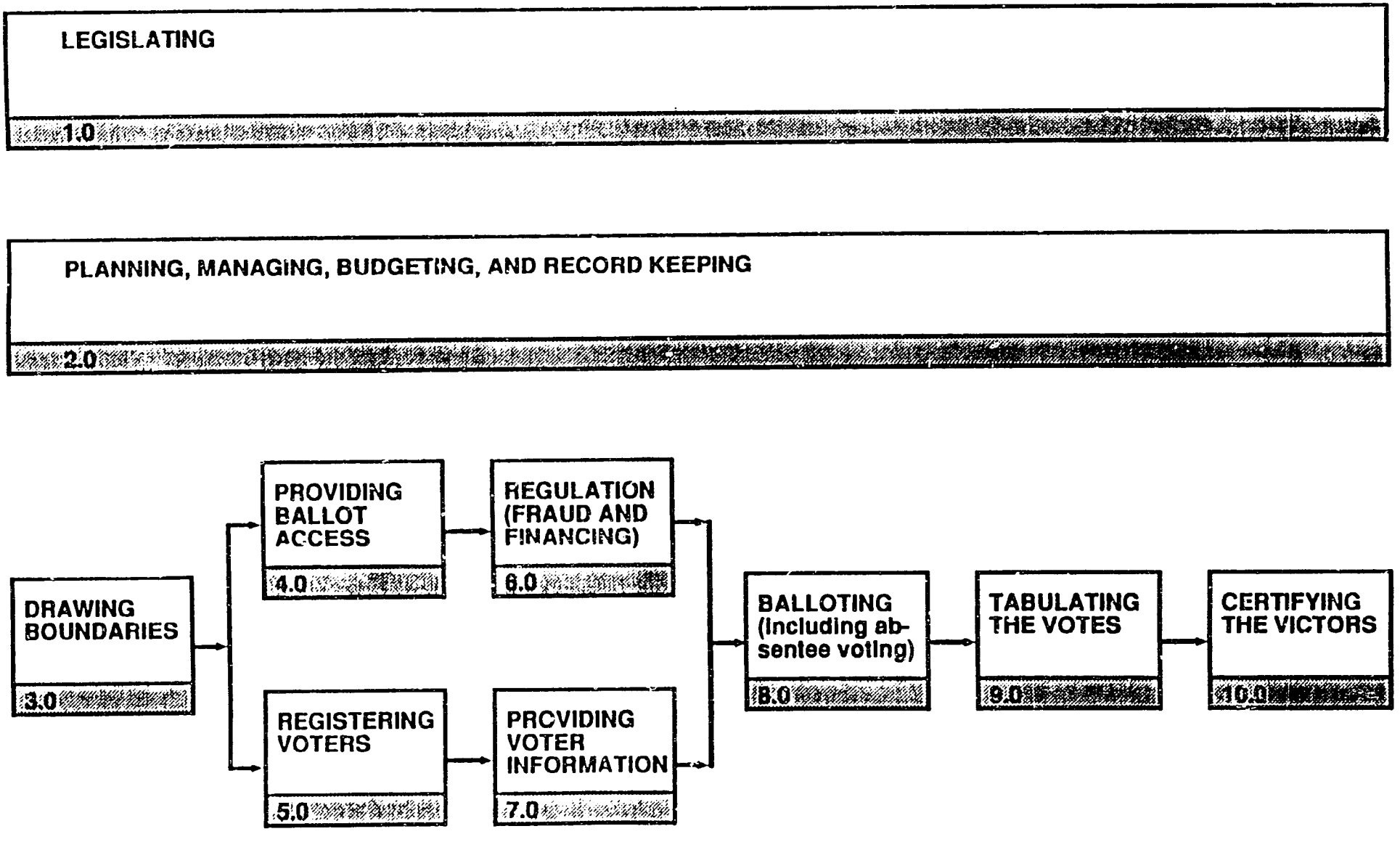
Democracies around the world encounter surprisingly similar problems -- how best to administer the election process impartially, how best to provide equitable ballot access to political parties and candidates, how best to develop a complete and accurate voter registry, how best to record and tabulate votes, how best to prevent vote fraud, and how best to resolve disputed election outcomes, to name but a few.

Most recently, attention has come to focus on the problem of how best to develop a complete and accurate voter registry. Indeed, several alternative registration systems and procedures are currently being advocated to accomplish this end. The ensuing debate, however, is often clouded by differing but unspoken assumptions about the very purposes of voter registration. And more often than not, arguments are colored by differing philosophies regarding the proper relationship between citizens and their government as well as by differing estimates of the partisan (or at least political) impact of the proposed alternatives.

A rational discussion of alternative voter registration systems and procedures requires that we recognize philosophical and partisan concerns but, for the moment, set them aside. For such concerns do not address the question of how most efficiently to develop a complete and accurate voter registry. Rather, they address the question of just how desirable developing a complete and accurate voter registry might be. Being value-laden, such considerations fall more appropriately into the political rather than an objective, academic realm.

Defining "best" to mean "the most efficient" way of developing a complete and accurate voter registry does not, however, spare us from defining the <u>purposes</u> of voter registration. This is so simply because the evaluation of any voter registration system first requires knowing the extent to which its purposes are being achieved.

PRIMARY FUNCTIONS OF AN ELECTION SYSTEM



2.0 THE PURPOSES OF VOTER REGISTRATION

The purposes of voter registration are not precisely the same in all countries. They vary, from nation to nation, according to the prevailing constitutional system as well as according to the established election system.

To avoid a lengthy digression here, suffice it to say that I define "constitutional system" as encompassing the form of government (whether parliamentary or congressional), the structure of government (the extent to which there are sub-national levels of elected government), and the system of representation (whether majoritarian, quasi-proportional, or proportional).

By the same token, and to some extent as a consequence, nations differ according to the manner in which they carry out the ten basic functions of an election system (legislating it, administering it, drawing district boundaries, registering voters, providing ballot access to parties and candidates, regulating campaigns, providing voter information, balloting, tabulating the votes, and resolving disputed outcomes). (See accompanying chart).

The significance of different constitutional arrangements and election systems will be noted occasionally throughout this discussion.

Although they may not apply with equal force in all countries, then, there are three fundamental purposes of voter registration:

- to prevent voter fraud
- to enable all qualified people to vote, and
- to support other functions of the election system.

2.1 Voter Registration to Prevent Voter Fraud

The right to vote in a democracy must be accompanied by the right to have one's vote counted without being diluted by votes fraudulently cast. And there can be little doubt that the

original purpose of voter registration was to prevent widespread voter fraud by:

- ensuring that each prospective voter is qualified
- ensuring that each voter votes only once, and
- ensuring that each voter votes only for that set of offices to which he is entitled.

2.1.1 Ensuring that Each Prospective Voter is Qualified

Even the most rudimentary democracy must define the qualifications of its voters. Age and citizenship are today the most common criteria. But in the past, voter qualifications have included property ownership, a degree of wealth, the payment of a tax, literacy, and even race, gender, or moral fitness. The more complex the criteria, the more desirable it became to draw up in advance a list of those who qualified so as to prevent the dilution of the vote by those who were unqualified. Thus, lists of qualified voters were sometimes drawn from property rolls, tax rolls, or the like. Simpler criteria were often enforced merely by the common knowledge born of small, tightly knit communities; but still, the same purpose was served.

The disintegration of tightly knit communities brought about by urbanization, industrialization, and, in the United States, massive immigration, gave rise to the need for a more formalized method of voter registration. For no longer were neighbors likely even to know each other, let alone to know each other's voter qualifications however elementary they might be. Unscrupulous political organizations were quick to take advantage of this breakdown of community. Indeed, the electoral shenanigans of William "Boss" Tweed of New York's Tammany Hall and Pennsylvania's Matthew Quay are the stuff of legend in American political lore. ("If you ain't cheatin', you ain't tryin'.") Illegal voting occurred on a vast scale. And while it no doubt boosted the apparent voter turnout, the result was incredibly corrupt government. In response, the liberal reformers of the late 19th century seized upon formal voter registration as the best means of protecting the integrity of the election process. (There is a certain irony here since today's liberal reformers seem to be marching in the opposite direction).

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From the turn of the century to the present, the steady expansion of the franchise along with the ever increasing mobility of society have reinforced the need in every democracy to ensure that legitimate votes are not diluted by those from persons not legally qualified to cast a ballot. Voter registration today, then, continues to have the essential objective of establishing each prospective voter's identity and qualifications.

2.1.2 Ensuring that Each Voter Votes Only Once

In most democracies, qualified voters are entitled to cast only one ballot in any given election so that each voter has an equal voice in the outcome. There is no shortage, though, of schemes to circumvent this restriction in order to achieve a desired electoral outcome. In the past, before voter registration, enthusiastic or well rewarded voters were literally carted around from polling place to polling place in a practice known as "colonization." (Plunkett of Tammany Hall: "Vote early and vote often.") Today, the bulk of these schemes involve the attempted impersonation of another registered voter who is either dead, moved away, temporarily absent, or is thought to be unlikely to vote in the election.

The second important objective of voter registration, then, is to ensure that qualified voters vote only once. And it accomplishes this objective in two ways. First, the registered voter's name appears in only one polling place so that he cannot vote (at least under that name) in any other place. Second, it normally entails some sort of verification of the voter's identity -- whether by signature comparison, a check of the voter's identity cards or papers, or even, in some countries, a voter registration card containing the voter's photograph. Several countries have even adopted the practice of applying an indelible stain on the voter's hand to prevent his voting more than once.

2.1.3 Ensuring that Each Voter Votes Only for that Set of Offices to Which He Is Entitled

The simplest elections in the world are held in countries that have a parliamentary form of government, a centralized structure (with no lower levels of elected government), and

employ a nationwide proportional system of representation. Such elections present a simple choice on the ballot, and it hardly matters where you vote.

At the opposite end of that spectrum are countries with a congressional form of government (which typically entails voting for two or more national offices), a decentralized or federal structure (with elections held for offices at several lower levels of government), and a majoritarian (or single-member-district) system of representation. In such countries -- as in the United States, for example -- it is perfectly possible to have a single ballot that contains choices for twenty or thirty offices simultaneously. Moreover, the single-member-districts at each level of government are progressively smaller and are not necessarily coterminous with higher level district lines. The result is that one voter may vote on a slightly different ballot than his neighbor across the street if that street happens to be the dividing line between (say) seats on the city council.

The more levels of government and the more offices up for election (and, hence, the more overlapping districts), the more crucial it is to know the precise location of each voter's residence. For only then can you ensure that each voter votes only for that set of offices to which he is entitled.

Voter registration accomplishes this important objective by listing each voter only in that polling place appropriate to his residence -- thus ensuring that the voter is provided the proper ballot containing only those offices for which the location of his residence entitles him to vote.

2.2 To Enable All Qualified People to Vote

Although its original purpose was to prevent voter fraud, which it continues to do in many places, the advent of voter registration in some areas merely added a new weapon to the arsenal of electoral abuse. For the effect of voter registration laws and procedures is to determine who will be permitted to vote and who will not. It is not entirely surprising, then, that voter registration itself came to be used for malignant purposes.

By the turn of the century, for example, corrupt registration officials -- in the service of the political party machines that then dominated most of the major cities of the United States -- sought to influence election outcomes by registering their own party members rather more vigorously than

members of the opposition parties. To facilitate schemes of multiple voting by loyal party activists, false registrations were sometimes filed from brothels and rooming houses while the practice of registering names from tombstones came to achieve a certain mythic status. Inasmuch as registration lists at that time were originated just in advance of each election, there was ample opportunity for such abuse with little time for detecting or correcting it before election day. (As a result, liberal reformers of the 1920's, such as Joseph P. Harris, advocated and eventually succeeded in establishing the practice of maintaining a permanent voter registration list in each jurisdiction).

At the same time, rather broader social issues concerning the "quality" of the electorate gave rise in many States to the poll tax and, in the immigration port of New York City, to the literacy test as a condition for registering. Both of these devices were later adopted in the South and in the Southwest of the United States as a means of discouraging Blacks, Native Americans, and Hispanics from voting. (A vestige of those days can be found in States that continue to assign the responsibility for voter registration to the local tax assessor).

Although the poll tax, the literacy test, and other such tests or devices are now illegal in the United States, and although all registration lists in the United States are now permanently maintained, it remains possible for dishonest registrars to intentionally influence the list. They can accomplish this more or less legally by periodically purging the list more rigorously in opposition precincts than in precincts dominated by their own political party or, alternatively, by launching voter registration drives targeted on locations or neighborhoods more likely to contain members of their own political party or group affiliation.

This sort of distortion of the voter registration list is not always intentional or even conscious. Honest and well meaning registration officials, for example, sometimes unconsciously focus their registration efforts only on people of their own socio-economic group. Yet registration drives that operate only through (say) community organizations, banks, libraries, upscale suburban shopping centers, and "easy listening" radio stations are almost certain not to reach other less affluent socio-economic strata that, as it happens, contain the fewest registered voters.

There are also certain systemic variables that may, intentionally or not, disadvantage certain groups of citizens.

If citizens must register in person, for example, then the business hours of the registration office become an important factor. Regular 9 to 5 hours, Monday through Friday, are sure to inconvenience people who work those same hours. By the same token, the number and location of registration sites may have a biasing effect. Even the availability (or unavailability) of information on where and how to register may introduce some bias. It takes a surprising amount of knowledge, skill, and ingenuity, for example, just to locate the voter registration official in most telephone books.

It is hard to imagine that this American experience with voter registration is entirely unique. It seems more likely that the voter registration laws and procedures in other democracies have also been used to influence the outcomes of elections by intentionally favoring some political, ethnic, or religious groups over others. And it seems equally likely that different types of voter registration systems and procedures have unintentionally different socio-economic biases built into them.

Yet effectively denying some people the opportunity to register, whether intentionally or not, undermines the equal right to vote upon which all democracies are founded. Thus it is fundamentally undemocratic and wrongful to make such a vital public service as voter registration more available to some citizens than to others. It is fair to say, then, that another important purpose of voter registration is to enable <u>all</u> qualified people to vote.

2.3 To Support Other Functions of the Election System

Recent debates over alternative voter registration systems and procedures have almost entirely overlooked the third important purpose that voter registration often serves: to support other functions of the election system. Voter registration lists, for example, often provide:

- the basis for officially recognizing political parties, candidates, and ballot issues
- the numerical basis for determining precinct size and, thus, the number and location of polling places
- the numerical basis for printing the ballots or for allocating voting machines to each polling place

- the address lists for providing voter information
- the signature basis for verifying the identity of both in-person and absentee voters, and
- a statistical basis for designing effective and efficient voter registration programs.

2.3.1 The Basis for Officially Recognizing Political Parties, Candidates, and Ballot Issues

Most democracies find it useful to grant official recognition to political parties for the purpose of distributing campaign subventions (whether media time or direct cash payments), for the purpose of appointing party representatives to election boards and commissions, and for other legal purposes. By the same token, some democracies have provisions for recognizing independent, non-party candidacies. And a few democracies permit qualified public questions to appear on the ballot (initiatives, referenda, and recall measures).

The most convenient method for granting such official recognition is to require parties, candidates, or issue sponsors to circulate a petition in order to obtain a requisite number or percentage of signatures from voters registered within the affected jurisdiction. There are generally three approaches to verifying such petitions: (1) to verify merely that each name signed on the petition is indeed a registered voter in the appropriate jurisdiction, (2) to verify each signature on the petition by comparing it to that on the voter's original voter registration document, and (3) to accept the petition on its face subject to challenge by a qualified opponent on the basis of either (1) or (2) above.

No matter which of these verification procedures is employed, voter registration serves the administrative purpose of providing the basis upon which political parties, candidates, and issues come to be officially recognized. But because of the practical constraints imposed by party and candidate filing deadlines, not to mention the time it takes to verify petitions, a permanent voter registry is virtually essential to this purpose.

2.3.2 The Numerical Basis for Determining Precinct Size and, thus, the Number and Location of Polling Places

A single polling place can accommodate only so many voters. That number varies, of course, depending on the size of the physical facility, the type of balloting (whether paper or voting machine), the number of voting stations (or booths), the length of the ballot, the method of tabulation (whether by hand or machine and whether centralized or a precinct count), and even by the manner in which voters are processed. Still, there is an upper limit to the number of voters that can be served by any one polling place.

In order to determine the geographical area that will be served by each polling place (that is to say, in order to draw precinct lines), it is extremely useful to know the number of registered voters in each block or other subdivision. The sooner that number is known, the sooner precinct lines and polling places can be identified and advertised.

Voter registration lists can thus serve the important administrative purpose of providing the numerical basis for drawing precinct lines and, accordingly, determining the number and location of polling places. And a permanent voter registry is more useful for this purpose than one prepared just weeks prior to the election inasmuch as decisions can be made earlier based on fairly reliable estimates.

2.3.3 The Numerical Basis for Printing the Ballots or for Allocating Voting Machines to Each Polling Place

Closely related to the matter of determining precinct size and the number and location of polling places is the problem of printing an adequate number of ballots (or of assigning an adequate number of voting machines) to each polling place. It is unforgivable to run out of ballots, yet wasteful and dangerous to print too many. By the same token, too few voting machines can result in long lines and surly voters while too many can be wasteful of public funds.

The same voter registration numbers that determined the size of each precinct can therefore double their utility by serving as the numerical basis for printing the ballots or for allocating voting machines to each polling place. And due to the lead time

required for designing, proofing, and printing (or programming) the complex ballots and multiple ballot styles characteristic of congressional, decentralized, single-member-district constitutional systems, a permanent registry is nearly essential. But even under parliamentary, centralized, proportional systems, it is valuable to know how many ballots to provide each polling place based on the number of registered voters it serves. And it is still better to know these numbers sooner rather than later.

2.3.4 The Address Lists for Providing Voter Information

Few will argue against the importance of having an informed electorate. And there are at least three items of information that every voter needs to know: (1) the time, manner, and location of voting, (2) the offices and issues on which the voter will be expected to decide, and (3) the relative merits of the competing parties, candidates, and issues. In most democracies, the first two items are thought to be a responsibility of the election authority while the third one is thought to be a responsibility of the candidates, parties, and issue advocates themselves. Yet whoever is responsible for it faces the same problem: delivering the correct information efficiently to each voter.

Although developing democracies tend to rely principally on public notices and newspapers, the most effective means of providing precise and accurate information in industrial democracies is by direct mail. And since the items of information at stake here -- the voter's polling place, a sample of the ballot the voter will see, and the nature of the parties, candidates, and issues involved -- are likely to vary from one neighborhood to the next, they do not lend themselves to blanket mass mailings. The purpose is most efficiently served by using the voter registration list as the basis for mailings targeted to the potential voters in each individual precinct. Doing so ensures that each voter receives only the information that pertains to him by virtue of the location of his residence.

Voter registration thus serves election authorities, political parties, and issue advocates alike by generating the address lists for providing voter information.

2.3.5 The Signature Basis for Verifying the Identity of both In-Person and Absentee Voters

It is arguable whether signature comparison should be mentioned under the administrative support or under the fraud prevention purposes of voter registration. To the degree that the ultimate purpose served is to prevent voter impersonation, then signature comparison can be seen as a fraud prevention measure. Yet because there are other, alternative means of ascertaining the identity of in-person voters (national or other identity papers, registration cards with photos, etc.), signature comparison can be seen as an administrative choice. In any event, and since it is virtually the only means of verifying the identity of absentee voters, signature comparison appears here as an administrative function.

The principle of signature comparison is that the person offering to vote first provides his signature on a document -- usually on the voter list at the polls or, for absentee voters, on the back of the return envelope containing the ballot. That signature is then compared to the signature the voter provided on his original voter registration form. Only if the signatures substantially match is the voter permitted to vote (or the absentee ballot opened and counted). In some cases, a comparison is not made on the spot; but the documents are nevertheless preserved against the possibility of a legal enquiry or investigation.

There are, to be sure, some doubts about the ability of poll workers or even election authorities to conduct a valid signature comparison. But the supporting argument is that such a measure serves as a sufficient deterent to all but the most organized, determined, and brazen criminal.

In any case, voter registration -- provided that it captures a signature from the voter -- can provide the basis for verifying the identity of both in-person and absentee voters.

2.3.6 A Statistical Basis for Designing Effective and Efficient Voter Registration Programs

Voter registration drives in the United States, and possibly in other nations with voluntary voter registration, are more often undertaken as well intentioned causes for the general purpose of doing good rather than as systematic programs designed to accomplish specific and measurable objectives. So it is that

one often sees well meaning organizations and even well intentioned election officials setting up registration booths at places they think convenient to the general public -- libraries, banks, suburban shopping centers, local fairs, and the like.

Although registration drives of this type do no apparent harm, there is little evidence that they do much good either. Very often, they are like preaching to the choir in that people who use libraries and banks and shop at suburban shopping centers tend to be registered voters anyway.

But if one knows the approximate voting age population of each precinct (available in the United States by using Bureau of Census figures), and if one knows the number of registered voters in each precinct, then it is possible to design a voter registration program targeted on neighborhoods containing the greatest number of unregistered persons. Numerical objectives can be set, progress can be objectively measured, and the effectiveness of alternative approaches can be evaluated. By thus carrying the program to the problem, voter registration drives can be made far more efficient in terms of time, money, and effort as against the number of new registrants.

Such a strategy hinges, of course, on the availability of reasonably accurate census figures along with a permanent voter registry. Voter registration, then, can provide a statistical basis for designing effective and efficient voter registration programs.

(NOTE: The same general principle would seem to pertain in those countries that follow the British system of conducting a pre-election, door-to-door registration of voters. By maintaining a permanent voter registry, overcounts and undercounts could be readily detected and pre-election efforts focused on perfecting the voter list rather than on recreating it.)

2.4 Balancing Purposes

It would be nice to think that a single voter registration system could perfectly accomplish all the purposes cited above. The fact is, however, that the three basic purposes of voter registration -- to prevent fraud, to enable all qualified people to vote, and to support other functions of the election system -- are in many ways competing purposes.

Some proposals to liberalize voter registration procedures in order to enable more people to register and vote, for example, re-open opportunities for fraud and abuse that current registration procedures were designed to prevent in the first place. By the same token, tightening registration procedures in order to eliminate any conceivable form of fraud might effectively restrict voter registration to only the well organized, settled, and hardy few.

As in all cases of competing objectives, then, we must search for a system that optimizes all our purposes rather than maximizing one purpose at the expense of the others. In doing so, we must identify for each purpose those things that are absolutely essential versus those things that are merely desirable. In other words, we must identify what we are prepared to sacrifice in preventing fraud in order to enable more people to register -- and vice versa.

Only through such a rational approach can the debate over alternative voter registration systems proceed without the bruising emotional conflicts that so often result from unspoken assumptions about the purposes of voter registration.

3.0 THE COSTS OF VOTER REGISTRATION

All voter registration systems have three features in common: (1) they add names to the file based on information they obtain about qualified voters, (2) they change data in the file based on information they obtain on address or name changes, and (3) they delete names from the file based on information they obtain on voters that are no longer qualified. In other words, all voter registration systems are in the business of gathering information.

There are, to be sure, a number of different ways of obtaining the information needed for a voter registration system. Some are viewed as more intrusive, demanding, or objectionable than others depending on prevailing social and political values. (The idea of national identity cards, for example, frightens most citizens of Britain and the United States whereas most other countries employ them as a matter of course). But any method of gathering information is sure to incur costs in terms of time, money, and effort.

3.1 Balancing Costs (Time vs. Money vs. Effort)

Above a certain minimum of each, time, money, and effort become almost interchangeable. If you have less time, you increase the level of effort and, potentially, the money to pay for it. If you lack the manpower for great effort, you increase the timeframe. By increasing the money available for (say) computerization, you can decrease the time and effort required for the task.

The principle of interchanging time, money, and effort is a very important one inasmuch as these commodities are not uniformly available in all countries or even in all jurisdictions within the same country. Different constitutional systems may impose different timeframes, and different economic conditions dictate the availability of money and manpower.

Designing an appropriate voter registration system, then, entails balancing the time, money, and effort it requires according to prevailing circumstances.

3.2 Balancing Costs (State vs. Citizen)

Any given voter registration system will have identifiable costs associated with it. And not only is it important to define those costs in terms of time, money, and effort, it is also important to decide simultaneously who will bear those costs -- the government or the citizen?

Not surprisingly, opinion is divided on this issue. At one extreme are those who argue that inasmuch as we are dealing with a fundamental right and, indeed, the very nature of the democracy itself, the voter registration system should be "frontloaded" with the government bearing the bulk of the costs. At the opposite extreme are those who argue that the right to vote is accompanied by a duty so that citizens may be reasonably expected to bear at least some of the cost burden (usually in terms of the time and effort required to register). Between these extremes lies a spectrum of largely unexplored possibilities.

Although this is essentially a philosophical issue, it is one that needs to be openly addressed since differing opinions on it fuel much of the debate over alternative voter registration systems and procedures.

4.0 MEASURING THE EFFICIENCY OF ALTERNATIVE VOTER REGISTRATION SYSTEMS AND PROCEDURES

In simplest terms, measuring the efficiency of alternative voter registration systems and procedures comes down to weighing total costs against the purposes served. But once again, we have competing objectives that call for an optimum solution rather than sacrificing one objective entirely to the other. Minimizing costs, for example, would undoubtedly diminish the number of purposes that can be served. By the same token, maximizing purposes would drive costs up to unacceptable levels. (The once fashionable argument that "If we can put a man on the moon, then surely we can devise a near perfect voter registration system" falters exactly here. We probably could, but it would cost about the same.) Moreover, as we have seen, costs and purposes are not as simple as all that.

Nor can the efficiency of alternative voter registration systems be measured in the abstract and applied to all countries. For there are a number of very practical considerations that profoundly affect both costs and purposes. As a result, what works best in one country may prove disastrous in another.

We have already noted how different constitutional features (in the form of government, in the structure of government, and in the system of representation) may place different demands on the voter registration system. But other environmental features play an equally important role. Consider, for example, the implications of differences in:

- The nature and degree of political party competition, including the number of political parties, the level of party cooperation, areas of single party dominance, and, hence, their predisposition to attempt fraud

- Demographic features, including the literacy rate (which is certain to affect procedures), the geographic distribution of the population (which is certain to affect costs), the social and cultural pattern (with special reference to their tolerance for fraud and corruption), and the presence of foreign borders or large numbers of foreign nationals (which complicates ascertaining voter eligibility)

- The state of collateral public services, including the quality or even availability of postal and addressing systems, the availability and quality of census maps and figures, the availability and quality of public records (birth certificates, national identity papers, etc.), the quality of transportation and communication, and even (in some areas) the availability of electricity

- The economic setting, including the level of technology, the cost and availability of labor, and the public budget (with special reference to how much can be spent on elections), and

- The public administration, including the neutrality and competence of law enforcement officials as well as the neutrality and competence of the election officials.

Clearly, then, since the purposes and costs of voter registration vary from country to country (and sometimes from jurisdiction to jurisdiction within the same country) no one voter registration system will satisfy the needs and circumstances of all locations. Instead, the efficiency of any voter registration system or procedure must be measured according to the environment in which it is expected to operate.

5.0 CONCLUSION

The ideal voter registration system is one that optimizes the purposes of voter registration at an acceptable cost in terms of time, money, and effort distributed agreeably between the government and the individual citizens. No one system or procedure is suited to all environments. Instead, voter registration systems and procedures must be tailored to the unique costs, purposes, and circumstances of each democracy.

Any proposed voter registration system or procedure should therefore be subjected to the following examination:

I. WITH REGARD TO PURPOSES

1. Does it enhance or diminish our ability to prevent fraud? Specifically,

   a. Does it enhance or diminish our ability to ensure that each prospective voter is qualified?

   b. Does it enhance or diminish our ability to ensure that each voter votes only once?

   c. Does it enhance or diminish our ability to ensure that each voter votes only for that set of offices to which he is entitled?

2. Does it enhance or diminish our ability to enable all qualified people to vote?

3. Does it enhance or diminish our ability to support other functions of the election system with specific reference to:

   a. officially recognizing political parties, candidates, and ballot issues?

   b. determining precinct size and, thus, the number and location of polling places?

   c. printing the ballots or allocating voting machines to each polling place?

   d. providing voter information

e. verifying the identity of in-person and absentee voters?

f. designing effective and efficient voter registration programs?

4. If there are trade-offs within the purposes above, are they worth it?

II. WITH REGARD TO COSTS

1. Does it increase or decrease our costs in terms of

a. time?

b. money?

c. effort?

2. Will such increases or decreases be borne by

a. the government?

b. the citizens?

III. WITH REGARD TO EFFICIENCY

1. If there are trade-offs between costs and purposes, are they worth it?

2. Is the proposed system or procedure appropriate to the environment in which it is supposed to operate? If not,

a. What changes in the environment will have to be made? (Return to "costs.")

See Report of the CSCE

Document of the Copenhagen Meeting of the

Conference on the Human Dimension of the CSCE

Article 7

(in Section 1)

ADVANCING AND STRENGTHENING DEMOCRATIC ELECTIONS

IN

SOUTHERN AFRICA

PLENARY SESSION

THE MEDIA :
BUILDING CONFIDENCE IN THE ELECTORAL PROCESS

PRESENTER : Nahum Gorelick

NDI CONFERENCE 15 JANUARY - 21 JANUARY 1992

Namibia is not in any sense unique to the rest of Africa when it concerns the path we had to follow towards democratisation. The only factor that may seem unique to Namibia, is the fact that we are considered the last colony in Africa to achieve independence; unique in the sense that from the outset, we moved into an environment that has never known a national democratic tradition. It is indeed an achievement for a newly independent nation, faced with that situation, to come up with a constitution that guarantees the freedom of speech as well as the freedom of expression. All of the countries represented here today, have, at one stage or another, experienced colonial rule or autocratic systems.

There was a time when third world countries felt it necessary to have one-party systems as a solution to the colonial policy of divide and rule. Namibia as a young nation, now prides itself in a newly attained democracy in viewing itself as fortunate that we have profited from the experiences of other third world countries.

The sacrifices that many African countries have had to go through because of principles regarding Human Rights and equality have contributed towards our political independence ; a high price has been paid for these principles.
In spite of the fact that these countries were almost destroyed by opponents of human equality and freedom these democratic principles prevailed.

In third world countries, the power of radio and television must be considered as an effective tool for change and development. There is no doubt that governments in their attempt to implement policies of development, which can be considered to be

people in this developmental effort, we are then condemned to face conflicts within our society. But we are aware that many of the developed countries have a problem understanding third world governments' needs to use electronic media as an agent for change.

There is confusion between what is termed political and what is seen as freedom of the media.

We do believe that TV and Radio can contribute to the discussion on economic development and change. Governmental information on development that we carry should not be seen as unquestionable but rather as food for thought and debate. In other words, we, as broadcasters facilitate a democratic forum.

In recent years, Africa has been experiencing a serious crisis with regard to economic and political development. Because of this crisis, government information tended to flow in one direction, i.e. from top downwards, leaving the people no chance to interact with the government. Gradually that perpetuated a rift between the government and the people. Thus, the electronic media held in a tight grip of the government led to the media's content losing credibility and relevance. With this dissatisfaction, people became disgruntled with their governments planning and policies.

and less prominent in the international context.

Television and radio were used as instruments of oppression losing their credibility as the aspirations of the people changed with regard to political, cultural, economic and social desires.

The political importance and the effect of the electronic media on public opinion in democratic societies is hard to dispute. While it differs from issue to issue and from time to time, it has the most impact at times of elections, when the presentation and coverage of political contestants is said to affect voter behaviour and choices.

The nature of the electronic media, especially radio, make it accessible and relatively cheap for all members of the community to have access to it. For this reason, radio and TV have become prime platforms for Political Parties and politicians to use (and abuse) in order to get their message across to the public at large. It has been proven over and over that the spoken word is much more powerful than the written word in mobilising and influencing people. This is well recognised by the politicians in their sometimes excessive attempts to get airtime.

positive role in building confidence in the electoral process.

During Namibia's transition to independence, one of the major demands by the competing political forces was to have free and equal access to air-time. The existence of rigid and repressive controls on the electronic media made it almost impossible to have an open and free political debate on crucial national issues and policies.

As an attempt to highlight these discrepancies during the Namibian election and during the UN Resolution 435 process, a Namibian Group, known as NPP435 (Namibian Peace Plan) monitored the then SWABC (South West African Broadcast Corporation) covering a period from June 1989 to October 1989 and made their findings public so that the people could get to understand the style of repressive controls used by the electronic media. I will summarise the conclusion of this document to illustrate the sophisticated and sub-title methods used by the SWABC which led to the content of news and commentary not being credible to the general public during this election period.

This information must also be seen in the light that this was the first time SWAPO was "legally" entitled to access to the public through the then State and Parastatal bodies.

I quote :

"From this study of news broadcasts, it is evident that the SWABC, which continually defends it's impartiality, disseminates information in a biased manner through the use of the following techniques :

at supporting the current status-quo.

- Using a style of reporting which is one of purely passing on pre-selected information without verifying, examining or criticising what is being broadcast, thus not giving the general public their right to analyse the same story from different perspectives.
- The use of broad and sweeping statements without verification by the SWABC implies that what is being broadcast is fact and does not need verification. The general public can question this information but is offered no alternative viewpoint through the medium of the SWABC.

No alternative is offered by the SWABC to the current status-quo, even though there would appear to be no doubt that the existing order will change, no matter who wins the election. The electorate is therefore not being prepared for any alternative to the South African imposed order.

- Lack of investigative effort which leads to uncritical transmission of information, denying the public their right to analyse the same story from different perspectives.
- This paternalistic function impairs the development of mature, autonomous judgement among the population, and fuels the process of polarisation and alienation.
- The changes which have been made in terms of allocating time to political parties represent a "soft option" since these the SWABC is declining to challenge the one mutual interest shared by all [illegible]

than relative merits of parties.

The SWABC is doing little more than the minimum to prepare Namibia for its future." Ends.

A list of recommendations were drawn up as follows to try and effect some form of change during this process.

I quote again :

"Taking into consideration the fact that the SWABC is the only electronic news medium as well as being a parastatal organisation, and in the light of the current political dynamic in Namibia, we recommend the following :

- That the SWABC immediately begin airing different perspectives on the same issues. This will in turn create a positive atmosphere for debate on topical matters of consequence, which is an essential pre-requisite for a free and fair election in Namibia.
- That the SWABC adopt a definite neutral stance by using the same criteria in broadcasting information concerning the forthcoming elections and the different participating political parties, and by refraining from promoting specifically the office of the AG and it's affiliates, ie. the current status-quo.
- That the SWABC continue to encourage political rhetoric, **but** at the same time, prevent political parties from using this medium as a platform for criticising or denigrating other groups with different political opinions and ideologies.
- That the SWABC implement a programme which would allow the broadcast of live debate on specific subjects between representatives of the various

political parties. The use of the word "live" is very important as this pre-empts any form of selective editing before broadcast.

- That the SWABC, in this crucial period in our history, play an active role in promoting reconciliation, rather than polarisation of the Namibian society. This must be done by informing beyond the boundaries of what it sees appropriate for the populace, with the immediate aim of creating a climate conducive to the holding of free and fair elections for the independence that will follow.
- That the SWABC in order to achieve the implementation of the above recommendations, should seriously consider effecting changes in the personnel responsible for news policy and dissemination." Ends.

With the attainment of independence, these rigid and repressive controls were removed through constitutional guidelines and new management in the NBC. The first task of the electronic media was to provide a platform to differing political, social and economic views.

However, for any broadcasting organisation to play a positive role in the political process of a nation, it needs to have credibility. Credibility can only be achieved by the electronic media through the accurate, objective and balanced presentation of news and programmes. Credibility is that key factor which provides the legitimacy for the media to play the mediating role necessary in the explaining, interpreting and analysing of policies and issues that have a bearing on the day-to-day lives of people.

In order to achieve this confidence it is essential as Public Broadcasters to develop a policy to enable the Political Parties and their politicians as well as the public at large to understand the party political information that is disseminated over the air. In order to try and be as fair as possible a broadcast election policy could contain elements such as :

a) Commitment to balanced coverage

The BBC policy in this regard is as follows :

"During **a general election** the BBC's commitment to balanced coverage is narrowly interpreted.

- The BBC accepts an obligation to achieve balance over the period of the campaign and to be close to it day-by-day.
- This applies to the use of actuality of political speeches and to film, videotape, sound recordings, studio contributions and live appearances of politicians.
- Programmes for UK-wide audiences must remember to give significant coverage to the nationalist parties in Scotland and Wales."

While news bulletins aim for a fair balance of appearances by leading figures, news values will naturally still apply in covering election stories.

b) Fringe parties often figure in by-elections.

- They cannot expect parity with mainstream parties.
- But we should remember that a fringe party nationally may enjoy substantial support in a particular constituency.

c) Local Elections

- Local and regional coverage must be scrupulous in achieving balance over short periods of the campaign.

- National coverage must represent all significant parties. This may be achieved over a series of reports. Each programme should achieve its own balance.

d) Party political advertising

- If the Public Broadcaster allows advertising in general this can also apply to political elections.
- This can, however, benefit only those parties that can afford to pay the advertising rates. Political parties who do not have funding for this purpose lose out in this regard.

The CBC outlines their advertising policy.

- The Canada Elections Act prohibits registered parties from advertising on broadcasting facilities in three distinct periods :
  - i) between the date of the issue of the writs for an election and Sunday the twenty-ninth day before polling day;
  - ii) on the day immediately preceding polling day;
  - iii) on polling day.

The CBC will **not** schedule federal party political broadcasts in the proscribed periods.

e) With regard to Information programmes the CBC lists the following. "Broadcasters have the same rights as the print media to present commentary and opinion on federal election issues immediately preceding election day and on election day itself. It must be understood, of course, that the CBC's principles of accuracy, integrity, fairness, thoroughness and balance continue to apply to programming

within these periods, and good sense requires that the impact of a last-minute broadcast appearance by leaders and candidates be judged in the light of these principles."

f) Free time :

It is up to each public broadcasting corporation to decide how much open time will be given to each of the participating political parties. This free time implies that the political party can offer information on their particular campaign issues uninterrupted for that time allocation. The introduction to this slot must be well defined so that the public do not see this as broadcast editorial.

g) Equal time :

A decision must be made in advance whether to allow all parties, no matter what their size and following to have exactly the same time allocation given to them on air.

h) Proportional time :

If, as in the Namibian case, the house representation is already defined, then another alternative could be to allocate time to political parties in proportion to the number of members represented by the respective parties in the House.

The NBC is still setting up election guidelines but has made it's general policy of information and news dissemination clear to all.

One of the key roles of the public service broadcasting is to facilitate the free flow of information not only from 'top-down', but also 'down-up', through informing the public on government and party policies and decisions, and importantly also through report backs and reactions to policies from the public, (to enable policy makers to

be in tune with the needs and demands of the citizenry).

With this open process of communication, it is also vital for the broadcast station to not just allow the party political rhetoric to be aired, but also to encourage politicians to debate these issues live on air to explain for example how their parties will solve the unemployment and the economic problems rather than just saying they are going to do it. Thus, the Public Broadcasters role is also that of "policeman" to protect the public from basic sloganeering and political clichés.

In the Namibian case, where a national election involving all its people was never held before, the media was used (although the initiative came from private organisations and NGO's), to educate the voters.

This included issues on :

- How to vote
- Why does one need to vote
- Who to ask about voting issues in all areas
- The individuals role in the political process through voting etc.

Besides the media preparing itself for elections to build confidence in the election process, it is essential that all political parties and their politicians prepare effective media campaigns to get their information across. It is not the responsibility of the media to work out effective campaigns for the politicians. Party political failure in elections could well be a result of not developing their ultimate form of getting word and information that was particularly effective.

Trust is another essential ingredient in effective confidence building during election time.

Here the responsibility is three-fold.

1) The general public must accept the information on Radio and TV as fair and impartial.

2) The Radio and TV should make itself accessible to all.

3) The Politicians must feel they can trust journalists where they can take for granted that regardless of what they say, the media will construe reasonably, (hopefully favourably) in the news in accordance with the politician's values and interests. This, however, can only be done if the individual politician has built up credibility and trust with these reporters.

One must bear in mind that there are limitations of the broadcast medium. In the Namibian context, here are some that the NBC is trying hard to overcome.

- Because of the history of control, the old SWABC reporters generally support the present opposition. Many of the newly appointed reporters support the ruling party. Thus, a balance is determined by very strict control through the News Controller. Training and time is the only formula that can solve this problem.

- Public perceptions of party political bias. The old order or current opposition sees and emphasises the party political bids of the NBC leaning toward SWAPO. They use their newspapers to try and create a sense of the NBC not being credible. Because the NBC is mostly funded by the State, it is perceived as a Government arm and therefore a tool of the ruling party.

Although radio reaches 95% of the country, TV has a very limited distribution. (Approx. 30% of Namibians have access to TV). Unfortunately, the Politicians tend to favour this medium and this results in very few people actually seeing and hearing what has to be said.

One will always experience these perceptions even though the reality might be very different.

It is essential as a Public Broadcaster to try and shatter these perceptions so that the messenger is not blamed for a defeat or victory in an election.

The electronic media in Namibia has to develop new forms of broadcasting in order to better explain national issues to the public. This involves opening up the political debate for the public, and developing informed and critical methods of interviewing politicians. This implies the possibility of providing political parties the opportunity to broadcast. This will result in giving them direct unmediated access to the public.

The electronic media's immediacy and the belief in it's potency has made it more attractive as the most important medium of political communication.

Speeches are arranged for the benefit of television; walkabouts and photo-opportunities are set-up to catch the tv camera and even leaders are moulded to suit the television medium.

In Britain and the US, televisions' extensive coverage of elections in news and current affairs has also given it a major role in defining and shaping the national election campaigns and contests. Its wall-to-wall coverage not only shapes the contests, but it brings them directly into the living-room, so bypassing local party

organisations, peers, opinion leaders, and other traditional mediators of political communication.

Radio and television help to shape and define the national campaign by acting as funnel: broadcasters collect the material and rearrange it for the benefit of the national audience.

Radio and television election campaigns are, for most people, 'the major learning experience of democratic politics' and through radio and television, the public is exposed to a larger body of rational evidence on which to base their electoral choice than ever before.

(The areas in which the electronic media can play the role of educating and informing the public are wide and varied : on Government policy and decisions, political-parties manifestos and policies, constitutional rights, law and order, mobilising the public on issues such as nation-building, national unity and development etc.)

These formats will provide windows through which the public gets a view of the political arena or a 'platform' for the views of political parties. However, this has to be developed within the constraints which regulate the relationship of the electronic media to the political process in Namibia. They therefore represent possible solutions to the problem of how to deal with political issues in the electronic media and at the same time, preserve the delicate balance of power between broadcasters and politicians.

In summary, four factors form the foundation of these solutions ;

First is the tradition of public service broadcasting which emphasises the need to

inform and educate.

Second, the electronic media are required to treat all political comment in an impartial and fair way. This ensures a degree of balance in political reporting, particularly during elections, and it also ensures that emerging political parties can gain access to radio and television.

The third factor, is the legal factor : The NBC Broadcasting Act which regulates the activities and conduct of the organisation.

The final factor is the relationship which has developed or not developed between the broadcasting authorities and the political parties.

By covering elections on radio and television one cannot emphasise enough the supremacy of elections in the democratic process. Coupled with this is the importance of the vote and of the politics of the day as a mirror of the Parliamentary arena.

To extend this line, radio and television also provides a daily coverage of Parliamentary proceedings and debates. With one following the other, and allowing the voters to experience on air the politicians in office or at elections, it legitimates the democratic Parliamentary process and the electoral contest for all to witness and decide if their choice was right or should change at the next round.

January 1992

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Introduction

The complexion of political finance in the mature democratic nations has undergone significant changes in the last two decades. Spurred in some cases by scandal, in others by the rapidly escalating costs of politics, many governments have enacted new laws to regulate or to alter their national systems of political finance. Among these reforms are laws governing disclosure, transparency, expenditure and contribution limits, as well as direct forms of public subsidies to parties and candidates.

Concurrently, while scholarship concerning reforms in individual countries has flourished, there has been a paucity of literature addressing itself to comparative themes: the two most recent book-length texts on the subject were *Comparative Political Finance: A Symposium*, edited by Richard Rose and Arnold J. Heidenheimer as a special issue of the *Journal of Politics* in 1963; and a book, edited by Arnold J. Heidenheimer, *Comparative Political Finance: The Financing of Party Organizations and Election Campaigns* (Lexington, Massachusetts: D. C. Heath and Company, 1970). The present volume seeks to address this gap in the comparative literature on political finance.

The two chapters which frame this book — written by myself and Karl-Heinz Nassmacher — deal with comparative themes. The other eight chapters are case studies of political finance in individual countries. This is a representative group of countries and authors: Michael Pinto-Duschinsky writes on British political funding, Khayyam Zev Paltiel on Canada, Ernest A. Chaples on Australia, myself on the United States, Jonathan Mendilow on Israel, Hans-Peter Schneider on the Federal Republic of Germany, Pilar del Castillo on Spain, Gian Franco Ciaurro on Italy, and Ruud Koole on the Netherlands. All chapters investigate the problems common to democracies seeking to regulate uses of money in election campaigns. The topic has been the subject of national commissions in the United States, Canada, Australia, Great Britain and West Germany,

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among others. This is an indication of the extent of concern about political financing, in presidential as well as parliamentary systems, in both strong and weak party systems.

Though the broader theme of comparative political finance is the intended subject of this volume, the particular issue of the role of public funding has emerged as a salient feature. Seven of the country studies deal substantially with the effects of public funding on the political system; Britain is an exception because its system of public funding only indirectly subsidizes its parties through availability of free television time and its candidates through free mailing. Thus it is appropriate that the chapters which address comparative themes focus also on the subject of public financing.

In the first chapter, I note that the effects of public money on political systems have not received sufficient attention in the analysis of political finance. Public funding has an impact upon political parties, individual and group contributors, and on government itself. Some of these effects may be intended by the sponsors of the various legislations, while others may arise as unintended consequences. The chapter attempts a preliminary revision of previous political finance theory to include government as a constituent element of its formulation. It goes on to discuss the role of public funding in comparative perspective, noting the numerous forms and effects of such funding. The design of public funding programs should include consideration of the mechanisms by which the money is raised, who should receive the subsidy, and how and when it should be made. The chapter addresses the possibility that funding mechanisms can be used unfairly and suggests measures to avoid the establishment of programs which may do damage to the ideal of equality of opportunity. I conclude that policy makers in each country must strike their own balance between the competing forces of public and private monies, attempting policy tradeoffs in which the greater good outweighs the occasional hurts.

Michael Pinto-Duschinsky reports on the continuing British political debate over the funding of parties, including skirmishes over proposals to provide direct public funding. He reviews the finances of the Conservative and Labor Parties, as well as those of the Alliance between the Liberal and Social Democratic Parties. Pinto-Duschinsky examines trade union donations to the Labor Party in particular detail, noting that, despite declining union membership, the party has managed to receive increased funding from unions between 1979 and 1983 due to increases in the political levy assessed from each union member. In fact, union donations to the Labor Party have exceeded business donations to the Conservatives since 1979. Pinto-Duschinsky notes two salient features of British political

finance in the mid 1980s. The first is the emergence of the Alliance, which has been the most successful third party since the First World War in terms of collecting both small and large individual contributions. Secondly, the Conservative Party, which has achieved great political success, has nonetheless lagged in its fund raising. This, Pinto-Duschinsky suggests, may be partially the result of its failure to employ direct mail solicitation methods.

Responding both to scandals and to rising campaign costs, Canadian lawmakers have devoted considerable attention to the area of political finance since 1963. But the reforms which have resulted from this attention, writes the late Khayyam Z. Paltiel, have generally worked to the advantage of the established parties and have run counter to the principle of equality of opportunity. The Canadian federal registration law for parties, for example, requires at least twelve sitting Members of Parliament or the sponsorship of fifty candidates, thereby severely handicapping those who would attempt to establish regional groupings outside the two large central Canadian provinces. Canadian federal law, Paltiel notes, "appears to opt for less rather than greater public participation, except through established parties." A similar situation exists below the federal level, where public subsidy programs are in place in eight out of ten provinces. In Quebec, for example, only those parties which obtain the first and second largest number of votes in each constituency are assured of reimbursements. Citing these and other instances, such as Bill C-169, which was promulgated clearly for the convenience of the major parties and which had several of its provisions struck down in a court challenge concerning their constitutionality, Paltiel argues that fundamental reform of the federal Election Expenses Act is in order. Specifically, he calls for changes in the regulatory administration of the law, including the creation of an agency along the lines of the formal Commission on Election Contributions and Expenses of Ontario. Such a body would avoid the "colonization of the regulators by the regulated," assuring "input from others than incumbents." Paltiel observes that Canadian public funding, by enabling less affluent candidates to borrow funds, has granted some groups, such as women, a greater degree of access to the political process. Overall, however, the two major parties have been the principal beneficiaries of the extant public funding system.

As Ernest A. Chaples observes, public financing in Australia emerged as a partisan issue of the Labor Party. Responding to the combined pressures of spiraling campaign costs in the television era and its inability to compete adequately with the conservative parties in raising funds, Labor has long been an advocate of public funding measures. Amid strong conservative

opposition, public funding was enacted in New South Wales in 1981. It was only after the successful application of the law in New South Wales in 1981, combined with growing conservative acceptance of the funds (which they had originally boycotted), that legislation on a national scale was brought forward and passed with little controversy in 1983. Though Chaples reports widespread non-compliance with campaign expenditure limits and disclosure laws, he finds that there may be an emerging consensus in Australia concerning public funding legislation. Conservative parties are much more opposed to disclosure of contributions than to a minimal public funding program. Chaples predicts that now that public financing has taken hold at the federal level in Australia it will probably be enacted also in the states of Victoria, South Australia and Western Australia.

In my chapter on American presidential elections, I provide an overview of campaign fund raising and spending in the 1984 election, including the pre-nomination, convention and general election periods. I also review the effects on three presidential elections of the dramatic changes made to the laws regulating federal election campaign finances in the 1970s. Mainly in the wake of Watergate, public funding, contribution limits, expenditure limits and disclosure requirements were enacted with the intention of minimizing opportunities for undue financial influence on officeholders and to make the election process more open and competitive. The new laws have accomplished some of their aims, but they also have had some unintended, and not always salutary, consequences. Public matching funds have had the effect of helping to establish candidates, such as Jimmy Carter, George Bush, Gary Hart, John Anderson and Jesse Jackson, who lacked early access to traditional sources of contributions. But the laws also have led candidates seeking their parties' presidential nominations and those who support them to alter traditional campaign strategies and tactics. For example, by prohibiting candidates from gathering seed money for their campaigns through large contributions, the contribution limit has given an advantage to well-known candidates who have already achieved significant name recognition and has forced less well-known candidates to begin fund raising for their campaigns as much as a year and a half before the nominating convention. The law has exchanged the big giver for the big solicitor: contribution limits have forced many campaigns to rely on those who specialize in direct mail solicitations and on "elite solicitors" who can tap into networks of individuals capable of contributing up to the maximum allowed. The degree to which the laws have failed to achieve their intended effects testifies at least as much to the inventiveness of political actors in circumventing the laws and to the intractability of election campaign finance in a pluralistic society as to the deficiencies of the laws themselves.

Jonathan Mendilow's chapter on Israeli political finance presents a summary of the political conditions surrounding the extremely heavy spending by Israeli parties in 1965 which resulted in a call by parties across the political spectrum for political finance reform. The result was the Law for the Elections to the Knesset and to the Local Authorities, 1969, which initiated the public funding of electoral expenses, expenditure limits and the auditing of campaign finances. Public financing represented a fundamental change in the way parties were viewed, since Israeli parties were by tradition totalistic in nature, tracing back to the pre-1949 period when parties were state-like entities, performing educational, health, housing, welfare and cultural functions. By contrast, the principle of state financing of parties is "based on the recognition of the right to disagree and on the desirability of party competition." Certain public funding issues are unique to Israel, such as the controversy concerning public monies granted to certain religious organizations which are connected to major political parties. Mendilow's chapter also covers major alterations made to the public funding program in 1973 and traces the changing degrees to which the parties have complied with the law in the years since its enactment. He notes major breaches of the spending limits by the major parties in the 1985 elections and suggests a series of measures which might help prevent further abuses.

Gian Franco Ciaurro notes that public financing in Italy emerged as a response to public displeasure concerning a situation in which political parties obtained funds in a variety of questionable ways, including the illegal diversion of public monies directly to party coffers. The public funding system which came into effect in 1974 subsidizes the national, regional and European parliamentary electoral expenses of parties, as well as their ongoing daily expenses. As a transparency measure, the law requires the publication each year of the parties' financial balance sheets for the previous year. Ciaurro examines these documents, noting several factors which point to their unreliability as clear indicators of Italian party finance. For example, since the law requires only that the parties publish their national balances, the substantial sums raised and spent by local and peripheral party organizations are not accounted for officially. Ciaurro estimates that actual party spending amounts to more than double the figures declared in the official balance sheets. In addition, the amounts reported for certain party activities are far below what one might logically expect such activities to cost. "In some instances," Ciaurro comments, "the reported figures stretch the limits of the observer's credulity." Further, the undependability of the official accounts is highlighted by numerous recent court cases involving ongoing illegal campaign contributions and "kick-backs" to party treasuries. Despite these limitations, Ciaurro argues, the

balance sheets do provide some useful data. He finds that membership dues play a relatively minor role in party income, in contrast to that supplied by public funding. Only the Communist and Socialist parties were able to consistently declare that public funding accounted for less than half their income; though the Christian Democrats appear to be relying less on public funds over time, all of the other Italian parties declared public funding to be their sole or predominant source of income. Ciaurro also notes that the parties spend a large portion of their funds propping up deficit-ridden party newspapers, which have little influence with the electorate but are too much an element of party honor to be abandoned. Reflecting on the first twelve years of Italian public financing, Ciaurro concludes that the system has had little impact on closing off questionable fund-raising efforts by the parties. He argues that the system sometimes acts as an incentive for parties to increase their overall expenditure levels, and, in addition, has encouraged a concentration of power in the central executives of the parties. He suggests that the system of cash grants to parties might well be wholly or partially replaced by the provision of certain free services to the parties.

Pilar del Castillo opens her chapter with a description of the party system which began to develop in Spain after the death of General Franco in 1975. The lack of a stable party system, she points out, hampers methodic analysis of the parties and, in turn, of party finances. Such difficulties are aggravated by the lack of an effective system of legal control and by the failure of the parties to disclose their financial accounts. Castillo reviews the consequences of the laws establishing public financing of Spanish political parties, noting that, while both extra-parliamentary and minor parliamentary parties are marginalized by the compensation structure, such parties have thus far neglected to protest this discrimination in the courts. Castillo reviews existing prohibitions on contributions, expenditure limits and disclosure laws, remarking that, until 1985, party compliance with the latter laws has been deficient due to an understaffed and underfinanced Junta Electoral Central (the Spanish election commission) and a system of fines that are too small to be meaningful deterrents to non-compliance. The deficiency of disclosure was exacerbated by the negligence of the Junta Electoral Central, which did not even publish reports for the 1979 and 1982 elections and has refused reporters and investigators the right to inspect the financial accounts presented by the parties. "The financing of political parties between 1977 and 1985," Castillo writes, "has lacked practically all legal control." The Electoral Law of 1985 addresses some of the deficiencies in the disclosure laws, increasing the penalties for non-compliance with the disclosure regulations and requiring disclosure of individual contributions. The effectiveness of

the new regulations, however, remains to be seen. Given these limitations, Castillo attempts an outline of party finance in Spain, working from data gathered in interviews with party managers, published party reports and news accounts. As Castillo concludes, without a normalization of the party system and, especially, without adequate disclosure, a complete and accurate picture of Spanish political finance will continue to be extremely difficult to construct.

Ruud Koole sets the background for his study of Dutch political finance by describing the decline, since the 1960s, of the "pillarized," or consociational party system that had been in place since the 1920s. This system was characterized by several societies, or "pillars," organized around political, cultural, religious and ideological identification, which existed side-by-side in Dutch society; the principal pillars were Catholic, Protestant, socialist and liberal societies. It is this lingering system of pillarization that, in Koole's view, has hindered the development of public funding of Dutch political parties. Political parties in the Netherlands have traditionally relied heavily on membership dues and on other small contributions from individual members. The financing of parties by the business sector, so prevalent in other democracies, is relatively taboo. Each individual pillar has found its own justifications for echoing the Christian Democrat's appeal for "sovereignty within one's own circle." Thus, public funding had been "accepted only very reluctantly and always on the condition that the dependence of a party or foundation on its rank-and-file membership would not be endangered." In addition, the total amount of money needed to finance Dutch politics is relatively small when compared with other mature democratic nations. Limited public funding, the near absence of business donations and a relatively inexpensive party system contribute to Koole's overall assessment of the "modesty" of Dutch political finance.

Hans-Peter Schneider's chapter documents the deliberations, in 1982–3, of the West German Presidential Committee of Experts on Party Funding, of which Schneider was a member. Schneider's article provides a unique perspective in that it shows, from the viewpoint of a participant, the actual lines of reasoning employed in the promulgation of political finance regulations. The recommendations issued by the panel covered a wide range of political finance issues, including public funding of parties, transparency, the legality of foreign contributions, and related tax laws. The Committee's overall intent, Schneider writes, was to "shift the emphasis of party funding in Germany away from the state and toward the individual citizen." Schneider also reports on the Bundestag's response to the Committee's proposals, as well as on the public response to the Bundestag's eventual revision of federal election law. Schneider notes that

portions of the new law were successfully challenged in the courts by the Green Party on grounds that provisions dealing with tax deductibility of contributions gave greater advantages to parties supported by the wealthy. These provisions were struck down in 1986 by the Federal Constitutional Court in Karlsruhe, which found them to be in conflict with equality of opportunity.

In the closing chapter of the volume, Karl-Heinz Nassmacher studies public funding programs in Western Europe, focusing on the cases of Austria, Italy, Sweden and West Germany. The chapter presents a comparison of the legal framework and impact of subsidies in these nations, evaluating differing techniques of subsidization, their impact on internal party structure and competition, related controls on income and expenditure and procedures to cope with inflation. It is important to note, as Nassmacher does, the fundamental differences between North American and European political finance. In the "campaign- and candidate-oriented political cultures of North America," he writes, "political finance heavily connotes campaign finance pointing at money spent in order to influence the outcome of an election. In Europe, the term political finance can appropriately be used as a synonym for party finance." In each of the four countries studied, public funding provides considerable support for party activities, though West Germany provides greater support than Austria and Sweden with Italy lagging even further behind. Nassmacher looks at the issue of whether public funding contributes to the "petrification" of party systems, that is, whether it reinforces the relative political strength of the established parties and whether it allows for the entry of new parties into the system. In general, he finds, public subsidies have neither kept the governing party in power nor excluded new parties from competing successfully. Another concern related to public funding is that subsidies often foster centralization of power and bureaucratization within parties. Noting European evidence which substantiates such worries, Nassmacher suggests that direct public subsidies are less likely to alleviate this problem than tax incentives for individual political donations. "In this respect," he adds, "the European countries should learn a lesson from North American experience." Nassmacher also notes that, in each of the four countries he studied, regulations regarding disclosure limitations on expenditures and contributions are inadequate and thus the financial accountability of the parties is limited. The "underregulation" of political finance which is prevalent in Western Europe, he concludes, is not "the optimum for public policy."

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Appendix XIII

Decision on Access to the National Mass Media During the Election Campaign

Grand National Assembly of Bulgaria
August 21, 1991

On the strength of Article 86, paragraph 1 of the Constitution of the Republic of Bulgaria and in connection with Article 57 of the Act on the Election of National Representatives, Municipal Councillors and Mayors, the Grand National Assembly

D E C I D E D:

During the election campaign, the national mass media, Bulgarian Television and Bulgarian Radio, shall conduct their activity in compliance with the Basic Provisions of the interim status of Bulgarian Radio and Bulgarian Television, approved by the Grand National Assembly. The Bulgarian News Agency shall objectively cover the election campaign of the parties, coalitions and independent candidates and present their platforms and addresses.

The news broadcasts, the daily and weekly political review programmes of Bulgarian Radio and Bulgarian Television shall cover in an objective and balanced manner, with authentic news and reports, the election campaign of the parties, coalitions and independent candidates.

During the election campaign, Bulgarian Television and Bulgarian Radio shall allot time for topical debates twice a week. The parties and coalitions shall take part in the debates according to their representation in Parliament (90 minutes on television and 120 minutes each for the two radio programmes).

Parliamentary parties and coalitions shall be given the possibility for initial and final television and radio debates of 90 minutes duration each.

Time for debates shall also be granted twice over the entire election period to extraparliamentary parties and coalitions, which have registered lists in at least one third of the constituencies.

On the first and last day of the election campaign, Bulgarian dio and Bulgarian Television shall broadcast, under equal program nditions and within a time limit of up to five minutes, the election dresses of all parties and coalitions that have registered lists in at ıst one third of the constituencies.

Twice a week Programme One of Bulgarian Television and the *orizont Programme* of Bulgarian Radio shall ensure, in the same ur range, the broadcasting of clips and reports produced by ılgarian Television and Bulgarian Radio crews at the order of and .der the control of the parties and coalitions having registered lists at least one third of the constituencies.

The clips and reports shall not exceed a duration of three minutes d shall illuminate different aspects of the platform of the party in ıestion.

Attacks on political opponents are inadmissible.

The right to reply is regulated under the provision of Article 58 the Act on the Election of National Representatives, Municipal ouncillors and Mayors.

Regional radio and television centres and local radio centres shall : used by the parties, coalitions and independent candidates having gistered lists in the respective constituency and according to the ovisions applicable to the national mass media.

The broadcasting of foreign radio and television transmissions in ılgarian on national frequencies shall not be permitted during the ection campaign.

Objections to breaches of this decision shall be submitted to the entral Election Commission and to the regional and municipal ection commissions, which shall pronounce decisions on the ımplaints within a term of three days.

In compliance with the provisions of Article 57 of the Act on the lection of National Representatives, Municipal Councillors and layors, the Central Election Commission takes decisions which shall e binding for the national mass media.

The Central Election Commission shall set up an expert group f representatives of the parliamentary parties and coalitions, which nall monitor the implementation of this decision and of the Act of the lection of National Representatives, Municipal Councillors and layors.

The expenses of Bulgarian Radio, Bulgarian Television and the Bulgarian News Agency linked with the coverage of the election campaign shall be carried by the state budget.

The election campaign, in keeping with the present decision, shall start after expiry of the term for the registration of candidates under Article 52, paragraph 2 of the Act on the Election of National Representatives, Municipal Councillors and Mayors, and shall end 24 hours before election day, in compliance with Article 60, paragraph 2 of the same act.

The present decision was adopted by the Grand National Assembly on August 21, 1991 and is stamped with the official seal.

CHAIRMAN OF THE GRAND NATIONAL ASSEMBLY:
(signed) N. Todorov

True to the original,
HEAD OF THE "OFFICE" DEPARTMENT: (D. Gaoubich)

Appendix XIV

Instructions on Voting by the Military

Regarding the conduct of the election campaign among Bulgarian Army personnel and its participation in the administration of the elections for national representatives, municipal councils and mayors.

The elections set for October 13, 1991 are an important political event and are of enormous significance for the continued transition to democracy in our country.

For the organized participation of the Bulgarian Army personnel in the election campaign and the administration of the elections, the following shall be performed:

1. The Bulgarian Army shall exercise its franchise in compliance with the Act on the Election of National Representatives, Municipal Councillors and Mayors.
2. Generals (admirals), officers and non-commissioned officers on re-engagement service, civilian employees and workers in the Bulgarian Army shall be entered in the election lists according to their place of residence in conformity with their address registration by election day. By October 10, 1991 they shall obtain Bulgarian citizen's passports with which to certify their identity during the voting process. The requirements for address registration dating at least 60 days prior to election day does not apply to them.
3. They are not entitled to transfer to the army units the election day activity of the political parties, election coalition and independent candidates whose political platforms they support.
4. Commanders and chiefs shall ensure conditions for the participation in the elections of conscripts, including persons on 24-hour duty detail.
5. Conscripts shall be entered only in the election lists for the election of national representatives in the election sections nearest to the army unit.
6. They shall be ensured garrison leave on election day. They shall certify their identity before the chairman of the sectional election commission or the person authorized by him with their military identity card only. Granting furlough which includes election day to conscripts shall only be by way of exception, in cases past deferment.
7. Conscripts born in 1973, first shift, shall be issued military identity cards by October 5, 1991.
8. No election campaign shall be conducted in the army units, including the distribution of any kind of election materials of the political parties, election coalitions and independent candidates.
9. Commanders and chiefs, in coordination with the interim executive councils of the municipalities and the regional election commission, shall enable conscripts to participate in two meetings with the candidates for national representatives of all parties, election coalitions and independent candidates registered in the given district. During the dates of the meetings, conscripts, including new recruits, shall be granted garrison leave.
10. All conscripts in the army units shall be granted the opportunity in their leisure time, in keeping with the set daily time schedule, to follow according to their own choice, the election broadcasts of the political parties, election coalitions and independent candidates aired on Bulgarian Radio and Bulgarian Television. TV sets and radio receivers in good working condition shall be placed in the recreation rooms and other suitable premises, together with people in charge of their operation.
11. In the army units, commanders and chiefs shall explicate among conscripts only the Act on the Election of National Representatives, Municipal Councillors and Mayors, documents received by the Defense Ministry, coordinated with the Central Election Commission, in connection with the elections, as well as technical and procedural questions concerning the participation of conscripts in the voting process.
12. During furlough, conscripts are entitled to free access to all materials and election manifestations of the political parties, election coalitions and independent candidates.

13. Generals (admirals), officers and non commissioned officers on re-engagement service can be nominated only as independent candidates for national representatives, municipal councillors and mayors. Candidates shall be granted paid service leave from the date of their registration until election day.

14. Commanders and chiefs shall establish contacts personally or through persons authorized by them with representatives of the political parties and election coalitions and with the candidates for national representatives, registered in the respective election district, on all questions linked with the election campaign and the administration of the elections.

15. The Bulgarian Army paper shall publicize the election platforms and the appeals of the parties and coalitions running in the elections. The parties and election coalitions shall submit their platforms and appeals to the paper's editorial office within a term and on a scale determined by the Central Election Commission.

Defense Minister of Bulgaria, Army General MUSTAFCHIEV

Central Election Commission Chairman DANAILOV

Section 3

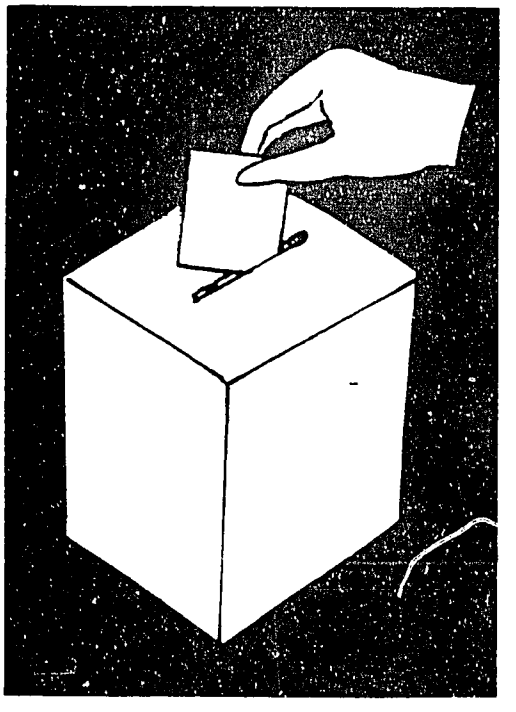
Issues for the OAU

(Sessions 5-6)

GUIDELINES ON SPECIAL ARRANGEMENTS

FOR

ELECTORAL ASSISTANCE



UNITED NATIONS

AND

UNITED NATIONS DEVELOPMENT PROGRAMME

NEW YORK
AUGUST 1992

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GUIDELINES ON SPECIAL ARRANGEMENTS FOR ELECTORAL ASSISTANCE

I. BACKGROUND

A. United Nations involvement in the electoral field

1. Through the Trusteeship Council, the United Nations has observed or supervised some 30 plebiscites, referenda or elections between the 1960s and 1970s. However, the present thrust in the electoral assistance field is only a few years old.

2. In paragraph 5 of its resolution 43/157 of 8 December 1988, entitled "Enhancing the effectiveness of the principle of periodic and genuine elections", the General Assembly called upon the Commission on Human Rights to consider and report on "appropriate ways and means of enhancing the effectiveness of the principle of periodic and genuine elections, in the context of full respect for the sovereignty of Member States".

3. During 1989 and 1990, successful large-scale operations were launched in Namibia (UNTAG), Nicaragua (ONUVEN) and Haiti (ONUVEH). UNTAG supervised the election as the final stage of decolonization, certifying crucial steps of the process, while ONUVEN and ONUVEH verified, for the first time in the history of the organization, elections conducted in independent states, at their request.

4. In the meantime, the General Assembly continued to debate the issue at its 44th and the 45th Sessions, following the two elements indicated above: affirmative support for elections and respect for sovereignty. In February 1991, the Secretary-General sent a note verbale to all Member States requesting their comments on the matter. In addition, reports were requested from the United Nations specialized agencies and other organizations working on electoral matters. In November 1991, the Secretary-General issued a detailed report on the subject (A/46/609, 19 November 1991). It contains a long and substantive review of the experience of the United Nations in all phases of electoral matters, including past missions, the legal basis for those missions, the financing of missions, reports of the activities of the United Nations bodies involved and recommendations for the future of United Nations activities in the field.

5. The report maintains that election organization, supervision and even verification should "remain an exceptional activity of the Organization" (paragraphs 5-8). Paragraph 79 is especially important in that it lists the criteria which "ought to be met before agreeing to such requests." They are:

(a) Requests should pertain primarily to situations with a clear international dimension, including the potential disruptions in neighbouring countries or the region that instability in a given country might produce, as was argued in the case of Haiti;

(b) Monitoring provided by potential United Nations activity should cover - geographically and chronologically - the entire electoral process, from the initial stages of registration to the elections themselves;

(c) There should be a specific request by the Government concerned as well as broad public support for a United Nations role; and,

(d) Approval from the competent organ of the United Nations (the General Assembly, for large scale operations that do not involve military observation; the Security Council, if there is such an involvement; the Secretary-General, when the mission is undertaken in the context of previous decisions of the General Assembly, as was the case in Nicaragua).

6. Prerequisites (a), (c) and (d) are essentially preconditions that do not necessarily involve a considerable time lead, although in some cases the discussions in the General Assembly or the Security Council might require some time. But prerequisite (b), the covering of an entire electoral process, implies that the request should be received well in advance of the initial stages of the electoral process, including a lead time for eventual discussion in the competent United Nations organ and for the organization of the mission. In the recent past, when a request arrived without the necessary lead time, no further action was taken in relation to the request on account of the physical impossibility of covering the whole electoral process. In some other cases, since the General Assembly had defined electoral verification as an exceptional activity of the Organization, it is doubtful whether

the mandate for a major mission[1] would be given in situations not involving clear international dimensions, even if the request fulfilled some of the other requisites.

7. The present Secretary-General has given very high priority to democratization efforts and has been willing to provide a more positive answer even in cases where it is clear that the lead time is insufficient. In the case of Cameroon, confronted with requests for the sending of observers to elections without a clear international dimension and without enough lead time for the organization of a verification mission, the Secretary-General answered by requesting "the Resident Coordinator of the United Nations, in cooperation with other United Nations officials [in the country], to follow closely the progress of the elections and to report to [him] on their outcome" [2]. Once the experience achieved in Cameroon and some other cases mentioned below is properly evaluated, it might provide a possible answer for requests that do not fulfill the strict prerequisites established for sending verification missions. In some more recent cases, such as Albania, Congo, Ethiopia or Mali, UNDP plays an active role in organizing and providing support to the observation of the elections by international observers not formally related to the Organization, in operations that focus more on confidence-building than on formal verification. Since the Secretary-General has been requested to report to the General Assembly at its forty-seventh session in 1992 on the implementation of resolution 46/137, it might be assumed that a more flexible framework will be established in relation to electoral assistance activities.

B. The creation of a focal point for electoral matters

8. As regards the organizational aspects of the United Nations electoral involvement, the General Assembly adopted resolution 46/137 on 17 December 1991 authorizing the Secretary-General to "designate a senior official ... to act as a focal point ... in order to ensure consistency in the handling of requests of Member States organizing elections, who would assist the Secretary-General to coordinate and consider requests for electoral verification and to channel requests for electoral assistance to the appropriate office or programme, to ensure careful consideration of requests for electoral verification, to build

[1] The term "major mission" will be used throughout the guidelines to denote operations entailing election organization, supervision or verification, as the necessary geographical and chronological coverage requires significant resources.

[2] Letter from the Secretary-General to the Permanent Representative of the Republic of Cameroon to the United nations.

on experience gained to develop an institutional memory, to develop and maintain a roster of international experts who could provide technical assistance as well as assist in the verification of electoral processes and to maintain contact with regional and other intergovernmental organizations to ensure appropriate working arrangements with them and the avoidance of duplication of efforts."

C. Background to UNDP involvement

9. Between 1976 and 1990, UNDP financed several projects that provided electoral assistance to Algeria, Argentina, the Caribbean region, Israel and Mexico. These projects have provided support on specific technical aspects of electoral processes or have helped to establish the infrastructure necessary to hold elections. Almost all the projects have been executed by the former Department of Technical Cooperation for Development (now Department for Economic and Social Development) or by governments themselves. UNDP assistance has been provided in a variety of different contexts. Most of these medium-sized projects were geared to improving the technical capabilities of national electoral institutions. Areas of assistance include the establishment and maintenance of civil electoral registers, electoral electronic data processing, vote counting technologies, legal and logistic information.

10. A quantitative and qualitative change in UNDP involvement took place in Haiti in 1990, where a large-scale technical assistance project to the electoral authorities, involving cost-sharing with two donors, was launched in conjunction with a major verification mission. The project preceded the verification missions by several months, and provided invaluable support to the new, inexperienced electoral authorities. The initial preparatory missions that took place immediately after Mme. Pascal-Trouillot was placed in power were also financed by UNDP. A similar scheme was arranged in 1991 for Angola, although in this case the complexity of the operation, involving cost-sharing with six donors, eighteen consultants, and close coordination with the implementing agencies of the European Community and USA funding was certainly greater. During the last part of 1991 and the first months of 1992, the number of requests for technical assistance from countries undergoing first-time elections has exploded. During that period, requests or consultations have been received from Burundi, Central African Republic, Congo, El Salvador, Ethiopia, Ghana, Guinea, Guinea Bissau, Lesotho, Liberia, Madagascar, Mali, Niger, Rwanda and Togo.

II. AREAS OF UNITED NATIONS SYSTEM INVOLVEMENT IN ELECTORAL AFFAIRS

11. As pointed out in the Secretary-General's report the terms "supervision", "observation", "verification" and "monitoring" are often employed almost interchangeably. The report attempts to put some precision in the use of the terms, but an element of ambiguity remains. Therefore, it might be useful to provide a short description of the main types of operations undertaken in the past or that are under consideration at present.

12. Organization and conduct of elections. In very special circumstances, such as those in Western Sahara or in Cambodia, the United Nations has agreed to organize the electoral process in all its aspects. A specific mandate from the General Assembly or the Security Council is required, and the funding of each operation is established by the approving organ of the United Nations on an ad hoc basis.

13. Supervision of elections. Supervision was frequently used in the context of decolonization operations, such as those in Togo, Cameroon under British administration, Rwanda-Urundi and Western Samoa. More recently, it was applied in Namibia. The concept applies to operations where not only the results of the elections but all steps of the process, in both its political and electoral aspects, might require certification by the Special Representative of the Secretary-General to confirm the validity of certain crucial aspects. As in the organization and conduct of elections, a specific mandate is required, and the funding of each operation is established by the approving organ of the United Nations on an ad hoc basis.

14. Verification of elections. Verification was the term used for operations conducted in a sovereign state at the request of its Government, such as those in Nicaragua, Haiti and Angola (as well as in some previous Trusteeship operations). The electoral process is organized and administered by a national organ, and the United Nations is asked to verify the freedom and fairness of specifically defined aspects of the electoral process. This is done through extensive chronological and geographical coverage of the electoral process, establishing a network of observers throughout the country. Strict techniques, e.g., quick-counts and databanks of complaints presented to the electoral authorities, are employed in this kind of operations. Both the supervision and the verification activities may be part of broader missions with other peace-keeping components, as in Angola. As in the previous

cases, specific mandates are required, and the funding of each operation is established by the approving organ of the United Nations on an ad hoc basis.

15. Support to the international observation of elections. In some decolonization cases the term "observation" has been used by the Trusteeship Council to describe small missions consisting of representatives of Member States who travel to the Territory in question for a relatively brief period, sometimes only a few days. At present, some elements of that approach are being used to support the presence of international observers, even if not within the framework of a major verification mission, if the Government is interested in receiving this type of support. In the case of Albania, assistance to the Government to organize the reception of the observers was provided. In Congo, logistic support to international observers was also provided. The support included the preparation of background information to be provided to the observers; organizing the reception and briefings by electoral authorities and political parties and arranging the routes that they will follow and the places to be visited so as to avoid duplication. UNDP also provided considerable logistic support to the international observers. In Mali, UNDP funded the participation of 38 international observers belonging to regional organizations, specialized NGOs, etc. In the case of Ethiopia, a significant effort was made to have a catalytic effect in the organization and coordination of a Joint International Observer Group, to which the United Nations -through UNDP- provides crucial support. The Joint Group involved about 250 observers from 30 countries and international organizations. Perhaps the main difference with the previous type of operation is that the international observers are supported by the United Nations but do not represent the organization. The Joint Group as such is not committed to express opinions on the freedom and fairness of the elections and its main objective is to contribute to confidence-building[3]. As there are no precedents, the funding rules for this kind of operation are not well-defined. In the case of Mali, national IPF funds for financing the participation of 38 international observers from other

[3] In the case of Ethiopia, since the Joint International Observation Group comprised 30 countries and organizations, it was decided that the group as such should not make statements on the fairness of the elections, and should limit its comments to the scope of its activities. It was felt that the time constraints and the resource limitations made it impossible to achieve adequate geographical and chronological coverage of the electoral process and therefore issue authoritative statements on its freedom and fairness. However, individual delegations prepared their reports to their governments following their standard procedures. On the other hand, it was also felt that the visits and presence of a large number of international observers, to as many Weredas and Kebeles as possible, would significantly contribute to increase the confidence of the population in the process. The experience of Ethiopia, together with those from the other countries, is being evaluated, and a specific document on the subject will be prepared.

organizations were used. In the case of Ethiopia, a national IPF project was prepared that would finance the cost of logistic support to the observer group as well as financing some costs of the electoral process. Although most of the observers were volunteers from the international community residing in Ethiopia, many observers arrived from abroad. Their cost was covered by the countries sending them. The project is being partly financed by cost-sharing arrangements with some of the countries providing observers. If a United Nations trust fund for electoral observation is created[4], it might be the future source of funding for this type of activity. However, in the immediate future, funding should come from IPFs, cost-sharing, or a combination of both.

16. Follow and Report. Quite frequently, Governments request the United Nations to send observers to follow their electoral processes in situations where the prerequisites mentioned in section I are not fulfilled. But if there is evidence that the country is in the midst of a democratization process, if there is no opposition to United Nations participation, and if the main constraint is time, the Secretary-General has chosen to phrase the unavoidable negative response to the sending of United Nations observers in a positive way. In the cases of Cameroon and Mali, he has asked the Resident Coordinators to "follow the electoral process and report to [him] on its results"[5], informing the Government of this decision. In the case of Cameroon, which was the first country in which this approach was used, there was no special support to the Resident Coordinator. In the case of Mali, a UNDP consultant helped in the organization of the activities of the international observers and in the preparation of reports. A special mandate is not required for these operations, since they are already covered by existing ones. As in the previous case, until the United Nations trust fund is in place, the funding sources will be national IPFs or cost-sharing.

17. Electoral (technical) assistance. The term covers cases of the provision of a variety of technical assistance, including analysis, advice, equipment or training, to government institutions in relation to specific requirements of the country's electoral process. It might

[4] In paragraph 14 of its resolution 46/137, the General Assembly requested the Secretary-General to establish a voluntary Trust Fund for cases where the requesting Member State is unable to finance, in whole or in part, the electoral verification mission. This Trust Fund for Electoral Observation is specifically addressed to observation or verification operations and is being established in the Department of Political Affairs. It should not be confused with the UNDP Trust Fund for Technical Assistance in Electoral Matters, which will be devoted to finance preparatory and supporting "activities" to the technical assistance activities in the electoral field. The first fund is still in process of approval, while the second has already been established by the Administrator, and will probably receive contributions in the next few weeks.

[5] See note 2.

be provided directly or it might be a companion feature of major missions, as in the cases of Haiti or Angola. In other cases, the provision of technical assistance could precede a verification mission and could be used as a tool in the evaluation of its opportunity and feasibility. Although such assistance does not as a rule require a decision of a political nature, it should also be checked with the United Nations focal point[6]. Past technical assistance activities have included the establishment and maintenance of civic and electoral registers, electronic electoral data processing, legal and logistic assistance, civic and voter education practice communications and vote-counting technologies, public information, procurement of voting equipment and material. These activities can be conceptually divided into two approaches: a) those which contribute to national capacity building through the establishment of new electoral institutions or enhancement of capacities in existing institutions and b) those which simply provide legal, constitutional, logistic management or technical advice as well as all types of electoral equipment, materials and supplies. These activities are covered by existing mandates, and are normally funded from national IPFs in the case of small scale activities, and through cost-sharing in large ones, such as those in Angola or Haiti.

18. It should be borne in mind that this listing is not necessarily exhaustive, and that the responses provided by the United Nations system are constantly being adjusted to new and challenging situations and contexts. Some of the responses given recently, particularly the support to the international observation of elections and the "follow and report" approach are to be considered in an experimental stage; the experience gathered will be used to define adequate patterns of response. Both approaches place a heavy burden on UNDP field offices, which might not always be equipped to handle such activities. Furthermore, in some cases, the political situation might be such as to place the Resident Representative in a difficult position in attempting to fulfill the Secretary-General's request. It is expected that the next report of the Secretary-General to the General Assembly on the subject will contain further elaboration of the basic principles and that it will be a more flexible set of action instruments, based on the experience collected in previous missions.

19. These operations are often preceded by fact-finding or needs-assessment missions. Their characteristics and funding mechanisms are discussed in paragraphs 40 and 46 below. A quick reference guide to these areas of United Nations system involvement is provided in annex II.

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[6] Cf. chapter V for the processing of requests.

III. SPECIAL CHARACTERISTICS OF ELECTORAL ASSISTANCE

20. There are a number of characteristics that are peculiar to the electoral assistance field and that make it necessary to have a special approach:

(a) There is no clear cut distinction between the technical and the political in the electoral assistance field, in reality and in perception. In some cases, the provision of technical assistance might be construed by the recipient government (or by other interested parties) as providing legitimacy to an electoral process that might not fulfill minimum requisites of fairness and transparency;

(b) The number of requests is growing so rapidly that the capacity of aid-providing mechanisms is pushed to the limit. Since it is a new field, the availability of previous experience and of seasoned experts is limited;

(c) In most other areas of assistance, donors tend to concentrate on specific areas or individual projects, and it is not very common to find development projects supported by multiple donors. In the electoral area, the opposite is true. In a case such as Angola, about ten countries and/or intergovernmental organizations are contributing in different ways to the electoral process;

(d) The national institutions in charge of the organization of first-time elections are usually new, with little or no experience in the organization of multi-party elections, and even less in the handling of complex multi-donor assistance programmes. It is not uncommon to witness a protracted lack of communication, where electoral organizations are not able to define with precision their needs, and where donors insist on having properly elaborated budgets and requests;

(e) In most cases, normal development projects have a long gestation period, which allows for adequate screening. Although there is always some degree of urgency and deadlines, eventual postponements of the beginning of most development projects will not seriously jeopardize the attainment of objectives. The opposite is true in the case of electoral assistance. Gestation periods can be measured in weeks, deadlines (election dates) cannot be changed without great political costs, and delays might cripple the anticipated impact of the assistance;

(f) Although the aid policies of most - if not all - countries do involve political considerations, both on the donor and the recipient side, the relationship between the technical aspects and the political considerations is not significant for normal development projects. In the electoral field, political considerations do have an impact at the project level; this makes the internal management of assistance programmes in the electoral area much more complicated.

21. Given this mixture of practical and political considerations, existing implementation and/or coordination mechanisms do not work very well, since they have been developed for projects of different characteristics, operating with different time constraints, and in a context where technical considerations outweigh political considerations. It is therefore important that new implementation and coordination procedures, specific to the electoral area, should be discussed and introduced, in order to avoid duplication and waste of resources. These procedures are outlined below (in chapters IV, V and VI) and reflect current experience. In view of the immediate need, these guidelines are being circulated now but will be up-dated as additional experience and lessons are accumulated.

IV. ROLES WITHIN THE UN SYSTEM

Overall coordination

22. Focal point. As requested by the General Assembly in its resolution 46/137, the Secretary-General has appointed Mr. James O.C. Jonah, Under Secretary-General of the Department of Political Affairs, as the senior officer with the responsibility of acting as the focal point on electoral matters. There will be a task-force on electoral matters comprising representatives of all departments and organizations related to the subject. It will meet periodically to ensure adequate coordination of activities within the system.

23. United Nations Electoral Assistance Unit. The focal point is assisted in this activity by the Electoral Assistance Unit, which has a small staff. The flow sheet (annex I) gives an idea of the approach the Unit intends to follow in the processing of the requests. The screening role and the support to the focal point in providing consistent answers is a central part of its activity and will require that all requests are channeled through the Unit. In addition, given the fact that it will have significant substantive capacity in the electoral field and that it has been requested to build up a roster of electoral experts, the Unit will be

conducting fact-finding and evaluation missions and will be available to provide support, as required, in the initial stages of development of projects or major missions. As soon as a project or a mission becomes operational, the implementation will be the full responsibility of the relevant implementing organization, and the role of the Unit will be limited to following the experience in order to build up the institutional memory in the electoral assistance field.

24. In spite of the number of requests that might be received, the Unit will be kept small, yet will be capable of providing the full range of responses requested from it. This can be achieved by creating an external network to support the Unit's objectives and by building up an adequate information system. Conducive to that goal are the following activities that attempt to reinforce the capacity of the Unit without increasing its size: (a) the establishment of mechanisms for the exchange of information and/or coordination of technical assistance with donor countries; (b) the setting up of a roster of experts and consultants; (c) the establishment of databanks and information systems on electoral issues; (d) the organization of high-level training workshops for electoral consultants and key United Nations and UNDP personnel; (e) the creation and start-up of networks of electoral organizations in Africa; (f) the development of guidelines and training materials in the electoral field.

25. United Nations Resident Coordinator. The Resident Coordinator has, in most cases, a crucial role in the coordination of activities at the field level. The Director-General for Development's briefing note (Arrangements for the exercise of the function of Resident Coordinator) remains operative and should be interpreted to cover at least some of the areas of United Nations system involvement in electoral assistance. In particular, paragraph 13 indicates that the Resident Coordinator's reports to the Secretary-General "could be on matters relevant to the development situation of the country or in connection with ad hoc assignments entrusted by the Secretary-General to the Resident Coordinator". This would appear to clear the way for the Resident Coordinator to manage "observation support" and "follow and report" exercises. Needs-assessment missions and technical assistance activities are already a normal responsibility. However, with respect to "organization and conduct", "supervision" and "verification", these are usually managed in-country by a Special Representative of the Secretary-General. In those cases, the Resident Coordinator's role may still be very important, but will be in a supportive capacity. For all of the above areas, the Resident Coordinator is expected to play the normal role of liaising between the

Government and the United Nations system, although this role will be assumed by the Special Representative of the Secretary-General when appointed.

UNDP coordination and support

26. Regional Bureaux. The Regional Bureaux at UNDP headquarters will provide guidance and support to the Resident Coordinators in the evolution of the concept of governance in general and the electoral/democratization process in particular. They will also liaise with the United Nations Electoral Assistance Unit on operational matters and follow-up on technical assistance proposals in which UNDP is involved. It would facilitate matters if one focal point be designated in each Bureau to act as resource and coordinating unit on electoral matters.

27. Bureau for Programme Policy and Evaluation (BPPE). The Policy Team has asked the Director of BPPE to be the UNDP focal point for electoral affairs. The Director has requested DGIP to assume this responsibility. Within BPPE the roles will be as follows:

(a) Division for Global and Interregional Programmes (DGIP): Under UNDP/UNDESD Project INT 91/033, Electoral Administration, missions will be fielded to donors and to Africa in an effort to generate the support of regional networks to share experience on electoral administration. DGIP and the United Nations Electoral Assistance Unit will co-manage the UNDP Trust Fund for Technical Assistance in electoral matters (see footnote 4) which will, inter alia, fund needs assessment missions, workshops, studies and support for networks. DGIP will work with the Unit and with other UNDP staff to update these guidelines. The Division will coordinate the UNDP contribution to the Secretary-General's Report to the General Assembly on follow up to resolution 46/137 "Enhancing the Effectiveness of the Principle of Periodic and Genuine Elections";

(b) Human Development Group. The Group sees elections as a basic element of human development and would like to ensure that this perspective is appreciated and respected in UNDP's activities in this field. The Group is considering the availability of Special Programme Resources (SPR) support;

(c) Management Development Programme. Although elections are a component of good governance, MDP-funds should normally not be used for electoral assistance but

continue to focus on administrative reform, economic management and decentralization. Preparation on reforms in these fields can go parallel with the planning of elections or follow;

(d) Policy Division. The Policy Division is interested in ensuring that any UNDP activity in the field of electoral affairs is within the UNDP mandate and current policies and procedures. It emphasizes the need to learn from UNDP experience in this area.

Implementation options

28. Department of Economic and Social Development (DESD). The Department has a general mandate to assist governments, at their request, in strengthening their institutions and improving their capacity in the conduct of affairs of state. To this end, the Department has responded to many such requests from governments, and has fielded a number of missions to assess needs and to provide advice. These missions have resulted in the formulation and execution of programmes and projects of technical assistance in the electoral matters In fact, through its predecessor, the Department of Technical Cooperation for Development, UNDESD has been the pioneer department of the United Nations in this field, providing technical assistance to the electoral process in Nicaragua, Haiti, Angola, Ethiopia, Mali, Togo, Guinea, Albania. These programmes of technical assistance include legal and logistic information, the establishment and maintenance of civil electoral registers, electoral electronic data processing, vote counting technologies, and training for electoral officials. The Department of Economic and Social Development is keenly interested in continuing to focus on providing technical assistance to governments in this field of electoral administration. It is prepared to devote resources to enhance its capacity as a major agency in the execution of technical assistance programmes and projects in this area of its mandate.

29. United Nations Centre for Human Rights. The Centre has been involved, through its programme of advisory services and technical assistance, in electoral assistance to a number of countries and in variety of contexts. Such involvement has included the provision of advisory services and technical assistance in the legal and technical aspects of democratic elections; training of electoral and other public officials involved in free and fair elections; civic education endeavors; and legal and procedural analysis of electoral and related legislation. The Centre has sent expert missions to Albania (1990), Romania (1990, 1992), and Lesotho (1991), and has issued detailed analytical reports subsequent to each of

those missions. Training, civic education, and human rights courses designed to prepare various organs of society for elections and beyond, have been conducted in Romania, Lesotho and Angola. Specialized legal staff in the Centre have provided legislative analysis and recommendations at the request of the EAU for both Eritrea and Cambodia. The Centre's involvement in electoral assistance is based both upon the human rights content of the electoral process itself, and upon a recognition that such involvement provides opportunities to detect other human rights needs within the country involved, which might be addressed through the programme of advisory services and technical assistance. While the Centre does not provide logistic or material support for electoral assistance projects, it can contribute to those components of such projects which have a specific, identifiable human rights element. The Centre's Voluntary Fund for Technical Co-operation in the Field of Human Rights can provide funding for such components, including short-term consultants, where appropriate.

30. UNDP Office of Project Services. In some cases (Liberia, Albania) umbrella projects implemented by OPS were used during the initial stages of involvement, particularly for the organization of fact-finding missions. In the case of Guyana, OPS has been assisting in the establishment of an automated geographic management system for the Electoral Commission. OPS has extensive logistical expertise.

31. United Nations Volunteers. UNV has been of assistance to the UNDP election support projects in Haiti and Guyana, providing expertise in the fields of data and information management and, in the case of Haiti, also helped to produce a multi-media documentary on the Haitian experience. In Cambodia, 400 UNV district electoral supervisors/civic education trainers are currently being fielded to assist UNTAC with the voter registration process and to train trainers in electoral administration, registration of voters and constitutional processes. UNV also provided 21 field coordinators, cartographers and computer specialists as part of the United Nations Advanced Mission to Cambodia (UNAMIC) to prepare the ground for the overall electoral process. Recently, consideration was given to using the services of UNV, specially in Angola. The recruitment mobilization efforts for Angola and Cambodia have enhanced UNV delivery capacity for election support and provide a viable low-cost alternative for the implementation of projects.

32. Intergovernmental and Non-governmental organizations. There are a considerable number of intergovernmental organizations and non-governmental organizations active in the technical assistance field. Among the former are the Centre for Electoral Promotion

and Advice (CAPEL), in San José, Costa Rica; the Warsaw Centre of the Conference on Security and Cooperation in Europe (CSCE); the Unit for Democracy of the Organization of American States in Washington, D.C.; the Commonwealth Secretariat in London. Among the latter, the Carter Center (Atlanta, Georgia), the National Democratic Institute for International Affairs, the International Foundation for Electoral Systems (all from Washington D.C.). So far there has been no experience of using these organizations for the implementation of United Nations projects: the focus of the their efforts have been to achieve good coordination. Unless there are special circumstances, the situation will probably not change.

33. National implementation. This is an option that should be considered primarily in relation to projects clearly unrelated to political issues (e.g., computerization of electoral registers) in countries with a developed and stable political situation. In the case of countries undergoing their first experience with multi-party, competitive elections, a number of special problems appear. Although the public administration in a country might be well seasoned and quite capable of handling project implementation, quite frequently the electoral authorities are new and lack relevant experience in multiparty elections. Furthermore, the managing of electoral processes is always a delicate act of political balance and there is always the possibility of introducing bias through the allocation of resources. In such conditions, an external implementing agency and a knowledgeable international chief technical advisor are frequently quite useful in the delicate stage of first-time elections.

34. Given the inexperience in the design of electoral mechanisms, and the usual unawareness of implementation problems, the electoral structures and procedures that are used in first-time elections need reform and consolidation immediately after the electoral process is over. It is at this point that additional UNDP support might be crucial for the consolidation of the electoral system: this might be also the moment when the specific role of UNDP in capacity-building might recover its full relevance.

V. PROCESSING OF REQUESTS

Formal procedures

35. All requests from Governments related to assistance to electoral processes or to electoral authorities, whether referring exclusively to technical assistance, financial or logistic support, observation or verification, should be processed as follows:

(a) If submitted to UNDP through the office of the Resident Coordinator, Governments requests for assistance should be se to Mr. James O.C. Jonah, Under Secretary-General, Department of Political Affai ugh the Electoral Assistance Unit (Tel: 1-212-963-8737 or 8738; Fax: 1-212-963-29 n S-3750A). In order to facilitate processing the request, a confidential note de ng the political/electoral situation, electoral structures and, if available, electoral la..s, should be included. If there are other donors active in the field, they should be identified. The preparation of the note should not delay the sending of the request, and it should be prepared with whatever information or documentation is available to the Resident Coordinator. A copy of the above documentation should simultaneously be sent to the BPPE/DGIP and to the relevant Regional Bureau;

(b) If the requests are addressed to the Secretary-General or to Mr. Jonah, as the focal point, they will be immediately copied to the Resident Coordinator with whatever additional information might be relevant, as well as to BPPE/DGIP and the relevant Regional Bureau;

(c) If the requests are addressed to the Regional Bureaux or to the implementing agencies, they should be sent to Mr. Jonah, as in (a), and copied to the Resident Coordinator, BPPE/DGIP, and the relevant Regional Bureau;

(d) If the characteristics of the request suggests the possibility that one or more of the implementing agencies discussed above will be involved in future activities, the Electoral Unit will send them copies of the relevant material.

36. Before taking specific substantive action on any request, the Resident Coordinator should wait for the clearance of Mr. Jonah, through the Electoral Assistance Unit. The creation of a specialized Unit to support the United Nations focal point will facilitate a

timely response. The answer will normally include suggestions on the approach to be followed in specific cases, on the lines that will be discussed below.

Responses in the case of technical assistance requests

37. Although there cannot be precise guidelines in this regard, recent experience suggests that the Focal Point's response to Government's requests will depend on five factors: (a) the urgency of the request; (b) the stage in the democratization process; (c) the experience and reliability of the electoral organization; (d) the size and specificity of the request; (e) the degree to which it is expected that multiple donors will be involved.

38. In cases where the country has significant previous experience with free multiparty elections and where there are solid electoral organizations, the answer from the focal point will most probably be to suggest proceeding with discussions in relation to an eventual request, as would have been the case with any other development project. Usually, there will be no special urgency, and the request will deal with technical issues, such as the computerization of registration files. Information on the outcome should be provided to the Electoral Assistance Unit for its periodical reports. However, if the request is very large or if it involves multiple donors, the Resident Coordinator might find it useful to resort to a consultant or to a small mission to negotiate the request and to prepare a project document. The Electoral Assistance Unit can, if so required, help to identify an adequate consultant. These cases should emphasize capacity-building and national execution.

39. However, most of the requests will be received from Member States that are in the early stages of democratization, frequently facing first-time multiparty competitive elections, where electoral institutions are new and staffed by persons without previous experience. Frequently, the request will be phrased in ambiguous terms, e.g. "assistance or support to the electoral process", or the requirements might be slightly unrealistic. Precisely because the countries concerned are setting on for the road towards more open societies, they will be receiving support from multiple donors, and each donor is probably receiving a request for the same items. In such cases, the response that has been evolving is to send a needs-assessment mission as soon as possible to exchange ideas with other potential donors (and, if appropriate, to prepare a project document and negotiate cost-sharing arrangements with donors willing to work through the United Nations), in order to avoid duplication of efforts. In most cases, a two-week mission conducted by a two-person team (one from the Electoral Assistance Unit or from one of the executing agencies, and one specialized electoral

consultant) will be sufficient. If the electoral institution is very weak, it might be convenient to place a consultant with it from the very beginning, even well before a project document is finalized and the assistance to be provided is clearly defined. If the country is in the process of defining an electoral law, a specialized consultant might be provided for that purpose. Assistance in the very early stages will avoid costly commitments to complicated procedures that will jeopardize the conduct of the elections at a later stage. On account of the usual weakness of the electoral organization, of the delicate nature of the field and/or the existence of a degree of mistrust between the parties involved, it might be better to resort to one of the implementing agencies mentioned in paragraphs 28-32.

40. Funding for technical assistance, including needs-assessment missions, should come from national IPF or from cost-sharing arrangements in the context of projects or management service contracts. Given the usual urgency involved in the requests, a revolving fund has been set up within project INT/91/033 to allow for a swift organization of fact-finding or needs-assessment missions, with expenditures incurred to be reimbursed to the revolving fund as soon as a project financed from normal sources is in place. The UNDP Trust Fund for Technical Assistance to Electoral Processes has been created recently, and it is hoped that soon there will be contributions that will support the financing of these preliminary stages or, depending on the pledges, even full projects.

41. The swiftness of the response is an important factor in most cases. However, there will be some cases in which the political context might suggest that speed is not necessarily a virtue, and a more cautious reaction might be more appropriate. Such would be the case in which the electoral authorities and the electoral process are mistrusted by important political actors, who are boycotting the process or abstaining from participation. In those cases, it might be better to wait until the national political actors find a viable solution that will ensure fair and competitive elections.

Responses in the case of requests for the sending of observers
(and/or organization, supervision or verification
of elections; i.e., major missions)

42. The request of a Member State might also relate to the sending of observers and/or the organization, supervision or verification of the elections. This is obviously political and such requests should be immediately communicated to the United Nations focal point, Mr. James O.C. Jonah. In those cases the processing of the request will be the responsibility

of the focal point, who will evaluate the situation and make recommendations to the Secretary-General, on the basis of the available information and the specific comments that the Resident Coordinators will make in relation to the request. In most cases, the prerequisites for the establishment of major missions are not present, and the discussion in paragraph 43 would apply. In those cases in which the prerequisites are fulfilled, the focal point will prepare whatever presentations to the General Assembly or the Security Council are required. Once the approval for a major mission has been granted by the competent organ, a Special Representative will be appointed, who will be in charge of the operation. Full support from the UNDP offices should be given both to the preparatory stages and to the major missions, and coordination will be required, but the main responsibility for the operation will fall under the Special Representative rather than under the Resident Coordinator. In some cases, the situation will be similar to that of Angola or Haiti, where there are both a major mission and a large-scale technical assistance project. In the initial stages of these cases, the Electoral Assistance Unit will normally be directly involved in both processes, and will provide the technical expertise that might be required for the formulation of a project and for the eventual negotiations of cost-sharing arrangements with potential donors. Once the project is operational, and a Special Representative has been appointed, close coordination should be established between the verification mission and the technical assistance project.

43. However, as pointed out by the General Assembly, these major missions will remain "exceptional activities of the Organization". Unless some basic preconditions, such as the existence of public support for an intervention by the United Nations and a generalized acceptance of the electoral process, are absent[7], the answer to a request for the sending of observers will be in the form of what might be called a "constructive denial", following some of the other patterns described in Chapter II.

44. Time will be an essential consideration when framing such "constructive denials". If there is not enough time, and/or some basic conditions are not present, a response that might be preferred to a straightforward denial would be for the Secretary-General to express interest in the results of the election and to ask the Government to keep him informed on the evolution and results of the electoral process. If there is enough time (at

[7] The Resident Coordinator's confidential note referred to in chapter V.A should provide information in this regard, and there should be close contact between headquarters and the Resident Coordinator in the initial stages, which will provide the Secretary-General with adequate advice on the formulation of an adequate and constructive response to the request.

least two months) and a democratization process is involved that deserves particular support, the special interest of the Secretary-General should take the form of the "follow and report" approach described in chapter II. In some cases, the Government might be offered the option of a more active role of the United Nations in the coordination or facilitation of foreign support to the electoral process or in the organization or coordination of international observers from other organizations. The lead time for this more intensive involvement will be probably greater (about four months for a role in the coordination of assistance and about three months in relation to the coordination of international observers).

45. The way in which activities related to such a "constructive denial" of a major mission will be organized will depend on the specific content of the request, the political and economic situation of the country, the characteristics and previous experience of the electoral system, if any, and the presence of other international donors and/or observers among other possible factors. In most cases, the following elements might be considered when constructing such a reply:

a. In cases where there is a request for the sending of observers and there is an enough lead time, a short visit by a member of the Electoral Assistance Unit or a small fact-finding mission might be adequate, if there is the possibility that the Government might be interested in seeing the United Nations playing a role either in the coordination of assistance or the organization of international observers visits. The purpose of the mission would be to exchange ideas on the situation and on possible activities with the Resident Coordinator, the Government and other relevant actors, including political parties and donors. The outcome would be specific proposals for future action;

b. If the involvement of the United Nations includes either a request for the Resident Coordinator to "follow and report" on the electoral process, and/or a role in the coordination of foreign assistance or the organization of the activities of international observers, and there is at least a two-month lead time, it might be useful to send a short-term consultant who will provide support to the Resident Coordinator in relation to the activities in the electoral area;

c. Although the request might be related to the sending of observers, the provision of technical assistance on a small scale addressed to last minute problems which always appear in the final stages of the organization of an electoral process might also be

useful in certain cases. It is easier for UNDP than for most donors to have a small, flexible, field-managed technical assistance project. Such a project could be prepared and backstopped by the consultant, who would be in direct contact with the electoral authorities. Its existence and size would depend on the IPF situation, the priority given by the Government to the subject and/or the eventual willingness of some donors to make cost-sharing contributions to such a project.

46. In the near future, the cost of the fact-finding missions will be financed from the UNDP Trust Fund for Technical Assistance to Electoral Processes or from the United Nations Trust Fund for Electoral Verification (paragraph 14 of General Assembly resolution 46/137) or from the regular budget allocations for such purpose of the Department of Political Affairs. However, these sources of funding will be available only in the near future. In the interim, DGIP has set up a small revolving fund within project INT/91/033 that will allow a very fast response. The funds used for the missions should later be returned to the revolving fund once a project is formulated. In some cases, national umbrella projects related to the improvement of administration or governance can also be used.

VI. COORDINATION WITH OTHER DONORS AND IMPLEMENTING ORGANIZATIONS

47. As mentioned above, a considerable number of countries have been actively providing support to first-time elections. This multiple presence might result in two different types of coordination problems. First, it would be necessary to avoid duplication, which can probably be best arranged through the organization of donor meetings, where information would be shared. Second, some donors provide their assistance through governmental or NGOs specialized in the electoral field. In the case of the United States, USAID support is usually channeled through the National Democratic and Republican Institutes for International Affairs (civic education, organization of national observation groups, international observers), the Carter Center (as above, plus conflict resolution activities) and the International Foundation for Electoral Systems (mostly technical assistance to the electoral process). Canada has been particularly active through Elections Canada. The European Community is executing some of their contributions through specialized NGOs (Afriprojekt in the case of Angola). The Commonwealth Secretariat is directly providing technical assistance in small scale, with the support of electoral

organizations of Commonwealth countries. In Latin America, the Organization of American States has organized a Unit for Democracy, and there is a specialized organization, the Centre for Electoral Promotion and Advice (CAPEL). There are some emerging African NGOs, such as GERDESS (Group d'études et de recherche sur la démocratie et le developpement économique et social) in Benin, that have been receiving support from international sources. The list is certainly incomplete, and the number of institutions is increasing rapidly.

48. Given this array of very specialized organizations, there might be not only several donors contributing to the electoral process in a country, but several implementing agencies working with the same national counterpart. Coordination becomes more difficult at this level, because there is an element of competition in the relationship between the agencies active in the field. It is expected that some practical solutions to these problems will be worked out in a workshop between donors in the electoral field that will probably be held in Ottawa in early October 1992.

49. Until permanent and effective coordination arrangements at all levels have been established, the situation remains ambiguous. There are, however, some overall considerations that should be pointed out.

50. From an institutional point of view, UNDP is well placed to provide overall coordination and to organize donor meetings. First, it is a role that the Programme usually fulfills in relation to development aid. Second, it has a strong field organization and in-depth knowledge of the country concerned. Third, its neutrality is widely accepted. Fourth, it usually has good contacts with the Government at all levels. On the other hand, UNDP might have some potential weaknesses. First, the Organization is sometimes perceived as too close to the government and might have only limited contacts with opposition groups. Second, it might find it difficult to act without explicit or implicit consent from the government, which might jeopardize its action in certain areas.

51. In most cases, the Government and most donors will ask the United Nations to assume some coordinating role. If such a request is consensual, then it should be answered positively, even if it implies the assumption of certain costs. If, on the other hand, there is another organization that has legitimate claims and possibilities of becoming an effective coordinator, then it might be better for UNDP to maintain a low profile, even if there are some requests for further involvement. This will certainly avoid potential conflicts that will

affect future possibilities of effective coordination. However, within these parameters, it is expected that Resident Coordinators would actively promote United Nations participation where conditions are propitious.

52. In the case of cost-sharing arrangements, UNDP or the executing agencies are able to offer, in most cases, very effective delivery at low cost. Management Services Agreements (MSAs) are also a potential modality for the funding and implementation of projects with an even lower cost for service delivery. Even so, it might be a better policy not to compete in cases where donor countries tend to use specific agencies, since good working relations with these agencies are an important overall consideration. It is important to stress the relationship at this level, since conflicting advice to the electoral authorities from consultants belonging to different organizations is particularly dangerous. In order to facilitate the relationship, logistic support should be provided whenever possible to these agencies in their installation phase. Such a policy will facilitate personal relationships between the field officers from the different organizations that are a basic ingredient for good coordination.

53. In most cases, however, the inter-institutional relationship will be complex and difficult to interpret. Given the fact that there is a considerable wealth of experience from other countries, and that there are established relationships with most of these organizations at headquarters, the situation might be better discussed on a case-by-case basis.

VII. FINAL CONSIDERATIONS

54. As pointed out in the report of the Secretary-General to the General Assembly (A/46/409), "elections, in and of themselves, do not constitute democracy and the realization of the right to take part in the governance of one's country as enunciated in major international human rights instruments. It would be unfortunate to confuse the end with the means and to forget that democracy implies far more than the mere act of periodically casting a vote."

55. There are issues that basically concern how elections are integrated into a wider framework, elements of which should serve to reinforce the underlying process of democratization. Much of the new and anticipated future demand for electoral assistance comes from countries that have hitherto endured various forms of internal/external conflict.

or constraints on human rights or participatory democracy. In so far as the election exercise in such countries is part of a wider process of conflict resolution, democratization, and/or socio-economic stabilization, some useful lead questions may be:

* Can the electoral process be buttressed by parallel efforts at societal consolidation, or presented within a broader framework which illustrates that it is part of a wider, comprehensive effort?

* How can Government, UNDP and other partners, including NGOs, help create conditions conducive to widening participation and assent to the specific local forms of democratization?

* How can participatory decision-making processes be encouraged across a spectrum of inter-related social, environmental and economic endeavors, and at various levels?

* What special measures may be needed to preempt any frustration and disenchantment, if not marginalization and rejection, of the future "losing" side in election processes? This may be especially important in those cases where demilitarization/demobilization of large masses of troops, guerrillas/fighters (who may have no other skill than to kill) adds to existing un/underemployment problems?

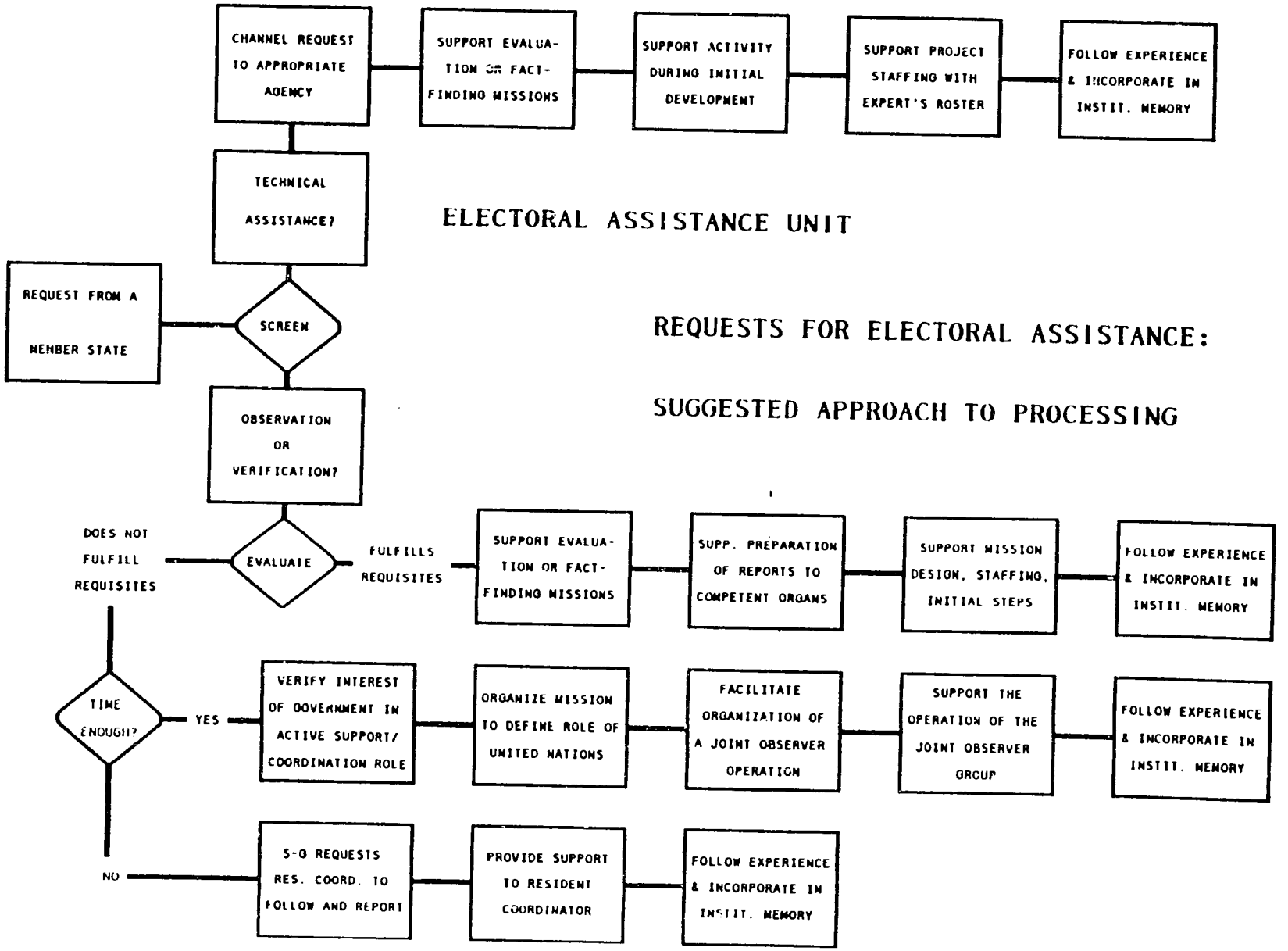
56. These kinds of issues appear more frequently in the case of elections which belong to the category of trasitional or opening elections, where these guidelines are particularly relevant. First-time elections are just one step on the road to democracy, albeit a most relevant one-a turning point towards a new scenario, where such complex issues remain to be solved. Well organized and accepted elections clearly enhance the possibilities for resolving these important issues.

ANNEX I

ELECTORAL ASSISTANCE UNIT

REQUESTS FOR ELECTORAL ASSISTANCE:

SUGGESTED APPROACH TO PROCESSING



GUIDELINES ON SPECIAL ARRANGEMENTS FOR ELECTORAL ASSISTANCE

ANNEX

Area	Definition	Examples	Possible Funding Sources
Organization & conduct	Un organizes the elections	Cambodia Western Sahara	Decision made by approving organ for each case.
Supervision (mostly cases of former colonial rule)	Government organizes election, and UN follows all aspects of the electoral process and certifies the fairness of crucial electoral stages (electoral law, registration, etc.)	Namibia - Some Trusteeship missions undertaken in the past	Decision made by approving organ for each case.
Verification (case of independent States)	Government organizes election, requests UN to observe the stages of the electoral process to ensure fairness.	Nicaragua Haiti Angola	Decision made by approving organ for each case.
Observation	A type of operation not yet well defined, but that might be used in the future. It will be similar to a verification operation, except that on a smaller scale.	Ethiopia? Some past Trusteeship Council missions might fall in this category	To be defined. (Probably projects funded through a combinations of national IPF cost-sharing)
Follow and report	Government organizes elections and asks for UN observers. When some of the requisites (length of observation, approval of competent organ, etc) are not fulfilled, and observers cannot be provided, the S-G has been asking the Resident Coordinators "to follow the electoral process and report to him" (which will involve contact w/parties, gathering of electoral information, comparison of views with diplomatic missions, etc.)	Cameroon Mali Togo	Project INT/91/033 (Electoral Administration) or new UNDP Electoral Assistance Trust Fu can immediately advance initi funding but funds later recovered from natio[illegible] Cost-sharing in some cases.
Technical Assistance in Electoral Administration	Establishment and maintenance of civic and electoral registers, electronic electoral data processing, legal and logistic assistance, civic and voter education practice communications and vote counting technologies, public information, procurement of voting equipment and material.	Albania Argentina	National IPFs cost-sharing, multilateral funds.
Needs-Assessment Missions	Standard initial response to Government requests for UN electoral assistance, (unless it is a clear cut case of limited technical assistance, without any political implementations).	Ethiopia Guinea Togo	Project INT/91/033 (Electoral Administration)or new UNDP Electoral Assistance Trust Fu can immediately advance funds for mission but funds will [illegible] be recovered from national IPF

See **Report of the OAU**

The October 1991 Elections in Zambia

(1992)

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SOUTH AFRICAN ELECTIONS

and

THE ROLE OF THE INTERNATIONAL COMMUNITY

Larry Garber[1]

OVERVIEW

During the past five years, the international community has played an increasingly constructive role in strengthening electoral processes in countries around the world, particularly in instances of decolonization (*e.g.*, Namibia) and where there is a transition to a more democratic system of government (*e.g.*, Bulgaria and Zambia). These efforts have involved supervising and monitoring elections, as well as the provision of technical and material assistance. The United Nations, in particular, has become a significant player in this field, with ventures ranging from administering an entire electoral process to providing technical assistance on an ad hoc basis.

In recognition of these developments, the terms of reference establishing Working Groups for the Convention for a Democratic South Africa (CODESA) explicitly refers to the role of the international community. The mandate to Working Group 1 includes: "to investigate, consider, report and make recommendations with regard to the role that the international community and/or organizations could be asked to play in the formal or informal processes involved in the period leading up to the introduction of a new constitution in South Africa."

This memorandum is designed to assist CODESA participants in defining an appropriate role for the international community *with respect to South Africa's prospective electoral process* (and does not consider the support that the international community might provide to assist with the overall transition). The memorandum outlines various contributions that the international community has made in supporting electoral processes, particularly during the past five years. The different models adopted by the United Nations, the Organization of African Unity, Commonwealth nations, individual governments, political party internationals and nongovernmental organizations are discussed.

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conducting nonpartisan international programs to help maintain and strengthen democratic institutions

Recommending which model or combination of models will prove most appropriate for South Africa is beyond the scope of this memorandum. Requests emanating from CODESA or an interim authority will undoubtedly influence the response of the international community, the availability of resources. However, concerns regarding duplication of efforts and institutional interests will also factor into the decision-making process of the various groups that ultimately might play a role in supporting elections in South Africa.

The memorandum is based on the experiences of the National Democratic Institute for International Affairs. These efforts include: monitoring elections in more than 20 countries; evaluating the monitoring efforts of the United Nations and other intergovernmental organizations in Namibia, Nicaragua, Haiti and elsewhere; and providing technical and material assistance on election related matters to governments, election commissions, election administrators, political parties, civic organizations and intergovernmental organizations.

At the outset, the differences between electoral assistance and election monitoring should be noted. Electoral assistance, which may be offered to election commissions, political parties, or civic organizations, is designed to ensure that preparations for free and fair elections are in place. Election monitoring serves other distinct purposes, including:

- promoting confidence among the population;
- encouraging the development of fair election laws and practices;
- reducing levels of violence, intimidation and general fears of a public that has not recently participated in democratic elections;
- facilitating the resolution of disputes regarding the interpretation and implementation of the election law;
- deterring election day fraud;
- detecting and denouncing election fraud when it occurs;
- encouraging acceptance of election results where fraud is absent; and
- reporting on the overall fairness of the process to the international community.

UNITED NATIONS

The November 1989 elections in Namibia were the culmination of the United Nations commitment to observing elections in the decolonization context. The Namibia effort, however, involved more than mere observing. The specific Security Council mandate, Resolution 435, referred to "supervision and control." In practice, the United Nations effort included

peacekeeping forces, civilian police, election monitors, negotiations concerning details of the election law and a civic education effort.

The recognized contribution of the United Nations to the Namibian transition process resulted in requests for the organization's involvement in other instances where elections were (and are) seen as a means for securing a resolution of an armed conflict or establishing a legitimate government in a country. The 1990 elections in Nicaragua and Haiti, for example, marked the first time that the United Nations observed elections in member states (see discussion below).

In December 1991, the United Nations General Assembly responded to these general developments by adopting a resolution calling for the establishment of a United Nations unit, which would provide technical assistance on election matters to governments and would advise the Secretary General on requests for United Nations election monitors. The unit is now in place and is operating in countries in all regions of the world.

The United Nations role in Namibia contributed to an assumption that all subsequent efforts should follow the Namibia model. For very practical reasons, this has not proven possible. The Namibia operation was extremely expensive, both in absolute terms and in proportion to the country's population. It also proved a considerable drain on United Nations personnel, diverting a large number of international civil servants from their regular activities.

The Nicaragua and Haiti missions differed from Namibia not only in terms of mandate ("verification" as opposed to "supervision and control"), but in the specific methodology used. In Namibia, the operation included a military component, civilian police monitors, and United Nations election monitors who were present at all polling sites for the entire time that the polls were open (at a ratio of one United Nations official per four voters). By contrast, in Nicaragua there was no military or police component and election monitors visited polling sites on a rotating basis; the overall verification was based on visual impressions of a limited number of polling sites and statistical sampling with respect to the election results.

At present, it is useful to distinguish seven categories of United Nations responses to requests for electoral assistance. These different approaches, ranging from most complex to simplest, are described briefly below.

1. *Administering elections* - The proposed United Nations operation in Cambodia represents an example of maximum United Nations involvement. Under the terms of the peace accord signed in Paris in October 1991, the United Nations has agreed to assume administrative control of Cambodia until elections are held and a new government is formed. Relating specifically to the election process, the United Nations will be responsible for security and police matters, promulgating the election law, administering the election process, conducting civic education programs and coordinating all election-related activities. This marks an expansion of the Namibia model in that the United Nations will essentially be acting as the governmental authority, whereas the South African government retained this role in the Namibia context.

2. *Supervision and control* - Namibia is the prototype for this type of operation. The election was administered by the de facto government, but the United Nations played an integral role in approving the rules of the game and in monitoring all aspects of the process in a comprehensive manner. The United Nations Special Representative was required to certify that each phase of the election process was free and fair under the standards approved by the United Nations Security Council resolutions. If at any point the process failed to meet these standards, the process would have been halted. The Special Representative used his authority to press for specific changes in the election law and procedures.

3. *Policing and monitoring the elections* - The Angola peace agreement signed in Portugal in May 1991 provides for a United Nations role, which includes verifying and monitoring a ceasefire and the monitoring of elections now scheduled for the fall of 1992. The United Nations is also providing technical assistance in helping the Angolans prepare for the elections.

4. *Election monitoring with a security component* - United Nations involvement in the December 1990 Haitian elections exemplifies this category. The monitoring involved a two-month pre-election presence in Haiti, a 120-member election day team, the implementation (in conjunction with the Organization of American States) of a parallel vote tabulation, and the issuance of two reports on the quality of the electoral process. The parallel vote tabulation provided the basis for declaring Jean Bertrand Aristide the winner of the presidential election, long before the official results were available.

Given the lack of an international conflict in Haiti, the security component proved quite controversial in United Nations circles. After considerable debate, the Security Council approved a limited role for the United Nations, which ultimately involved a small team of technical experts advising Haitian security forces in developing a plan to ensure election day calm. In view of the massacre of voters that occurred during the previous attempt to conduct elections in 1987, this was a particularly important contribution from both psychological and practical perspectives.

5. *Election monitoring* - United Nations involvement in the February 1990 Nicaraguan elections provides a good example of a comprehensive monitoring effort. The operation was undertaken pursuant to a specific request from the Nicaraguan government and was justified by the Secretary General in terms of contributing to resolution of the conflicts in Central America. United Nations activities in Nicaragua included a detailed critique of the proposed electoral system, a continuous pre-election presence beginning six months prior to the elections, monitoring of the registration process which occurred on five consecutive Sundays, a presence at all rallies organized by political parties, a 200-member team of monitors in-country for election day, a parallel vote tabulation, and a post-election presence that helped support the transition from one party to another.

In a letter written after the elections, Elliot Richardson, the Secretary General's personal representative in Nicaragua, described an important aspect of the United Nations role in Nicaragua [U.N. Doc. A/44/927, issued March 30, 1990, pp. 3-4.]:

> Attention should be focused on the decision taken early in ONUVEN [the U.N. mission in Nicaragua] history that responsibility for verification of the electoral process demanded more than merely recording the process, more than monitoring, and could not stop short of actively seeking to get corrected whatever substantial defects had been discovered. The very fact that the future of Nicaragua literally depended on the fairness and freedom of the elections would have made a purely passive role for ONUVEN morally unacceptable.

6. *Election Day Presence* - During the decolonization era, the United Nations often sent small teams to countries conducting elections, referenda or plebiscites. The reports of these United Nations missions were reviewed by various UN organs and the presence of these missions undoubtedly was greatly appreciated, as a confidence builder, by those participating in the electoral process. However, the teams generally arrived in country too late to influence issues relating to the election law or the quality of the electoral campaign, and were too small to cover more than a handful of polling sites on election day.

7. *Technical Assistance* - The United Nations has received requests from a number of countries seeking various forms of technical assistance. The following examples illustrate some of the specific types of assistance the UN has offered during the past few months: in Albania, a UN team advised the Central Election Commission on the preparation of election paraphernalia; in Guyana, the UN is working with the Electoral Commission to develop an accurate voter registry; and in Liberia, the UN is working with the Electoral Commission on developing a realistic budget and plan of action for elections now scheduled for the fall of 1992.

ORGANIZATION OF AFRICAN UNITY (OAU)

During the past few years, as a growing number of African countries have initiated transitions from one-party to multi-party rule, requests for an OAU presence on election day have increased. Initially, the OAU Secretary General responded by designating a single ambassador accredited to the OAU and another person to observe specific elections.

In 1989, an 18-member OAU observer team, comprising ambassadors accredited to the OAU, was present in Namibia for the entire transition period. The formal mandate of the team was to monitor compliance with UN Security Council Resolution 435. The delegation provided the conduit for OAU member states raising issues of concern at the United Nations.

For the October 31, 1991 Zambian elections, a five-member OAU team was present in country at the time of the elections with a somewhat broader mandate, although the team was requested to maintain a low profile. The team prepared a report on their observations, which was presented at the OAU annual meeting in February.

OAU Secretary General Salim is now seeking to institutionalize the OAU's election monitoring capabilities by organizing a training seminar for OAU personnel. The seminar is planned for the summer of 1992, which should mean that the OAU would be capable of contributing to a South African international monitoring effort.

COMMONWEALTH NATIONS

Pursuant to the Lancaster House Accords, a Commonwealth observer delegation was intimately involved in the Zimbabwean transition process. An 11-member team of notables, and a support staff of more than 30, spent six weeks in-country, visiting different regions, facilitating the resolution of specific problems and observing the five-day balloting process. The Commonwealth team received considerable credit for the smooth transition.

The Commonwealth's next election observer effort was in Uganda, where the outcome of the 1980 elections was more controversial than in Zimbabwe. Ultimately, the election results were not accepted by important sectors of Ugandan society. A civil war ensued, which ended in 1986 with a victory by the forces led by the current President, Yoweri Museveni.

The Commonwealth again became active in organizing election observer missions in 1989. A Commonwealth team visited Namibia prior to the November elections and issued a report sharply critical of the South African government and, by extension, the United Nations.

A 11-member Commonwealth team observed the October 1990 elections in Malaysia. The team's report criticized certain aspects of the electoral process, particularly the fairness of the media. The Malaysian government responded vehemently to the report, which apparently was never formally released.

In 1991, Commonwealth teams observed elections in Bangladesh and Zambia. The teams arrived in-country a week before the elections, deployed throughout the country, issued post-election statements and then prepared comprehensive reports. The Commonwealth also has been active in monitoring preparations for elections in Guyana.

Commonwealth missions generally comprise political leaders, judges or high-level civil servants from member countries. The primary purpose of Commonwealth missions is reporting to the Secretary General on the quality of the election process. At the 1991 Commonwealth heads of state summit meeting in Zimbabwe, the Commonwealth nations adopted a resolution outlining terms of reference for Commonwealth observer missions.

GOVERNMENTS

In addition to their support of the activities of intergovernmental organizations on election-related matters, governments also contribute to electoral processes in other countries on a bilateral basis. These contributions take the following forms:

- **technical assistance**, which is often provided by election officials of the donor country to their counterparts in the country preparing for elections;

- **material assistance**, which may involve providing funds or ballots, computers, vehicles and other materials needed to administer and conduct an election; and

- **monitoring**, which may involve a) the visit by government officials or parliamentarians to observe and report on the elections, but usually focusing on the balloting process, or b) support of independent observation efforts undertaken by nongovernmental organizations.

The weaknesses of government-organized monitoring efforts stem from the limited time that these observers generally spend in-country prior to the election and the sensitivities involved in a government commenting too critically on the electoral process in another country. Thus, in many cases, the presence of government-sponsored observers serves to emphasize the significance of the elections and the concern of the international community that they be conducted fairly and peacefully.

A recent development is the coordination among donor governments in dispensing election-related assistance. The 1991 Zambian elections illustrates how this process works in practice. Eight governments provided material assistance to the Electoral Commission, Zambian monitoring groups and two non-Zambian, nongovernmental organizations, which coordinated an international monitoring effort led by former U.S. President Jimmy Carter.

POLITICAL PARTY INTERNATIONALS

The four major political party internationals (Christian Democratic, Liberal, Socialist and Democratic Union) frequently organize observer missions for elections in countries undergoing transitions to more democratic rule. The delegations organized by the internationals are often invited and hosted by their in-country affiliates, thus raising questions regarding their objectivity and nonpartisanship. Also, none of the internationals have yet developed specific guidelines for their observer delegations.

In addition, political parties in some countries provide political development assistance to their ideological counterparts. This assistance may involve training of party activists and infrastructure support for the party.

NONGOVERNMENTAL ORGANIZATIONS

The last seven years have seen an increase in the efforts of nongovernmental organizations in supporting electoral processes in different countries. These efforts may involve advising on the development of a civic education program, training domestic election monitors and/or organizing a comprehensive international observer effort.

The approaches utilized by nongovernmental organizations in monitoring elections differ considerably, although most sponsors of such election missions will encourage the observers to be objective and will provide the observers with terms of reference outlining the issues to be addressed. Some organizations focus on a single issue (*i.e.* human rights or the balloting process), while other organizations consider a range of issues relating to the electoral process. Some organizations limit their in-country presence to the time of the elections, while other organizations begin the monitoring at the outset of the campaign, either by establishing a permanent presence in-country or by sponsoring pre-election missions or both. Some organizations seek only to report on the election process, while others are prepared to help facilitate the resolution of disputes among parties and to make specific recommendations to improve the electoral process.

The profile and size of the observer delegation often determines the extent of the delegation's influence. High profile observers (*e.g.* a former head of state or a prominent political leader) may effectively play an active role in encouraging a fair election process and the acceptance by all parties of the election results. A large observer delegation can visit the different regions of a country prior to the campaign and a significant percentage of polling sites on election day. However, because even large nongovernmental observer delegations will be unable to visit a majority of polling sites, their ability to work with domestic monitoring groups and relying on statistical sampling techniques contributes to a more effective monitoring of the balloting and counting processes.

[NDI is one of the leading nongovernmental organization providing election-related assistance. The attached memorandum describes the range of NDI activities in this field.]

CONSIDERATIONS

In addition to the above models, there are other permutations which may be relevant to the unique circumstances of the first population-wide elections in South Africa. In weighing the options, the following factors should be considered:

- what are South Africa's specific needs in organizing a free and fair election process (*e.g.*, reducing violence and intimidation, promoting a level playing field among the parties contesting the elections, educating the population regarding elections, preparing election paraphernalia, encouraging effective investigation of complaints, determing election day fraud, denouncing electoral manipulations, etc.)?

- which organizations and/or models best meet the specific needs outlined?

- is a particular organization in a position to undertake the tasks requested?

The level and intensity of violence in South Africa, coupled with the extreme distrust of the government and police among large sectors of the population, may require the development of new and innovative models by which the international community supports an election process

in South Africa. For example, the establishment of a commission, including South African and international political leaders and jurists, to investigate incidents of violence and intimidation may contribute to a reduction in the levels of violence. Similarly, the use of civilian police from abroad to monitor the activities of the South African police may serve as an effective confidence builder and encourage a more peaceful environment in the country.

CONCLUSION

The involvement of the international community in upcoming elections, whether for a new parliament or a constituent assembly, should contribute significantly to the legitimacy and overall fairness of the process. However, South Africans must decide, at least in the first instance, the precise role the international community should play in supporting a free and fair election process in South Africa. Given the recent history of international involvement in South Africa, the international community can be expected to respond constructively to requests for election-related assistance presented by South Africans.

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Handbook for observers of elections

Strasbourg 1992

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OBSERVING LOCAL, REGIONAL OR NATIONAL ELECTIONS IN EMERGING DEMOCRACIES

INTRODUCTION

This handbook is intended for the guidance of Observers at local, regional or national elections in emerging democracies. It is assumed that their role will be strictly one of observation only, and that they will not be in the position of supervisors having the right to intervene and suggest changes.

The handbook is divided into five parts. First, it sets out general points about the Observer Team, its formation and basic duties. Secondly advice is given on the tasks to be undertaken by the Observers in the run-up period to the Poll. The third and fourth parts discuss what is required of the Observers on Polling Day and at the count. The fifth part concerns the process of reporting after the count. Finally, a concise check list of the items dealt with in parts 1 - 5 is provided at the end of the handbook.

The role of the Observer will be to watch what happens during the electoral process and to report publicly afterwards, hopefully being able to say in the now hallowed phrase that the elections have been free and fair and that the result represents the will of the majority of the people.

Three assumptions are made:

(i) that the team of Observers has been selected from people with the necessary knowledge and skills to observe elections effectively. Ability to speak the local language is useful; otherwise arrangements must be made to engage interpreters who, of course, must not be politically committed;

(ii) that the number of Observers is sufficient to cover the election adequately, bearing in mind the size of the country or district and its population;

(iii) that the Observer Team is recruited and will be used at the invitation, or with the knowledge and consent, of the host country.

1. GENERAL POINTS

The members of the Observer Team should be briefed upon their duties and responsibilities at the start of their assignment. This should be done by people knowledgeable about the country or area to be observed and its peoples but independent of all political connections. If possible, the whole team should be briefed at the same time. The briefing should be designed to ensure that all the Observers have the same approach to their task. Their independence and impartiality whilst carrying out their duties must be emphasised.

As much background information as possible must be given to the Observers about the country or district to be observed, its problems, political and economic, its peoples and about any earlier elections. Where particular problems or difficulties are expected, these should be explained to the Observers.

The Observers should be given information about the political parties and their orientation, their leaders and sources of support - religious, class, ethnic, and their affiliations.

The members of the team should be given advice about the climate and living conditions in the host country. Care must be taken to ensure that they are properly prepared to undertake their tasks effectively and safely, especially in difficult climates.

A general plan of action for the Observers should be drawn up so that the most effective use will be made of their time. (The more they can observe, the better. This will add credibility to the final report.)

Meetings of the Observers should take place during the tour of duty, as time and distance permit. A regular exchange of information and views will be helpful.

The Observers must be accredited in a way which is satisfactory to the host government. They must be provided with badges, arm bands, certificates or other means of identification. The Observers must be readily recognisable by officials, the media and the public in the host country. All necessary arrangements must be made with the host government to ensure that the Observers are in no way restricted or impeded in carrying out their duties.

In very general terms, the Observers are responsible for seeing that the elections have been conducted in accordance with the following requirements:

1.1 That the administration of the election has been fair and impartial as between all the political parties taking part.

1.2 That no unacceptable restriction has been placed on any citizen who wishes to take part in the election process either as a candidate or as a voter.

1.3 That freedom of movement, assembly, association and expression has been respected during the election campaign.

1.4 That freedom for all the parties to conduct peaceful political activity has existed throughout the election period.

1.5 That all parties have conducted their political activities within the law.

1.6 That no political parties or other groups taking part in the election have been subjected to unnecessary restriction in enjoying free and unbiased access to the press, radio and television to express their views to the public and that they have all enjoyed freedom to advertise and publish their views.

1.7 That all political parties have enjoyed equal security during the election campaign.

1.8 That all electors have been able to cast their votes freely and without fear or undue influence.

1.9 That the secrecy of the ballot has been maintained.

1.10 That the arrangements for the conduct of (a) the poll and (b) the count have followed satisfactory standards to avoid fraud and illegality and to secure a free and fair election.

It is important that the Observer should not interfere in any of the electoral processes, even if things are going wrong, though he may be able to comment at the time to those in charge.

The amount of work which a team of Observers is able to undertake in connection with any particular election will depend upon the size of the team, the geographical area to be covered and the time available. In recent examples the time available has varied from three months to as little as a few days. The work which Observers can undertake must, therefore, be carefully prescribed in order to make the best possible use of the time available. It will, however, be desirable to cover as many as possible of the points which are listed below.

If time is very short, the items marked with an asterisk should be given priority. Failure to cover these points adequately due to lack of time or to a shortage of Observers may cast doubt upon the quality and accuracy of the report which will be made by the Observers after the election. It is essential that the Observers stay on duty until the whole process of polling and counting has been completed.

Every attempt should be made to verify the points made above. If time is short and it is not possible for the Observers to carry out all the verifications themselves, they will have to rely upon interviews with representatives of the political parties and of the media.

The Observer Team should meet the media as soon as possible at the start of their work to explain their presence and outline their duties. They should urge the media to report publicly upon the presence and responsibilites of the Observers. This should be a source of encouragement to the electorate, especially if any of them are concerned about the fairness of the electoral procedures.

GUIDELINES FOR THE ESTABLISHMENT OF COMMONWEALTH GROUPS TO OBSERVE ELECTIONS IN MEMBER COUNTRIES

Introduction

In their discussions at Langkawi and Kuala Lumpur in October 1989, Heads of Government requested the High-Level Appraisal Group to examine the modalities of a facility for mounting election observer missions at the request of member governments. The Working Group of Experienced Officials which is assisting the Appraisal Group has now met and held discussions on this matter. In the light of Commonwealth experience in the past, and most recently in Malaysia, the Secretary-General undertook to prepare a set of the following guidelines which would serve as a basis for Commonwealth activities in the future in this area.

Establishing Commonwealth Observer Groups

2. The Commonwealth Secretary-General would consider establishing an independent group of appropriate size when he receives a formal request from a Commonwealth government for the Commonwealth to observe its own country's elections. Recognising the sensitivities and essential differences between constituting an observer mission for self-determination and decolonisation-related elections (as in Southern Rhodesia/Zimbabwe in 1980) and observing elections in an independent country, the Secretary-General in the latter cases would need to receive an express invitation from the government concerned and be assured directly by the political parties of their support. The agreed understandings and other organisational arrangements outlined in this paper would form the basis for an approach by the Secretary-General to member governments seeking material and other support for the proposed mission.

3. The electoral standards and procedures to be applied should be the subject of broad agreement among the parties wishing to contest the election. While consideration would need to be given to particular local customs, circumstances and traditions, these standards and procedures would have regard in particular to those laid down in relevant international instruments and be in accordance with fundamental Commonwealth beliefs and principles. In determining whether to accede to a particular request the Secretary-General would need to take into account whether the election process as a whole in that country was in general conformity with internationally-accepted norms, and that any differences were accepted by the parties.

4. Where the Commonwealth Secretary-General is asked to provide a Commonwealth observer group, consideration would have to be given as to whether, in the context of the presence of other groups which may also have been invited, the Commonwealth per se has a special role to play in the process.

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Terms of Reference

5. The purpose of an observer group would be to say whether in its independent judgement the poll was free and fair. In recognition that it would be the wish of all concerned that the poll be free and fair, the observer group would be expected to reflect in its report and, where appropriate, bring to the attention of the appropriate authorities any matters which caused it concern. This latter function would be confined to a "good offices" role and the group would have no express or implied executive function. Its terms of reference should therefore be drawn broadly. They should reflect the fact that the group has to make a judgement as to whether, notwithstanding any particular difficulties, overall the process taken as a whole - the campaign together with registration of voters and the poll itself - has been such as to be likely to represent the wishes of the people.

6. To reflect the broad nature of this process and of the judgement ultimately to be made, the terms of reference should be drawn in general terms and read in conjunction with this paper. A possible formulation appears as Annex A. Use of similar terms of reference would have the advantage of both the government concerned and the various political parties knowing from the outset what the Commonwealth can offer. However drawn, the terms of reference should enable the observer group to take into account in its overall assessment the fairness of the registration process; the freedom of the parties to nominate candidates, to campaign, and to get their message across to the electorate; the freedom of parties to publish and distribute campaign literature in compliance with the general law of the land and the election law; where permits for rallies are necessary, whether these were granted or denied on a discriminatory basis; whether relevant officials were neutral as between the parties; whether the parties were permitted to satisfy themselves as to the integrity of the poll (e.g. to be represented at all times when the ballot box is unsealed; to inspect boxes as empty prior to the start of polling; to affix their own seals at relevant times and to inspect them subsequently; to be present at the count and to accompany boxes if they are transported for counting elsewhere); whether the act of voting was secret, and whether the ballot boxes, when not closed, were in the full view of the presiding officials and the party polling agents; whether voting took place in an atmosphere conducive to voting without intimidation; and whether the count was properly conducted.

Composition

7. The group would be appointed by the Commonwealth Secretary-General on an ad hoc basis and would comprise individuals of high standing and proven integrity whose considered opinions would be likely to carry weight. In determining its membership, the Secretary-General would have regard to the need for the group to be able to command the confidence and trust of all those participating in the elections. The precise size would depend on the size of the country where the poll was to be observed, both geographically and in terms of its electorate. The minimum size

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of a group would be three. In addition, the group would be serviced by a small team, from the Commonwealth Secretariat (augmented from outside as may be necessary) which would provide logistical support and expert advice on such matters as the relevant electoral laws and the conduct of elections generally.

Modus Operandi

8. The Secretary-General would need to be assured from the outset that the members of the group would enjoy free and open access to polling places and counting stations and that it would be free generally to pursue its mandate. The group would, where possible, arrive in the country concerned before the conclusion of the election campaign. In some circumstances it might be desirable to be present for at least a part of the registration process and/or for the nomination of candidates. The group would remain until the count was concluded and the result announced. In the ordinary course of events a group might be in a country for up to two weeks (the final week of the campaign, the days of the poll and the period of the count). In accordance with international practice it would be open to the group, should it wish to do so, to make an interim announcement of its findings to date ahead of the count commencing (as recognised international practice suggests that this can prevent a group from being criticised subsequently for having allowed the results of the count to influence its judgement as to other events). The group would act in its own independent judgement and would not be representative of governments, either individually or collectively, or of the Secretary-General. The opinions expressed would be those of its members only. Members would serve in their individual capacities. The group would be asked to send its report initially to the Commonwealth Secretary-General and to the government of the country in question, and thereafter to the leaderships of the political parties taking part in the election. The Secretary-General would then transmit copies of the report to other Commonwealth governments in the usual way.

Financial

9. Funding of observer missions should be on a pan-Commonwealth basis rather than be the responsibility of the particular government concerned. The costs of observing an election would vary widely from country to country, and could be high, particularly where a large team of observers was necessary. Before agreeing to appoint a group, the Secretary-General would need to be satisfied that the likely costs of the exercise were covered in an appropriate manner and that there were no implications for the Secretariat's headquarter's budget.

Other Commonwealth Assistance

10. The Commonwealth, in addition to providing such observer groups, could also be prepared to respond positively to requests from individual governments for technical assistance in the

organisation and conduct of elections, and, where needed, for the loan or gift of materials and equipment required for the administration of the poll.

Commonwealth Secretariat
Marlborough House
Pall Mall
London SW1

October 1991

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ANNEX A

MODEL DRAFT TERMS OF REFERENCE

"The Group is established by the Commonwealth Secretary-General at the request of the government of ..... supported by the political parties. It is to observe every relevant aspect of the organisation and conduct of the elections in accordance with the law of ..... relating to elections. Its function is to ascertain whether, in its impartial judgement and in the context of that law, the elections have been free and fair.

The Group has no executive role; its function is neither to supervise nor act as a commission of inquiry but to observe the process as a whole and to form a judgement accordingly. It is to submit its report initially to the Secretary-General and to the government of ..... , and thereafter to the leaderships of the political parties taking part in the election."

See Larry Garber, "Guidelines," in

Guidelines for International Election Observing

pp. 13-19

Appendix VII

Terms of Reference

The Carter Center of Emory University	National Democratic Institute for International Affairs

MEMORANDUM

TO: Members of the International Observer Delegation

FROM: Z-Vote

DATE: October 18, 1991

RE: Terms of Reference

Background

The Zambia Voting Observation Team (Z-Vote) is a joint project of the Carter Center of Emory University and the National Democratic Institute for International Affairs (NDI). The purposes of Z-Vote are to support free and fair elections in Zambia and to encourage political stability and consolidation of multiparty democracy. A major Z-Vote objective is to assist local groups organized and led by Zambians to monitor the elections.

Z-Vote was created in response to invitations to President Carter from President Kaunda and opposition leaders in Zambia asking him to observe the forthcoming elections. A number of governments expressed interest in the project and generously provided the necessary funding.

Pre-Election Missions

The first Z-Vote pre-election mission, which was led by Swedish Member of Parliament Maria Leissner, visited Zambia August 18-24, 1991. The mission evaluated the political situation in Zambia as it pertains to the elections and identified potential impediments to free and fair elections. The mission report underscored a number of positive developments. It also reported a number of concerns expressed by opposition leaders and other Zambians regarding the secrecy of the voting and security of the ballots. Other issues included fairness of media coverage and broadcast media acceptance of political advertisements, government funding of the ruling party, and the status of eligible voters who did not register in the October, 1990 registration campaign.

A second Z-Vote pre-election mission led by President Carter visited Zambia September 22-27. By this time, the new constitution and election law had been adopted and the official campaign was about to commence. In meetings with government and electoral officials, leaders of the various political parties, journalists and representatives of various nongovernmental organizations, the mission focused on the issues identified by the earlier mission as impediments to a free and fair election process. In addition, the mission sought to ensure that the international observer delegation would be in a position to evaluate objectively the fairness of the process.

As several issues remained unresolved at the end of the second mission, Z-Vote requested that Lisbeth Palme of Sweden and Ronald Gould of Canada visit Zambia October 11-14. Their visit resulted in several changes in the election procedures that should ensure a more transparent and inclusive process.

The statements issued following each of the pre-election missions are included in the briefing book.

Training Programs

A Z-Vote office was established in Lusaka in mid-August. From August 24-25, approximately 200 Zambian volunteers attended a training session sponsored by Z-Vote. For the occasion, Z-Vote brought to Zambia individuals from Namibia, Chile and the Philippines with personal experience in establishing and running large citizens monitoring organizations.

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The individuals who participated in the August training seminar form the nucleus of the two nonpartisan monitoring organizations now operating in Zambia: the Zambia Independent Monitoring Team (ZIMT), which is led by David Phiri, a former governor of the Bank of Zambia; and the Zambia Election Monitoring Coordinating Committee (ZEMCC), which is led by Reverend Sakala and includes representatives of six groups on its board of directors. Both organizations are recruiting volunteers, and have sponsored training programs and prepared manuals for use by volunteers on election day. Z-Vote is encouraging ZIMT and ZEMCC to coordinate on certain matter, including a parallel vote tabulation, which is being organized under Z-Vote auspices.

Program

Z-Vote will sponsor a 40-member international delegation to observe the October 31, 1991 national elections in Zambia. The delegation includes parliamentarians, political party leaders and election experts from across the democratic political spectrum and about 12 countries in Africa, Europe and North America.

Delegates will arrive in Lusaka on October 27 and be briefed on the political situation and the preparations for the elections. Prior to the elections, the delegation will meet with senior government officials, ruling and opposition party leaders, the Electoral Commission and leaders of local monitoring groups. In addition, the delegates will meet with media representatives, student leaders and participants in the Inter-Party Liaison Committee.

On October 30, the delegation will divide into teams that will visit Chipata, Choma, Kabwe, Kasama, Kitwe, Livingston, and Lusakae Mpika, Ndola, Mongu, Petauke. The day before the elections, the teams will meet with local election officials, legislative candidates and representatives of the two monitoring groups. On election day, the teams will visit polling sites and counting centers in their assigned areas.

The delegation will regroup on November 1 in Lusaka for a debriefing. Based on the findings of the teams, the delegation will likely issue a statement in Lusaka on Saturday, November 2, that will present a national perspective on the election process. Until that time, delegation members are urged not to offer substantive evaluations on the election process to the Zambian and international media.

Objectives

The delegation's presence will demonstrate the international community's support for the transition to multiparty democracy in Zambia. The delegation also seeks by its presence to deter fraud and manipulation. In addition, it will provide an objective assessment of the Zambian electoral process for the international community. Finally, members of the delegation will have an opportunity to learn from the Zambian transition experience.

The delegation's observations and other reports from credible sources will form the basis for the delegation's conclusions about the elections. The delegation, therefore, must attempt to document observations and in all instances to distinguish facts from subjective judgements.

In undertaking this effort, the delegation should follow the internationally recognized guidelines for observing elections. These guidelines require that the delegation remain neutral regarding the outcome of the elections. Furthermore, the delegates should, in all instances, abide by the relevant Zambian laws, and avoid interfering on the process in any way. Statements should not be made to the press, except in accordance with the press guidelines. Delegation members should understand that their role is limited; the Zambian people will make the ultimate judgement about the process.

Based on the Z-Vote's work in Zambia during the past three months, the following are among the issues that the delegation should consider:

I. ELECTION LAW

1. How were the laws governing the electoral process developed? When were they approved? What changes were made to the previous laws? What were the main issues involved in the negotiations concerning the laws? What innovations were introduced by the laws?
2. How do the laws compare with those of other democratic countries? What complaints have been raised regarding substantive provisions of the law?
3. Was the law adequately understood by the election administrators, political parties and the electorate? Were the

constitution and election law made public? Was the date of the elections made public early enough for voters to prepare and consider the issues?

II. ELECTION ADMINISTRATION

1. Who were the election administrators at the national, regional and polling site levels? How were they selected? Have concerns been raised regarding partisanship and competence?
2. What was the relationship between national and local election administrators? What mechanisms were in place to ensure that the local administrators use uniform procedures in administering elections?
3. Did the law provide adequate safeguards to prevent fraud in the balloting and counting processes? Were other safeguards required?
4. How quickly were unofficial and official results released? Were there ways that the counting and tabulation process could have been expedited while maintaining safeguards to ensure a fair and honest count?
5. What provisions have been made concerning access of political parties, independent monitoring organizations and international observers to information and polling sites prior to and on election day? Specifically, will party agents, nongovernmental groups and international observers be able to monitor all phases of the counting, transportation and tabulation processes?
6. Are the political parties and independent monitoring organizations satisfied with the administrative preparations that were made and the information they were provided by the election administrators?
7. Were large numbers of qualified voters disenfranchised? Were voters not allowed to vote because they did not have papers proving they registered during the 1990 or 1987 registration periods?
8. Was the Electoral Commission so understaffed and underfunded that it was unable to adequately perform its duties?

III. POLITICAL PARTIES

1. Did all parties participate in the elections? If not, what were the grounds for not participating? Did the electoral law unreasonably limit the number of parties or individuals contesting the elections?
2. What role did the political parties play in developing the administrative rules for the elections? What role did the parties play on election day in monitoring the balloting process?
3. What was the procedure for nominating candidates? Could independents secure a place on the ballot?

IV. ELECTION CAMPAIGN

1. Did the campaign period provide an adequate opportunity for the parties to communicate their messages to prospective voters? How did the parties communicate their messages (*e.g.*, media, rallies, posters, workplace meetings, door-to-door campaigning etc.)?
2. What complaints were presented about the nature of the campaign? Were the laws governing the conduct of the campaign enforced?
3. Were there any restrictions that interfered with the ability of parties or citizens to compete in the elections? Were there reports of politically motivated harassment associated with the campaign?
4. Did parties have difficulty obtaining permits for rallies or other campaign events? Did the existence of a state of emergency hinder the campaign of any party or candidate? Was the state of emergency enforced during the last months of the campaign?
5. What role did public opinion surveys play in the effort to prepare for these elections? What role did nongovernmental groups play in the electoral process?
6. Were government resources used to give an advantage to any party or candidate? How did opposition parties fund their campaigns? What effect did this have on the campaign?
7. Was there adequate freedom of movement and expression of ideas during the campaign period?

V. MEDIA

1. What laws govern the operation of the media in Zambia? Are there laws adequate to ensure a free and open campaign? Was there any censorship of the press or broadcast media?
2. What rules governed access to the government-controlled media during the campaign? What role did media play in the election campaign? Was there any difference in coverage among different types of media – print, radio and television? Did the media provide equitable coverage of all parties?
3. Was the media used to educate the public regarding the election procedures?
4. Were parties provided free time on television and radio? How was this time distributed?
5. What complaints have been filed with respect to the media?
6. What was the effect of judicial rulings with regard to media access and control of ZNBC and the *Times of Zambia*?

VI. ELECTION DAY

1. How was voter eligibility at the polling site established? Were there provisions in the law for absentee balloting?
2. What procedures insured the integrity of the process (*i.e.*, only those eligible are permitted to vote, no one votes more than once, secrecy is guaranteed, the votes are counted correctly, etc.)?
3. Were any ballots lost, exchanged or otherwise rendered unreliable as a accurate and unchallengeable expression of the will of voters? Where were votes counted – at the polling places, or district counting centers? Was every ballot box counted separately? Were seals affixed by all major parties on each box? Did the field observers remain in visual contact with the ballot boxes at all times until the ballots were counted? Were the ballot boxes in the sample count mixed with any other ballot boxes?
4. Were the results announced in accordance with the prescribed procedures and without unreasonable delays? Were these results disseminated to the public expeditiously? Were there unofficial parallel tabulations of the results? Were they consistent with the official results?

5. Did the political parties accept the official results? How were the post-election challenges filed by the political parties handled?
6. Were ballots, once cast, examined by anyone other than high court officials in response to an official challenge of the ballot's integrity? Did voters feel assured that their votes were confidential?
7. What were the measures to prevent multiple voting?

VII. INTIMIDATION

1. Were there any restrictions, *de jure* or *de facto*, on individuals joining political parties or participating in campaign events?
2. What complaints have been presented regarding intimidation? What was the nature of these complaints and against who were they directed?
3. Were voters intimidated into voting for (or not voting for) a particular, party or candidate by the armed forces, political parties or government officials? Did party leaders make statements that implied threats or intimidation?
4. Did candidates feel free to advocate any position?

VIII. PROSPECTS

What is the likelihood that a successful multiparty polity will develop in Zambia? What types of democratic development assistance, if any, are needed (*e.g.*, strengthening political parties, the media, the judicial system, the election process; promoting civic education; etc.)?

CODE OF CONDUCT/STATEMENT OF PRINCIPLES

I) The Joint International Observer Group (JIOG) organized in response to appeals from the Transitional Government of Ethiopia, the National Election Commission, and Ethiopia's various political movements, in an effort to demonstrate strong international support for a peaceful democratic transition in Ethiopia, leading to general elections at the end of the transitional period.

II) JIOG members will serve as neutral witness of the entire local and regional electoral process, including the registration of voters and candidates, the functioning of political party officers, the campaign period, and the casting of counting ballots. The JIOG's overriding purpose is to establish an impartial international presence in representative areas throughout Ethiopia, in hopes of raising confidence in the electoral process, deterring gross abuse, and thereby raising prospects that this critical phase in Ethiopia's democratic transition will be credible.

III) The JIOG is committed to regular liaison with the National Election Commission, for the purpose of informing one another of respective plans and updating one another on electoral developments.

IV) In fulfilling its mandate, JIOG members will circulate freely throughout Ethiopia and establish direct local contact with election commission officials, representatives of competing political movements, TGE officials, candidates, elders, common voters and other private citizens.

V) Individual JIOG members will refrain from any public comment on the conduct of the elections, including the observed political behaviour of individuals or groups. Similarly, JIOG members will refrain from adjudicating disputes or certifying the accuracy of voting results. Individual JIOG members are free to report privately to their Embassies or parent Organizations. JIOG members may communicate complaints to election officials. JIOG as a group will communicate its assessment on the electoral process to the National Election Commission.

VI) The JIOG will be responsible for organizing its own transport, communications and lodging.

VII) All JIOG members will carry credentials identifying themselves as official international observers. The JIOG will ensure that all JIOG vehicles and local facilitates will be conspicuously identified as such.

VIII) Prior to beginning any observation, every JIOG member will be fully briefed by the JIOG Secretariat on the electoral process and the guidelines outlined in this document.

IX) To maintain a high level of integrity of the monitoring process and to be consistent with the principle of transparency, every allegation brought to the attention of any member of JIOG individually or JIOG collectively will be counter-checked by reference to the other party concerned. ALL JIOG members have the moral obligation of reporting to the relevant authorities any criminal activity or violation of electoral law they personally witnessed.

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Section 4

Electoral Commissions

(Session 7)

ELECTION COMMISSIONS: RESPONSIBILITIES AND COMPOSITION

Larry Garber[1]

OVERVIEW

The establishment of a legitimate electoral process begins with the adoption of an election law and the designation of a body responsible for administering the election. It is critical, particularly in a transition situation, for such a body to be impartial and to be perceived as acting in such a manner. Where the electoral body is viewed as partisan, the legitimacy of the election may be called into question and the transition process stalled or set back.

This memorandum discusses the different models that have been used for establishing a national body responsible for administering an election. The memorandum is based on the experiences of the National Democratic Institute for International Affairs (NDI), which has observed elections in more than 25 countries and has provided technical advice on election systems to several countries in different regions of the world. The emphasis of this memorandum is on countries in transition where fears and suspicions are prevalent, often requiring special procedures to promote confidence in the electoral process.

The memorandum is divided into three sections. The potential responsibilities of a national election commission are considered in the first section. The second section identifies different approaches that have been used to form national election commissions. The final section lists some of the resources and expertise that such a commission will need in organizing elections.

A preliminary factor should be noted. If a significant portion of the population has never voted in an election nor been able to participate -- as candidates, political party agents or polling officials -- in an electoral process, then special consideration must be given to issues such as voter education and procedures to ensure that all sectors of society can cast ballots freely. The population also must be convinced that those administering the elections are committed to doing so in a fair and impartial manner, and that the announced results reflect the will of the people.

These considerations highlight the need to establish a national election commission that enjoys the confidence of the population. Thus, even if a previous arrangement has worked well in ensuring free and fair elections for a segment of society it must now be critically reviewed and perhaps rejected given the new circumstances involved in a transition situation.

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[1] Senior Associate for Electoral Processes, National Democratic Institute for International Affairs, Washington, D.C.

RESPONSIBILITIES OF A NATIONAL ELECTION COMMISSION

The responsibilities of an election commission range from country to country. In some countries the commission is responsible for all aspects of the electoral process, while in other countries the commission's role may be purely administrative and limited, for example, to ensuring the preparation of ballots and other paraphernalia used on election day. Also, in some countries, some of the responsibilities mentioned below are divided among different bodies (*e.g.* specialized commissions responsible for regulating the media, public financing and investigating intimidation and other specific election-related complaints, etc.).

Given the circumstances in countries undergoing transitions to more democratic forms of government, an expansive role for a national election commission would probably be appropriate. The following tasks might be assigned to such a commission:

- interpreting the electoral law and adopting electoral regulations;
- designating and training of regional election officials and polling officials;
- developing procedures for registering voters, implementing a voter registration process and publishing voter lists;
- regulating the election campaign;
- investigating and adjudicating complaints, including those presented directly to the Commission and appeals from subordinate bodies;
- developing an effective, nonpartisan civic education campaign;
- preparing materials necessary for election day;
- establishing mechanisms for reporting the results from polling sites to a central headquarters and for announcing the official results.

In extraordinary circumstances, the commission might be assigned the responsibility of promulgating the election law. This procedure was used in Haiti in 1990; in other countries, such as Costa Rica, the election commission must review all laws related to the election process before they are voted on by the legislature.

While perhaps raising some jurisprudential problems, utilizing this procedure has several advantages. It allows for the election law to be developed by an independent body, which may be less subject to political considerations and which may have more expertise regarding the practicalities of organizing an election. Moreover, it may expedite consideration of the law, which otherwise may be overshadowed by debate regarding other fundamental issues, thus resulting in delay in beginning preparations for elections. Such delays might result in pressures

to adopt rules and procedures that are not fully considered in terms of their impact on the elections, particularly given the circumstances mentioned above.

With respect to the other responsibilities that may be assigned to the commission, several points should be considered. The election law, even if adopted by the commission, will not cover all the contingencies that may arise. Thus, it is quite important, particularly in a first election, to afford the commission considerable latitude in interpreting the law and adopting additional regulations. Otherwise, the commission risks becoming a static body and confidence in its actions will be limited.

The role of the national election commission in designating and training subordinate officials is crucial but often overlooked. The magnitude of the task is considerable. Assuming a voting population of 10 million and a maximum of 1000 voters per polling site (a large but not unprecedented number), a minimum of 10,000 polling sites will be required (in fact, the number will be larger, probably in the range of 12,000). Assuming further that a minimum of three polling officials will be assigned to each polling site (not including party agents), the total number of individuals who will be administering the balloting process on election day will be more than 36,000. Many of these individuals may never have voted, much less administered an election.

Of course, the national election commission will not be responsible for supervising directly every polling site. Instead, as is the case in most other countries, intermediate bodies will be appointed by the national election commission and these bodies will be directly responsible for supervising the polling site officials. Nonetheless, to avoid sharp variation in the procedures being used in different regions of the country, which might exacerbate tensions, the national election commission must prepare manuals for election officials and ensure that training seminars for polling officials are conducted throughout the country.

The national election commission also may be assigned the task of developing rules for the campaign (holding rallies, distributing campaign propaganda, using the media and raising funds) and ensuring compliance with them. Without discussing in detail the possible content of these rules, the following competing considerations should be noted: should the election law and regulations consciously attempt to ensure that all parties compete on a relatively level playing field or, to encourage an election campaign that may be more meaningful to individual voters, should the election law distinguish (based on estimates of party membership or some other criteria) between parties in terms of such issues as news coverage, media access and public financing?

The election commission's esteem will depend, in large measure, on its ability to handle election-related complaints. Again, given the fears and suspicions that often exist in periods preceding a transition election, the commission should be given the resources and jurisdictional ambit to meet the expectations of the population in ensuring free and fair elections.

The commission also may be tasked with the responsibility of developing programs that explain voting procedures and highlight the importance of such matters as ballot secrecy and the role of election monitors. This is particularly important where significant portions of the population have never voted or participated in a meaningful electoral exercise (i.e. where there is a real choice that the voter can exercise). The commission may want to work with nongovernmental organizations and use the media in effectuating this effort. The important point to note is that without an effective voter education program turnout may be limited, as segments of the population feel unduly intimidated by the voting process and forego their franchise.

Developing balloting procedures and preparing voting materials are also tasks often assigned to a national election commission. A ballot design must be agreed upon (i.e. what should be included on the ballot? party names, symbols, names of candidates, name of party leader, other markings to ensure integrity of the process, etc.). This is often a controversial matter, particularly when a new system is being implemented and a large segment of the population is illiterate. The commission must establish criteria for resolving competing requests submitted by different parties.

Ballots must then be prepared for all eligible voters and distributed in a manner that ensures polling sites will have enough ballots to service those voters authorized to vote at the site. Making such estimates is complicated if there are no voter registration lists, especially if there are large numbers of migrant workers living in the country.

Other materials that will be needed are voting booths that provide adequate secrecy for the voter, ballot boxes and the forms polling officials use in accounting for ballots on election day. Depending on the procedures adopted, the election commission may be required to provide voting cards for all potential voters and indelible ink to mark the fingers of voters as a safeguard against multiple voting.

The commission also may be required to decide whether balloting should occur over several days or be limited to a single day, where polling sites should be established and whethe mobile stations should be used, and whether the counting of ballots should occur at the polling site or at some centralized point. In reaching these decisions, the commission should consider both administrative practicality and the confidence in the process that will be achieved by selecting a particular approach.

Finally, the commission must develop mechanisms for ensuring public confidence in the integrity of the process. Specific anti-fraud measures may be required. Also, the commission will need to develop regulations for domestic and international monitors, who play an important role in the context of transition elections.

MODELS FOR ESTABLISHING A NATIONAL ELECTION COMMISSION

Countries use a variety of mechanisms for administering elections. This section reviews several of these approaches and highlights some of the advantages and disadvantages of each system.

Government approach - In some countries, a government ministry (e.g. Home Affairs or Interior) is assigned lead responsibility for administering elections. Other tasks may be assigned to other appropriate bodies (e.g. the judiciary would be responsible for adjudicating election related complaints). Polling officials generally would be designated from the ranks of the civil service, thus avoiding the difficulties involved in selecting individuals from the population at large who may not have the requisite skills for the various jobs. This approach works well where the civil service is respected as professional and neutral, but is more problematic in countries where the partisanship of the civil service is in question.

Judicial approach - A variation on the above is to assign the judiciary or selected judges the responsibility for administering elections. In Pakistan, for example, the Central Election Commission comprises three judges appointed by the President from the supreme and high courts of the country. In Romania, seven Supreme Court judges were selected by lottery to serve on the Central Election Commission. Again, this works well if the judiciary is respected for its independence, but is problematic if the electoral contestants view the judiciary as partisan or, as in the case of South Africa, are all white.

Multi-partisan approach - A third model is to have all registered political parties designate representatives to the National Election Commission. This assures that various interests are represented on the commission and that each party can exercise some form of oversight concerning the operation of the commission.

There are two problems with this model. First, in a transition situation, the number of parties often proliferates. If all parties are allowed to designate members to the commission, the size of the commission may be unwieldy and hence prove ineffective. Second, the commission may be comprised of individuals who lack the requisite skills and/or experience to ensure the effective operation of the commission.

Expert approach - A fourth model is to designate, based on a consensus of the political parties contesting the elections, individuals with relevant experience and expertise who also have a reputation for independence and integrity. The obvious problem is developing a consensus on the identity of the appropriate individuals. Generally, such independent commissions range in size from three to 11 members. The idea is to avoid commissions that are unwieldy, but which are large enough to ensure for an effective division of responsibilities (see below).

PRIVILEGES AND AUTHORITY

The members of such an independent commission should be afforded various privileges and immunities. Often the status of commission members is the same as judges and, to ensure their independence, they can be removed only for gross dereliction of duty and for financial improprieties.

The authority of the commission also varies from country to country. In Costa Rica, for example, the Supreme Electoral Tribunal exercises *ultimate and exclusive authority* regarding all election related matters. In other countries, decisions of the election commission can be appealed through the judiciary. Finally, in some countries, the legislature is the ultimate authority in resolving challenges concerning the allocation of seats.

As for enforcement of commission decisions, the usual practice is to rely on other government institutions, much as is the case with the judiciary. However, both for investigative purposes and for enforcement purposes, it may be appropriate to consider assigning some police officials to the commission. These officials would then be directly controlled by the commission, giving the commission an effective means for enforcing decisions.

INTERNAL OPERATING PROCEDURES AND FUNCTIONAL EXPERTISE

Once a commission is designated and its mandate defined, the commission must begin developing working procedures. In some countries, these procedures are set forth in the law establishing the commission, while in other countries the commission is responsible for producing its own procedures. The procedures generally cover such matters as the timing of commission meetings, the method for reaching decisions and the establishment of functional committees.

Given the election schedule and the extensive responsibilities that the commission may be assigned, membership on the commission should perhaps be considered a full-time job from the time the commission is formed until two weeks after the elections. Obviously, the commission members should be remunerated for their work. Usually, the pay scale is similar to that of senior civil servants or members of the judicial branch. (If members of the judiciary or civil service are assigned the responsibility of administering the elections, they could simply be paid their regular salaries).

An important matter concerns how the commission reaches decisions. Generally, the majority principle is utilized, with commission members allowed to issue public dissents. The commission, however, should be encouraged to act by consensus because the more split decisions that emerge the less confidence the public will have regarding the nonpartisan nature of the commission.

Before a staff is recruited, the functional divisions of the commission must be established. These should include some or all of the following:

- a personnel division responsible for recruiting and training election officials throughout the country;

- a financial division responsible for developing a budget covering all aspects of the electoral process and for managing the funds provided to the commission by the government;

- a legal division responsible for developing (if necessary) and interpreting the election law, developing election regulations and procedures, and evaluating the legal aspects of complaints submitted to the commission;

- an investigative division responsible for reviewing all complaints submitted to the commission;

- a logistics division responsible for communications with election officials and for distributing election paraphernalia to polling sites throughout the country;

- a data processing division responsible for vote registration (if utilized), estimating the materials necessary for the elections and for tabulating the results;

- an information and publicity division responsible for developing a civic education program and for disseminating decisions issued by the commission; and

- a liaison division responsible for interacting with government bodies (e.g. police, security forces, judiciary, state broadcasting and local administrative bodies), political parties and domestic and international monitoring groups.

CONCLUSION

The importance of establishing an independent election commission as soon as possible can not be overestimated. Indeed, given the significance of the electoral process to a democratic transition, the establishment of such a commission should perhaps precede the adoption of an election law, with responsibility for developing the election law then placed in the hands of the election commission. Once in place, the commission will be in a position to prepare for elections in a manner that is viewed as credible by all sectors of society.

which no party obtained an absolute majority. Indeed, while the law prevents parties from joining together to take advantage of political circumstances, nothing prevents parties from reforming themselves to broaden their membership prior to an election. In the context of Senegal, where one party has dominated the political system for a lengthy period of time, a system in which parties can unite for electoral purposes may permit more effective competition.

2) Election administration

In a country where there has been periodic change in government from one party to another, there is likely to be considerable confidence in the objectivity of those administering the election process. In Senegal, the situation is the contrary. The continued success of the PS makes it necessary to ensure that the administration of elections not only is fair, but also is perceived by the parties, candidates and citizenry to be fair. Thus, while the delegation noted nothing inherently wrong with the manner in which Senegal's elections are currently administered, additional safeguards may be required to promote confidence in the process.

As is true with electoral systems, there are several different methods for administering elections. Broadly, they divide into two types: 1) elections administered on a nonpartisan basis; and 2) elections administered on a party basis.

The former category includes elections administered by independent election commissions and those administered, as is the case in many francophone countries, by civil servants. While not formally involved in administering the elections, political parties may still play an important role in monitoring the different phases of the election process, from the initiation of the campaign through the proclamation of the results.

Providing political parties with a direct role in administering elections adds credibility to the process, but the cost often is efficiency. Moreover, some parties may not be able to designate qualified representatives for duty as election administrators, and identifying capable representatives may divert the party's attention from organizing an effective political campaign.

Senegal uses the former system. The minister of interior is responsible, in the first instance, for administering the elections. His ministry prepares the ballots and voter registries. The minister is ultimately responsible for ensuring that the materials are distributed to local election officials on election day.

Under the constitution, the Supreme Court is also given an important role in the administration of elections. This extensive use of the Supreme Court, a theoretically non-political body, appears to be aimed at providing an extra dimension of protection for a fair election process. However, in present circumstances, this use of the Court has become highly questionable and may have undesirable effects.

One objection raised concerns the Court's capacity to undertake the administrative burdens placed upon it. The election process is complicated and would be difficult to administer by the most efficient and well-staffed bureaucracy. In this context, some have suggested that the Supreme Court simply does not have sufficient infrastructure and personnel to perform the several election-related tasks assigned to it by the constitution and electoral law. The Court, for example, is asked to certify aspects of the ballot count but it cannot certify the chain of possession of the tally sheets, a prerequisite to certification of the ballot count.

A second objection raised concerns the Court's ability to perform effectively and objectively its juridical role, given the responsibilities placed upon it in helping administer elections. There is a danger that the integrity of the Court will be undermined not only in the election process but also in its essential role as guardian of the constitution.

In addition, some opposition parties, but certainly not all, suggested that the justices of the Court, all of whom have been appointed by the president, are perceived as being partisans of the ruling party. Thus, the argument goes, complaining to the Court is not much help. On the other hand, some opposition parties urge that the justices be given even greater responsibilities in the election process.

The issue at hand is confidence in the election system. Greater confidence could perhaps be achieved if opposition representatives were given some formal role in the process. This could be accomplished by establishing, as several opposition parties have urged, an independent election commission whose members would be nominated by the political parties. The commission, and not the minister, would then be responsible for administering all aspects of the process. This is a far-reaching change, requiring the establishment of another permanent bureaucracy.

More practical as a short term solution would be the creation of an election advisory council. It could include several members, perhaps even half, who would be designated by the opposition parties. The council would provide a forum for debating issues pertaining to the implementation of the election law. The council also would review the activities of those administering elections and, where appropriate, offer suggestions regarding changes in practices and personnel. In addition, the council could propose regulations designed to ensure an equitable and transparent election process. If established, such a council should have full access to the Minister of Interior and other senior government officials, and its deliberations should be public.

By including party representatives as members of an officially sanctioned advisory council, confidence in the election process undoubtedly would increase. Further, this could be accomplished without the major constitutional and bureaucratic overhaul that would be required if an independent election commission were established.

3) Voter eligibility

The general principle is that suffrage should be as inclusive as possible. Limitations based on race, religion or gender are *prima facie* unreasonable. Limitations based on age, residence and pre-registration, however, are generally considered acceptable.

The current voting age in Senegal is 21. Some opposition party representatives seek to extend the franchise to 18-year-olds, which, given the median age of Senegal's population, would increase considerably the size of the electorate.

2. Angolan citizens whose habitual residence is in another country are eligible to vote in the legislative elections.

Article 11
(Ineligibility to Vote)

The following persons are not entitled to vote:

(a) Those banned by a final [court] sentence;

(b) Those commonly known to be demented, even if not banned by [court] sentence, when hospitalized at a psychiatric establishment or so declared by a medical board;

(c) Those definitively sentenced to serve time in prison, until such time as they have served that sentence, except those who have been paroled pursuant to law;

(d) Citizens who are being held in preventive detention.

CHAPTER III - The National Electoral Council

Article 12
(Definition)

The National Electoral Council is responsible for coordinating, executing, conducting, and carrying out the voter registration and all activities relating to the electoral process.

Article 13
(Authority of the Council)

1. The National Electoral Council has the following functions:

(a) Organize and direct the voter registration;

(b) Organize and direct the presidential and legislative elections;

(c) Handle the determination of the results of the elections and publish the national results;

[Page missing from original]

[pick up middle of Article 16:]

(c) Five citizens chosen from among specialists of recognized merit and good moral and professional reputation, appointed by the governor of the province after obtaining the opinion of the provincial representatives of the legally-constituted political parties within not more than seven days, with appeal to the National Electoral Council in the event the majority of the parties do not concur;

(d) The provincial Director of Elections, appointed by the Minister of Administration of the Territory.

(e) One representative of each political party or coalition of parties that is competing in the elections, as they are established pursuant to the Political Parties Law.

2. Each candidate for the office of President of the Republic may appoint a representative to the Provincial Electoral Councils.

Article 17
(Agencies of the Provincial Electoral Councils)

1. The following are agencies of the Provincial Electoral Councils:

(a) The Provincial Bureau of Elections;

(b) The Municipal Electoral Offices

2. The composition, authority, and duties of the Provincial Bureaus of Elections are as approved by the National Electoral Council.

3. Whenever the needs of the work to be done justify it and upon authorization by the National Electoral Council, Communal Electoral Offices may be created, having such composition, authorities, and duties as the National Electoral Council may approve.

Article 18
(The Municipal Electoral Offices)

1. The Municipal Electoral Offices are composed of the following:

(a) A representative of the local government, appointed by the hovernor of the province, who shall preside;

(b) Five citizens chosen from among spe alists of recognized merit and good moral and professional putation, appointed by the Administrator of the Municipalit.

(c) One representative of each political party or coalition of parties, established pursuant to the Political Parties Law, that is competing in the elections.

2. Each candidate for the office of President of the Republic may appoint one representative to the Municipal Electoral Office.

Article 19
(Investiture, Term of Office)

1. The members of the National Electoral Council take the oath of office in the presence of the President of the Republic.

2. The National Electoral Council begins its activities with whatever number of members it has on the date it takes office.

3. The term of office of the members of the National Electoral Council ends with presentation of the final report, [which shall occur] 120 days following the publication referred to in Article 143.

4. By delegation of powers from the President of the Republic, the Chairman of the National Electoral Council may swear in the other members of the National Electoral Council.

5. The members of the Provincial Electoral Councils and the Municipal Electoral Offices take the oath of office in the presence of the chairmen of the National and Provincial Electoral Councils, respectively, or whomever has been delegated this authority.

Article 20
(General Duty to Cooperate)

All public and private entities, as well as the political parties, are obliged to cooperate with the National Electoral Council and its agencies, to be present during the voter registration and other actions relating to the electoral process, and to provide the information requested of them.

Article 21
(Specific Duty to Cooperate)

1. The agencies of the central administration of the State, particularly the ministries of Territorial

Administration, Interior, Transportation and Communications, and Commerce, as well as the local administrative officials must furnish the National Electoral Council and its agencies whatever support and cooperation is considered necessary to the accomplishment of the activities inherent in the registration and other acts of the electoral process.

2. Those responsible for the forces of internal order promise to take all steps necessary to maintain public order and stability during the voter registration process.

TITLE II - Voter Registration

CHAPTER I - General Provisions

Article 22
(Universality)

All citizens of duly proven Angolan nationality who reside in Angola or abroad and have attained the age of 18, or will have attained it on the date of the elections, are subject to voter registration.

Article 23
(Right and Civic Duty)

All citizens referred to in the previous article have the right and civic duty to register to vote, to verify whether they have been properly registered, and to request correction of errors or omissions.

ELECTION PREPARATION

The team was left with no doubts about the sincerity and degree of commitment on the part of the transitional government to ensure that it meets its self-imposed January 20th deadline to transfer the country's leadership to a democratically elected president and legislative body. If the public trust is to be preserved, there can be no question of delay, in spite of the tremendous burden the limited time frame will impose on election administrators. Meeting this strenuous schedule will require careful planning and rigorous adherence to a demanding timetable.

With so much resting on the decisions made at the National Conference with regard to the specifics of the new Constitution, the development of the Election Code and Charter on Political Parties, some election plans cannot be implemented until after the Conference has completed its work. Assuming that the Conference is successful in meeting the August 12 date planned for its adjournment, election administrators will be expected to conduct 4 to 6 elections (including 2nd round elections which may be required under the new Constitution,) within a four month period. It is imperative that an actual strategy be formulated, and that preparatory steps begin immediately.

It is important to note that officials expressed grave concern that at the moment financial resources are simply not available to begin much of the purchase and acquisition of materials and supplies which should already be underway. The team recommended that the Malians make their

needs known to the international community as soon as possible. In fact, the team informally advised some international organization representatives of some of the outstanding needs during the visit. The critical nature of the deadlines imposed for accomplishing the transition to a multiparty democracy requires urgent and immediate attention.

Preplanning

While there may be an inclination by election planners to await the outcome of the Conference, it will be important for election administrators to evaluate and identify those tasks and objectives which can be initiated and/or accomplished prior to the adjournment of the Conference. Basic election materials are required and certain initial steps that must be taken in preparation for elections regardless of the method of election ultimately selected, or the particulars of the electoral code enacted.

Needs Assessment: Government officials have already developed a preliminary needs assessment, discussed in Section IX of this report. In this initial phase of their preplanning strategy, they have identified the materials, equipment and supplies which will be needed for each phase of operation. They have also estimated quantities and costs associated with each element. The preliminary assessment reflects some careful thought. However, it is in no way final. The list must be reevaluated and adjustments made as decisions are confirmed and new information becomes available.

Identification of Available Resources: Another critical component in the development of a feasible strategy for implementing these elections is the identification of available resources for manpower, equipment, materials and supplies which will be needed. The assessments should include not only those maintained and available through government sources, but also those available through the private sector. The team was not able to determine the degree to which government officials had begun to identify, chart and evaluate available resources which can be tapped, other than resources known through previous use. If not already underway, efforts should be initiated to prepare listings and flow charts providing administrators a comprehensive picture of what is readily available and where deficiencies exist. Examples of the areas of endeavor for which lists and charts could prove useful include:

- **Transportation Resources:** Planning for the timely distribution and delivery of ballots and election materials will be particularly difficult in view of Mali's large geographic area, harsh terrain and weather. A transportation work plan should chart the modes of transportation available, the number and types of vehicles which will be required, their capacity, status of readiness, source of availability and location.

- **Communications:** An adequate communications network will be critical in terms of the chief election official's ability to provide direction, resolve problems as they arise, communicate new information and report election returns. A chart would clearly identify where there are direct phone lines in place for communication between the Ministry and

Regions, Cercles and Arrondissements, and which locations can only be reached by radio or messenger. It should further identify the locations between which FAX transmissions are needed.

- **Temporary Manpower:** Officials will have to consider where and for what functions temporary manpower will be required. A flow chart could assist in identifying the sources where workers can be recruited, who will be responsible for their recruitment, training and supervision, and where they will be assigned. Several charts may be required covering the different types of workers needed, such as laborers hired to handle the packaging, loading and unloading of election ballots and materials for distribution, poll workers appointed to assist voters at the poll and count ballots, census assistants, trainers, and drivers.

- **Vendors:** Preparing charts which identify the various vendors from whom materials, supplies and equipment can be purchased or otherwise acquired and track costs will assist officials in making procurement decisions and in determining timelines for delivery.

- **Coordination:** Election administrators will have to be able to mobilize all available forces quickly and efficiently to meet the complex and challenging timetable imposed by the January deadline. It will require the integrated efforts of several government agencies and private organizations also. There may be inadequate lines of communication for pooling interagency resources efficiently. Given the hierarchical structure of the Ministries, it will be important that appropriate authorities be formally delegated to election administrators to solicit and obtain cooperation, and to recruit and mobilize manpower, facilities and equipment of agencies not normally under their direct supervision.

Advance Purchase of Standard Forms, Equipment and Supplies:

There are certain standard forms and supplies which will be needed regardless of the outcome of the Conference. Every attempt should be made to see that these items are purchased and available as soon as possible. The importance of these steps cannot be overemphasized. With these materials purchased and already on hand, officials will be free to dedicate their efforts to the actual printing and distribution of ballots and election day activities when the time arrives.

Forms: These items include voter cards, census books, voter list forms, family cards, tally sheets for the counting of ballots, forms on which the final count of the votes are certified or authenticated. An assessment needs to be made to determine how many of these materials are already on hand and how many need to be printed and purchased.

A number of the items identified are needed for the enumeration and voter registration process. While the former election code provided for this process to occur in September, it is imperative that officials be assigned to begin this major task in the very near future. Election preparation steps such as division of the territory into election districts and selection of polling sites cannot be begun until this task is completed. Delay in the purchase of census materials could seriously impair the administration's ability to conduct the elections on time.

Ballot Boxes: Regardless of the type of election procedure formally adopted by the Conference, ballot boxes and voting booths will be required. A decision must be made as to whether ballot boxes will be imported ready made or whether they will be built by local tradesmen. If they are to be constructed locally, materials should be acquired so that work can begin on the construction. It is anticipated that in at least one instance two elections may be held simultaneously. That means that two ballot boxes will be needed at each polling bureau for that election. If three candidate elections occur simultaneously, three ballot boxes would be needed unless single (multi-candidate) color coded ballots are used for easy sorting when counting begins. According to officials, one local craftsman could build about 10 ballot boxes in a day. Considering the number of boxes which would be needed, a schedule for their construction should be developed to ensure they are ready for distribution in time for the first election. Procurement of appropriate locks or tamper-proof sealing devices should be initiated simultaneously.

Voting Booths: Another commodity which can be included in advance acquisition plans are materials for private voting booths. Whether a type of secret voting compartment selected is a simple cardboard collapsible version, a prefabricated booth, or locally constructed enclosure, there is no need to wait for the closure of the National Conference to begin acquisition. Officials will also have to determine how many voting booths will be required. At voting places accommodating large numbers of voters, it might be advisable to provide more than one voting booth so that more than one voter can actually be voting at a time.

Miscellaneous Supplies: A number of other supply items should be ordered well in advance. These items include appropriate lamps needed for polling places, pencils, envelopes, paper products and packaging materials needed for the distribution of election materials and ballots.

Selection of Voting Sites

It is estimated that there will be 3,000 voting places involved for each of the scheduled elections. Each site will be selected to accommodate approximately 1,500 voters. While the election code has not yet been published or enacted, it is anticipated that, as provided in the former election code, polling places will be open from 8:00 a.m. to 6:00 p.m. Polls will be open for just one day.

While the location and number of polling sites can be roughly estimated, final lists cannot be determined until after the census and enumeration of voters is accomplished. Only then can a formal list be published and the actual number of ballots needed at each polling place be determined. Based on this information administrators can ensure that adequate paper stock is available for the printing of ballots, and that sufficient quantities of ballots are available at each site to ensure that every voter

assigned to that site can be accommodated. That is why it is critical that the census activities are not delayed. Additionally, the confirmation of the selection of sites will be necessary in planning for the recruitment of poll workers.

In remote areas, it is possible that the polling sites will be separated by considerable distances, especially in sparsely populated areas. To the extent possible and depending on the dates selected for each election, polls should be set up at market places since they are the common center of activity even for people who must travel a long way.

Mobile Voting Bureaus

Another issue was raised relating to poll access in areas of the country where populations are nomadic. Under the former code, provision was made to allow for mobile voting bureaus which would travel throughout a specific area for one week prior to election day. The team recommends that this practice be considered for the upcoming elections. This kind of polling bureau could also be considered for those areas were populations may be away from their villages for harvesting. The mobile voting bureau could be useful in boosting voter participation in farming areas during peak harvest periods when voter turnout is expected to be low.

Recruitment and Training of Election Workers

The conduct of any election is labor intensive. From the team's overview of Mali's election plans, it is evident that as many as 10,000 temporary workers will have to be recruited, hired, trained, supervised and paid, above and beyond regular permanent staffing levels. As is the case with most governments, activities related to the conduct of elections in Mali will be imposed on regular government workers in addition to their regular duties. The role of temporary workers, therefore, is a significant one.

Poll Workers: Over 9,000 of the temporary workers will be needed to serve as poll workers, with at least 3 workers assigned to each polling place. In precincts with more dense populations, it might be advisable to increase the number of polling place workers to facilitate the processing of voters on election day. (In addition to the paid poll workers, officials indicate that representatives of political parties will be authorized to observe the operations on election day, but that they will serve only as observers and will be silent on general administrative activity. Nevertheless, they will need space and working tools.)

In the former Election Code, the law did not stipulate the qualifications for poll workers, however, officials indicated that as a matter of public policy, poll workers were recruited on the basis

of their ability to read and write, and were expected to be "of good moral character." These requirements will continue to be important because of the nature of the work that poll workers will be required to perform on election day. They must be able to verify the identity of each voter, ensure that the voter's name is included on the voters' list, write the voter's name on the poll register, explain voting procedures, and provide basic instructions while remaining totally neutral with regard to candidates and parties. These poll workers will also be responsible for the actual counting of ballots and reporting of election results after the polls close.

Recruitment of this many individuals will be a lengthy process which should be begun not later than early to mid-August, assuming that the Referendum will be scheduled for the last week in September, or the first week in October. The team estimates that once these workers are recruited, actual training for all areas of the country will take at least one month to six weeks to complete nationwide. This assumption is based on the understanding that poll worker teams will be called together at centralized sites for training in the majority of cases, rather than each polling board being trained individually at their separate locations. It is expected that poll workers will be recruited from the area in which the polling place will be located. It will be particularly important to ensure that the same workers will be available to work during all elections within the cycle. This continuity is critical in ensuring that procedures are fulfilled accurately and consistently. Repetition will be the best teacher. Consistency in election board staffing can serve to build voter confidence, generate a sense of "local ownership" of the election process, and elevate the status of the election workers in the local community encouraging their continued willingness to serve in the future.

The team also supports the recommendation that election workers be paid for their services. The receipt of a paycheck lends an air of professional status to the role of poll worker. It also serves to establish the chain of authority and clarify the entity to whom the worker is accountable.

Temporary Support Staff: It is estimated that overall, 500 temporary workers will be necessary to serve as administrative support staff at all levels of government where responsibility for elections will be placed, from the Ministries down through the Arondissements. The team would suggest that at least 300 of these workers be dedicated to three important missions: 1) the enumeration of voters and preparation of the voter lists; 2) local civic education in villages; and 3) training of polling place workers. Based on the team's findings, it is recommended that these staff aides and trainers be recruited, trained and hired for the full six month period covering the entire election cycle. Depending on the care given to the scheduling of each mission, most of these workers serving directly at the Arrondissement level could participate in all three missions. In consultation with government officials with whom this concept was discussed, the team determined that these staff aides could be recruited from a corps of young college graduates for whom there is no permanent work. Their formal education and desire for professional experience would serve the purposes of these missions well.

The thoroughness of the training that the election workers receive is of critical importance in ensuring the successful contribution of these workers. The training programs for this group will have to prepare them to conduct village meetings at the local level for the public's education about democratization, voter eligibility and registration, and the election process. Separate programs and training materials will have to prepare trainers to train the poll workers who will actually facilitate voting at the polls on election day. In both cases, great care will have to be taken to ensure that the information being imparted is expressed without partisanship and in a consistent manner. Regardless of the region, and regardless of the target audience, every voter must be getting the same information presented in a consistent way.

Preparation of an Administrative Calendar

In view of the severe time crunch imposed on administrators for conduct of the several elections required by the transition, there is a critical need for a comprehensive and detailed administrative calendar. This calendar will be the most important management tool election administrators have. All key election functions should identified with their administrative deadlines, including:

- deadlines for candidate and party filings;
- deadlines for recruiting and hiring election workers;
- deadlines for ordering materials and supplies;
- travel and training schedules for civic education and employee training;
- delivery dates for receipt of ballots and materials;
- mobile bureau voting dates;
- deadlines for reporting of election returns;
- dates of scheduled press releases;
- census schedule and dates by which voter lists will be completed; and
- date by which all voter cards will be issued.

The more complete the administrative calendar, the more useful the management tool will be. Development of a detailed election calendar will be fundamental in seeing that various activities are properly interfaced, that crucial deadlines are met and that there is a clear road map to follow along the way.

Through analysis of the information given by many officials, labor unions and associations, the team has pieced together a very general picture of the time needed for the preparation, conduct and close out of a single election in Mali. In general, the team believes that for each election, even as an extremely conservative estimate, government officials will need at least six weeks between the date the actual ballot printing begins and Election Day. Additionally, at least one week should be allowed after Election Day for the formal announcement of official election returns. These estimates are based on the following findings:

Ballot Printing and Delivery - 13 Days: The team was left with conflicting impressions as to the availability and capacity of the printing industry in Mali. One report indicated that ballots could be printed within one week, but other input implied that there were limited facilities on which to rely. The team acknowledges that government officials may be planning on international sources for the printing of the ballots. The decision as to the actual type of ballots to be utilized has not been made. Based on the options discussed earlier in this report, if the single ballot format is selected, the election would require between 4,500,000 and 5,000,000 ballots to be printed. However, if the French model is utilized whereby each party has its own ballot, and assuming that by the time the registration deadline has arrived, there are ten parties remaining, the election would require ten times that number, or 45,000,000 to 50,000,000 ballots to be printed.

For the purposes of this overview, the team suggests that no less than ten days be set aside for ballot printing. Additionally, if the ballots are shipped air freight from a source outside Mali, three days should be allowed for delivery to Bamako.

Packaging and Preparation for Transport - 7 Days: Once ballots have arrived in Bamako, they will have to be sorted, organized and packaged for transport to the various regions, circles and arrondissements. With a full crew hired to accomplish this task, the team estimates that the packaging and loading would take about one week.

Transport to Arrondissements - 14 to 21 Days: One of the major logistic issues to be dealt with relates to the actual transportation of election materials from Bamako out through the arrondissements to the actual voting bureaus. The most optimistic reports offered the team indicated that this endeavor could be accomplished within two weeks. Transportation association members indicated that it could take about one month. For the purposes of the team's general assessment, the team assumes that transport activities will take between two and three weeks.

Reporting of Official Results - 7 Days: Upon closing of the polls, a count of the votes will be accomplished immediately at each voting bureau. Officials intend to make preliminary, unofficial announcements of the returns that same night. However, not all villages will be able to report immediately. In Kati, for example, officials indicated that it would be at least two days before some of their remote villages could hand deliver returns to the arrondissement, since there are no other communications systems in those areas. The team suggests that two to three days will be required for reporting from the most distant villages and it may take another day or two for regional summaries to be completed and forwarded to the Territorial Minister. At the Ministry, time will be needed to review summaries, resolve mathematical discrepancies and formalize the official returns. With these circumstances in mind, the team suggests that officials plan for a one week delay between election night report of preliminary results and the final announcement of certified official returns.

Time Frame

In coming to its general conclusions about the time it would take to prepare and conduct each election, the team also reviewed other vital parameters. Two critical dates set the time limit in which all election activities must be completed: August 12, 1991, the date on which the National Conference is to end, and January 20, 1992, the holiday by which the military is scheduled to return to the barracks. The Constitution and Electoral Code have not been completed. However, officials understand that depending on the outcome of the National Conference, they should be prepared to conduct as many as five elections between August 12 and January 20: the Referendum, Legislative and Municipal Election, Second Round Legislative and Municipal Election, Presidential Election, and Second Round Presidential Election. Since this regimen would be the "worst case scenario" for election administrators, the team envisioned an election calendar based on this expectation.

Officials projected that a second round election would be held within two weeks of the certification of the first election. The team suggests this is probably not feasible unless some extraordinary measures are taken. As a general rule, ballots for the second round are not printed until the results of the first round are known. Once ballot printing begins, all the tasks of packaging and transport would have to be repeated. Since there would be fewer candidates involved, and therefore fewer ballots required if Mali chooses to prepare a separate ballot for each candidate, or each party, perhaps a few days could be shaved off the six week schedule, but at least five weeks would be needed between the two elections to ensure that the second election could be run as smoothly as the first. The electoral code must allow some flexibility to the executive as to the timing of the second round.

There may be some options to explore which could make it possible to conduct the second round elections within two weeks instead of five. For example, a reasonable amount of extra ballots could be printed at the same time as the ballots for the first election and stored for use in the second round. The extra ballots combined with any unused first round ballots would save printing time. Also, if ballots and materials could be retained at the polling places between the two rounds, transport time could be saved. There are some difficulties, however, which would have to be addressed.

Since extra ballots would have to be prepared for all parties and candidates, it is obvious that including the names of those parties or candidates who do not make it to the second round would result in waste of materials and extra expense. Officials would also have to make sure that only the correct ballots for runoff parties and candidates were issued for the second round and that all other ballots were properly destroyed. Any errors in this regard would have devastating results. Extra measures would also have to be taken to secure ballots and election materials between election days. Officials indicated, however, that storage and security of materials at the voting bureaus might be unreliable. It was their intention to have everything returned to the Arrondissement after each election to mae sure it is available

and in good condition for the next election. For these reasons, the two week plan between first and second round elections may not be the optimum choice.

With these conditions in mind, the team has developed a very superficial outline of how a calendar might look with the administration of 5 separate elections between August 12, and January 20. While it is not intended as a formal recommendation, the chart of dates that follows serves to illustrate a general idea as to what timing might be required.

SAMPLE ELECTION CALENDAR
Based on 5 Elections Between August 12 & January 20

ELECTION FUNCTION	REFERENDUM	LEG/MUNI	LEG/MUNI 2ND RND	PRESIDENT	2ND RND
NATIONAL CONF. ENDS AUGUST 12					
Deadline Party Reg./Local Offc.	-	8/19	-	10/14	
Party Reg. Rcvd At Ministry		10/22		10/17	
Ballot Layout Final	8/17	8/23	10/11	10/18	12/6
Ballot Printing Begins	8/18	8/24	10/12	10/19	12/7
Ballots Printed Shipped Bamako	8/28	9/3	10/19	10/29	12/14
Ballots Rcvd Bamako	8/31	9/6	10/21	11/1	12/16
Ballots Pkgd for Transport to Arnd	9/7	9/13	10/26	11/8	12/21
Arrond. Rcvs Ballots for Dist.	9/12	9/18	10/31	11/15	12/26
Mobile Bureau Voting Begins	9/21	9/28	11/9	11/23	1/4
Ballots on Hand Voting Bureaus	9/26	10/3	11/14	11/28	1/9
ELECTION DAY	9/28	10/5	11/16	11/30	1/11
Last Village Reports to Arrond	10/1	10/8	11/19	12/3	1/14
Arrond. Report Results To Region	10/2	10/9	11/20	12/4	1/15
Regions Report Results to Minis.	10/3	10/10	11/21	12/5	1/16
Official Results Certified	10/5	10/12	11/23	12/7	1/18

OFFICIALS SWORN IN JANUARY 19

MONTH JULY YEAR 1991

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15 CENSUS ACTIVITY BEGINS	16	17	18	19	20
21	22	23	24	25	26	27
28	29 NATIONAL CONFERENCE BEGINS	30	31			

1. NEEDS ASSESSMENT STUDIES BEGIN
   A. Budget Needs'
   B. Communications Network Assessment
   C. Transportation Resources Assessment
   D. Manpower Needs Assessed, Resources Determined
   E. Vendor Selection Process Underway
2. ADVANCE PURCHASE OF STANDARD FORMS AND SUPPLIES
   A. Census Forms
   B. Voter Cards
   C. Family Cards
   D. Voter List Forms
   E. ~~Tally Sheets/Vote Authentification Forms~~
   F. Voting Booths
   G. Polling Place Lamps and Supplies
   H. Ballot Box and/or Construction Materials
3. RECRUITMENT OF JEUNE DIPLOME WORKERS

R = Referendum Election
L = Legislative/Municipal Election
L2= Legislative/Municipal 2nd Round Election
P = President Election
P2= Presidential 2nd Round

MONTH AUGUST YEAR 1991

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
				1 Preliminary Census Completed Voter List Prep. Begins	2 Preliminary Polling Place Lists Drafted Recruitment of Poll Workers Begins	3 Ballot Qty Estimates Made Ballot Stock Ordered by Printer
4	5 Drafting of Training Material Poll Worker Begin	6	7	8	9 Final Orders Placed: Polling Booths, Supplies	10 Ballot Paper On Hand at Printer
11	12 CONFERENCE ENDS	13 Formal Mapping of Election Dist. Begins	14 Voter List Preparation Cont. Voter Card Prep. Underway	15 Ballot Box Const. Materials Rcvd at Arrond.	16 Training of Jeune Diplome Begins: Civic Education	17 R - Ballot Layout Finalized
18 R - Ballot Printing Begins	19 L - Party/ Candidate Regis. Deadline at Local	20 Polling Place Lists Finalized Voter Card Prep. Continues	21 Final Edit Training Material Completed. Printing Begins	22 L - Party/ Candidate Regis. Received at Minis.	23 L - Ballot Layout Finalized	24 L - Ballot Printing Begins
25	26 Training of Jeune Diplome Begins: Poll Worker Training	27	28 R - Ballots Printed/Shipped to Bamako	29 Assignment & Travel Arrangemnt for Jeune Diplome Completed	30	31 R - Ballots Received at Bamako

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L = Legislative/Municipal Election
L2 = Legislative/Municipal 2nd Round Election
P = Presidential Election
P2= Presidential 2nd Round Election

MONTH: SEPTEMBER YEAR: 1991

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SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
1	2 Training Materials Printed	3 Poll Worker Training Begins L - Ballots Printed & Shipped To Bamako	4 Supplies & Materials Shipped to Arrond. Cont.	5 Ballot Box Construction Complete at Arrond.	6 L - Ballots Rcvd at Bamako	7 R - Ballots Pkgd at Bamako & Ready To Ship to Arrond.
8	9 Voter Lists Finalized	10	11 All Supplies & Materials On Hand at Arrond.	12 R - Ballots Rcvd at Arrond. For Distribution	13 L - Ballots Pkgd at Bamako Shipped to Arron.	14
15	16 Voter Cards Delivered to Village Chiefs For Distribution	17	18 L - Ballots Rcvd at Arrond. For Distribution	19	20	21 R - Mobile Voting Begins
22	23 Poll Worker Training Complete	24	25	26 R - Ballots On Hand at All Voting Bureaus	27	28 L - Mobile Bureau Voting Begins R - ELECTION DAY
29	30					

R = Referendum Election
L = Legislative/Municipal Election
L2= Legislative/Municipal 2nd Round
P = Presidential Election
P2= Presidential 2nd Round

MONTH OCTOBER YEAR 1991

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
		1 R - Last Vllg Reports to Arrond.	2 Arrond. Reprt. Results to Region	3 R - Region Reports Results to Ministry L - Ballots on Hand at All Voting Bureaus	4	5 R - Official Results Certified L - ELECTION DAY
6	7	8 L - Last Vllg Reports Results to Arrond.	9 L - Arrond. Reports Results To Regions	10 L - Regions Reports Results To Ministry	11 L2 - Ballot Layout Finalized	12 L - Official Results Certified L2 - Ballot Printing Begins
13	14 P - Party/ Candidate Regis Deadline at Local Offices	15	16	17 P - Party/ Candidate Regis. Received at Ministry	18 P - Ballot Layout Finalized	19 L2- Ballots Printed & Shipped to Bamako P - Ballot Printing Begins
20	21 L2 - Ballots Rcvd at Bamako	22	23	24	25	26 L2 - Ballots Pkgd at Bamako & Ready to Ship to Arrond.
27	28	29 P - Ballots Printed & Shipped To Bamako	30	31 L2 - Arrond. Rcvs Ballots for Dist. to Bureaus		

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L2 Legislative/Municipal 2nd Round
P = Presidential Election
P2= Presidential 2nd Round

MONTH NOVEMBER YEAR 1991

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
					1 P - Ballots Received at Bamako	2
3	4	5 P - Ballot Printed & Shipped to Bamako	6	7	8 P - Ballots Pkgd at Bamako Ready to Ship To Arrond.	9 L2 Mobile Bureau Voting Begins
10	11	12	13	14 L2 Ballots On Hand at Voting Bureaus	15 P Ballots Rcvd at Arrond. for Distribution to Voting Bureaus	16 L2 ELECTION DAY
17	18	19 L2 - Last Village Reports Results to Arron.	20 L2 - Arrond. Reports Results to Regions	21 L2 - Regions Report Results to Ministry	22	23 L2 - Official Results Certified P - Mobile Bureau Voting Begins
24	25	26	27	28 P Ballots On Hand at All Voting Bureaus	29	30 P ELECTION DAY

P Presidential Election
P2= Presidential 2nd Round

MONTH DECEMBER YEAR 1991

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
1	2	3 P - last Village Reports to Arrond.	4 P - Arrond. Reports Results to Regions	5 P - Regions Reports Results Ministry	6 P2 - Ballot Layout Finalized	7 P2 - Ballot Printing Begins P - Official Results Certifi
8	9	10	11	12	13	14 P2- Ballots Printed & Shipped to Bamako
15	16 P2 - Ballots Rcvd at Bamako	17	18	19	20	21 P2 - Ballots Pkgd at Bamako & Ready to Ship to Arrond.
22	23	24	25	26 P2 - Ballots Rcvd at Arrond. for Distribution to Voting Bureaus	27	28
29	30	31				

P2 Presidential 2nd Round Election

MONTH JANUARY YEAR 1992

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
			1	2	3	4 P2 - Mobile Bureau Voting Begins
5	6	7	8	9 P2 - Ballots On Hand at all Voting Bureaus	10	11 P2 - ELECTION DAY
12	13	14 P2 - Last Village Reports to Arrond.	15 P2 - Arrond. Report Results to Regions	16 P2 - Regions Report Results to Ministry	17	18 P2- Official Results Certified
19 OFFICIAL SWORN IN	20	21	22	23	24	25
26	27	28	29	30	31	

የኢትዮጵያ የሽግግር መንግሥት የምርጫ ኮሚሽን የተሻሻለ የጊዜ ሰሌዳ

TRANSITIONAL GOVERNMENT OF ETHIOPIA ELECTION COMMISSION TIMETABLE

1984/1992

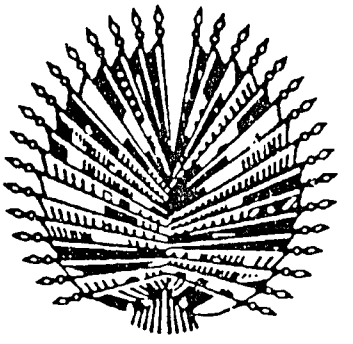
ተ.ቁ. NO.	ከንዑሳኖች ACTIVITIES	MAY ግንቦት	JUNE ሰኔ
	G.C.	23 24 25 26 27 28 29 30 31	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21
	ዓ. ም.	15 16 17 18 19 29 21 22 23	24 25 26 27 28 29 30 1 2 3 4 5 6 7 8 9 10 11 12 13 14
1.	የመራጮች ምዝገባ REGISTRATION		
2.	መዝገቦች ለሕዝብ ክፍት የሚሆኑበት REG. BOOKS OPEN TO PUBLIC SUPERVISION		
3.	በምዝገባ ቅሬታና ተቃውሞ COMPLAINTS ON REG. HEARING		
4.	በጣቢያ ደረጃ ለቅሬታ ተቃውሞ ውሳኔ የሚሰጥበት DECISIONS ON COMPLAINTS OF REG. AT POLLING STATION LEVEL		
5.	ለወረዳ ይግባኝ የሚቀርብበት APPEALS OF COMPLAINTS AT WEREDA LEVEL		
6.	በወረዳ ውሳኔ የሚሰጥበት DECISION ON COMPLAINTS BY WEREDA LEVEL		
7.	የዕጩዎች ምዝገባ REGISTRATION OF NOMINEES		
8.	የዕጩዎች መዝገብ በየቀኑ ለሕዝብ ይፋ የሚደረግበት REGISTERED NOMINEES MADE PUBLIC		
9.	ሕዝብ በዕጩዎች ላይ ቅሬታ ተቃውሞ የሚያቀርብበት COMPLAINTS ON CANDIDATES BY PUBLIC		
10.	በዕጩዎች ቅሬታና ተቃውሞ ላይ ውሳኔ የሚሰጥበት DECISION MADE ON COMPLAINTS OF CANDIDATES		
11.	ለዕጩዎች ልዩ ምልክት የሚሰጥበትና የመጨረሻ ዝርዝር የሚገለጽበት ISSUANCE AND REGISTRATION OF SYMBOLS FOR EACH CANDIDATE		
12.	የዕጩዎች ነፃ ውድድር የሚደረግበት FREE COMPETITION AMONGST CANDIDATES		
13.	የምርጫ ቀን VOTING DAY		
14.	የድምጽ ቆጠራ ቀናት VOTE COUNTING		

Section 5

Monitoring Techniques

(Sessions 8, 11, 16 & 20)

OAS
SECRETARY GENERAL



OBSERVATION OF THE ELECTORAL PROCESS NICARAGUA 1989 – 1990

OBSERVERS' GUIDE

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OBSERVATION OF THE ELECTORAL PROCESS
NICARAGUA 1989-1990
Guide for OAS Observers

This guide has been prepared for exclusive use by OAS Observers

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VERSION 1

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PREFACE

This handbook is designed to orient the OAS Secretary General's observers understand their role as electoral observers. After providing a brief description of the Nicaraguan electoral process, the handbook offers guidance to the observers on several matters that may arise as they conduct their activities in the different regions of the country. Finally, the handbook explains the various forms devised to ensure accurate and systematic record keeping during the observation effort.

I. INTRODUCTION

On March 3, 1989, the Government of Nicaragua, acting pursuant to an accord reached by the five Central American presidents a month earlier at El Salvador, invited the OAS Secretary General to organize a group of international observers for the February 25, 1990 elections in Nicaragua. The Secretary-General accepted the invitation on March 10, 1989. Subsequently, the Secretary-General and the Government of Nicaragua entered an agreement concerning the privileges and immunities to be afforded the observers, and the Secretary General and the Supreme Electoral Council agreed on a set of guidelines to govern the OAS observer operation in Nicaragua.

The OAS effort began with a review of the electoral law reforms that were adopted by the Nicaraguan legislature in April 1989. The Secretary General's report on this matter was signed on July 12. As explained later, the legislation was thereafter modified on August 4, following negotiations between the government and opposition political parties.

During the month of July, logistical arrangements were made to provide for a relatively permanent OAS presence in each of Nicaragua's nine regions throughout the entire pre-election, balloting and counting processes. In early August, the observers began arriving in Nicaragua and establishing themselves in the different regions. During the October registration period and the period surrounding the February elections, the OAS plans to augment its observer presence with election officials from various countries of the hemisphere.

While election observing has a long history in the Western Hemisphere and elsewhere, it is important to keep in mind the unprecedented nature of several aspects of the OAS effort in observing the February 25, 1990 elections in Nicaragua:

1) the observation is being conducted by an intergovernmental organization in a sovereign country, pursuant to a written agreement between the Government of Nicaragua and the Secretary-General of the OAS;

2) the agreement calls for a comprehensive observation effort, covering all aspects of the election process, and provides that the observers have all necessary privileges and immunities;

3) the observation effort will include an on-site presence for seven months;

4) the size of the delegation will range from 18 permanent observers to 150-plus observers for election day including:

- permanent observers drawn from the professional staff of the OAS secretariat, and

- observers from several countries, invited by the Secretary General through their respective Chancelleries, to integrate the Electoral Observation Group

5) the delegation has permanent basis in each of Nicaragua's nine regions.

Per agreement with the government, the observers have as their mission, to verify the compliance with the measures announced by President Ortega in El Salvador and the purity of the Electoral Process in each and everyone of its stages.

II. THE NICARAGUAN ELECTORAL PROCESS

This section briefly reviews the historical context of the 1990 elections and the procedures that will be used in administering them. In addition, observers should be familiar with the election law and the regulations issued by the Supreme Election Council.

A. Background

Under the constitution, Nicaragua's next national elections were scheduled to be held in November 1990. However, following the meeting of the Central American presidents in El Salvador, the Nicaraguan government decided to advance the date of the elections to February 25, 1990. On that day, Nicaraguans will elect a president/vice president, national

legislators, municipal leaders and representatives to the Central American Parliament. Pursuant to the August 4 agreement between the government and the opposition parties, the transition has been advanced and the new government will assume office in April 1990.

The president is elected by a relative majority (i.e. the candidate receiving the most votes, even if it is less than 50 per cent, becomes president). The legislature is elected based on a proportional representation system (i.e. voters select a party listed on the ballot and legislative seats are assigned in proportion to the votes a party receives in a given region). Depending on their population, regions are allocated between one and 25 seats in the legislature.

On April 21, 1989, the national assembly adopted a new electoral law. Outside observers who evaluated the reforms, including the OAS Secretary-General, concluded that it was consistent with international standards and compared favorably with the laws in other Latin American countries. Nonetheless, opposition parties protested several specific aspects of the law, contending that it benefited the ruling party. Further negotiations ensued, culminating in the agreement of August 4 whereby the government undertook to modify the law and to adopt other reforms (e.g. suspension of the military draft for the entire election period) that would improve conditions for the elections.

B. Election Administration

A five-member Supreme Electoral Council is responsible for administering elections in Nicaragua. The Council was elected by the National Assembly based on lists submitted by President Ortega. At present, the members of the Council are:

Mariano Fiallos Oyanaguren (FSLN);
Leonel Arguello Ramirez (FSLN);
Aman Sandino Munoz (Conservative Democratic Party);
Guillermo Selva Arguello (Independent Liberal party); and
Rudolfo Sandino Arguello (notable).

(The Conservative Democratic Party is the largest opposition party in the national assembly, although its bona fides as an opposition party are questioned by a coalition of opposition parties. The Independent Liberal Party is a leading party in the UNO coalition.) Pursuant to the August 4 agreement, a seven-member consultative body (chosen on a pluralist basis) was established to counsel the Supreme Election Council on election related matters.

Operating under the Supreme Electoral Council are nine three-member regional electoral councils. There are also 4,394 three-member "Junta Receptoras de Votos" (JRV) responsible for administering the registration and balloting processes at the polling site level. Registered political parties are authorized to designate pollwatchers for every polling site and to be present during the regional counting of the ballots.

C. Registration Process

Registration is scheduled for the first four Sundays in October (1st, 8th, 15th and 22nd). Prospective voters are instructed to register at the precinct nearest their home. They should bring some form of identification (e.g. birth certificate, social security card, drivers licence, passport, etc.) or two witnesses who can attest to their citizenship, age and residence. Military personnel are to register at the polling site where they will vote on election day; there will be no voting on military bases.

The registration process involves entering the following information in the registration books (one is kept at the regional election council and the other is sent to the Supreme Electoral Council): a voter's name, birth date, sex, address, signature and fingerprint. Based on the information included in the registration books, the election officials complete a registration card that is given to the voter.

Lists of registrants are affixed to the walls of the polling site at the end of each registration day. After the closing of the registration period, the Supreme Election Council will prepare a global list of those who have registered. This list will be provided to the political parties.

D. Election Campaign

Candidates for president and vice president have been designated by September 25, while national assembly candidates have until September 29 to file. October 31 is the deadline for registering candidates for the Municipal Council elections. The official electoral campaign begins on December 4, 80 days prior to the elections.

The election law provides for a campaign period in which all activities associated with a free and open electoral process are permitted. In communicating their respective messages to the population, candidates and parties are

permitted to organize rallies, to display posters, to publish and distribute election propaganda in whatever form (books, magazines, newspapers, handbills, etc.) and to use loud speakers and similar devices.

The election law also guarantees access to the radio and television media. Beginning August 25, each registered political party is provided 10 minutes once a week on one of the government-controlled television stations. During the formal campaign, the amount of free access increases. Parties can purchase additional time on television and radio at rates set by the Supreme Electoral Tribunal.

With respect to campaign financing, the law authorizes the Election Tribunal to allocate a specific amount to the political parties. Fifty per cent of the total sum allocated is distributed in equal amounts to all political parties. The remaining 50 per cent is divided based on the number of votes received in the 1984 elections; those parties that did not participate in 1984 receive the same amount as the party that received the fewest votes.

Parties are authorized to receive campaign funds from abroad. These funds are divided as follows: the party soliciting the funds receives 50 per cent of the total and the Supreme Electoral Tribunal receives the remaining 50 per cent to defray the costs of administering the elections.

Finally, the election law makes illegal the use of government resources and buildings to support a particular candidate. Similarly, government employees are prohibited from participating in campaign activities during working hours.

E. Balloting Process

On February 25, the polls will open at 7 a.m. and close at 6 p.m., unless there are people waiting in line to vote. Upon arrival at the polling site, a voter presents his/her registration card to the members of the JRV, who then locate the voter's name in the registration book. The voter signs the registration book and is given the three or four ballots (depending on the number of elections in the region).

Each ballot will contain the name and symbol of the competing parties; under the party names will be the names of the candidates designated by the parties as its candidates for the particular positions. The voter will be instructed to mark each ballot in a closed-off area and then to place each marked ballot in the appropriate ballot box for the specific

election (i.e. there will be a separate box for the presidential election ballots, for the legislative ballots, etc.). Before leaving the polling site, the voter's finger will be marked with an indelible ink to prevent multiple voting.

F. Counting Process

After the close of the polls, the JRVs will begin the counting process. This will involve counting all the ballots for each of the elections and completing the requisite forms. The forms will indicate: number of ballots received by the JRV; number of ballots deposited in the ballot box; number of valid and invalid votes; number of votes received by each party; and charges and complaints filed by the pollwatchers in the course of the day. Upon completion of this process, the members of the JRV and the pollwatchers sign the forms.

The president of the JRV is instructed to send immediately one copy of the form used for recording the count to the Supreme Electoral Council by telegraph or other means. The ballot boxes and other paraphernalia, meanwhile, is transported by the JRV members -- accompanied by the pollwatchers -- to a regional electoral council. There a recount is conducted of all the ballots.

The Supreme Election Council is authorized to release provisional results based on the telegrams received from the JRVs. However, the official count is based on the results reported by the regional electoral councils, following the recount of the ballots.

III. TERMS OF REFERENCE AND PLAN OF ACTION FOR OAS OBSERVERS

This section describes how the observers should conduct their observations as to ensure that their goals are meet.

A. General Guidelines

The February 25 elections promise to be the most well-observed in modern history. In addition to the U.N. and OAS, there are already a half dozen nongovernmental organizations that have established programs to monitor the election

campaign in Nicaragua, and there will be a very large media contingent. In this context, it is important to emphasize the discretion that the observers must exercise.

The observers should understand that it is the Secretary-General who is responsible for presenting the OAS evaluation of the electoral process. Statements of a substantive nature, even if made in an informal setting, can undermine the overall OAS presence.

At the same time, the observers' presence must be well-publicized among all sectors of the population if their efforts are to be effective. Thus, it is appropriate for the observers in the field to maintain permanent contact with the authorities, the local political leaders, the media outlets, and the principal private organizations. The observers should avoid participating in meetings that involve discussion of political matters.

With respect to socializing with players in the political process, care should be taken to avoid the impression that the observers favor one side or the other.

Where appropriate, the observers could help facilitate resolution of a dispute by offering suggestions for consideration by the parties.

Representatives of nongovernmental organizations and journalists are likely to request meetings with the observers, particularly those located outside Managua, and to seek access to the complaints filed with the OAS. While the observers should meet with representatives of these organizations, the observers should not characterize or offer evaluations of the electoral process.

For the purposes of keeping accurate records, the preparation of team reports by the observers at the conclusion of their stay in the country is essential. At a minimum, these reports should include information regarding the following subjects:

-- period of stay in the region;

-- a list of individuals with whom the team met;

-- a list of rallies and other public events attended;

-- the nature of the complaints filed;

-- comments on the weekly meeting with the regional election officials and the steps that these officials have taken to prepare for registration/election day; and

-- general impressions of the campaign, including comments on the media coverage of the campaign in that region.

B. Monitoring the Registration Process

To ensure comprehensive coverage of the registration process, the OAS observers will be deployed in the various regions on the Saturday prior to the first registration period. Maps and lists containing the location of the polling sites in a given region should be provided to the observers. If possible, the polling site lists also should contain the names of the members of the JRV. (Appendix I contains a checklist that the observers should review prior to the registration days.)

On Saturday, the observers in a particular region will decide on how to divide for Sunday, registration day. Absent special circumstances, teams should contain a minimum of two persons.

The observers should begin their activities early Sunday morning. At each registration site, the observers should complete the OAS observer form (Appendix II). The observer should record the presence of the election officials and the party pollwatchers, and whether the requisite election paraphernalia is available.

In addition, problems and general observations should be recorded. Among the problems that may arise are:

-- late opening of the sites (this could be the result of poor administrative preparations or a conscious attempt to keep registration low);

-- intimidation of prospective registrants at the registration site or in their homes;

-- provisions of illegal gratuities to prospective registrants (i.e. money, jobs, gifts, etc.);

-- the improper registration of those not qualified under Nicaraguan law; and

-- complaints about the difficulties in finding registration sites.

The observer should decide if it is necessary to investigate a matter, based on the nature of the complaints. The observers should make inquiries at the polling site and, if necessary, with the regional election officials. However, though, the observer should in no way interfere with the process nor demand that an official act in a particular manner.

Assuming there are no problems requiring investigation, visits to registration sites can be completed in 10-20 minutes. A team of observers should be able to visit between 25 and 60 sites during the course of a day.

Equal in importance to the Sunday observation effort are the follow-up activities. On Monday, the observers should meet with the regional election officials and representatives of the political parties to obtain their assessment of the previous day's operations. Where appropriate, complaints should be investigated in accordance with the procedures established in this guide.

In addition to completing the forms, a narrative report should be prepared by each group assigned to a region. The report should include information regarding the municipalities visited and the follow-up meetings conducted, and provide an overall assessment of the administration of the process and the problems encountered. Where appropriate, recommendations regarding the OAS observation effort should be included in the report.

The forms will be used to develop a weekly statistical report on the registration process that will list the number of registration sites visited by OAS observers, the number of monitors present and their party affiliations, and the number of problems encountered and their nature. The group reports will form the basis of the Secretary-General's overall evaluation of the registration process, which will be issued after the registration process is completed.

C. Monitoring the Campaign

Three aspects of the campaign warrant special attention: political rallies; news coverage presented in the government-controlled media; and the use of resources received by the parties, either from government or private sources.

With respect to rallies, OAS observers should inquire whether permits to hold rallies are being granted on a non-

partisan basis and whether rallies are being interfered by violent elements, foreign to the nature of the meeting. While the OAS observers should in no way participate in a rally, their presence is recommended to deter violence and, excesses and to permit an independent evaluation by the observers of allegations regarding interference with rallies.

The radio and television med . should be monitored both in Managua and in the different regions. Special attention should be paid to the news coverage, particularly the amount of coverage. Also, the observers in Managua should be responsive to complaints of interference with the 10 minute programs presented by the different political parties.

Because the three daily newspapers represent different political tendencies, monitoring their content for neutral news coverage is not as critical. However, attempts to censor or interfere with the operations of a newspaper will require immediate investigation.

The observers should ascertain whether public transportation is available and there is not favoritism, restrictions, or impediments in access to public transportation on days when the opposition is holding a rally; and whether public buildings are being used for partisan political purposes. The observers also should inquire whether government employees are being pressured to participate in political events or to engage in political activities.

D. Handling Complaints

One of the major activities of the observers will be receiving complaints. The significance of this effort can not be overestimated. It relates to the credibility of the observer operation and to the confidence of Nicaraguans regarding their participation in the electoral process.

Complaint form

Observers should record all complaints on the OAS complaint form regardless of their seeming gravity (appendix III). In addition, the information should be inputed into the computers located at each regional office. The forms will be used as case files by the observers in the field, while the information placed on the computer will form the basis of a centralized statistical report. The information included in these reports will provide the basis for the Secretary General's evaluation of the electoral process.

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Immediately after meeting with a complainant, the following information should be recorded:

- -- the complaint number;
- -- the name and address of the complainant;
- -- the nature of the complaint; and
- -- a brief summary of the circumstances surrounding the complaint.

To ensure an accurate statistical base, the observer should choose the category that best describes the nature of the complaint; where the complainant presents two distinct complaints, separate forms should be used. The above information also should be placed on the computer file.

In addition, the observer should prepare a more detailed report, including the specific circumstances of the complaint, the names of corroborating witnesses and other matters that will be useful in conducting a follow-up investigation. This report should be filed together with the original complaint form in the regional office.

The remainder of the form should be completed during the course of investigating and evaluating the substance of the complaint. The information regarding the status of the complaint should be updated at least once a week and should be included in the computer file. Following the completion of an investigation or at regular intervals (e.g. every ten days), the complainant should be informed as to the actions taken by the observers.

Investigating Complaints

The following points should be considered in conducting investigations. First, the primary objective of an investigation by the observers is not necessarily to reach a definitive conclusion regarding the truthfulness of the allegations made by the complainant, but to insure everyone involved (the complainant and the person that allegedly has engaged in improper conduct) that the matter is seriously treated. In this way, the investigation may serve to deter future misconduct or misunderstandings.

Second, in conducting investigations the observers must at all times recognize the limitations to which they are subject. While the observers are authorized by the agreement between the Nicaraguan authorities and the Secretary-General to make inquiries with the relevant officials, they lack the authority

to compel responses from officials or private citizens. A failure to cooperate with an investigation should simply be noted on the complaint form.

Third, the nature of an investigation should be governed by the complaint. In fairness to all parties, all persons named in a complaint, either as a supporting witness or as the perpetrator of the alleged wrongful act, should be contacted and his or her side of the story should be recorded. Where the complaint is against a government official, the observer often will contribute to the resolution of the problem merely by initiating contact with the official.

E. Monitoring Election Day

A detailed plan for election day will be developed as the election draws near. It will attempt to ensure comprehensive coverage of both the balloting and counting processes (appendix IV), and will involve coordination with the U.N. and other observer groups.

Most of the observers will be deployed in their assigned regions no later than Saturday, February 24, and will remain there until Monday. Monday afternoon will be devoted to a debriefing in Managua, with a majority of the observers leaving Nicaragua Tuesday, February 27.

IV. CONCLUSION

It is expected from all observers an impartial conduct, that will allow the Secretary General to prepare an objective report, within the parameters on which the Government of Nicaragua has invited him to verify the compliance with the measures announced by President Ortega in the Declaration of El Salvador, and the purity of the Electoral Process.

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Appendix III

First Pre-Election Survey Mission Statement

The Carter Center of Emory University	National Democratic Institute for International Affairs

First Pre-Election Survey Mission Statement

August 25, 1991

A pre-election monitoring delegation organized by the National Democratic Institute for International Affairs (NDI) and the Carter Center of Emory University announced its findings in Lusaka on August 25. The delegation visited Zambia to assess preparations for the October elections. From August 18 to 24, the monitoring group consulted with Zambian political leaders, candidates, government and election commission officials, journalists, and representatives of churches, business and civic groups.

In addition, on August 24 to 25, NDI and the Carter Center organized a training program for members of the Zambian Independent Monitoring Team (ZIMT), a nonpartisan Zambian organization recently formed to monitor the elections. International participants in the training program advised 175 ZIMT organizers on how to recruit volunteers, organize a nationwide network of pollwatchers, conduct a parallel vote tabulation, investigate pre-election complaints and carry out a national civic education campaign.

Both multinational teams were present at the invitation of Zambian government and opposition leaders in order to help ensure the integrity of the elections and, by doing so, build public confidence and encourage participation in the electoral process.

The multinational delegation was encouraged by the dedication of the people of Zambia to holding free and fair multiparty elections. It found a constructive atmosphere in which all parties were participating in a spirit of compromise and cooperation.

At the same time, the delegation found a few problems that remain to be addressed.

1. The team noted a few concerns about the parties' ability to communicate their messages to the voters. Among other things, there were complaints about publishing of advertisements, and there was widespread concern about unbalanced media converge. Concerns were also expressed about the government funding only one of the political parties and about difficulties in obtaining permits for rallies.
2. The team observed potential problems with the election law and administration. Most notably, the team identified the need to guarantee the secrecy of balloting and security measures to ensure the integrity of the ballot counting process. Also, the team was concerned that some citizens cannot participate because they did not register during the last registration period in October 1990, which took place at a time when some potential voters might not have anticipated the possibility of multiparty elections.
3. The team noted that the new constitution and the new election law have not yet been made public and the date of the elections is still to be announced.

The delegation, however, expressed confidence in the will and ability of the Zambian authorities to overcome these problems and to administer the elections in a fair and impartial manner.

The pre-election mission included Maria Leissner, a member of parliament from Sweden; Albert Tevoedjre, a deputy of the national assembly of Benin and a candidate for president in the 1991 elections in Benin; and Ronald Gould, assistant chief electoral officer of Elections Canada. Accompanying the delegation were Jay Taylor, diplomat-in-residence at the Carter Center; and Eric Bjornlund, NDI senior program officer. The election monitor training team included Mariano Quesada, former executive director of NAMFREL in the Philippines; Monica Jimenez, executive director of Participa in Chile; Vero Mbahuurua, director of the legal aid unit of the Council of Churches in Namibia; and Larry Garber, NDI senior counsel for election processes.

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Appendix IV

Second Pre-Election Survey Mission Statement

The Carter Center of Emory University	National Democratic Institute for International Affairs

Departure Statement of President Jimmy Carter

September 24, 1991

President Kaunda, the government and people of Zambia deserve great credit for making the decision to accept multiparty democracy as the basis for the election to be held on October 31. Substantial progress has been made in achieving this goal.

It is the responsibility of the international monitoring team to carry out the mandate of President Kaunda, supported by leaders of the opposition parties, to help insure that the election will be conducted successfully and that the results of the election will accurately represent the will of Zambian voters who carry out their duties as citizens. Lacking any authority and desiring none, we can only describe to officials and to the general public our early concern about possible obstacles in achieving this goal, and then give our assistance as requested.

Having consulted with President Kaunda and leaders of UNIP and the opposition parties, Electoral Commission officials, representatives of the churches, students, lawyers, the news media, women's groups, the business community, trade unions, and other interested citizens, we have come to share some common concerns:

1. The Electoral Commission, still lacking one of its three members, seems to be seriously understaffed, underfunded and without adequate transportation and other resources to carry out its enormous duties before and during the election.
2. During the last month of the campaign there is a need for maximum freedom of movement and expression of ideas. With relative stability within contiguous nations and among the peaceful people of Zambia, the state of emergency should be lifted. President Kaunda has repeated to me and authorized me to announce his promise to lift the state of emergency on September 30 if the country seems to be committed to stability and there is no serious threat to the peace.
3. In order to avoid any unnecessary tension or fear among the people, we urge all those in authority or involved in the elections to refrain carefully from any statements that might imply threats or intimidation. Following the elections, victors and vanquished must come together to form a united populace, mutually committed to an even greater and more progressive Zambia.
4. There is a threat of substantial disfranchisement of qualified voters. The election law guarantees that anyone whose name is on the voter's list has a right to vote provided they can produce adequate evidence of their identity. However, the Electoral Commission has contemplated the additional requirement that everyone must produce not only identification but also the voter's documents received in 1987 or 1990. Many qualified voters have lost or misplaced these documents. The chairman of the Electoral Commission has promised to take steps to alleviate this concern.
5. There is clear evidence that favored treatment is being given to one party in preference to the others in some of the news media. Although substantial progress has been made in the print media, radio and television broadcasts have not equaled this degree of equity. Top officials who make these decisions are, in some cases, highly partisan leaders in the political arena. The Elections Commission, legal officials, and the general public should demand fairness in these vital media.
6. There can be a serious opportunity for ballots, once cast, to be lost, exchanged, or otherwise rendered unreliable as an accurate and unchallengeable expression of the will of voters. We strongly recommend that votes be counted at the individual polling places, at least in a preliminary way. Subsequently, the final and official count can be made at central sites. Present plans to transport ballots from almost 3,500 polling places to a few central counting sites before they are counted creates enormous logistical problems and opportunities for violations of the integrity of the elections. If this procedure is not changed,

elaborate precautions must be taken to insure that the votes counted are exactly the same as those cast:

a) The procedures must guarantee specific and permanent identification of each box by number with its own polling place;

b) individual and fool-proof seals affixed by all major parties on each box;

c) the absolute requirement that every box be accompanied by representatives of the major parties at every step in its transport;

d) the counting of ballots from each box separately before they are mixed; and

e) the witnessing of the entire process by qualified observers.

In rejecting the simple counting of ballots at polling places, these formidable burdens are added to the already difficult task of providing supplies, training of poll officials, and massive transportation needs on election day.

It is necessary for citizens to know that the secrecy of their ballots will be preserved. If the numbers cannot be deleted from the ballot itself, no examination of the ballots should be submitted except by High-Court officials in response to an official challenge of the ballots integrity.

Some other concerns of less significance have been shared with e appropriate officials.

We have been pleased and thrilled at what seems to be a ıanimous commitment to hold free and fair elections. President ıunda and others are to be congratulated on initiating these ıltiparty elections and bringing the process this far. We are nfident that, with a concerted and unified effort, the concerns umerated above can be alleviated.

Appendix V

Text of Z-Vote Letters to Steven Moyo and Mathew Ngulube

The Carter Center of Emory University | **National Democratic Institute for International Affairs**

September 29, 1991

Mr. Steven Moyo
Director General
Zambia National Broadcasting Corporation
P.O. Box 50015
Lusaka, Zambia

Dear Mr. Moyo:

Thank you for meeting again on Friday with members of the Z-Vote delegation and staff and for providing the delegation with the materials relating to ZNBC's operations and the transcripts of the MMD advertisements that were the source of the controversy in August.

As we discussed, the issue of television and radio coverage of an election campaign is being debated in many countries, including both longstanding democracies and nations undergoing a transition from one-party to multiparty rule. While there are no indisputable formulae, there are certain basic principles of fairness that are designed to ensure all major contestants in an electoral process with adequate and relatively equitable access to the media.

In this context, the provision in the Code of Conduct and Ethics, adopted by ZNBC, that "*the principles of equal opportunity* and *equal time* will be observed in the acceptance and transmission of all political campaign materials" is welcomed. As discussed at the last meeting, it is our conviction that these principles apply not only to

id advertisements and general programming, but also to the news verage prepared and disseminated by the electronic media.

In this regard, Z-Vote commends ZNBC for assuring reasonable lance in public affairs programming, at least as represented by the iest lists for the sample of discussion programs made available to us your organization (*This Political Year, Personalities In Politics, d Palaver I*). However, as reported in our last conversation, Z-ote has received numerous complaints that radio and television news ograms devote undue attention to the campaign of the ruling party d neglect or under-report the activities of opposition parties.

To ensure that Z-Vote is in a position to substantiate or refute iegations of undue bias in ZNBC's news coverage, we intend to stematically analyze the content of radio and television news oadcasts during the month of October 1991. We therefore preciate your offer to allow Z-Vote representatives to meet with NBC staff and to review tapes of news programs previously oadcast.

As for commercial advertising, we appreciate ZNBC's un-llingness to broadcast material that can be construed as indecent or elous. Accordingly, the editing of proposed MMD advertisements excise references to "the dishonest rule of UNIP" (ad No.2) or tements that "the UNIP government has taken billions of your oney" (ad No.7) may be justified under this standard. But requiring deletion from the MMD advertisement of allusions to UNIP's ged "27 years of mismanagement" (ad No.12) or "destroying our idren's future" (ad No.5) raise serious questions.

Statements by political parties that challenge the record of their ponents are a legitimate part of election campaigning in a plural lity. As President Carter noted in his remarks prior to leaving mbia, "there is a lot of difference about what is truth and what is t the truth in a heated political campaign. If there weren't many ferences of opinion about that, there wouldn't be an election." ven the circumstances, ZNBC should refrain from setting itself as arbiter of "truth" and avoid censorship except in the most obvious ses of libel, slander and obscenity.

I look forward to meeting you again and discussing these issues. In the meantime, many thanks for your consideration and cooperation.

Yours sincerely,

Larry Garber, Esq.
Executive Secretary
Z-Vote Project

The Carter Center of Emory University

National Democratic Institute for International Affairs

September 30, 1991

Deputy Chief Justice Mathew Ngulube
Chairman
Central Electoral Commission
Lusaka, Zambia

Dear Justice Ngulube:

The other day when we visited your office you expressed interest in our providing additional information regarding the role of international election observers and the administrative practices used in other countries regarding the balloting and counting processes. This letter is intended as a response to your request. Please do not hesitate to contact the Z-Vote office in Lusaka if you would like me to expand on any of the points included here. Due to a change in plans, I will remain in Lusaka until the afternoon of Thursday, October 3.

The practice of international election observing has been gaining increased acceptance in recent years. For example, in June 1990 the Conference of Security and Cooperation in Europe (CSCE), which includes all European countries plus the United States and Canada, adopted a Declaration that requires all member states to facilitate the presence of international observers sponsored by governments and nongovernmental organizations for all national elections. In other regions too, there has been a growing recognition of the potential contributions of international observers to an election process.

In undertaking to observe the October 1991 Zambian elections, Z-Vote recognizes that it has no juridical authority. Instead, as has been done elsewhere, Z-Vote seeks, by its presence, to encourage confidence in the process, to deter electoral manipulation and to report on the fairness of the elections to the international community. In addition, where appropriate and upon request, Z-Vote may offer

its good offices to help resolve contentious issues that emerge between the parties.

Turning now to the specific suggestions included in the Preliminary Report of the International Monitoring Team, let me reiterate a point I made when we met: the suggestions would not require changes in the election law, but modification of the electoral regulations, which we understand are within the authority of the Electoral Commission. Further, these recommendations are designed to facilitate voter participation and ensure the transparency of the process.

With respect to voter participation, the election law requires that a prospective voter be on the voter registry and be properly identified. The electoral regulations, by requiring that a voter produce both a voter registration card and a national identity card, imposes additional requirements not mandated by the election law. Admittedly, these requirements provide additional safeguards in preventing unauthorized individuals from voting. However, given that some eligible voters may have lost their voter registration cards, the benefit of the additional safeguards is outweighed by the potential disenfranchisement of prospective voters. Also, the additional safeguards may be redundant since there are other provisions in the law and regulations that prevent unauthorized voting by non-Zambians and multiple voting.

Concerning the venue for counting the ballots, we believe that the more common practice is a polling site count. The arguments in favor of a polling site count include: the avoidance of suspicions that arise when ballot boxes are transported and the avoidance of confusion and delay that results when transport does not arrive on time to take ballot boxes to the counting site. In addition, in the context of Zambia, at least one of the parties and several of the independent groups believe that a polling site count is essential.

At the same time, we recognize that Zambia is not unique in providing for counting at a district center. Still, as the Electoral Commission appreciates, where a centralized count is conducted, additional safeguards must be built into the system. Indeed, for the most part, most of the specific suggestions mentioned in the preliminary report are included in the electoral regulations. The one exception is the question of counting each ballot box separately, as

opposed to the mingling of at least two boxes as authorized by the regulations.

There are several reasons why Z-Vote believes that the separate counting of ballot boxes from a given polling site is critical for the transparency of the electoral process. Such separate counting allows the parties and independent observers to verify that the results from a given polling site are accurate. From an administrative standpoint, such separate counting also serves to ensure that if there are complaints regarding the balloting process at a given polling site, which upon review by the Electoral Commission or by the courts are upheld, then the results from that particular polling site can be disregarded; without such individualized counting of ballot boxes, the whole election in the given constituency might have to be invalidated. (It seems somewhat anomalous that the election law provides a mechanism for allowing the identification of an individual ballot after it is deposited in the ballot box, but does not provide a mechanism that would allow the results from a particular polling site to be determined.)

Further, we note that the individualized counting of ballot boxes facilitates the implementation of a parallel vote tabulation, which domestic and international monitoring groups have used to verify the election results. A parallel vote tabulation is an unofficial tabulation of the results, which relies on results from either all or a sample of individual polling sites. In essence, the observer certifies that he or she has watched the closing of the poll and the counting of the ballots, and that the results of the count for a particular polling site could not have been altered. Without a parallel vote tabulation, it will be difficult, if not impossible, for the observers to offer an assessment of the process in circumstances where the results are contested.

Finally, we understand the rationale of mingling boxes is to avoid retribution being directed at individual polling sites that vote the "wrong" way. However, the same argument could be used at the constituency or province level. In any event, we believe that the benefits of an individualized count outweigh the detriment of potential retribution.

Ultimately, we realize that these are decisions that must be made by the Electoral Commission in consultation with Zambian citizens. In this context, let me suggest a process that has worked well in other

countries. The Electoral Commission should invite each of the parties to designate a high ranking member to attend a weekly meeting at which matters relating to electoral administration would be discussed. The Church and other independent monitoring groups could be invited to attend the sessions as observers.

I hope you will accept these suggestions in the spirit in which they are offered. For your information, I am enclosing an article, forthcoming in the fall issue of the *Journal of Democracy*, that covers some of the issues discussed in this letter.

Sincerely,

Larry Garber, Esq.
Executive Secretary
Z-Vote Project

Appendix VI

Third Pre-Election Survey Mission Statement

The Carter Center of Emory University | **National Democratic Institute for International Affairs**

Departure Statement of Lisbet Palme

October 14, 1991

ıtroduction

It is a great pleasure for me to be back in Zambia, particularly ı this historic time. This is an era of great and positive change. 'entral to this transformation in world affairs is the movement to ıultiparty democracy. Free and fair elections in Zambia and a eaceful and stable result will of course be critical to Zambia's future. uch an outcome here will also have a major effect on developments ı the region, including in South Africa. I know your brothers and sters in South Africa are closely watching the unfolding of the emocratic process here in Zambia.

Thus it is a great honor for myself and the Carter Center and the ational Democratic Institute to have been invited to take part as bservers. When President Carter asked me to undertake this ission, I saw it as an opportunity to contribute at least modestly to ıe decision of the Zambian people to move to a multiparty system. bviously, the elections are entirely a Zambian exercise. ıternational observers come because all the parties invite them. heir role is a limited one. It is to verify that elections were in fact ee and fair and thus to legitimize the outcome in the eyes of the ;ople as well as of the international community.

To make a clear and convincing judgement, the observers must ıve credibility, and this means that they must systematically examine e entire process, including the election laws and procedures, the gistration process, the campaign atmosphere, the polling mechanics, ıd finally the tabulation of the results.

The Atmosphere

We have found encouraging progress on a number of fronts, particularly electoral procedures. But, there are still serious concerns expressed by Zambians about specific elements in the process. In addition, close monitoring of the implementation of electoral procedures will be primary task of local and international observers. Basically, however, we believe the prospects for free and fair elections are increasingly encouraging.

I will report to President Carter that many safeguards have been accepted by the Director of Elections that, if implemented, would partially offset the absences of a preliminary count at the polling sites. These safeguards, if implemented, would enable local and international monitors to detect significant fraud after the fact. The political parties, we believe, should now encourage all Zambian citizens to exercise their right and their civic duty to vote. The Electoral Commission should make every effort to ensure that the regulations and procedures facilitate the exercise of that right.

As the campaign enters its final stage, there is an inevitable heating up of emotions. Unfortunately, this can get out of hand and threaten the fundamental objective of democratic elections -- a peaceful resolution of conflicting political views within a society. We were disturbed to hear charges and counter charges of intimidation and political violence. Free and fair elections are critical to the future of Zambia, but so also is the spirit of plural democracy that requires tolerance, compromise and a willingness to accept the verdict of the people.

The participants in this democratic contest in Zambia must not only have an equal opportunity to present their views but they all have an obligation to avoid inflammatory language and to condemn violence and the threat of violence. Democracy requires a political culture that includes not only open competition for political power but also moderation and civility.

President Kaunda has made several important commitments to a peaceful process. He has reiterated that he will accept the decision of the people. Moreover, he categorically affirmed to our delegation on television that he would not implement restrictive measures under the state of emergency and that he is willing to issue a statement to that effect. Accepting the views of a citizen monitoring group, which recently met with him, he agreed to withdraw a UNIP television

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advertisement that the monitors felt was inappropriate. MMD leaders said that they have long supported the idea of a code of conduct for all political parties.

We were encouraged to learn that the two local monitoring groups, the Zambia Independent Monitoring Group (ZIMT) and the Zambian Election Monitoring Coordination Committee (ZEMCC) are both exerting efforts to create a nonviolent atmosphere. Zambian students and churches have played a leading role in building a national consensus that understands and supports the give-and-take of plural democracy. Through their efforts and that of the political parties and the Zambian government we saw earlier a number of promising developments, including the compromise agreement among the parties on a new constitution, the establishment of an Inter-Party Liaison Committee, and the creation of the independent monitoring groups.

The political parties, particularly UNIP and MMD, now have a heavy responsibility to reverse the budding atmosphere of threats, including limitations of vindictive action by the winner after the elections. We hope that the churches and the citizens groups will succeed in using their great energy and dedication to encourage the parties to move decisively. These groups are trying to encourage a dialogue and a code of conduct among the parties. In such a code, we would hope that the parties would pledge not to tolerate violence, intimidation, or inflammatory language and to respect the results of free and fair elections.

Recently we have seen an improvement in the relative balance of the amount of time devoted to the two main political parties in news broadcasts. However, these improvements have been erratic and there are still complaints that, in quality and selection of coverage, news reporting is not as unbiased as it should be. We hope the positive trend will not be reversed. We call on all journalists and editors in the print and electronic media to be equitable in their political reporting and above all to avoid inflammatory reporting.

Meanwhile, media on all sides appear to have avoided covering the campaigns of the 12 women candidates, both UNIP and MMD. How many journalists here know the names of most of these women candidates? Women are the majority voters in Zambia, and I would hope to see much more attention to the few women candidates that

there are in the contest. Hopefully in future years there will be many more women candidates.

Zambia is a large country. Thus the success of the international observers will depend in good measure upon the work of party pollwatchers and the independent monitoring groups. In a short time, two citizen groups have made impressive progress toward the organization and training of a vast monitoring effort. These groups, to which I referred earlier, are the Zambia Independent Monitoring Team and the Zambian Elections Monitoring Coordinating Committee. It is good news that ZIMT and ZEMCC intend to cooperate in this noble cause.

Conclusions

To sum up, there are encouraging developments in the electoral process. While strong differences remain among the parties on some procedures, it is our feeling that the prospects are improving for free and fair elections. We are most disturbed, however, over the building atmosphere of intimidation and threat. We again urge both the parties and all Zambians of goodwill to exert every effort to have a clean and peaceful campaign and thus assure that the Zambian example will indeed be one that inspires the people of Africa and the world.

Finally, I would like to express my appreciation to President Kaunda, the Zambian government, the political parties and all of the other many Zambians who extended to us the warm hospitality and friendship of their country.

Steven Moyo appears to be somewhat different, since he seems to have gone through normal application channels for the position he just lost.

Some might feel that his dismissal will set a bad example. The MMD has before and after their election victory confirmed that they were committed to free and independent media, and would encourage the present range of newspapers. An editorial in the *Weekly Post*, however, dared to note that both parties have in the recent past demonstrated hostility against critical media coverage, no matter how objective and justified it was.[130]

3.4 Gender: A non-issue

Zambian women did not have much scope for political participation in Kaunda's one-party state. The only access to government was via UNIP's Women's League, which together with the Youth League formed what was termed the 'mass movement' of the party. While the Women's League was broadly organised with branches reaching down to the ward level, it was far from being a mass movement. Membership in UNIP's Women's League had been rapidly declining since the mid-1980's, when large numbers of younger Zambian women started to reject the images and policies advocated by the League. Their policies, if they formulated them at all, were strictly subordinated to the aims of the male dominated party, and the League's leaders often proved to be fervent supporters of legislation directed against women. Campaigns against single women — scapegoated as prostitutes — and against the legalisation of contraception and abortion are but a few examples. Many of the intellectual, professional women have, therefore, shunned being involved in UNIP's one-party politics, and have concentrated their activities in local NGO's. The remaining support base for UNIP's Women's League were the middle-aged, only modestly educated women, who were willing to represent the party's narrow image of a proper woman: The hefty 'mothers' dressed in party colours, who would sing and dance at the airport and worship the male party leadership, from the president down to the ward chairman.[131] Many of them are marketeers who, in order to obtain and keep a market stall, had to follow UNIP lines.

The rise of the MMD opened up hopes for alternative political engagement for women, but so far changes have not materialized. In the fielding of women parliamentary candidates UNIP and MMD kept an equally low profile: Both UNIP and MMD nominated only seven female candidates each.[132] In view of the fact

130 *Weekly Post*, 29.10.1991.

131 *Multi-Party News*, October 1991.

132 The press mistakenly reported on several occasions that MMD had fielded 7, UNIP only 5 female candidates.

Zambia under the auspices of Z-Vote, declared that "media on all sides appear to have avoided covering the campaigns of the 12 (sic!) women candidates, both UNIP an MMD."[133]

A survey of the media coverage of gender issues pertaining to the election during October 1991 did indeed confirm Lisbeth Palme's suspicions, in so far as gender issues were found to be grossly neglected. Coverage on parliamentary candidates were found to be slightly ahead of the actual proportion of women amongst candidates (cf. report by Longwe & Clarke, appendix 2). Lisbeth Palme was, moreover, the only election monitor who publicly expressed concern about the fairness of the election with regard to women. As Longwe and Clarke rightly point out, none of the monitoring teams, neither national nor international, do address the gender issue in their programmes, plans of action or manuals. According to these documents none of the monitoring teams aimed at gaining information about the disaggregation by gender of both registered and actual voters, none paid attention to the news coverage on gender issues, about women's access to polling stations, the information that reached them about the elections etc. (see appendix 3).

Missing publicity for the female candidates and gender issues during the election campaign was partly compensated for by the emergence of the Women's Lobby Group, who later supported the ZEMCC monitoring team. Lack of representation of women in the elections, both as candidates and as an issue in the election campaign had prompted the formation of the group. The group's aim was to lobby for female candidates on a non-partisan basis, and to represent the interests of women voters. Their success was very limited, however, and the little publicity they managed to create was often twisted into a negative light.

The group had to suffer strong opposition from UNIP. In their role of election monitors UNIP accused them of being pro-MMD and financed by the United States as stooges of imperialism.[134] The meetings they called for women during the election campaign were boycotted and disturbed by UNIP party officials with the backing of their Women's League.[135]

Their failure to effectively promote gender issues can partly be explained by their shift from being an independent group to aligning themselves to one of the national monitoring teams. By doing so they not only opened themselves to criticism but also got directly involved, thus losing sight of their aim.

133 Carter/NDI, op. cit., p. 33.

134 *Times of Zambia*, 25.10.1991.

135 *Weekly Post*, 20.9.1991.

Monitoring Gender Issues

You correctly point out that Z-Vote made no attempt to disaggregate voting patterns by gender. Z-Vote also did not attempt to disaggregate according to a number of other potentially important demographic characteristics, such as ethnicity, language, region, age group or urban versus rural residence. Z-Vote simply did not consider such an analysis to be within its terms of reference, particularly given the relatively short period of time that Z-Vote had to organize the election monitoring effort.

Similarly, you are correct that Z-Vote made no attempt to analyze the role of women's *issues* in the campaign itself. In general, as a group of independent, outside observers, Z-Vote limited its treatment of campaign issues to merely reporting what the issues were, as opposed to taking a substantive position or making a substantive comment. This is consistent with our efforts not to interfere in Zambian politics and with our treatment of other actual and potential campaign issues.

Furthermore, for a research exercise that is otherwise so deferential to local perspectives and the need to avoid paternalism, the implicit criticism of the National Women's Lobby Group for the fact that they "got directly involved, thus losing sight of their aim" (p. 43) is puzzling. Certainly deference should have been given to the Lobby Group's own determination of its aim and methods, and it seems entirely logical for the group to determine that free and fair elections leading to more accountable, responsive government was an aim fully consistent with women's interests. Lobby Group leaders chose to participate in the nonpartisan exercise, established themselves and their organization as credible and effective and made an absolutely invaluable contribution to the process that resulted in meaningful elections and a peaceful change in government.

The Findings of the Electoral Assistance Bureau on the 1992 Preliminary Voters List

Among the checks of the current Preliminary Voters List the following represent the results of our investigation.

1 VALIDITY OF POLLING DIVISIONS:

Checks on the 1991 list had revealed the existence of hundreds of polling divisions for which corresponding numbers could not be found in the relevant law. What was also discovered was that a number of well-populated polling divisions had been completely omitted from the list.

In the opinion of Professor Gladstone Mills, member of last year's Delegation of the Council of Freely-Elected Heads of Government, those particular problems alone effectively invalidated the voters list and as such it could not be declared a viable one.

We were therefore particularly careful this time to carry out the same polling division checks and we were pleased to note that all but one polling division stuck precisely to Order No. 47 of 1990, which Order covers the designation of polling divisions.

The single omission was an Amerindian area, Epira, on the Corentyne River, which the current list merged with the neighbouring village, Orealla. We have been informed that the authority for this merger lay in the recommendation of the *Report of the Amerindian Lands Commission*. Since this merger would not prevent anyone in Epira from voting, we find the polling divisions completely acceptable and commend the Elections Commission for this major correction exercise. The merger of these two villages into one Polling Division must however be enacted in law eventually.

On this same question of polling divisions, however, there is one particular observation we need to make and that is on a decision effected in the same 1990 Order to combine several villages on the East Bank Demerara into a single polling division. These villages include Herstelling, Farm, Vreed-en-Rust, Covent Garden, Prospect and Little Diamond.

In this polling division alone the total number of registered voters is 4,024. This figure is exceeded only by nearby Golden Grove which has 4,059 registered voters.

We therefore ask that the Elections Commission pay particular attention to the polling stations for both these Divisions on election

day as they could obviously present logistical nightmares to voters and election officials alike.

We would also recommend to the Chairman of the Elections Commission (whoever might be so intrepid as to accept this post in the future) that these Divisions be subdivided into units of more manageable numbers before the following elections.

2. ID NUMBER DUPLICATIONS:

Last year our computer check discovered 1700 sets of duplicate or multiple ID numbers on the voters list — a set being two or more persons with the same number. This year we are pleased to see only 28 sets of duplicate IDs.

At least nine of these sets w[illegible] .ink actually pertain to nine individuals, and on further ch[illegible] e have concluded that in two other cases the problem arose b[illegible] .e an incorrect ID number had been recorded.

We have drawn these discrep[illegible]icies to the attention of the Elections Commission and they have promised to have these odd cases investigated and corrected immediately.

We therefore find that the problem of ID duplications, though not absolutely perfected, is not significant enough to be of concern. This exercise is certainly a welcome improvement over last year's fiasco.

3. PERSONS LISTED IN WRONG DIVISIONS:

The number of persons listed in wrong polling divisions last year generated perhaps the most anger among voters, and certainly presented too massive a task to be undertaken by the EAB. The corrective process required for this particular problem was then, and is now, extremely burdensome for both the voter and the Elections Commission, in that two operations have to take place — putting the voter in his/her right polling division, and at the same time ensuring that the name is removed from the wrong division.

In order to determine the extent of this problem this time, the EAB did a sample test of polling divisions in Regions 2,3,4,5 and 6 — five regions that comprise 88% of our voters. The sample we carried out represented 70% of the registered voters in these regions, or about 60% of the entire electorate.

The results show that about 1.3% of listed voters have been displaced in the sampled divisions alone, and this will affect a total of just over 3,000 persons. If we take into consideration the numbers of displaced voters in the divisions we did not check, and add the

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possible displaced numbers for Regions 1, 7, 8, 9 and 10, then our estimate is that there would be about 5,000 persons in all who have been listed in wrong polling divisions.

This overall average of 1.3% found in wrong divisions is a considerable achievement by the commission considering the extent of the problem last year.

Further to this the EAB undertook the exercise of identifying the names of persons who had been listed in wrong divisions, and we have tried to indicate their correct divisions based on their recorded addresses.

Computer printouts of these 3,000 names have been made available to the Elections Commission and to political parties to be used as a corrective tool during the Claims and Objections period. The numbers by Region are as follows:

REGION	TOTAL VOTERS IN REGION	SAMPLE TAKEN	VOTERS IN WRONG DIVISIONS	PERCENTAGE
2	23,101	21,927	198	0.9%
3	50,188	38,209	920	2.4%
4	148,046	77,389	730	0.9%
5	28,126	26,364	546	2.1%
6	72,304	61,265	609	1.0%
TOTAL	321,765	225,154	3,003	1.3%
PERCENTAGE	100%	70%	1.3%	

4. THE PEOPLE TEST:

Last year, using the specifications recommended by well-known Trinidadian pollster Dr. Selwyn Ryan, the EAB did a computer random selection of 1475 names on the voters list and then went out to look for the corresponding persons.

In order for those numbers to be a close representation of the Guyanese society, the names chosen comprised Afro-Guyanese both urban and rural, Indo-Guyanese both urban and rural, persons of mixed race both urban and rural, and Amerindians. We also took care to ensure that the percentages of persons of those races reflected as closely as possible the racial distribution as indicated in the 1985 census, the last reliable enumeration taken.

Our field investigations failed then to locate 487 of the 1475 persons we looked for, or just over 30%.

When the 1992 list was made available to us, we therefore immediately checked how many, if any, of those persons were still on the list. What we found was that of the 487 persons not located last year only 294 were still on the present list, 193 having been removed.

We therefore went looking again for those 294 persons, especially because it seemed that the address details in particular in last year's list were different from those in this year's list. However for various reasons, this number was reduced to 269 and we were able to locate all but 54 persons.

The final result was that only 54 persons, or 3.7% of last year's total test sample of 1475.have not been found.

These findings would no doubt go a long way in instilling renewed voter confidence, and in dissipating many doubts shared by the political parties.

However, there are two indicators in this test that we find particularly troubling. In West Ruimveldt we were unable to locate 49% of the persons sampled, and in Kitty (Central) we failed to find 47%. The Elections Commission itself had commissioned a study which revealed about three similar aberrations for which no explanation could be provided. A closer study therefore needs to be undertaken of at least these five areas.

These discrepancies apart, we find the overall 3.7% "not founds" to be not unreasonable, and again commend the Commission on this corrective exercise.

Results of Extended Ryan People Test (done June 1992)

AREA	TOTAL TESTED	DEAD	REMOVED	MIGRATED	FOUND	NOT FOUND	% NOT FOUND
Kitty (Central)	15	-	2	2	4	7	47%
N.E. La Penitence	22	-	5	-	14	3	14%
Cotton Tree	32	2	4	7	17	-2	6%
Port Mourant	78	2	8	7	53	8	10%
Guyhoc Gardens	7	-	1	-	4	2	29%
West Ruimveldt	39	2	3	-	15	19	49%
Golden Grove	20	-	1	-	14	5	25%
Cummings Lodge	13	-	5	-	6	2	15%
Leonora	24	-	3	1	16	4	17%
Mocha/Arcadia	8	-	3	-	5	-	0%
Charity	11	1	2	-	6	2	18%

Total Sample Done (1991/1992	1475
Total Persons Not Found	54
Percentage Persons Not Found	3.7%

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EAB'S CONCERNS FOR THE FUTURE

The present voters list as sanctioned by the EAB must be regarded exactly for what it is — only a preliminary tool for carving the first rough form for a new democratic process. There is much yet to be done, many more tools required, and many concerns that need to be assuaged before we can be reasonably assured of a free and fair electoral process.

Some of our concerns include the following:

ID CARDS

According to the Elections Commission, there are still about 25,000 persons on the list for whom no ID numbers have been assigned. We had expected that when the Commission was presented last year with adequate photographic material, the issue of ID card distribution would have been settled by now.

The fact remains however that distribution continues to be extremely slow, and registration personnel often leave an area without attending to everyone. In almost every area visited by the registration team therefore, there is a backlog of persons without ID cards.

The level of attention given to the public by personnel at the National Registration Centre, Georgetown, is also totally inadequate. The Centre often refuses to see persons after 2 p.m., and even those who go during morning hours are shunted away. A Commission representative should be present at all times to monitor this work at the Registration Centre.

Although the Commission Chairman has given the assurance that persons without ID cards can still vote, there is some scepticism over this, and the Commission has to accelerate the distribution process in order to increase voter confidence. The private sector has offered to provide typists to speed up this exercise, and the Commission would do well to accept this gesture of assistance.

QUALITY OF ELECTORAL INK

In Kurdistan recently, despite the best assurances that the electoral ink was of "the highest quality", the opposition parties insisted on a test before election day. The ink was found to be easily removed, and the parties demanded a more permanent ink.

The EAB therefore recommends that two days in advance of polling day, each member of the Elections Commission should place his finger in ink randomly chosen by him in order to check its permanence

later. (This exercise should not preclude them from voting at the appropriate time.)

THE PROBLEM OF VOTER CONFIDENCE

Early feedback both from our volunteers in the field and from our Election Hotlines indicate a level of resignation by persons whose names are not on the list this year. Some persons claim they registered on two occasions last year, and cannot be cajoled to do so again this year. Others cannot understand how they could have registered and their names be on last year's list, and yet not be on the current voters list.

An uphill task to regain the confidence of voters therefore now faces not only the political parties and the EAB, but especially the Elections Commission whose early stated aims were to increase voter confidence in the electoral process.

The success of the exercise just reviewed may serve to renew total public cooperation in this vital part of rebuilding the political future.

THE CARTER CENTER OF EMORY UNIVERSITY

Latin American and Caribbean Program

COUNCIL OF FREELY ELECTED HEADS OF GOVERNMENT

MISSION LED BY JAMAICAN SENATOR RYAN G. PERALTO

TO ASSESS THE STATE OF ELECTORAL PREPARATIONS IN GUYANA

JULY 27 - 31, 1992

Senator Ryan G. Peralto, general secretary of the Jamaican Labour Party, and representative of Council member former Prime Minister Edward Seaga of Jamaica

Mr. Dennis Smith, acting permanent secretary of the Ministry for Community Development and Culture in Barbados and formerly the chief electoral officer, representing Prime Minister Erskine Sandiford of Barbados.

Mr. Guillermo Echeverria, delegate to the Costa Rican Electoral Tribunal and a representative of the Arias Foundation in Costa Rica.

Mr. Glenn Cowan, an elections expert based in Washington, D.C.

Mr. David Carroll, assistant director of the Latin American and Caribbean Program of The Carter Center of Emory University

Mr. Dennis King, mission coordinator of Guyana Office of the Council and The Carter Center.

Mr. Rayman Mohamed, deputy coordinator of the Guyana Office of the Council and The Carter Center.

Mr. Pablo Henderson, program assistant, Guyana Office of the Council and The Carter Center.

Mr. Adrian Moore, program assistant, Guyana Office of the Council and The Carter Center.

Mr. Severin Wilson, program assistant, Guyana Office of the Council and The Carter Center.

THE CARTER CENTER OF EMORY UNIVERSITY

Latin American and Caribbean Program

DEPARTURE STATEMENT OF SENATOR RYAN G. PERALTO

COUNCIL OF FREELY ELECTED HEADS OF GOVERNMENT

GEORGETOWN, GUYANA, JULY 31, 1992

On behalf of President Jimmy Carter and the Council of Freely Elected Heads of Government, let me express my sincere appreciation to all Guyanese for welcoming us as international observers of the electoral process in Guyana. As many of you know, I am a frequent visitor to this country, and as always, I am happy to be here and have the chance to meet with my Guyanese friends. On this occasion, I am here as leader of the Council's delegation representing Council member former Prime Minister Edward Seaga of Jamaica. As I said at our arrival, the goal of the delegation is to assess the final voters list and the state of logistical and procedural preparations for the upcoming elections.

Before I continue, I would like first to introduce the members of the delegation: Mr. Guillermo Echeverria, a delegate to the Costa Rican Electoral Tribunal and a representative of the Arias Foundation; Mr. David Carroll, the Assistant Director of the Latin American and Caribbean Program at the Carter Center; and Mr. Dennis King, the Mission Coordinator of the Carter Center in Guyana. Two other members of our delegation had other commitments outside Guyana and have already left, and have indicated their general support for this statement: Mr. Dennis Smith, the acting Permanent Secretary of the Ministry for Community Development and Culture in Barbados, formerly Chief Electoral Officer, and representative of Council member Prime Minister Erskine Sandiford of Barbados; and Mr. Glenn Cowan, an elections expert based in Washington, D.C.

Since arriving on Monday, the delegation has had the opportunity to meet with a wide variety of groups. We have met with Chairman Collins and the Elections Commission, and have had discussions with members of the government, including President Hoyte, and with Brig. Singh of the GDF. We have also had meetings with all the major parties. In addition, we have tried to meet with representatives from a number of other civic and non-governmental organizations, including leaders of the Anglican, Moslem, Hindu, and Catholic Church, the Private Sector Commission, the Electoral Assistance Bureau, and the Guyana

Press Association. Delegation members have also had the opportunity to leave Georgetown and to meet with bauxite workers, sugar workers, and an Amerindian community.

What we have found in these meetings is encouraging:

-- The final voters list is virtually completed, and more importantly, it is a document with which virtually everyone is satisfied. Every party we met with has told us that the current list has a high degree of accuracy and that it represents a major improvement over last years' list. And every party, with only one possible exception, has said that the list as it now stands--having incorporated the corrections processed in the Claims and Objections period--can form the basis of a free and fair election. As a result of our discussions with the Elections Commission Chairman, the full Commission, John Gargett and the technical personnel in charge of the Command Center, and of our meetings with the parties, we have come to the same singular conclusion.

-- The Elections Commission, and in particular Chairman Collins and his technical staff have done an outstanding job in completing a sound list, and have begun logistical preparations necessary for election day. We would like to make special note of Chairman Collins' achievements, especially in light of the very difficult circumstances he has had to face, and we would like to thank him for the cooperation he has extended to the Council in its role as observers.

-- Our delegation has come away with the clear feeling that the creation of the list and the overall improvement in the electoral process could not have been achieved were it not for the important support that President Hoyte has provided. President Hoyte has played a crucial role in laying a framework in which electoral reform could proceed. He has provided clear support for work of the Commission, and has acceded to a number of additional requests that opposition parties have made in regard to electoral preparations.

-- From a technical perspective, the list is within days of being complete. When the list is completed and given to the president, there are clear constitutional provisions which set the time frame for holding an election. As President Hoyte has previously noted, these provisions set the inner and outer limits for an election. We hope that within these limits, President Hoyte will call for elections as early as possible.

-- Despite the significant progress that has already been made, our discussions have indicated to us that a number of important logistical and procedural issues need to be resolved. The two most important are the final selection of the number and

location of polling sites and the appointment of all the election day personnel. We hope that the Commission will be able to resolve these questions amicably to the satisfaction of all parties.

-- In regard to election day personnel and the role of local election observers let me say the following: All sides have expressed to us the need for timely action to be taken to name suitable persons for the election day positions--presiding officers, assistant presiding officers, polling clerks, and counting clerks--so that the parties can be satisfied with the selection of these personnel, enabling training to begin as soon as possible, especially for those who may have not held such positions before. Chairman Collins has made clear how important it is to proceed on this matter, and the Commission is now considering a number of proposals. All sides have also made known to us their feeling that the overriding criteria in filling these positions must be the integrity and capability of the individuals. We hope that the Commission's work on this issue will be finalized at an early date.

We have taken careful note of the Elections Commission's decision in favor of local observers, a position already taken by President Carter in a statement just last month. However, we feel that it is even more important that all parties field their own polling agents--who will by law be allowed to scrutinize the entire process on election day, from the opening of the polls to the counting of ballots and the returning of boxes back to the Commission in Georgetown. It is up to each of the individual parties to do their work in ensuring that each polling place has polling agents who can fulfill this function. Party polling agents, to the extent that they can be stationed at all polling places, are the best means of guaranteeing that the Guyanese elections will be free and fair.

-- One of the most important findings of our delegation is that as much as the electoral process has improved, there is not a corresponding public awareness of this progress. While we have encountered a clear feeling of pride and confidence that the basic conditions for free elections have been achieved, as well as a genuine feeling of hope that the coming elections will be free and fair, there is nonetheless some doubt, uncertainty and real apprehension. The public lacks information about all aspects of election day procedures, and needs to be reassured that the coming elections will be peaceful. Most voters do not know as yet exactly where to go on polling day, what polling day procedures will be, and what forms of identification will be accepted. The fact that a number of citizens are not in possession of ID cards, as well as the fact that the ID cards presently in their possession may not clearly correspond with the information on the voters list, for example because of changes due to marriage or other discrepancies, places a great

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onus on the Elections Commission to efficiently promulgate the agreed and approved methods of voter identification. These are important questions in the minds of Guyanese citizens that must be answered.

-- Toward this end, let me say that having spoken with the private sector, leaders of the religious community, and with other non-governmental institutions, we are convinced that there is a strong sentiment on the part of all Guyanese to assist the Commission in its work to inform the public of election procedures. The task to the Elections Commission and to all Guyanese is to work together now as a single people to ensure that all citizens understand and exercise their right to vote.

-- We have been assured by all of the political parties that they want a peaceful campaign period and a trouble free election day leading to a period of national reconciliation in Guyana. We hope that should the Elections Commission decide to use its good offices to introduce a Peace Accord worded similarly to the previous accord signed by the PNC and the PPP, all parties will take the opportunity to sign the document and to make public their commitment to a harmonious electoral climate.

In conclusion, I must remind you that no matter how beneficial the role played by the Council and other international observers, in the end, it is the Guyanese people as a whole who must take responsibility for the freeness and fairness of their elections. We accept the assurances of the political parties, the security forces, the religious and civic leadership, and the efforts of the Elections Commission, as setting the stage for free and fair elections. We hope that all Guyanese will stand united in this endeavour.

COUNCIL OF FREELY-ELECTED HEADS OF GOVERNMENT
The Carter Center of Emory University - Atlanta, Georgia

SUMMARY REPORT OF SECOND PRE-ELECTION VISIT TO NICARAGUA
OCTOBER 20-23, 1989

I. Introduction

As part of the Council of Freely-Elected Heads of Government's project to observe the electoral process in Nicaragua, four members of the Observer Delegation visited Nicaragua from October 20-23, 1989, to meet with individuals and groups involved in the electoral process, and to observe first-hand the last scheduled day of registration to vote. On the fourth Sunday of registration, October 22nd, the delegation and accompanying members divided into six teams that visited 59 juntas receptors (JRV's or registration sites) that accounted for over 19,000 registrants. At the end of the visit, former President Rafael Caldera (Venezuela) presented a statement to the press on behalf of the delegation.

II. Direct Observation of Registration - October 22, 1989

The delegation and accompanying staff persons divided into six teams and covered 59 mesas in Regions II, III, and IV that represent approximately 19,100 voters.

Region II - Leon	23 JRV's (registration sites)
Region III - Managua	12 JRV's
Region IV - Granada	24 JRV's
TOTAL:	59 of 4394 in Nicaragua

Based on interviews of electoral officials at the JRV's and individuals who were present to register our delegation observed the following at the above identified JRV's in Regions II, III, and IV:

1. Adequate or extra registration materials were encountered at every site.

2. Polls opened on time. Few long lines were observed at the time of the visits, and some sites were without registrants. Most of the sites visited expected to complete easily the registration of all eligible voters by the end of the day, the fourth Sunday of registration. There was an uneven number of people registered at each site ranging from 155 to 602. By law no more than 400 may vote at any single JRV.

3. Each JRV should have three election officials present to register voters. Three substitutes were also designated for each JRV, but were not required to be present for registration. Of the sites we visited 81% had all three present. The remaining 19% were each missing the 2nd member which according to the political accord should be from the opposition, since opposition parties collectively are to determine who holds that slot.

4. No political propaganda was found at any of the registration sites.

5. Electoral police (PE) were present at every JRV, although none were armed. The President of the Supreme Electoral Council explained to the delegation that the local President of the JRV has the authority to ask the Electoral Police (PE) to carry weapons and may ask the armed PE to enter the JRV if he determines that there is a security concern.

6. Some voters—as many as half at some sites—registered by having two witnesses instead of documentation.

7. Identification documents accepted for registration varied from JRV to JRV, but always included as acceptable: passports, birth certificates, commercial licenses, and drivers licenses. Some sites accepted other documentation, such as baptismal certificates, while others did not.

8. The observer credential given to each delegation member by the Supreme Electoral Council was requested for identification by the Electoral Police before the observer was allowed to enter the JRV. Delegation members who were accompanied by OAS observers with visible credentials (OAS badge and/or OAS T-shirt) were not asked for identification.

9. The only complaint received by the delegation about the registration process was a dispute about the verification of the age of two registrants at one JRV. Registration was denied in some cases due to lack of proper credentials or witnesses or mistaken location for registration of the individual.

III. Reports Made by Individuals or Groups to the Delegation (Secondary Sources)

1. Local JRV Presidents have been given significant authority. In any case of controversy, the UNO expressed concern that a decision would favor the FSLN that usually dominates the official electoral councils. This is especially true in the absence of the 2nd members. UNO is considering asking that the JRV's be reconstituted for the election.

2. UNO representatives reported several problems with registration, such as one case in the mountain region of Chontales where citizens were reported to have been denied registration because six JRV's were collapsed into one, causing long lines.

3. The FSLN and the Government of Nicaragua continue to charge that Contra activities are interrupting the electoral process, while the opposition charges that Sandinista military (EPS) intimidation threatens the process. One specific case in dispute at the time of the delegation's visit was the killing of 15 reservists north of the Rio Blanco, who according to the Government of Nicaragua, were reportedly traveling to register to vote. The delegation received conflictual accounts of the incident.

4. UNO reported that their petition to the government was denied that sought permission for Nicaraguans who are outside the country—and who do not fall in current guidelines—to vote. This would mean extending registration to possibly tens of thousands of Nicaraguans in Honduras and Costa Rica.

5. UNO continues to be concerned about equal access to the media since the 15 minutes/week free time allotted to each political party is on Channel 2 that does not reach all parts of Managua, much less the countryside, instead of the technically powerful Channel 6 that is owned and operated by the government.

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IV. Summary of Observations

Based on direct observation of a limited sample of the registration sites, and information from many individuals and groups, the delegation concluded that overall the registration process proceeded normally in those regions. However, based on the information gathered through both direct information and secondary sources, a number of concerns remain.

1) Due to security reasons in Regions I, V and VI many voters could not register. The delegation expressed its support for the consideration of the Electoral Council to extend registration in those regions. The Electoral Council is to meet on this issue October 30. (Note: Subsequent to this report an extension of registration was announced for November 5, 1989).

2) The impressive number of voters registering means that new voting sites will have to be made available to comply with the electoral law that mandates no more than 400 voters per JRV. It is important that additional JRV's be located in the same or very near the original JRV to reduce the possibility of confusion on election day.

3) The delegation concluded that the issue of access to the media needs to be more fair and equal. Despite government and Electoral Council declarations that this is the case, access to a television and radio signals that may be received in every area of the country are available to the opposition parties in a very limited manner. Programming on Channel 6 (Government controlled) includes informal programming of a very campaign-oriented nature, such as a youth program of music with an interview of a young candidate for the legislative assembly.

Channel 2 does not reach all parts of Managua, much less the whole of Nicaragua. Programming on local radio is similar in discrepancy between coverage and programming of the opposition.

The delegation concluded that this must be addressed by the parties and the Electoral Council in order to assure the opportunity for all sides to campaign fairly.

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ELECTORAL ASSISTANCE TO HAITI

Note by the Secretary-General

1. The attached document, which is submitted in pursuance of paragraph 3 of General Assembly resolution 45/2 of 10 October 1990, contains the first report of the United Nations Observer Group for the Verification of the Elections in Haiti (ONUVEH).

2. The report, which is preceded by a summary of its contents, describes the Haitian authorities' request for United Nations assistance, the context in which the electoral process is taking place, the evolution of the electoral process up to 14 December 1990 (two days before the first round of the elections), and the installation and activities of ONUVEH, including co-ordination with other observer missions. The final section contains the conclusions of my Personal Representative, Mr. João Augusto de Medicis.

3. The report is circulated for the information of the General Assembly. It will be followed by a further report after the first round of the elections.

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ANNEX

First report of the United Nations Observer Group for the Verification of the Elections in Haiti

Summary

rsuant to the request of the Government of Mrs. Ertha Pascal-Trouillot, the onal President of the Republic of Haiti, and following lengthy discussions t bringing the terms of the request into sharper focus, the United Nations Assembly adopted, on 10 October 1990, resolution 45/2 authorizing the on of electoral assistance to Haiti and establishing the United Nations Group for the Verification of the Elections in Haiti (ONUVEH), under the on of Mr. João de Medicis, the Personal Representative of the United Nations ary-General. Mr. H. Boneo is chief of electoral operations and al G. Zuliani chief of security observers.

ssistance for the electoral process in Haiti is an innovation but is amply ied by a situation that is the result of 30 years of dictatorship and several of political turbulence and by the serious economic and social consequences of. The function of ONUVEH, which is made up of electoral observers and ity observers, is to observe the various electoral processes, to ascertain they are free and democratic, and to report thereon to the General Assembly. ecurity observers must, in particular, ensure the effective implementation of lectoral security plan throughout the country. In working out this plan, the dinating Committee for the Security of Electoral Activities (CCSAE) received stance from two security experts. It should also be emphasized that since 1990 technical assistance has been provided to the Interim Electoral ncil (CEP) in the form of permanent and temporary consultants roject HAI/90/007).

Since its arrival in the country, ONUVEH, which has its headquarters at -au-Prince and is staffed by international civil servants of some forty ferent nationalities, has set up a regional office in each of the capitals of ti's departments. Each office is managed by a regional co-ordinator and ntains a watchful ONUVEH presence in the regions, while the security component the office closely monitors the operations of the Haitian forces responsible for ntaining law and order.

The Haitian body responsible for organizing the elections is the Interim Electoral Council, which has, since its inception, had to draft a new electoral law, rebuild the apparatus for administering elections, which was virtually non-existent, and train civil servants who have no experience in such matters, all this in difficult social and financial conditions. Nearly four fifths of the population is illiterate and lives in conditions of extreme poverty. Roads that are barely passable and tenuous communications networks are the main features of the social and material context in which the elections are to take place.

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5. Moreover, the political context is complex as well. Besides the absence of democratic traditions, there is an institutional crisis that has weakened traditional authority.

6. After being postponed several times, the balloting has finally had to be put off until 16 December. The voter registration drive began on 5 October and the election campaign commenced officially on 7 November. In all, 11 candidates are standing for election to the presidency, 131 for the Senate and 382 for the Chamber of Deputies.

7. As to the voters, more than 3.2 million individuals have registered to vote. This figure, which exceeds the initial estimates, is undoubtedly indicative of an important awakening among voters and represents a major achievement. But it may also be the result of shortcomings of the statistical and administrative systems and certain irregularities. These irregularities cannot be ascribed to any particular political party and are, in any event, difficult to eliminate completely in the absence of a permanent register of voters or a reliable register of vital statistics. Furthermore, as long as duplicate voter registration does not result in double voting, the irregularities in question should not affect the credibility of the elections. Measures have been taken by the CEP to prevent voters from casting more than one ballot.

8. More delicate is the problem of the registration and approval of candidacies. The administrative complexities introduced by the CEP have resulted in the disqualification of nearly 30 per cent of those wishing to stand for election to the Chamber of Deputies and the Senate and more than half the candidates for the office of President. Careful analysis of the grounds for disqualification shows that the CEP tended to apply the letter of the law in its decisions. Although in every case disqualification was based on a specific reason, owing to a lack of planning it was impossible for individuals whose candidacies were not approved to correct any omissions in their files. In at least one case, that of former President Leslie Manigat, the decision taken by the CEP gave rise to legal complications which have yet to be resolved and to considerable reaction around the world.

9. On the whole, the election campaign has proceeded in conditions of calm, despite a few isolated incidents which have not had any major consequences. The deadly attack on 5 December has darkened the prevailing mood but so far it has been an isolated incident and has not hampered the electoral process. It should once again be stressed that political parties of every stripe have been able to field candidates and to campaign freely. The ONUVEH mission, which is responsible also for maintaining contacts with the CEP concerning any complaints of intimidation of candidates or voters, has not observed any serious incidents which would warrant mention here.

10. As part of its operations relating to the verification of the electoral process, ONUVEH is planning the itineraries for the observers already in the field and for those who will be joining them, so that as many voter registration and polling stations (BIVs) as possible can be visited on election day. In the evening when the ballots are being counted, the observers will be present at pre-selected

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and will oversee the count and the transfer of the ballot-papers to the nal boards of elections (BECs). They will also be present at the counting es of the departmental boards of elections (BEDs) and at the computing centre up by the CEP in Port-au-Prince.

In co-ordination with the mission of the Organization of American States ONUVEH will make a projection of the outcome of the presidential election on basis of a representative sample. These results will be solely for the use of EH and OAS, but may be used as a basis of comparison with the official results.

Through the combined efforts of the CCSAE advisers and the teams of security ervers in the departments, a national electoral security plan has been developed ast. What remains to be done is to see to it that the plan is properly licized and enforced on election day.

The ONUVEH presence, though brief, has helped to create a climate of fidence in the elections, a climate which was not affected by the attack on cember to the extent of seriously hampering the electoral process. In ition, in its everyday working relations, the ONUVEH mission has endeavoured to ter dialogue between the main players in the political and institutional process Haiti. The future, like the present, is in the hands of the Haitian people. rough its presence and activities, the international community has had the portunity to demonstrate its solidarity in these difficult moments.

I. THE REQUEST BY HAITI AND THE UNITED NATIONS RESPONSE

A. The first request and the initial response

1. Shortly before his downfall, President Avril had requested the United Nations to supervise the elections which he intended to hold. In view of the conditions in which those elections would have taken place, the United Nations was unable to accede to his request. Since taking office, on 13 March 1990, Mrs. Pascal-Trouillot, the Provisional President of the Republic of Haiti, summoned the Resident Representative of the United Nations Development Programme (UNDP) in Port-au-Prince to ask him to convey to the United Nations Secretary-General a new request for electoral assistance.

2. On the basis of this formal request, a programme of technical assistance financed by UNDP was immediately set in motion, and a first mission headed by Mr. Horacio Boneo arrived in Port-au-Prince on 22 March. At the end of a two-week stay the mission submitted a report which contained a number of technical suggestions, such as the holding of elections simultaneously at all levels and the printing of single ballot-papers. The mission further recommended the establishment of a permanent technical assistance mission attached to the fourth Interim Electoral Council, which was set up in May. The technical mission was deployed on 15 June 1990 and, under project HAI/90/007, will continue its activities until the end of the current electoral process. The objective of the mission is to help organize, conduct and establish a credible and honest process through technical and professional advice, practical training measures and the exchange of experience with other developing countries.

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B. Haiti's request concerning observation of the electoral process and discussion of the request at the United Nations

3. Haiti's request was not limited, however, to technical assistance. It appeared to include observation of the electoral process as well, although the precise nature of the observation was not specified in the original request.

4. In order to obtain clarification of the Haitian authorities' wishes and the formulation of those wishes in a formal request, the Secretary-General decided to appoint a personal representative. He chose for this assignment Mr. João Augusto de Medicis, whose appointment became effective on 19 June 1990.

5. Mr. de Medicis immediately set out for Haiti and returned with a letter from Mrs. Pascal-Trouillot dated 23 June 1990, endorsed by "all sectors responsible for holding free, fair and credible elections - the Council of State, a body specifically set up for the transition to democracy, the Interim Electoral Council, an independent body responsible for the electoral process, and the Haitian Armed Forces, which are responsible for security".

6. The letter related to "on the one hand, the observation and verification of the regularity of the electoral process and, on the other hand, public security". On the subject of security, the letter envisaged the assistance of "advisers with experience in security matters" who would help the CCSAE of the Haitian Armed Forces in developing and implementing electoral security plans and "observation by special United Nations staff of the implementation of such security plans throughout the country".

7. In letters dated 9 August and 14 September 1990 (circulated as documents A/44/973 and Corr.1, annex, and A/44/979, annex, respectively), the President of the Provisional Government further clarified the request to the Secretary-General contained in her letter of 23 June 1990. After extensive consultations amongst the Member States, the General Assembly, on 10 October 1990, adopted by consensus resolution 45/2 on electoral assistance to Haiti.

8. In that resolution, the General Assembly, taking note of Haiti's request, reaffirming the sovereignty of the Haitian people and aware of the latter's efforts to consolidate their democratic institutions in the face of the potential for destabilization, requested the Secretary-General, in co-operation with regional organizations and Member States, to provide the broadest possible support to the Government of Haiti in meeting, to the extent possible, the following requests: a nucleus of some 50 observers for the entire duration of the electoral process; reinforcement of the nucleus during voter registration and at the time of the elections themselves, bringing the total to a few hundred observers; assistance to the Co-ordinating Committee for the security of the elections, to be provided by two or three advisers; and observation of the implementation of the electoral security plans by specialized staff with solid experience in the public order field. The General Assembly further called upon the international community and relevant international organizations to increase their technical, economic and financial co-operation with Haiti.

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C. The mandate of the United Nations Observer Group for the Verification of the Elections in Haiti

The assignment which ONUVEH has been given is to observe the electoral proce s Haiti and to ascertain that it is conducted in a fair manner and in a climate of rity and freedom. The operation therefore relates principally to the ctions, with the security component being secondary to the electoral ification component.

The task of the electoral observers is to observe the different electoral rations and to assess, in particular, whether the political parties have been ee to organize and allowed to mobilize the voters, whether the candidates have d equal access to the media, whether voters have been able to register and cast ir ballots freely and whether the votes have been counted honestly. In scharging these duties the permanent observers will be joined at the time of the ctions by temporary observers from the United Nations Secretariat, the States bers of the United Nations and the United Nations system and from NGOs working Haiti.

11. The security component comprises, in addition to the two advisers assigned to he CCSAE, security observers whose role is to see to it that he security plans e effectively implemented throughout the country. They must therefore establish ontacts with the Haitian military, which has exclusive responsibility for ensuring he country's security, point out any shortcomings that they may find or that may e brought to their attention, and make an overall assessment of the safeguards rovided for the inhabitants who wish to vote.

II. DEVELOPMENT OF THE ELECTORAL PROCESS IN HAITI

A. The fourth Interim Electoral Council and the preparation of new electoral legislation

12. The institutional arrangement which underpins the current provisional Government is the product of a consensus between political parties and social organizations, which has subsequently proved to be rather shaky. This ad hoc arrangement introduced several innovations in the structure of the Government. In particular, it established a Council of State, a body made up of representatives of the various social sectors and the departments of the Republic. However, as regards the electoral institutions, it has not made any changes in the provisions of the 1987 Constitution governing the composition of a permanent electoral council and an interim elector. council. In the absence of a parliament, it was clear that the electoral council could only be of an interim nature. Nevertheless, this point was the subject of lively discussion before a consensus of sorts emerged concerning the council's interim character. The question then arose as to whether the third CEP, set up by the Government of General Avril retained its legal status and, more important, its legitimacy, or whether it should be replaced. The Government therefore began by asking the social organizations to state their position on this issue, and to indicate whether they intended to keep the same representatives or to change them. These discussions delayed the start of the process, with the result that the fourth CEP was appointed only in May, after the

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nine social organizations named their representatives. It should be stressed in this connection that the composition of the interim electoral council, as provided for in the 1987 Constitution, is virtually unheard of in other countries, where the supreme electoral authority is usually made up of representatives of political parties or experts in electoral affairs. In Haiti, the CEP is neither a political body nor a technical body, and its members, who are designated by such institutions as the Church, the University and the Journalists' Union, do not have to possess any electoral experience. In actual fact, however, some members of the fourth CEP were, as it turns out, participants in the first CEP, which organized the abortive elections of 1987, and its President, Mr. Jean-Robert Sabalat, was at the time President of the Ouest BED (Port-au-Prince). Given the difficulties and obstacles of all kinds with which the first CEP had to contend and the tenacity which it demonstrated at the time, the presence in the fourth CEP of individuals who were members of the first CEP has been an important asset for the credibility of this electoral institution in the eyes of the people. On the other hand, it has attracted the hostility of certain political milieux associated with the former order which might well be suspected of disapproving of the strong commitment of the CEP to the electoral process.

13. The second step in the conduct of the electoral process was the preparation of an electoral act. Under the Constitution, the CEP is required to prepare the draft ~~legislation for~~ submission to the Government, which in turn approves and promulgates the act. The preparation of the bill was therefore the first task tackled by the Council. The drafting took time and it was necessary to wait until 10 July for the bill to be published in Le Moniteur (the official gazette) and thereby to enter into force so that the electoral process could get under way officially.

B. The electoral system established under the new law

14. A rapid comparison of the new Act with earlier ones shows that the new Act is closer to the 1987 Act than to that prepared by the third CEP in connection with the elections called by General Avril. Whereas General Avril had wanted to begin with local elections (administrative councils of the communal sections (CASECs) and municipal councils), the 1990 Act provides for the holding of elections at all levels simultaneously (President of the Republic, Senate, Chamber of Deputies, municipal councils and CASECs). This Act also incorporates a 1987 provision whereby the CEP has sole responsibility for printing and distributing ballots, which is unlike the earlier Haitian tradition of entrusting that responsibility to the candidates.

15. The main difference between the new Act and the Act promulgated under General Avril is that the new Act restores article 291 of the Constitution, which was eliminated in 1949. This article, which has been and continues to be the subject of bitter controversy, will be mentioned again later (see paras. 19, 20 and 72-74). 1/ Here, suffice it to say that, in this respect, the new Act is similar to the 1987 Act, and that the 1987 Act was promulgated shortly after a referendum which expressed considerable popular support for the Constitution.

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Noteworthy also are the innovations which the Act introduces into the toral process:

(a) The voter's obligation to vote at the BIV at which he is registered. arrangement, which is more convenient for the voter, also makes it easier for electoral bodies to monitor all the electoral operations;

(b) The introduction of a single ballot-paper for each elective office;

(c) The payment of a deposit in order to stand for elective office. The unt is fixed and relatively small for candidates for the CASECs and municipal uncils. For other offices, it varies according to the proportionate number of didates put forward by a party in each district.

C. The reactions of the political parties to the Electoral Act

The electoral bill was made public on Friday, 29 June, at a press conference ven by the members of the CEP, who described the main features of the bill and ought the opinion of the political parties.

Up till that time, the debate had focused mainly on the timeliness of ections. After the press conference and following the formal promulgation of the t, on 10 July, the political parties concentrated their attention on the lectoral Act, even at a time when they had misgivings about the holding of the ections. The first reactions came from the press, and they were echoed by the olitical parties. A distinction must be made between reactions to the Act itself nd its individual provisions, and reactions issuing mainly from circles close to the Duvalierists, who had challenged the CEP and the legality of its status and whose questioning of the Act was but a natural consequence.

19. The most hotly contested provisions of the Electoral Act were the reintroduction of article 291 of the Constitution and the obligation to pay a deposit.

20. Some considered article 291 discriminatory and contrary to the Charter of OAS. Others challenged its interpretation by the CEP. Still others called for its permanent deletion.

21. Moreover, almost all the parties criticized either the principle of requiring candidates to pay a deposit or the amount of such deposit. The Electoral Act was branded a law for millionaires and Jean-Claude Roy's Union des constitutionalistes haïtiens (UCH) was not alone in denouncing the "logic of money" used by the CEP to reduce the number of candidates.

22. Following some criticism regarding the impunity of the members of the CEP, which had been levelled by Le Nouvelliste and which was echoed by the political parties, especially the MDN, the CEP introduced into the Act, prior to its official publication, an article imposing sanctions on its members for violation of the Electoral Act.

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23. Lastly, it should be noted that some parties, including the MDN, believed that too much power was vested in the CEP, whose decisions in election matters are final.

24. Other aspects of the Act, however, were deemed positive. Overall, there can be said to be a relatively broad consensus on this Act. Moreover, it will be seen below that the very persons who challenged the Act and attacked the CEP which authored it agreed to submit or appear to submit to the procedures laid down by it.

III. THE CONTEXT OF THE ELECTORAL PROCESS

A. The physical and social environment of the electoral process

25. Haiti is an Indian word meaning "land of mountains". Nearly three fourths of the country's surface area is covered by mountains, which rise to 2,700 metres. Apart from the two major roads which run from Port-au-Prince to Les Cayes in the south and Cap-Haïtien in the north, the secondary roads are very poor or non-existent. It takes nearly seven hours to go from Port-au-Prince to Hinche, a journey of approximately 180 kilometres, which involves fording three rivers, and nearly six hours to reach Port-de-Paix. Many villages are accessible only by mule or on foot. The telephone communications network is limited to the nation's capital and the departmental capitals, some of which, such as Port-de-Paix, Hinche and Jérémie, have only one telephone line.

26. Besides the physical remoteness of the population, the country's economic and social difficulties must be taken into account. Approximately 80 per cent of Haitians earn less than $100 annually and therefore live far below the critical poverty level of $150 per year. Moreover, 78 per cent of them are illiterate.

27. This gives an idea of the physical and social obstacles to be overcome in order to be able to organize elections in Haiti in which the entire population can participate.

B. The absence of democratic traditions in Haiti

28. What is more, there is no democratic tradition in Haitian politics. Although Haiti was the second country in the Americas to gain its independence, it has never managed to establish stable democratic institutions. For a long time, the right to vote was limited to city-dwellers, and when the President was elected, it was generally by Parliament. Not until 1950 did the first presidential election by universal suffrage take place, and that election was tainted by fraud.

29. Because of the lack of consensus on rules by which the political system could function, and even on the definition of legitimate political participants, violence has always been the means of settling conflicts and choosing leaders.

30. These political traditions became institutionalized in 1957, when François Duvalier took office as President of the Republic, and even more so in 1964, when he was elected President for life by plebiscite. The office of President for Life became hereditary when he took care, before his death on

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April 1971, to bequeath the power to his 19-year-old son, Jean-Claude Duvalier, retained it until 1986. To most observers, the fall of the Duvalier Government did not necessarily spell the end of Duvalierism. They maintain that the Government under General Namphy did not introduce major changes in either the structure of political power or the bases of economic power or public administration.

31. Since the fall of the Government of Jean-Claude Duvalier, Haiti has had a succession of Governments, each of them the product of either a coup d'état or an election whose validity appears questionable.

32. The sole exception might have been the 1987 election, which was interrupted by violence. Several months earlier a constitution had been drafted; it was ratified by referendum on 29 March, in which participation was considered to be very high. That is perhaps the most concrete democratic experience in the nation's contemporary political history. After this vote, a interim electoral council was appointed and elections were set for 29 November of that same year. That Council drafted an electoral bill, working not only without the support of the incumbent Government but even in conflict with it. Despite the obstacles, the process continued until the day of the elections, when the CEP had to interrupt it following a number of incidents, particularly the Ruelle Vaillant massacre. That same day, the Government dissolved the CEP, accusing it of being responsible for the massacre of the voters.

33. A second CEP was then appointed; it presided over January 1988 elections, which were termed fraudulent. The voting system at that time required the ballot-papers to be distributed by the candidates themselves. In practice, this operation could only be carried out by the army, which took charge of organizing the elections. Leslie Manigat was elected with minimal popular participation (5 per cent is the figure mentioned) and in the absence of other candidates enjoying genuine credibility. In June of that same year, President Manigat was, in turn, ousted by a coup d'état, and General Namphy came to power for the second time since the fall of Duvalier.

34. In September 1988, another coup d'état replaced General Namphy by General Avril. A third CEP was then appointed, which prepared for new elections. This third CEP drafted an electoral bill which contained changes from the previous legislation in some important respects. It was becoming increasingly obvious, however, that the President had no intention of holding free elections. Popular reaction and demonstrations proliferated with the help of political parties and groups. This was especially true in the case of the Consultative Assembly, which brought together Haiti's 12 major political parties and groups. The upsurge of popular protest, pressure by political groups and certain deprived sectors, and growing international isolation finally brought about the departure of General Avril in his place, a Provisional Government was appointed on 13 March, headed by a judge from the Court of Cassation, Mrs. Ertha Pascal-Trovillot.

35. This Government was to be officially assisted by a Council of State, composed of 19 members representing various sectors of the civilian society, which functioned, in some sense, as a link between the Government and the Consultative Assembly.

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36. This arrangement, which does not strictly conform to the constitutional provisions, was the product of an agreement between the various political participants in order to find a solution, based on the widest possible consensus, to the institutional crisis triggered by the fall of General Prosper Avril. The Consultative Assembly, composed at that time of 11 political parties plus the group called "Oné Respé Konstitisyon an", also known as the Group of Twelve, 1/ played an essential role in developing the current governmental arrangement on the basis of the Protocol of Understanding of 4 March.

37. Although this arrangement was based on a relatively precarious consensus which began to crumble almost immediately after the Provisional Government was installed, it is important to note that it reopened the way to free elections. Despite the remaining difficulties, there was a possibility, from that time on, that the process could be brought to completion and that the country would finally have a stable Government and institutions could be consolidated.

C. Freedom of expression

38. If recent years precluded the introduction of democracy in Haiti, they did witness, on the other hand, spectacular progress with respect to freedom of expression, which, today, is virtually absolute. Not only can the Duvalierist media, such as "Le petit samedi soir" or "Radio liberté", engage in the most violent diatribes without concern, but also, at the other end of the political spectrum, appeals can be made for the overthrow of the incumbent Government without risk of reprisals. One may even wonder if this freedom is not abused in certain cases, as incitement to violence is never punished.

39. This freedom is, in any case, guaranteed in Haiti by the existence of many private radio and television stations, which considerably reduce the influence of the public media. Unlike the situation in other countries, national television and radio in Haiti have a limited audience only. None the less, they make a great effort to provide balanced information.

D. The atmosphere of insecurity and the impunity of criminals

40. Recent years have also been marked by frequent outbreaks of political violence, of which we shall here mention only the most important or well-known. At the end of July 1987, 150 peasants belonging to a Church-associated co-operative, Tét Ansanm, were massacred near Jean-Rabel. During the electoral campaign, two political figures were assassinated: Louis-Eugène Athis, leader of the Mouvement démocratique pour la libération d'Haïti, on 2 August, and Yves Volel, a presidential candidate, on 13 October. November saw the beginning of a campaign of terror (arson, murder attempts, etc.) which culminated, on the day of the elections, with the Ruelle Vaillant massacre at Port-au-Prince (about 20 killed) and vicious attacks throughout the country, particularly in the Artibonite (60 dead and 200 injured).

1988, the Labadie massacre occurred on 14 August and the attack on ean Bosco Church took place on 11 September, while Jean-Bertrand Aristide was celebrating mass.

1990, incidents have included the massacres at Pyat on 19 March (11 dead houses burnt down), Cabaret on 19 April (1 dead, 2 seriously injured and es burnt down) and Perodin on 31 May (6 dead, including the section chief, by a crowd of 300) and, of course, the attack on the Council of State on which left two dead, including a member of the Council, Serge Villard.

These crimes have created a feeling of insecurity, which is all the more acute those responsible have not been sought out or arrested. No serious inquiry ts to have been conducted and it was only recently that Mrs. Pascal-Trouillot nced the establishment of a commission to determine responsibility for major es committed since 1986. It should also be noted that the members of this ission have not yet been appointed and that they will not submit their report il after the elections. Likewise, the individuals covered by article 291 of the titution, that is to say the most violent or corrupt elements of the lierist régime, have generally not been arrested or tried. It is as if the penalty for their crimes has been to exclude them from any elective office for eriod of 10 years, with the Electoral Council being obliged to take the place of courts. The de facto impunity of those who committed crimes before and after has been denounced by many political groups, which have tried in vain to re that justice is done before the elections are held.

However, some measures have been taken either by the army or by the Governme h a view to reducing insecurity. A Co-ordinating Committee for the Security of ctoral Activities (CCSAE) has been set up within the Haitian Armed Forces and a ivilian-military commission, consisting of the Ministers of Defence, the Interior nd Justice, the Commander-in-Chief of the Armed Forces and two generals, has been tablished by Mrs. Pascal-Trouillot. In addition, the CEP and the chairmen of the Ds have on several occasions held meetings with the CCSAE and the departmental mmanders. These contacts have been productive and suggest that most officers nuinely want to ensure the country's security during the electoral period.

IV. THE CONDUCT OF THE ELECTORAL PROCESS

A. The organization and inauguration of the electoral authority

5. The Government of Mrs. Ertha Pascal-Trouillot originally intended to hold lections at the earliest opportunity and estimated that the electoral process could be organized in a period of between three and six months, with the elections themselves being held by August at the latest. However, it quickly realized that these plans were too optimistic in view of the plethora of organizational, logistic and financial problems which had to be addressed.

6. The first difficulty needing to be settled by the CEP, which - as noted above - could not be set up before May, was that of establishing a new organizational structure because its predecessor, the third CEP, had made only modest progress in this area. The fourth CEP therefore had to find an appropriate

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headquarters, to recruit and appoint its permanent staff and to acquire the necessary materials. Since Haitians still retained painful memories of the 1987 events, it was not easy to find people who were prepared to take the risk of working for the CEP. In 1987, the first CEP, which had had to organize elections without any support at all from the Government, had made use of a large number of volunteers. After the experiences of those volunteers in 1987, there was no question of again obtaining assistance from that quarter, with the result that paid staff had to be hired, both for the CEP and for the departmental and communal boards of elections. Since the Electoral Act, which provided for complex negotiations with the political parties and social groups concerned, was not published in the Official Gazette until 10 July 1990, the composition of the BEDs and the BECs was not finally made known until around mid-August.

47. It was not long before a second problem, caused by the administrative and logistic complexity of the electoral process, made itself felt. In order to begin voter registration, it was necessary to select staff and assign them to several thousand BIVs, to print a sufficient number of registration forms, to conduct an appropriate civic information campaign and to train staff for the BIVs. Once the registration period was over, sufficient time had to be allowed to computerize the registers, to "skim off" any duplicate entries and to reproduce the electoral rolls for each BIV. In addition, the political parties and groups had to be allowed sufficient time to comply with the procedures for the declaration and registration of candidacies before drawing up final lists of candidates. Only when these lists were made available was it possible to embark on another necessarily long task, that of printing the ballot-papers and distributing them to the BIVs.

48. The third problem facing the CEP was of a financial nature. Although the Government was willing to fund the electoral process, it could not, as a result of the country's economic crisis, assume all the necessary costs. The CEP therefore had to seek additional funds from sources of multilateral and bilateral assistance.

49. As a result of these difficulties, several changes had to be made to the election schedule. It had originally been decided that registration would take place during the period from 19 August to 9 September and that the first round would be held on 4 November. However, it quickly became clear that those dates could not be maintained. It was then decided to postpone registration only two days before such registration had been due to begin. The current schedule was arranged as follows: voter registration from 5 to 26 October; registration of candidacies from 6 to 21 October; deadline for approval of candidacies by the CEP - 6 November; first round of voting - 16 December.

B. The financial aspects of the electoral process

50. The total budget is estimated at 19,293,984 gourdes or $US 12,862,656.

51. The technical assistance mission to advise the CEP has been given the responsibility of co-ordinating external financial contributions. Under its auspices, a general meeting to co-ordinate international assistance was held on 17 October 1990, with the Ambassadors of the United States, Canada, Germany,

uela and Italy, as well as the representative of Taiwan, Province of China, part. The United States had already opted for the multilateral approach gh the United Nations and made a contribution of $1.5 million, to which an ional contribution of 2,250,000 gourdes was added on 23 October. Canada ded direct assistance in the form of voting materials, such as paper, t-boxes, polling booths, seals, plastic bags, stickers and envelopes. uela chose to provide direct assistance from the Venezuelan Electoral Council e Interim Electoral Council. On 26 October, France announced assistance ting to 11 million francs to cover the printing of ballot-papers and the civic tion campaign. Germany's contribution amounted to 1 million deutsche mark, to r part of the printing costs. The Haitian Government, for its part, assumed onsibility for much of the operational cost of CEP and for the staff costs of BEDs, the BECs and the BIVs.

The CEP also received UNDP-funded technical assistance. The total ribution of the United Nations amounts to $392,400.

C. Inclusion in the electoral rolls

There is no permanent register of voters in Haiti and as a result new rolls t be compiled for each ~~election. There is likewise no register of vital~~ ~~tistics that could be used in compiling electoral rolls or in checking the~~ ~~formation provided by individuals wishing to register to~~ vote. What is more, the uments accepted for registration (birth certificates and baptismal records) are uniform and do not always provide a means of establishing the identity of the dividual who is seeking to register. Moreover, many Haitians possess no identity pers at all.

. The Council had the choice of several options for the compiling of electoral lls. In keeping with past practice, it could have concentrated registration erations in a small number of offices not necessarily corresponding to the lling stations. Instead, it preferred to set up a great many stations empowered conduct both registration activities and polling. Despite the difficulties and the high administrative costs involved, this arrangement had one major advantage: it facilitated voter registration and polling, which was a considerable benefit considering the high proportion of illiterate voters. The CEP also decided that the BIVs would remain open for 22 consecutive days, including weekends.

55. If every BIV had employed three civil servants as authorized by law, between 16,000 and 43,000 individuals would have been needed. Since only limited funds were available, a compromise was chosen, which involved setting up fewer voter registration stations, each with a staff of four, and making them responsible for compiling several electoral registers. For the purposes of the elections, however, there would be one BIV for each register and the persons who handled the voter registration activities would be the chairmen or secretaries of the new BIVs, which, as far as possible, would be set up in the same place. This procedure helped to reduce substantially the number of persons employed for the registration process. With regard to the pay of these employees, it should be noted that instead of paying them on the basis of the amount of time worked, it was decided to pay a set amount (1,100 gourdes) for each register of 250 voters actually filled in.

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56. Registration proceeded slowly. Only after the announcement of the presidential candidates did the number of voters registering rise substantially, passing the 3.2 million mark. This result was achieved despite the fact that by the end of the registration period 2/ some citizens had not been registered owing to a lack of rolls.

57. The table below presents the final voter registration situation by department and estimates of the number of persons of voting age, which have been provided as a point of comparison.

Department	Registered voters	Voting-age population (estimate) a/	Percentage of individuals of voting age who are registered
Grande-Anse	282 987	287 988	98.2
Ouest	1 115 132	1 057 681	105.4
Sud-Est	216 099	210 388	102.7
Nord	358 834	338 859	105.9
Nord-Est	120 115	110 159	109.0
Artibonite	481 036	445 275	108.0
Centre	241 824	221 016	109.4
Sud	307 436	293 813	104.6
Nord-Ouest	147 782	182 062	81.2
Total	3 271 155	3 147 241	103.9

a/ Haitian Institute of Statistics and Data Processing, Port-au-Prince, June 1989.

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It is obvious that the number of persons registered at the national or rtmental levels exceeds the number of people of voting age. There are at least reasons for this, apart from the possibility of fraudulent manipulation for tical ends. The first is that the figures used in calculating the voting lation were greatly underestimated. The last population census dates back to , and the social and political events that have taken place since then have iderably altered the base-line figures. The second explanation probably has to with the fact that the CEP decided to pay the civil servants in charge of istration, not on the basis of work done, but on the basis of the number of sons registered, which may have helped to inflate the number of registered ers.

Throughout the registration period, and particularly during the final days fore the rolls were closed, a number of accusations were made of instances of uble registration, the sale of voter registration cards by staff of the voter gistration and polling stations and other similar activities. In cases that were tually verified, such as those in Nord-Ouest Department, the CEP took appropriate asures and announced the arrest of several culprits. On the whole, it cannot be id that massive double registration involving thousands of cases took place. kewise, the incidents uncovered and alleged have not been attributed with any rtainty to a specific party or group taking part in the elections.

In any event, the Haitian political scene has several features which make such udulent activities difficult, costly and relatively unrewarding for those who rry them out.

. Fraudulent operations are difficult because they require an organizational structure and a number of dedicated and active militants, which most political parties or groups lack. Having been formed only recently, these parties and groups xist and operate essentially in the capital and are unable to organize or mobilize n the same way as a dominant party with power under its control.

. They are costly because double registration works only with large amounts of unds. Furthermore, double registration must be accompanied by double voting, ntailing the mobilization of considerable technical resources (transport, for xample) beyond the reach of the average budget.

3. Finally, such operations are not necessarily rewarding for those who carry them out. In view of the proliferation of parties and candidates and the absence of political or military control over the electorate, which control would in any event be greatly diminished by the presence of international observers, the casting of secret ballots offers absolutely no guarantee that the outcome will be the one expected.

4. This does not mean that efforts to eliminate double registration are unnecessary, but spotting it is not easy. It may be possible to uncover double registration when data are compiled in a computing centre, assuming that the individual in question has used the same first and last name. As homonyms are common, further checking would be required in dubious cases, and there would not be enough time for this. Home visits could also be made on the basis of a random sample taken from the rolls, assuming that those registered had given their real

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addresses. However, such verification at best reveals that certain persons registered do not exist or that the name of a deceased individual has been used, but not that double registration has taken place. In other words, while the methods of checking described above may be necessary and appropriate, their impact will be more psychological than real.

65. In any event, the true cause of these irregularities is not the electoral authorities but the civil registration and personal identification systems. Only after a freely elected Government has been installed can these systems be modernized and permanent electoral rolls be established. This is an indispensable means of consolidating democracy in its early stages and avoiding the substantial costs involved in preparing new rolls for each election.

66. Yet the possible existence of double registration and the genuine impossibility of eliminating it from the electoral rolls do not necessarily imply that the elections will not be honest or credible. To the extent that double voting can be prevented, double registration in itself will cease to have any practical impact. Where efforts should now be focused is on the prevention of double voting.

D. Registration and approval of candidacies

67. The procedure by which interested individuals become candidates in the various elections is highly complex. The Electoral Act in fact stipulates that candidates' applications must include a number of administrative documents, such as a birth certificate, a certificate of domicile and proof from a bank of the existence of an electoral or party checking account and payment of a non-refundable deposit. In addition, the candidate's party must be recognized by the Ministry of Justice, and each candidate must submit a statement releasing him from responsibility if he has been an accountant of public funds. Finally, a new step has been introduced with a view to rationalizing the electoral process: presidential candidates must put forward a social platform.

68. At the end of the registration period, 26 persons had registered as candidates for the presidential election, 155 for the elections to the Senate and 473 for the elections to the Chamber of Deputies. Of those candidates, the CEP accepted 11, 131 and 382 candidates, respectively. The percentage of rejected candidates was therefore high: 57.7 per cent for the presidential elections, 15.5 per cent for the elections to the Senate and 19.3 per cent for the elections to the Chamber of Deputies.

69. The high rate of rejection can be explained mainly by the absence of long-standing political parties, which gives rise to a proliferation of parties and candidates with little credibility, and by the need to meet strict administrative and political requirements regarding the acceptability of candidates.

70. Soon after the departure of Jean-Claude Duvalier, about 40 political parties were established. Many of them do not have national roots or a well-developed structure. That explains the numerous cases of rejections of candidates on such grounds as "lack of bank accreditation", "party not recognized" and "no deposit".

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e should also be taken of the difficulties arising from the electoral ions themselves which, although not a determining factor, help explain the rcentage of rejected candidates. Indeed, the period initially determined submission of candidacies was extremely short: from 6 to 21 October. This explained by the provisions of the Electoral Act which required candidates ister first as electors, something they were unable to do before ber. 3/ It was subsequently necessary to respect the legal time-frame for ing the candidacies and then a time-frame of several weeks after the ation of the final list of candidates for the printing of ballots. lly, the CEP has had to readjust its requirements and has therefore used some reserve time, making it impossible for candidates rejected on the grounds of quate administrative documents to complete their files.

It should, however, be noted that in the debate on the rejection of dates, no mention was made of these technical and administrative aspects. they occasionally protested for form's sake, the candidates excluded on these grounds generally accepted the decisions of the CEP. A delicate problem , involving the application of certain provisions of the 1987 Constitution. ed by 98 per cent of the electorate during a referendum in March 1987 and ved by General Avril shortly before his departure in 1990, that Constitution ulates, in article 291, that "any person well known for having been by his s zeal one of the architects of the dictatorship" or "any accountant of public s during the years of the dictatorship concerning whom there is presumptive nce of unjustified gain", or "any person denounced by public outcry for having ed torture on political prisoners ... or for having committed political nations" may not be a candidate for any public office for 10 years followi publication of the 1987 Constitution.

Article 291 gave rise to lively debates even though it appears to have been principal reason for the support which a large part of the electorate gave to 1987 Constitution. Two points should be stressed: on the one hand, the iquity of such formulas as "well known", "public outcry" or "presumptive dence of unjustified gain" and, on the other, the need for the CEP to apply this ction to candidates whom the judicial system often ignores.

. In the face of its formidable responsibility, the CEP preferred to eliminate contentious candidates on the grounds of procedural irregularities whenever ossible, so much so that article 291 of the Constitution was invoked in only two ases.

15. It is in this context that mention should be made of what has come to be known s the "Manigat case": By strictly interpreting article 134-3 of the Constitution, nder which "the President of the Republic ... may serve an additional term only fter an interval of five years", the CEP excluded the candidacy of Leslie Manigat, lthough he had been overthrown by a military coup d'état in June 1988, that is to ay, less than five months after his election, and despite the fact that there had een four new Governments since then. This decision also gave rise to vigorous rotests on the part of the excluded candidate: the judicial consequences at the ational level are still uncertain as of the date of this report, but the nternational repercussions are far from negligible.

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76. Its desire to apply the letter of the law has also led the CEP to exclude many candidates for other posts from the electoral competition, thus creating some imbalance and putting the less well prepared candidates and political parties at a disadvantage.

77. Since the decisions of the CEP on electoral matters are not open to any appeal, rejected candidates have no alternative but to challenge the legality of the Electoral Act and the credibility of the CEP, which created a certain amount of tension in the weeks leading up to the elections.

78. Nevertheless, it remains a very open competition, with all shades of opinion being represented among the different candidates.

E. The electoral campaign

79. The electoral campaign was scheduled to begin on 7 November 1990, the day after the CEP took its decision on the acceptability of candidacies. The official campaign here differs from parallel situations in that it consists only of a certain number of hours of electoral publicity on the national television channel and on national radio. The display of posters and the making of statements on private radio and television stations depend entirely on the resources of the individual candidates and parties. Slow to get off the ground, the campaign has above all consisted of activities to mobilize the population in the national capital and in the capitals of departments. Apart from the events described below, it has not given rise to any significant incidents. It is sufficient to note that the public demonstrations of some political parties have sometimes been disrupted by supporters of other organizations.

80. Given the risk that such incidents might escalate to the extent of affecting the credibility of the electoral campaign, the CEP took the initiative of inviting the political parties and officials of the CCSAE to meet both to discuss what measures should be adopted and to reach agreement on a code of electoral ethics.

81. Nevertheless, on 5 December 1990, one hour after the end of a public meeting of the Front national pour le chargement et la démocratie (FNCD), a grenade attack killed 7 and left some 50 people injured among the dispersing crowd. This attack, which was carried out at night and for which no group has claimed responsibility, darkened the atmosphere of the campaign, causing the FNCD candidate to cancel his visits to southern departments. The Personal Representative of the Secretary-General immediately made a statement mentioning the assurances which he had been given by the Commander-in-Chief of the Armed Forces and expressing the conviction that the determination of the Haitian people would outweigh attempts to undermine the electoral process. This act of terrorism was condemned by all the authorities and political parties and did not lead to any questioning of the role of the security forces, by contrast with the reactions to similar events in 1987. It is true that some concerns were aroused by the slowness and lack of professionalism displayed by the police investigators. In addition, the security measures adopted after the attack were seen as discriminatory by one political group because it was thereby deprived of means by which to mobilize the

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pulation. In fact, the campaign was too far advanced for these measures to have effects which it feared. On the other hand, it is regrettable that the ernment should have decided to close the schools forthwith, thus helping to make already sceptical population believe that more serious violence could set in. e fact remains that Haiti is not, alas, the only country to suffer from acts of rrorism, which are difficult to keep in check and fully eliminate. Keeping a ol head in the face of events should be of considerable help in maintaining the alm which is essential for the smooth conduct of the elections.

V. THE INSTALLATION AND FUNCTIONING OF THE UNITED NATIONS OBSERVER GROUP FOR THE VERIFICATION OF THE ELECTIONS IN HAITI

A. The composition and organization of the United Nations Observer Group for the Verification of the Elections in Haiti

2. The ONUVEH mission is headed by the Personal Representative of the ecretary-General for Haiti and includes three subdivisions: electoral bservation, security observation and administration.

3. The office of the Personal Representative of the Secretary-General consists of he Personal Representative himself and two international staff, a special ssistant and a secretary.

4. The electoral subdivision consists of a nucleus of 40 international staff, with the addition of a further 130 electoral observers at the time of the elections. The head of this subdivision is the chief electoral officer, assisted by a political and electoral analysis section and an information section. The regional co-ordinators are deployed in eight of the nine departments, with Nord-Est Department being covered by the co-ordinator of Nord Department, who resides at Cap Haitien. These regional co-ordinators each have between one and three two-member teams of observers.

5. The security subdivision, headed by the chief security observer, a brigadier-general, consists of 64 security observers of whom the majority are drawn from existing peace-keeping operations. The two principal advisers to the CCSAE, an officer responsible for liaison with the headquarters of the Haitian army and an operations section are all located at the Group's main office in Port-au-Prince. A chief of section, at the lieutenant-colonel level, is posted to each of the nine capitals of the departments, except in Nord-Est Department where he resides at Ouanaminthe, south-east of the capital, Fort-Liberté. In each department, there are two or more two-member security observer teams, depending on the prevailing situation.

6. The administrative subdivision, headed by the chief administrative officer, includes 26 international staff. It consists of five sections - telecommunications, general services, finance, transport and personnel - which are located at Port-au-Prince. In addition, the communications section was augmented by nine temporary radio technicians who stayed in Haiti until 20 November to help

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with the installation of the communications system. Five general services assistants have been deployed in Haiti to help provide material support for the teams of electoral and security observers. Currently, two of these assistants have been recalled to Port-au-Prince to co-ordinate the administrative measures necessary for the reception and deployment of the additional electoral observers expected at the time of the elections themselves. As for locally recruited staff, there are 73 (research assistants, secretaries, clerks, messengers, cleaners, stores keepers, security guards, administrative assistants and drivers) employed by the three subdivisions, both at Port-au-Prince and in the different departments.

87. The international staff members, all of whom are now at their posts, come from 36 countries. Of the 64 security observers, 18 are from the United Nations Truce Supervision Organization in Palestine (UNTSO), 12 from the United Nations Observer Group for Central America (ONUCA), 4 from the United Nations Angola Verification Mission (UNAVEM), 2 from the United Nations Iran-Iraq Military Observer Group (UNIIMOG) and 28 directly from their own countries.

B. Establishment of the United Nations Observer Group for the Verification of the Elections in Haiti

88. A first group of four international staff arrived in Haiti on 4 October to establish a presence in the country and begin to set up the communications system. This group was originally sent on mission under the ongoing technical assistance project in Haiti and was then incorporated into the ONUVEH mission when it was approved.

89. Following the adoption on 10 October of the resolution authorizing the establishment of ONUVEH, the first six members of the mission proper arrived in Haiti on 13 October; they were joined by other groups on 14 and 15 October and by the Personal Representative of the Secretary-General on 16 October. Other electoral and administrative officials arrived in Haiti between 17 and 23 October, while the first members of the security subdivision (the chief security observer, the senior security adviser, the senior liaison officer and the chief operations officer) arrived on 24 October.

90. Starting on 17 October, the first teams of electoral observers, headed by the eight regional co-ordinators, were deployed to departments after receiving the necessary instructions. These teams were later supplemented as the remaining electoral observers arrived at Port-au-Prince.

91. Despite the initial lack of vehicles, the deployment of security observers began on 1 November. Manning was complete by 27 November.

92. Problems arose with regard to vehicles and communications. With regard to four-wheel drive vehicles needed to ensure the mobility of teams in the field, ONUVEH had to hire whatever was available on the Haitian market, including some far from reliable equipment. The 30 vehicles lent by the United Nations Observer Group for Central America were delayed at Miami and were only off-loaded at Port-au-Prince on 7 November.

th regard to communications, the first consignment of the equipment stored Italy, only reached Haiti on 29 October and the rest only arrived on ber, with the result that the system was not fully operational until mber. Mobile radios were installed in vehicles with the assistance of the otorola representative, with whom ONUVEH signed a contract. At u-Prince, telephone lines were supplied and installed by the Haitian company which was very co-operative. Elsewhere, they took longer to install but partmental capitals were connected to Port-au-Prince by 12 November.

n general, sources of supply in Haiti are limited and prices are very high. ce payment in United States dollars is almost always demanded. Since its are immediate, the ONUVEH mission is forced to accept the terms offered by uppliers.

The Haitian Government replied formally to the United Nations that it was le to provide ONUVEH with appropriate office space. At Port-au-Prince, the ion has its headquarters at the Hotel Christophe, the best equipped from the dpoint both of available premises and of communications. In the departments, ices have been rented in hotels or other facilities, as available.

VI. THE ACTIVITIES OF THE UNITED NATIONS OBSERVER GROUP FOR THE VERIFICATION OF THE ELECTIONS IN HAITI

A. Enhancing the credibility of the electoral process

. In a country that had been traumatized by the experience of the elections on 9 November 1987, the first task of ONUVEH was to help create a psychological climate conducive to the holding of democratic elections. To do this, permanent observers deployed throughout the country established numerous contacts with the ocal authorities, parcicularly the electoral and military authorities, and with ll sectors of society. These contacts were made both by electoral observers and y security observers, acting jointly or separately as appropriate. Everywhere they went, observers explained the nature of the ONUVEH mission, dispelling any misunderstandings which had arisen on this score, particularly with regard to security. In this they were assisted by the radio and television campaign conducted by the ONUVEH information team. They were warmly welcomed almost everywhere they went, although the population occasionally expressed regret that there were so few of them and that they could not themselves protect the voters.

97. Since feelings of insecurity are heightened by the hostility or distrust with which the population views the armed forces, ONUVEH observers sought to encourage the dialogue initiated by the electoral authorities with the military authorities. In some cases, they took the initiative of organizing meetings, which proved fruitful.

98. There can be no doubt that all these efforts helped enhance the credibility of the electoral process, as is borne out by the fact that the events of 5 December, which not long ago might have derailed the electoral process, do not seem to have shaken the belief that the elections will indeed take place or lessened the determination of the vast majority of Haitians to go to the polls on 16 December.

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B. Electoral observation

99. In addition to this careful effort of psychological preparation, the ONUVEH observers fulfilled their mission of observing electoral operations. The electoral observers inquired into the difficulties encountered by the BIVs in registering voters and the irregularities reported to them. They attended political meetings held in their departments. They monitored radio and television broadcasts to make sure that all candidates had equal access to the mass media. In the chapter on the conduct of the electoral process, we mentioned the conclusions reached by ONUVEH; we shall return to these later. Throughout the electoral process, the Personal Representative of the Secretary-General and the chief electoral officer were in frequent contact with the President of the CEP and some of his colleagues, transmitting their concerns to them and making suggestions to ensure the proper conduct of the electoral process and facilitate their task.

C. Security observation

100. During the period from 24 October to 30 November 1990, the security observers focused their efforts on the following areas: making personal contact with local authorities, identifying "sensitive areas" where the potential for conflict was greater and gathering any information on security problems that might require their attention.

101. After 1 December 1990, the security observers concentrated their efforts on areas deemed sensitive, working with law-and-order officials responsible for drawing up and implementing the local security plan. Although the Haitian Armed Forces are responsible for electoral security, the security observers have had an important role to play and an obvious influence on the local military authorities.

D. Assistance to the Co-ordinating Committee for the Security of Electoral Activities

102. Having established close ties with the senior officers on the CCSAE, the two advisers assigned to this Committee participated in all the preparatory work on security measures. They helped the officers organize the security of presidential candidates and of the election campaign. Their activities culminated in the formulation of a national electoral security plan within days of the first round of the elections.

VII. CO-ORDINATION WITH OTHER OBSERVER MISSIONS

103. In addition to the United Nations, other international or non-governmental organizations are or will be present in Haiti to observe the elections, making it necessary to co-ordinate their respective activities.

o start with, OAS sent a group of some 30 observers, who travelled around the y and left Haiti on 30 October at the end of the registration period. Some stayed on at Port-au-Prince and are now busy receiving the handful of ers expected in Haiti for the elections.

Former President Jimmy Carter, who as President of the Council of Freely d Heads of State, visited Port-au-Prince twice, intends to send some 30 of n observers to Haiti at the time of the elections, as he did in Nicaragua. non-governmental organizations are also expected to be present at election .

Supervision of the elections proper must now be thoroughly co-ordinated. VEH has had numerous contacts with OAS on this subject, both in Washington D.C. at Port-au-Prince, including on the occasion of the visit by the retary-General of OAS, Mr. Baena Soares, to Port-au-Prince on 10 October. The organizations have agreed to co-ordinate their activities in the field formally, without creating cumbersome, costly bureaucracy. Meetings have already en place in the departments between the two missions' teams, enabling them to e information and even to co-ordinate observation or survey visits. The two ganizations are none the less keeping their identities separate.

7. Close co-operation between the United Nations and OAS will be instituted above for verifying the results of the elections.

8. Although the ONUVEH mission has the resources to undertake such verification tself, it plans to work in co-operation with OAS and to make a projection of the results with it, based on a sample of polling stations. Such a joint operation will make it possible to use overall available resources more efficiently. The envisaged co-operation will be as non-bureaucratic as possible and will basically involve the collection, transmission and processing of data. A joint decision will be taken on how to use the results, but the CEP of course remains the only body authorized to announce the final results.

CONCLUSION

109. Throughout the report, much of the emphasis has been on aspects of the electoral process most open to criticism. This should not overshadow its highly positive aspects, however. After years of dictatorship and censorship, mention should first be made of the fact that there was complete freedom of expression throughout the election campaign. There were no restrictions on the broadcast or written press and no journalists reported any personal intimidation. Secondly despite some minor, inconsequential incidents here and there, the election campaign was virtually violence-free, the tragic events of 5 December, at the end of the campaign, being the one notable exception. Fortunately, the run-up to the elections was unmarred by any similar brutality.

110. Mention should also be made of the fairness of the electoral race, as evidenced by the visible absence of abuse of State property in favour of any given candidate.

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111. The impartiality of the CEP, and of institutions such as the executive branch and the armed forces, towards political figures also deserves to be mentioned. Party coalitions, for instance, were definitely sought after and encouraged by the CEP but did not result in an imbalance between the various competing forces.

112. Although many candidates were rejected for failing to meet the formal requirements of a complex law that was strictly applied, the candidates allowed to run for office represent the entire spectrum of the country's social and political life, incontestably enabling the Haitian people to make a genuine electoral choice in order to determine their future freely.

113. Lastly, it should be mentioned that with the exception of the 5 December events, voter registration and the election campaign proceeded without incident.

114. On the eve of the first round of the elections, we can therefore say that the Haitian electoral process took place under favourable conditions, welcome the fact that the international community's support helped achieve this result and hope that the campaign will culminate in fair, peaceful and credible elections.

Notes

1/ Parties and groups making up the Group of Twelve at the time the Protocol of Understanding was signed:

1. KONAKOM (Parti du Congrès des mouvements démocratiques)
2. MDN (Mouvement démocratique national)
3. MNP-28 (Mouvement national patriotique du 28 Novembre)
4. MIDH (Mouvement pour l'instauration de la démocratie en Haïti)
5. MOP (Mouvement d'organisation du pays)
6. PANPRA (Parti nationaliste progressiste révolutionnaire haïtien)
7. PDCH (Parti démocrate chrétien haïtien)
8. PNDPH (Parti national démocratique progressiste d'Haïti)
9. PPSC (Parti populaire social chrétien)
10. PUCH (Parti unifié des communistes haïtiens)
11. UCH (Union des constitutionnalistes haïtiens)
12. Oné Respé Konstitisyon an.

2/ This fact is confirmed by the high number of communes in which all the BIVs have 250 registered voters.

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Notes (continued)

This example is typical of the many administrative problems which the CEP has created. Nothing prevented the CEP from calling for an amendment to the ral Act on this point, so that the same documents could be accepted for ration as elector and as candidate. The final approval of a candidacy would have been subject to the candidate's registration as an elector.

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COUNCIL OF FREELY-ELECTED HEADS OF GOVERNMENT
The Carter Center of Emory University - Atlanta, Georgia

SUMMARY REPORT OF THIRD PRE-ELECTION VISIT TO NICARAGUA
DECEMBER 13-16, 1989

I. Introduction

Five members of the Observer Delegation of the Council of Freely-Elected Heads of Government travelled to Nicaragua between December 13-16: former President Jimmy Carter, Rosalynn Carter, former Costa Rican President Daniel Oduber, former U.S. Senator Daniel Evans, and Dr. Robert Pastor. This was the third visit by members of the delegation, following a trip in October to observe the registration process, led by former Venezuelan President Rafael Caldera and former Governor Bruce Babbitt, and a trip in September led by Jimmy Carter and former Argentine President Raul Alfonsin.

The trip represented the delegation's first opportunity to observe the campaign period, which opened officially on December 4. The delegation was particularly concerned with the escalation of violence and disruptions of the electoral process, culminating with the riot in Masatepe the weekend before this visit in which one person was killed and several injured at an UNO campaign rally. That incident deeply concerned the delegation, as it did candidates and officials throughout the country. We feared that it could be a threat to the integrity of the election, particularly since the incident further polarized politics and little had been done to prevent its recurrence. We were also concerned about the effect of the November 1 suspension of the cease-fire and continued military activity on the election process itself, especially in light of the failure of the talks between the Nicaraguan government and the Resistance on the demobilization of the contras.

The delegation travelled to Matagalpa, Esteli, and Managua, and met with regional and national party leaders and election officials, government leaders, Cardinal Obando y Bravo, and members of the press (see the enclosed schedule). We also worked closely with the UN and OAS observer missions, receiving their generous cooperation in coordinating the visit.

II. Activities and Discussions

Vice President Sergio Ramirez met the delegation on its arrival. In response to President Carter's statement about Masatepe, he said that the government was also concerned about the violence there and was considering issuing a decree that could prevent future recurrences. President Carter said that it would be preferable for the Electoral Council to take the lead in getting all of the political parties to work out procedures to eliminate campaign violence. Vice President Ramirez asked if Carter could help put together such a document.

The delegation then travelled to Matagalpa (Region VI) with Antonio Lacayo, campaign manager of UNO and with Alfredo Cesar, a leader of the Social Democratic Party and principal adviser to UNO Presidential Candidate, Violeta de Chamorro. In the group's discussions with these leaders and others from Matagalpa and Esteli (Region I), the group was able to develop a specific document on steps to prevent violence at campaign rallies.

Regions I and VI were reported by the United Nations Observer Mission to have experienced the most complaints of violence and intimidation in the electoral process. The electoral process in these regions is complicated by the presence of armed Resistance and Sandinista military forces, as well as by the return of former contras and refugees who have asked to participate in the electoral process with guarantees of safety.

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Matagalpa

The region produces roughly 2/3 of the country's coffee, has strong opposition support, and is experiencing security risks in the rising numbers of reported clashes and attacks by contra or EPS forces. International observers, the regional electoral council, and the opposition leaders expressed concern that the high levels of tension in the region are giving rise to threats and violence, especially at opposition campaign rallies. The regional electoral council has worked with the parties to produce an agreement to respect the electoral ethics law, but most felt that this agreement has been violated repeatedly since its signing in late November. The complaints center on destruction of campaign propaganda, harassment (including stoning) at UNO campaign rallies, and intimidation of party supporters by both contra activists and Sandinista military and police. The electoral council agreed that more specific measures were needed to preclude campaign violence.

Another concern raised by nearly all the participants was the problem of registration in the northern part of the region, in which as many as 20,000 people were perhaps not able to register due to security reasons, long lines, and lack of sufficient registration materials. The regional electoral council has asked for a 5th Sunday of registration for 26 registration sites (JRV's) that were either partially or totally closed, but had not yet received an answer from the Supreme Electoral Council. Of these 26, the electoral council reported that nine sites had security risks due to military or contra activity.

In addition to the above concerns, UNO raised the following issues: 1) inequitable access to the media (government has 33 radio stations nationally, compared to 7 independent stations); 2) concern about military personnel registering and voting more than once, and difficulty in verifying this; 3) threats to fiscales (poll-watchers) to prevent their functioning on election day (in Jinotega Dept, 45% of JRV's have no UNO fiscales, and in Matagalpa Dept. 35% are missing); 4) continued recruitment of party candidates and election officials into the military reserves, contrary to August agreement; and 5) plans for a major mobilization of 30,000 reservists in mid-December.

The FSLN representatives and regional military and police commanders responded that they wanted military personnel to register and vote in the same locale, near their barracks, to avoid problems. Since July they have reduced mobilization of reserves by 50%, had one large mobilization in October and another planned after the election, and had none planned for December. They estimate 3,500-4,000 contras inside Nicaragua, another 4,500 in Honduras, and nearly 600 amnestied in Region VI. They expect that the contras will continue their struggle after the election if the FSLN wins because the contras believe that the FSLN could only win by fraud, and so they will be justified in continuing the fight. About a third of the population lives in municipalities affected by contra activity.

Estelí

Historically a strategic region in Nicaraguan civil conflicts and Honduran border smuggling, Region I is characterized by strong FSLN support and organization, continued contra presence, and serious complaints of intimidation and threats to opposition political leaders and, secondarily, harassment at campaign rallies. Nevertheless, the electoral council and party leaders have met regularly and made some progress, recently signing a specific accord aimed at delineating the role of the police and controlling electoral violence. While there have been no major complaints about campaign rallies since the opening of the official campaign on December 4 (in contrast to incidents at Jalapa, La Trinidad, and other towns during the pre-campaign period in November), it is still too early to assess the effectiveness of the accord.

The issue of police protection is a central one in the region as well as nationally. The accord now provides for police presence at rallies with careful limitations and also for police protection of individuals upon request. The delegation addressed the case of Arnulfo Barrantes, the UNO legal representative who resigned temporarily from his position after receiving anonymous threats to himself and his family, and having his car stolen and burned. President Carter raised the case with President Ortega and with Vice

Minister of Interior René Vivas, who promised to provide police protection to Barrantes. Other UNO leaders have also reported intimidation and harassment to themselves, claiming it comes from state security forces.

The FSLN representatives reported the continued problem of contra activity and its impact on the electoral process, and cited a case in early December of an attack in which seven people were killed in La Trinidad. Other party leaders (PLIUN, PSC) complained about lack of access to either government or UNO - supported media, and that they are caught in the middle of the tensions and conflict between UNO and FSLN. The UNO representative, Dr. Braulio Lanciga, made an explicit statement that the UNO is not tied to the contras and that they condemn the contra violence.

The registration process appeared quite successful in Region I, with high numbers registering (compared to 1984) and none of the registration sites being forced to close (although some opened late or were given military protection.)

Ending the Electoral Violence

Based on our discussions with regional leaders in Matagalpa and Estelí, and national political and government leaders in Managua, we were encouraged that leaders from all sides wanted to end the electoral violence, and by the efforts in Regions I and VI to reach a consensus among the parties to that end. We worked with national party and election officials to develop specific guidelines to minimize the chances of violence at political rallies in all regions by prohibiting the presence of weapons of all kinds at rallies, barring the sale of alcohol during the time of the rally, regulating the use of the police, and urging the moderation of political rhetoric. We also encouraged party leaders publicly to accept the results of the February election and work for reconciliation regardless of who might win.

We urged the Supreme Electoral Council to take the lead in developing a consensus around such guidelines. During our visit, the Electoral Council solicited proposals from the political parties and convened a meeting to try to reach agreement on an accord. The effort failed to gain the signatures of all the parties, however. We continued our efforts to devise a set of guidelines that would be acceptable to all parties and, after consulting with the SEC, we gained approval of FSLN and UNO leaders of the proposed guidelines. SEC President Mariano Fiallos authorized President Carter to announce in his press conference that the Supreme Electoral Council would promulgate a decree setting out the guidelines and that the Ministry of Interior would implement it. Carter called on all political parties to publicly endorse the measures.

Contras and the elections

The delegation also discussed the negative effect on the electoral process of the presence of the Nicaraguan Resistance (contras) inside Nicaragua, the continued military activity, and the use of the contras in political campaign rhetoric. The tying of UNO to the contra and the Guardia Nacional in the press and in campaign rhetoric is damaging to the climate of the campaign and prospects for national reconciliation. In discussions with the UNO leadership, the delegation urged them to state clearly that there is no relationship between UNO and the contras and to condemn the contra violence. The previous UNO position was to condemn all the violence in the country by both sides and to support the Central American Accords, which call for demobilization of the contras. Nonetheless, several UNO leaders agreed to be more explicit in future condemnations of contra violence.

The group also raised the issue of the FSLN's campaign rhetoric and intimidation, and President Carter asked President Ortega to refrain from intimidating UNO candidates or publicizing further resignations by them. The group received assurances from the FSLN leadership that they would lower the rhetoric if UNO publicly condemned contra activities and called for their demobilization. With the approval of Violeta Chamorro and her campaign advisors, Carter announced to the press Mrs. Chamorro's statement that a) there is no relationship between UNO and the contras; b) that she condemned violence from any source, including the Nicaraguan Resistance; and c) that she endorses the Central American peace accords, which call for the demobilization of the contras.

Supreme Electoral Council

President Carter personally asked Mariano Fiallos and the Supreme Electoral Council to extend voter registration for one day in those areas that had been disrupted for security and other reasons in Matagalpa and the Atlantic Coast. Also, the delegation suggested that political parties be given lists of registered voters on computer disks or tape in addition to the printed copies now being distributed for the purpose of checking names, and that the Council enforce its rules to moderate offensive campaign rhetoric, such as the linking of UNO to Somoza's National Guard. The delegation also pressed the SEC to permit more flexible access to the media for the opposition. Specifically, UNO requested permission to broadcast television advertisements earlier in the evening and to use their time allotment in briefer periods of, for instance, 60 second spots.

President Carter asked President Ortega whether all external funding to the FSLN was being reported, as required by Nicaraguan law. President Ortega responded that all external funding had been reported to the Supreme Electoral Council.

Finally, President Carter made a strong statement of support for the work of the Supreme Electoral Council and urged all political parties to give the Council their full support and to be wary of those who would try to discredit the electoral process.

Human Rights

The delegation visited Reynaldo Aguado in Tipitapa Prison and met with Vice Minister René Vivas to assure that Aguado was being treated fairly.

Economic Aid

The delegation also met with the Ambassadors from fifteen different countries, including the United States, the Soviet Union, Eastern and Western Europe, Japan, and Latin America to discuss long-term aid for the Nicaraguan government if the elections were judged free and fair by the Nicaraguan people and the international observers. President Carter informed the ambassadors that he intended to write to their leaders urging that they make a commitment for a substantive economic aid package for Nicaragua, provided the elections were certified to be fair and free. He also said that if the elections were not free, then national reconciliation would not occur, development would not be possible, and aid would therefore be unnecessary.

III. Conclusions and Follow-up

After leaving Managua, the delegation spent four hours in San José with Presidents Oscar Arias and Carlos Andrés Pérez briefing them on the Nicaraguan electoral process and discussing the Central American peace process. Both Presidents Arias and Pérez believe that if the peace process is to be invigorated, the conflicts in both El Salvador and Nicaragua must be addressed. Success in one cannot occur without progress in the other. If the issue of contra demobilization is not advanced, then the Salvadoran war could worsen, and the Nicaraguan electoral process could be harmed.

On December 20, President Carter and Dr. Pastor visited Washington to brief senior Administration officials on the trip and to discuss the prospects for improving the Nicaraguan electoral climate by renewing the ceasefire and implementing the Central American Accords on demobilization. They also discussed the issues of cessation of support for insurgencies and the normalization of external relations.

Two days after the delegation's departure on December 16, the Supreme Electoral Council issued its directive containing the guidelines to prevent further electoral violence. The directive was publicly endorsed by the FSLN and UNO. To date, the ensuing campaign rallies have been peaceful. Senior campaign officials of UNO confirmed that they felt a turning point had been reached, and they hoped that the violence that had been escalating before our visit would recede permanently into the past.

First Decree, December 16, 1990

ACCORD ON CAMPAIGN VIOLENCE

The political parties, the Social Conservative Party, the Revolutionary Workers Party, the National Sandinista Liberation Front, the Marxist Leninist Popular Action Movement, the Nicaraguan Social Christian Party, the Central American Unity Party, the Nicaraguan Conservative Democratic Party and the Revolutionary Unity Movement Party, that are participating in the electoral process met on December 15, 1989 for the convocation of the Supreme Electoral Council with representatives of the Electoral Observation Missions of the Organization of United Nations and the Organization of the American States as guests; inspired by a constructive spirit and with patriotic responsibility; worried by the increase of violence in the country and, in particular, by the acts that have recently brought anguish to the electoral campaign and caused material damage; conscious of our duties as political leaders and in order to avoid those acts from repeating themselves, with the firm purpose that the electoral campaign take place in an atmosphere of peace, tranquility and mutual respect, in the manner that truly constitutes the civic celebration of the Nicaraguan people;

WE AGREE

To assume a solemn promise of consolidation, with practical measures [for] the conditions necessary for the development of the electoral process, for which we call formally upon our militants, activists and sympathizers to:

a) Respect the rights of our people to freely choose their leaders, starting from platforms of Government and the campaign strategies of the parties, eliminating the injurious and slanderous campaign language

b) Respect the rights of all parties to express themselves freely in accordance with the principles and interests that they represent.

c) Cease all types of verbal and physical violence

d) Neither provoke nor respond to provocations

Demand the demobilization of the Nicaraguan Resistance and the immediate cessation of all types of action against the population and the electoral process in order that the elections may take place under conditions of peace and civility.

The Social Christian Party and the Conservative Democratic Party express reservations regarding the point referring to the demobilization of the Nicaraguan Resistance because this should take place in the framework of the accords of the Presidents of Central America.

Jose Maria Zabala	PSOC	Eduardo Molina Palacios	PCDN
Bonifacio Miranda Bengoechea	PRT	Francisco Samper Blanco	MUR
Bayardo Arce Casiano	FSLN		
Isidro Tellez Toruno	MAP-ML		
Filiberto Sarria P.	PSC		
Giovanni D'Ciofalo Vera	PUCA		

Second Decree December 16/18, 1990

DECREE ON CAMPAIGN VIOLENCE

SUPREME ELECTORAL COUNCIL—Managua, Nicaragua—(signed by five members)

THE SUPREME ELECTORAL COUNCIL, with the purpose of contributing to the creation of appropriate conditions that may allow the development of an electoral campaign within the framework of peace and civility that will lead to the celebration of just, honest, free and democratic elections on the 25th of February 1990, makes known through this communication to the Politicial Parties, Alliances and Popular Organizations, and to the citizens of Nicaragua, to urge the strict adherence to the regulations of the Political Constitution of the Republic, to the Electoral Law, to the Electoral Code of Ethics and the diverse resolutions and dispositions of the Supreme Electoral Council and the Regional Electoral Councils, that refer to demonstrations, meetings and other public activities.

In particular, in response to the urgent need to put an end to the violence that has unfortunately occurred in the electoral campaign, the following actions should to be taken:

1. To comply with the elements of the Communication of the Supreme Electoral Council of 5 December 1989.

2. To instruct to the police authorities to seize all weapons or objects that could be utilized for aggressive intent (sticks, irons, rocks, etc.) that may be carried within a radius of 200 meters from the place where an electoral event is held, and to ask the directors of the organizations participating in the electoral process and the coordinators of rallies not to permit the carrying of the above-mentioned objects to the rallies.

3. To instruct the Regional Electoral Councils to take necessary measures to prevent acts of violence and to ask for help when they deem it necessary.

4. To instruct the police to take necessary measures at least two hours before the initiation of activities to assure that there may be no disturbances at the site of the rally and that they maintain themselves, from the beginning of the rally, at a prudent distance, not less than 100 meters, and to intervene if there is violence, to prevent violence, or if intervention is requested by the electoral authorities or the organizers of the rally.

5. To reiterate the prohibition of the sale or distribution of alcoholic beverages before and during the celebration of rallies in the community where the rallies take place.

6. To demand that the coordinators and the speakers at these rallies make it known to the public that the role of the police is to maintain order and as such should be respected.

7. To indicate to the directors of the media and journalists from television and the print media, that they should strictly comply with the Rules and Electoral Laws dictated by the Council, refraining from using insulting and injurious language, and that they remember that the Supreme Electoral Council, as the responsible entity for the administration of the law governing the Media and Social Communication, will rigorously and objectively apply this law.

8. To ask that the candidates and supporters of the Parties, Alliances, and Associations publicly respect this communication.

CODE OF CONDUCT

FOR POLITICAL PARTIES DURING PRESENT ELECTION CAMPAIGN

On Tuesday 12 September 1989 nine Namibian political parties signed an agreement among themselves. It establishes a Code of Conduct which they have pledged to respect during the coming electoral campaign. They have also agreed to issue directives to their members and supporters to observe this Code, and to take other necessary steps to ensure that its terms are respected. They, and I, have also agreed to publicise this Code throughout Namibia by all the various means at our disposal.

I have been deeply impressed by the attitudes of restraint, constructiveness and flexibility shown by the parties in concluding this agreement. It is an important and historic achievement on the long road that has led to the prospect, soon to be realised, of free and fair elections for an independent Namibia. It is also a significant step towards national reconciliation.

Martti Ahtisaari, Special Representative of the Secretary-General

An essential part of free and fair elections is freedom of political campaigning. Everyone has the right to put forward their political principles and ideas, without threat or fear, to every other person, without exception. But freedom of political campaigning also carries responsibilities, including the duty to accept every other person's freedom to campaign.

The Namibian political parties whose names are subscribed to this document, meeting together in Windhoek under the chairmanship of the Special Representative of the Secretary-General of the United Nations on 12 September 1989, have agreed as follows:

1. Intimidation, in any form, is unacceptable and will be expressly forbidden by the parties in directives to their members and supporters.

2. Party leaders will instruct their members and supporters that no weapon of any kind, including any traditional weapon, may be brought to any political rally, meeting, march or other demonstration.

3. Parties will notify UNTAG-CIVPOL as well as SWAPOL in advance of their planned meetings and other rallies.

4. All practical steps will be taken by parties to avoid holding rallies, meetings, marches or demonstrations close to one another at the same time. Party leaders undertake to co-operate in applying this principle in good faith and in a reasonable spirit should any coincidence of time or venue arise.

5. Speakers at political rallies will at all times avoid using language which threatens or incites violence in any form against any other person or group of persons. Parties will not issue pamphlets, newsletters or posters, whether officially or anonymously, which contain inflammatory language or material.

6. All parties will consistently emphasize, both to their supporters and also to voters in general, that there will be a secret ballot, and that consequently no one will know how any individual may have voted.

7. Party members and supporters will not disrupt other parties' rallies, meetings, marches or demonstrations.

8. Party members and supporters will not seek to obstruct other persons from attending the political rallies of other parties.

9. Party members and supporters will not plagiarize symbols of other parties, or steal, disfigure or destroy political or campaign materials of other parties.

10. Party leaders will use their good offices to seek to ensure reasonable freedom of access by all political parties to all potential voters, whether they be at farms, on state-owned properties, in villages, or at secondary reception centres. They will also seek to ensure that such potential voters wishing to participate in related political activities have freedom to do so. This may, where necessary, take place outside working hours.

11. Parties will establish effective lines of communication to one another at headquarters, regional and district levels, and will appoint liaison personnel who will be constantly on call to deal with any problems that may arise.

12. Parties will meet on a fortnightly basis under the chairmanship of UNTAG regional directors or centre heads to discuss all matters of concern relating to the election campaign. A standing committee of party leaders at headquarters will meet on a fortnightly basis under the chairmanship of the Special Representative or his Deputy to deal with such matters on a nation-wide basis. An observer from the Office of the AG will be invited to attend the meeting of the standing committee. Emergency meetings will be convened as and when necessary.

13. All allegations of intimidation and other unlawful conduct in the election campaign will be brought to the attention of the nearest UNTAG-CIVPOL and SWAPOL stations or patrols.

14. Party leaders will issue directives to their members and supporters to observe this Code of Conduct, and take all other necessary steps to ensure compliance.

15. It is stated in the Settlement Proposal that: "The elections will be under the supervision and control of the United Nations in that, as a condition to the conduct of the electoral process, the elections themselves and the certification of their results, the United Nations Special Representative will have to satisfy himself at each stage as to the fairness and appropriateness of all measures affecting the political process at all levels of administration before such measures take effect." Party leaders undertake to honour the outcome of free and fair elections so certified by the Special Representative of the Secretary-General of the United Nations.

16. The Special Representative and party leaders undertake to publicise this Code of Conduct throughout Namibia by all means at their disposal.

The Namibian political parties whose names are subscribed below accept and endorse this Code of Conduct as binding upon them. They agree that alleged violations will be brought to and considered by the Standing Committee referred to in paragraph 12 above.

NAME OF PARTY	NAME OF REPRESENTATIVE	SIGNATURE
Action Christian National	M. de Wet	
Democratic Turnhalle Alliance	F. Kozongoori	
Federal Convention of Namibia	H. Diergaardt	
Namibia Christian Democratic Party	H. Adam	
Namibia National Front	[illegible]	
National Patriotic Front of Namibia	[illegible] van Zyl	
South West Africa People's Organization	H. G. Geingob	
SWAPO-Democrats	Dr A. Shipanga	
United Democratic Front	Justus Garoeb	

In the presence of the Special Representative of the Secretary-General

Martti Ahtisaari

UNTAG Headquarters
Windhoek, 12 September 1989

UNTAG

powers had a deterrent effect and placed a check on the commission of various malpractices and misuse of official powers.

Role of the Armed Forces

18. Mr. Justice Naimuddin, Chief Election Commissioner called on General Mirza Aslam Beg, Chief of the Army Staff on October 1, 1990, to discuss the arrangements made for maintenance of law and order. The Chief of Army Staff assured the Chief Election Commissioner that the army would provide support if necessary for peaceful conduct of elections. Accordingly the armed forces were kept on the alert and they provided an effective umbrella to the civil administration for keeping the law and order situation under control.

19. The judiciary, Civil Armed Forces, civil administration and law enforcing agencies worked in complete harmony and unison which helped to create an atmosphere of peace and tranquillity. The Election Commission, thus, was able to hold the elections to the National and Provincial Assemblies in a free, fair and just manner.

Reports of Provincial Election Commissioners

20. The Provincial Election Commissioners furnished reports about the law and order situation on the polling day(s) in their respective Provinces. They had a consensus of opinion that by and large the polls were held in a calm and orderly manner, barring few untoward incidents, the detail of which is given in the chapter captioned as "The Poll".

Code of Conduct

21. There is no denying the fact that the Election Commission and the Government are required to make effective arrangements for maintaining law and order during the elections. Main responsibility in this behalf, however, devolves upon the political parties who play a major role in the electioneering campaign. The Election Commission, therefore, thought it more appropriate to remind the political parties of their legal and moral obligations to maintain peaceful conditions in the country on this occasion. With this end in view, the Commission prescribed a twelve-point "Code of Conduct for the Political Parties" and supplied copies thereof to them, besides its publication in the national press. The Code of Conduct is reproduced below for ready

reference:

(1) The political parties shall not propagate any opinion, or action in any manner prejudicial to the Ideology of Pakistan, or the sovereignty, integrity or security of Pakistan, or morality, or the maintenance of public order, or the integrity or independence of the judiciary of Pakistan, or which defames or brings into ridicule the judiciary or the armed forces of Pakistan, as provided under Article 63 of the Constitution.

(2) The political parties, their candidates, agents or workers shall not obstruct or break up meetings organised by the rival parties and candidates, nor interrupt speeches or prevent distribution of handbills, leaflets and pasting of posters of other parties and candidates.

(3) The political parties shall avoid criticism of other political parties, their leaders and candidates having no bearing on their public activities. Criticism and comments shall be confined to policies and programmes of other parties. Speeches and slogans shall be dignified and based on principles of morality, decorum and decency.

(4) The political parties shall refrain from speeches calculated to arouse parochial feelings and controversy or conflicts between sects, communities and linguistic groups.

(5) Public leaders and all other participants in political activity shall act with a sense of responsibility and dignity befitting their status. While propagating their own views and programmes, they shall not interfere with the freedom of others to do the same as that would be the negation of democracy.

(6) Appeals to violence or resort to violence during meetings, processions, or during polling hours shall be strictly avoided.

(7) Carriage of lethal weapons shall not be allowed in public meetings and official regulations in this regard shall be strictly observed. Use of crackers and other explosives at public meetings shall not be allowed.

(8) The political parties and their candidates shall extend cooperation to the officers on election duty in order to ensure peaceful and orderly polling and complete freedom for the voters to exercise their franchise without being subject to any annoyance or obstruction

(9) The political parties and their candidates shall scrupulously avoid all activities which are "corrupt practices" and offences under the election law, such as the bribing of voters, intimidation of voters, impersonation of voters, canvassing within 400 yards of a polling station, holding public meetings during the period of 48 hours ending with the hour fixed for the close of the poll

(10) The political parties, their candidates, agents or workers shall not indulge in offering gifts or gratifications or inducing another to stand or not to stand as a candidate, or to withdraw or not to withdraw his candidature.

(11) The political parties and their candidates should not procure the support or assistance of any civil servant to promote or hinder the election of a candidate

(12) The political parties and their candidates shall dissuade their workers or sympathisers from destroying any ballot paper or any official mark on the ballot paper.

Recommendations

22. In democratic countries, in the election campaign national and basic issues confronting the country and party's programme and policies are discussed. The political parties entering the electoral arena restrict the electoral debates to such issues, programmes and policies rather than make apponent parties and leaders the target of vilification and slanderous attacks. The political parties in Pakistan should give proper thought to this aspect of their activity and take practical steps to observe the rules of the game and to set the tradition of decent political behaviour during the electoral campaign. It should be borne in mind that there is more political awareness in the country today than ever before and no one can easily be attracted or deceived by catchy slogans any longer.

23. In order to achieve the desired object, a "Code of Conduct" evolved with the consent of all parties contesting the election, should be made part of the law for general elections in future.

ORGANIZATION OF AMERICAN STATES
ELECTORAL OBSERVATION OAS/EOS

SURINAME

FORM FOR THE OBSERVATION OF POLITICAL RALLIES OR DEMONSTRATIONS

DEMONSTRATION N°

NAME OF OAS OBSERVER(S): _____

LOCALITY: _____

DISTRICT: _____

DATE: _____ TIME: _____ DURATION: CANCELED ☐ INTERRUPTED ☐ _____ hrs.

ACRONYM OF ORGANIZING PARTY: _____

POLITICAL LEVEL OF EVENT: ☐ 1. NATIONAL ☐ 2. DISTRICT ☐ 3. LOCAL

POLITICAL SPEAKERS: _____

EVENT AUTHORIZED BY DISTRICT OFFICIAL: ☐ YES ☐ NO ☐ N.A.

LEVEL OF POLITICAL ORGANIZATION: ☐ 1 (LOW) ☐ 2 ☐ 3 ☐ 4 ☐ 5 (HIGH)

ESTIMATED NUMBER OF ACTIVE PARTICIPANTS: _____

TRANSPORT USED BY NON-LOCALS: ☐ 1. PRIVATE ☐ 2. STATE OWNED

POLITICAL CLIMATE

OVERALL TONE

- ☐ 01. EMOTIONAL
- ☐ 02. AGGRESSIVE
- ☐ 03. APOLOGETIC

THEMES

- ☐ 08. NATIONAL ISSUES
- ☐ 09. REGIONAL ISSUES
- ☐ 10. ATTACKS
- ☐ 11. APOLOGIES
- ☐ 12. PROMISES

GENERAL PUBLIC REACTION

- ☐ 13. ENTHUSIASTIC
- ☐ 14. PASSIVE
- ☐ 15. APATHETIC
- ☐ 16. AGGRESSIVE

ARGUMENTS

- ☐ 04. ANALYTICAL
- ☐ 05. POLITICAL PLATFORM
- ☐ 06. CRITICAL
- ☐ 07. NONE

INCIDENTS ☐ LIGHT

SERIOUS (check only one below)

- ☐ 01. THREATS
- ☐ 02. SABOTAGE
- ☐ 03. INVOLVING THE MILITARY
- ☐ 04. VERBAL AGGRESSION
- ☐ 05. LIGHT INJURIES
- ☐ 06. SERIOUS INJURIES
- ☐ 07. DEATHS

PREVENTATIVE SECURITY FORCES ☐ PRESENT ☐ ABSENT

ADDITIONAL COMMENTS (continue on reverse) _____

VI. USE OF THE MASS MEDIA

A. Structure of ownership of the mass media

59. The structure of ownership of the mass media in Nicaragua is markedly different from that in most Latin American countries, in that it is characterized by a strong State and governing party presence. Television is a State monopoly, although in border regions Nicaraguans can tune into about 17 foreign television channels (see annex VI.A) which are not pro-Sandinista. In both radio and the press, there is competition between the public and private sectors, but as a result of the expropriation or abandonment of radio broadcasting corporations after the fall of the Somoza régime, 44 per cent of radio stations, including the most powerful one, are State-owned. The second most powerful radio broadcasting station belongs to the governing party. There is virtually no State ownership of the press; instead, the governing party and organizations close to it have a powerful presence and there is more or less direct State support for a number of publications.

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B. Media coverage and public exposure to the media

60. There are no proper studies of coverage by the different media or the Nicaraguan public's exposure to them. It is estimated that there are 67 television sets per 1,000 inhabitants, giving a total of 200,000 sets - half of them in Managua - for a potential viewing audience of 1.5 million, nearly 50 per cent of the population. The Channel 6 signal provides satisfactory coverage for most of the Pacific Coast region, while the Channel 2 signal is pretty much limited to the city of Managua and its outskirts (see annex VI.B and C). Radio coverage is nation-wide and the audience much larger. National newspapers have a total circulation of around 170,000, i.e., 57 per 1,000 inhabitants.

C. Presentation of information in the mass media

61. The marked political polarization is reflected in the mass media, where there is an incredible lack of objectivity. It is not that there is bias in the inevitable choice of the information that is to be transmitted to the public, but that the same facts are so distorted that it is impossible to reconcile reports of the same event in different media. Accusations are made and not only are the replies or denials not reproduced, but they are ignored and the accusation is repeated, implying that the absence of denial proves the truth of the original accusation. With few exceptions, the content and language of the reporting are very aggressive. This, coupled with the fact that the media have little or no genuine news content, 6/ makes it likely that the main audience for political messages are people who already have definite political ties and already know how they will vote, and who simply find reinforcement for their convictions in party literature.

D. Legal framework of the mass media

62. The legal framework of the mass media has undergone considerable changes over the years. In the early 1980s, as a result of the intensification of the armed conflict, a number of restrictions were imposed on freedom of the press, culminating in the declaration of a state of emergency in 1984 and the prior censorship of written publications and radio news broadcasts. The measures were applied strictly and the main opposition newspaper, La Prensa, was closed down for over a year. In January 1988, the President lifted the state of emergency, although in fact prior censorship had not been enforced since 1987. On 21 April 1989, as a result of the Costa del Sol agreements, a new Mass Media Act was adopted.

63. This Act represents an improvement over the earlier legislation, in that it reduces penalties and pecifically prohibits prior censorship. There is complete freedom of expression for the written media and only some minor restrictions on radio broadcasts, such as the need to obtain approval for programming changes. There have been some complaints about improper handling of the allocation of import licences for the necessary inputs or spare parts. In general, however, the Act compares favourably with the legislation of other Latin American countries, except

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with regard to the State television monopoly. Such monopolies are rare in Latin America. The existence of a State television monopoly is a valid political decision and does not necessarily affect the electoral process, provided that one further pre-condition is met: objectivity of reporting and equality of access for political contenders, subjects to which we shall return later.

64. The opposition coalition is highly critical of the new Act, mainly on two scores: (a) the oversight function assigned to the Ministry of the Interior, which is common in the region; and (b) the continued State monopoly of television. 7/ In the course of the national dialogue, it was agreed that CSE should have oversight of the media in electoral matters; that air time should be shared equally among the parties and coalitions; that rates for radio and television air time should be established for the duration of the electoral campaign; and that half an hour's free air time should be provided daily on Channel 2 for party publicity. The Government has not changed its position regarding the request for a private television channel.

65. The new Electoral Act and the Code of Electoral Ethics adopted by CSE contain a number of specific provisions on the use of the mass media, which are to apply for the duration of the electoral campaign starting on 4 December and which may be summarized as follows:

(a) The parties must be allotted 30 minutes a day on each television channel and 45 minutes on each State-owned radio station. This air time is not free and must be paid for by the parties at rates set by CSE. Air time shall be distributed equally among the parties or coalitions;

(b) The distribution of air time and time slots shall be determined by CSE, having due regard to Sandinista Television System (SSTV) and radio programming, in such a way as to ensure the equitable distribution of radio and television air time;

(c) The principle of free contracting is established for private radio stations, which are required to guarantee each party or coalition a minimum of five minutes of air time;

(d) Programmes must be produced inside Nicaragua;

(e) Religious radio stations are prohibited from engaging in political campaigning.

E. Beginning of political campaigning on television

66. On 25 August, Channel 2 began broadcasting the daily half-hour programme agreed to in the national dialogue. While a few initial technical problems are in the process of being solved, all the political parties, especially the opposition parties continue to protest about the weak television signal and the resulting inability to compete for viewers with simultaneous programming on Channel 6. In its new programming for November, SSTV introduced a news programme, Elecciones 90, which will be broadcast three times a week in the 6 p.m. to 7 p.m. time slot.

(Beginning on 5 December, it will be broadcast daily, except at weekends.) The format chosen is a kind of half-hour press conference for each party. Candidates from the various parties present their ideas in the first 10 minutes and this is followed by a question and answer session with a panel of four or five journalists. The creation of the programme is in itself a major advance, even though there may be some problems with the way in which it was originally conceived: the predominance of journalists who supported the governing party; the tendency of journalists to spend more time presenting their viewpoints than asking questions and the bias or tendentiousness of some of their questions.

67. In the first programme on 10 November, the President of the Republic was present at an introductory session in which all the political parties were given a short time to present the main ideas underlying their respective programmes. In a letter to CSE, the UNO coalition refused to participate, repeating its demand for an independent channel and requesting that its Noticiero Independiente be broadcast on Channel 6 and that the time slots made available by Channel 6 be distributed to participants to use as they saw fit. It also protested that allocating air time to the other opposition parties was a way of "confusing the voters by presenting what are claimed to be 10 electoral choices, disguising the fact that the real choice is between the FSLN and UNO". UNO's position was clearly incompatible with the agreement reached in the National Dialogue, which the UNO representatives had signed in that media air time was to be distributed equally among the parties and coalitions (page 4, item 9, of the agreement). CSE held open the time slot allocated to UNO on the 17 November programme and in the end UNO decided to participate in it. The evolution of the programme, on which all the parties have by now presented their platform, suggests that any candidate who is adept at polemics can easily turn even the defects mentioned in the preceding paragraph to his or her advantage.

68. As mentioned above, the mere existence of State ownership of television is not necessarily a central issue, particularly at such an advanced stage in the electoral process. What is at issue is the reasonably impartial use of State-owned television. This approach has clear parallels with the position taken earlier with regard to the electoral authority, namely, that its actions are more important than its composition. That is why it is important to analyse the content of SSTV broadcasts from the standpoint of their political impartiality.

69. One has only to look at Channel 6 programming to see that the number of time slots allocated to news coverage of Government activities has reached saturation point. Such coverage mixes content with commentary by Government political figures and figures from pro-Government parties, and include the programme De Cara al Pueblo with its news spots, spots commemorating the tenth anniversary of the revolution and the spots shown on Ganamos and Adelante, to name a few examples. This use of the State media is not very different from the use made in comparable situations in other countries of the region. What is worth mentioning is that the degree of saturation on SSTV is certainly greater than that can be observed elsewhere.

/...

70. Careful analysis of the content of a random sample of 44 Noticiero Sandinista programmes broadcast during the months of September, October and November reveals a much more disturbing picture. Noticiero coverage of election-related news should ideally, be impartial and balanced, but this is not the case. Instead it is clearly partisan and decidedly pro-FSLN. SSTV overlooks the usual criteria for determining what coverage should be given to a news item, taking into account neither the political importance of the event, the number of people present nor its duration. The comparative advantage in terms of coverage which the FSLN enjoys vis-à-vis the other parties and political leaders is evident not only in the quantity of time allocated (the opposition gets very little and the FSLN/Government a great deal) but also in the quality of the information given. Not only is there less coverage of the opposition, but events are usually deliberately distorted to present opponents in the worst possible light. This situation has grown worse in recent weeks and references to UNO have been nothing short of slanderous: the attacks on UNO are no longer just political but are being made on the personal and purely human level.

71. This attitude reinforces the bipartisan polarization of the upcoming elections. An attempt is being made to limit the choice to two irreconcilable extremes - the FSLN (highly positive) and UNO (highly negative) - which in the final analysis incarnate, respectively, the universal values of peace and war, future and past, life and death - in the words of an FSLN campaign song. Television is offering a narrow and dangerously Manichean view of national and international politics.

72. In order to counterbalance this bias, UNO has asked to be allowed to broadcast its Noticiero Independiente on Channel 6. However, this "news programme", which is currently broadcast on Channel 2 during the two 10-minute slots allotted weekly to UNO, is simply a political propaganda programme for which the coalition has chosen what it claims to be a news format and which focuses on UNO activities. Thus, the criticisms of biased and inflammatory coverage levelled at Noticiero Sandinista can equally well be made of Noticiero Independiente. UNO's manipulation of its opponent's image is even worse, because it does not even bother to manipulate the news but uses electronic means to insert coarse, derogatory images into what is supposed to be a news broadcast. The main difference between the two news programmes is that UNO has less access to the medium to get its message across.

F. Situation with respect to radio broadcasting

73. The situation in radio broadcasting is very different from that in television because there is no State monopoly. As mentioned in paragraph 9, the State owns a large proportion of the radio stations. First, there is La Voz de Managua, the official Government station, which is the most powerful station in the country and has the largest audience. Then there are the other 17 State-owned stations, which come under the People's Radio Station Corporation (CORADEP). Lastly, there are 23 private radio stations, of which slightly over half support the opposition. Among the private radio stations, the second most powerful is Radio Sandino, the official FSLN station. There are also two cultural stations (with different political

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leanings) and two religious stations (one Catholic and one Evangelical). The 18 remaining stations are commercial. The following is a breakdown by ownership of the radio stations whose broadcasts can be received in each region:

	State	Private a/
Region I	5	2
Region II	5	9
Region III	5	13
Region IV	8	4
Region V	6	8
Region VI	6	2
Region VII	2	3
Region VIII	2	3
Region IX	3	3

Source: Based on information provided by CORADEP and the Media Department of the Nicaraguan Ministry of the Interior.

a/ Including Radio Sandino, the official FSLN radio station.

74. Transmissions from 76 foreign radio stations, of which 48 are based in bordering countries, can be received in Nicaragua, particularly in border areas. The main foreign stations include Voice of America and Radio Martí in the United States; HRN in Honduras; and Radio Reloj and Radio Impacto in Costa Rica.

75. An attempt will be made to begin systematic monitoring of the main air waves in December to coincide with the election campaign proper. However, monitoring of a small sample of broadcasts would seem to suggest that the partisan pattern found on SSTV is also to be found on State radio. We hope to include a more detailed analysis of the situation in radio broadcasting in the next report.

G. Situation of the press

76. There are seven registered newspapers, of which three appear daily. It is these three that are the real source of written news and in whose pages a substantial part of the current electoral battle is being waged. The three main newspapers, and their circulation, are as follows:

/...

(a) El Nuevo Diario, with a daily circulation of 65,000 (22 per 1,000 inhabitants). This newspaper is privately owned and pro-Sandinista, although it gives coverage to the non-UNO opposition;

(b) La Prensa, with a daily circulation of 55,000 (18 per 1,000 inhabitants). This newspaper is privately owned, resolutely anti-Sandinista and has become the mouthpiece of UNO in these elections, usually omitting coverage of the non-UNO opposition;

(c) Barricada, with a daily circulation of 50,000 (17 per 1,000 inhabitants). This newspaper is privately owned and the official organ of the FSLN.

77. There are also 6 weekly newspapers, 14 magazines, 4 newsletters and a recreational publication, all of them of limited circulation. Some of the characteristics of these publications are given in the following table.

Type of publication

Content	Daily newspaper	Weekly newspaper	Magazine	Newsletter	Total
Political - pro-Government	2	2	5	1	10
Political - Opposition	4	3	2	1	10
Religious	1	1	1	1	4
Legal	-	-	1	1	2
Scientific	-	-	2	-	2
Recreational	-	-	3	1	4
Total	7	6	14	5	32

78. The aggressive tone of the press and the overt manipulation of the news were commented on earlier.

H. Complaints and allegations about the media

79. In the period covered by this report, some complaints were made about the use of the media. Perhaps the most important complaint, in that it involved the unconstitutional use of prior censorship, concerned the decision by SSTV technicians to cut part of the UNO programme on grounds that it insulted a member of the FSLN national leadership. The programme was aired again in its entirety, by order of CSE. 8/ Some of the other complaints concern distortion of the voices or

/...

images of the candidates, false accusations of criminal conduct exchanged between the opposition coalition and the FSLN, use of the acronyms GN-UNO or GN-1 (National Guard-UNO) by pro-Government media, and the fact that the rates for political and religious television spots are 200 per cent higher than those for other types of announcements. In practically every case, CSE acted promptly, although not always with positive results, as can be seen in the case of the distortion of acronyms by some newspapers. The remaining cases concern issues, such as the rates for political advertising, which will only come into play on 4 December, when the election campaign is formally launched.

ORGANIZACION DE LOS ESTADOS AMERICANOS
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ORGANISATION DES ETATS AMERICAINS
ORGANIZATION OF AMERICAN STATES

17th Street and Constitution Avenue, N.W. Washington, D.C. 20006

THIRD REPORT ON THE OBSERVATION OF THE NICARAGUAN ELECTORAL PROCESS
November 4 - December 31, 1989

This report deals with developments in November and December, the measures needed to safeguard fair competition among political contenders, and the conditions that must govern political activity and campaigning.

I. THE MEDIA

A. Coverage by the media.

There are no studies about the degree of media coverage in Nicaragua. The data given in this report reflect research done by the Group of Observers and are based on information supplied by the Media Bureau [Direccion de Medios de Comunicacion], the Sandinista Television System, the People's Radio Broadcasting Corporation (CORADEP), and the various companies that operate communications media.

1. Television: The number of television sets in the whole country is estimated at 200,000, for a potential audience of 1,500,000 viewers, half of whom are in Managua. There is a good deal of difference in the range and quality of reception of the two channels that may be tuned in. Whereas Channel 2 is virtually limited to Managua and its neighboring regions and its signal grows weaker as distance from Managua increases, Channel 6 adequately covers the whole Pacific Region and, with some difficulties, the three Special Regions. Border areas tune in nearly 18 foreign television channels.

2. Radio: It is by far the medium that provides the broadest coverage and reaches the largest audience. Forty four percent of radio stations are owned by the government, including the station with the strongest signal and reach. Seventy-six foreign radio stations are picked up in Nicaragua, nearly two thirds of them from neighboring countries.

3. The press: In the area of publications, the three most widely read dailies have a joint circulation of 170,000 copies. The Nuevo Diario, which is privately owned and is ostensibly pro-government, prints 65,000 copies a day; La Prensa, a private company and mouthpiece of the opposition, has a circulation of 55,000; and Barricada, the official newspaper of the FSLN, publishes 50,000 copies every day.

B. The media's legal framework.

In April, 1989 the National Assembly enacted a new Media Law whose provisions have been discussed in the first report on the observation of the

electoral process, dated July 12, 1989. It must be kept in mind with ragard to electoral campaigning that oversight of the media, which under the law is the responsibility of the Ministry of the Interior, is now in the hands of the CSE [Consejo Supremo Electoral--Supreme Electoral Council] as a result of the agreement reached by political parties at the National Dialogue held on August 3 and 4, 1989.

The Electoral Law and the Electoral Ethics Code regulate access to the media during the electoral campaign. Their main provisions may be summarized as follows:

Thirty minutes a day on each television channel and 45 minutes on each radio station owned by the government. Rates are set by the CSE. Time is distributed equally among parties and party alliances.

Time and hours are distributed by the CSE.

In the case of private radio stations, contracts may be entered into freely, each party or alliance being guaranteed a minimum of five minutes.

Programs are to be produced in Nicaragua.

Religious radio stations are barred from political campaigning.

C. Access to the media.

1. Television:

Channel 2 broadcasts, which began on August 25, prompted strong protests from political parties, on account of both its weak signal and its inability to compete with broadcasts on Channel 6. These deficiencies were so obvious that the CSE asked the Sandinista Television System to take the necessary steps in order to improve the range and quality of the signal. November 10 marked the beginning of programming by political parties on Channel 6, twenty days before the channel was scheduled to be made available for election campaigning. The new program, named Elecciones 90, devotes half an hour to each party and will be aired three times a week until December 4, and daily thereafter.

At first the UNO alliance refused to take part in the above program. The CSE, however, kept the space open and UNO finally decided to use its allotted time.

The format chosen for the new program is a sort of journalistic round-table where the initial introduction of candidates or party leaders is followed by a questions and answer period, questions being posed by a panel of four or five newsmen and by members of the audience who call in.

At the writing of this report, the program has yet to fulfill the necessary conditions for spontaneous and balanced presentation of the various viewpoints. Indeed, the predominance of journalists who support the governing party, the tendency of these journalists and others to develop their own views rather than frame questions, the content now captious, now offensive of the questions, the obvious screening of telephone calls and the noticeable bias of the moderator, upset the balance that ought to prevail if the program is to serve as an adequate way of publicizing the political ideas of the parties.

Furthermore, the regular programming on Channel 6 includes a number of spots set aside to report on government activities, in which information is mingled with propaganda in favor of the candidates of the governing party.

But perhaps the most worrisome element is the electoral information provided by the Sandinista newscast. To the comparative advantage enjoyed by the FSLN over all other political parties--in terms of allotted time and quality of information about the government and the opposition--are to be added flagrant distortions, derogatory remarks and misrepresentations which, in the view that the Group of Observers conveyed to the Electoral Authority, deserve to be looked into by the CSE in the exercise of its media oversight powers.

To offset these unfavorable conditions, UNO has asked to be allowed to broadcast on Channel 6 the Independent News it now airs on Channel 2. However, the criticism leveled at the Sandinista newscast applies equally to the Independent News. Actually, the main difference between the two newscasts lies in the power of the signal of the channel on which each is aired.

2. Radio:

The status of radio programs is more difficult to assess. On the one hand, the private sector participates strongly, and on the other, the variety of regional and local stations makes it more difficult to systematically monitor their programs. It is still too early to pass judgment on the use of this medium in the campaign. Even now, however, it is apparent that the pattern observed on television programs appears to repeat itself in government radio stations and in those favoring the opposition candidates.

3. The press.

The partisan division that marks political life is not only reflected but magnified by the press, which is capable of uncommon partiality. The information content of newspapers is little or nil, and their messages and language are very aggressive. By engaging in trench warfare, each plays a major role in encouraging political violence, thereby endangering the

peacefulness and safety of the electoral process. In this atmosphere, unilateral changes in behavior are not to be expected. The Coordinator of the Group of Observers has suggested to the Electoral Authority the advisability of CSE intervention to lower the tone, put an end to mutual aggression and lay down acceptable guidelines for the expression of views.

Appendix V

Text of Z-Vote Letters to Steven Moyo and Mathew Ngulube

The Carter Center of Emory University | **National Democratic Institute for International Affairs**

September 29, 1991

Mr. Steven Moyo
Director General
Zambia National Broadcasting Corporation
P.O. Box 50015
Lusaka, Zambia

Dear Mr. Moyo:

Thank you for meeting again on Friday with members of the Z-Vote delegation and staff and for providing the delegation with the materials relating to ZNBC's operations and the transcripts of the MMD advertisements that were the source of the controversy in August.

As we discussed, the issue of television and radio coverage of an election campaign is being debated in many countries, including both longstanding democracies and nations undergoing a transition from one-party to multiparty rule. While there are no indisputable formulae, there are certain basic principles of fairness that are designed to ensure all major contestants in an electoral process with adequate and relatively equitable access to the media.

In this context, the provision in the Code of Conduct and Ethics, adopted by ZNBC, that "*the principles of equal opportunity* and *equal time* will be observed in the acceptance and transmission of all political campaign materials" is welcomed. As discussed at the last meeting, it is our conviction that these principles apply not only to

paid advertisements and general programming, but also to the news coverage prepared and disseminated by the electronic media.

In this regard, Z-Vote commends ZNBC for assuring reasonable balance in public affairs programming, at least as represented by the guest lists for the sample of discussion programs made available to us by your organization (*This Political Year, Personalities In Politics, and Palaver I*). However, as reported in our last conversation, Z-Vote has received numerous complaints that radio and television news programs devote undue attention to the campaign of the ruling party and neglect or under-report the activities of opposition parties.

To ensure that Z-Vote is in a position to substantiate or refute allegations of undue bias in ZNBC's news coverage, we intend to systematically analyze the content of radio and television news broadcasts during the month of October 1991. We therefore appreciate your offer to allow Z-Vote representatives to meet with ZNBC staff and to review tapes of news programs previously broadcast.

As for commercial advertising, we appreciate ZNBC's unwillingness to broadcast material that can be construed as indecent or libelous. Accordingly, the editing of proposed MMD advertisements to excise references to "the dishonest rule of UNIP" (ad No.2) or statements that "the UNIP government has taken billions of your money" (ad No.7) may be justified under this standard. But requiring the deletion from the MMD advertisement of allusions to UNIP's alleged "27 years of mismanagement" (ad No.12) or "destroying our children's future" (ad No.5) raise serious questions.

Statements by political parties that challenge the record of their opponents are a legitimate part of election campaigning in a plural polity. As President Carter noted in his remarks prior to leaving Zambia, "there is a lot of difference about what is truth and what is not the truth in a heated political campaign. If there weren't many differences of opinion about that, there wouldn't be an election." Given the circumstances, ZNBC should refrain from setting itself as the arbiter of "truth" and avoid censorship except in the most obvious cases of libel, slander and obscenity.

I look forward to meeting you again and discussing these issues. In the meantime, many thanks for your consideration and cooperation.

Yours sincerely,

Larry Garber, Esq.
Executive Secretary
Z-Vote Project

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Broadcasting and Election Coverage: Some Observations.

1. Most countries, when offering broadcast opportunity to candidates for election, tailor that right of access to reflect observable political weightings. In particular in national elections, opportunity is usually offerred principally to those who are contesting the election throughout the country. (The rationale for this is simple enough: elections serve two purposes, electing individual members AND giving an indication as to which party or group of parties might form a government. A proper form of weighting takes account of both factors.)

2. The argument for having a modest but guaranteed access to the air for those deemed to qualify is twofold. Such access allows a candidate or party representative at least one occasion to put his/her case in his/her own words; thereafter it becomes easier for broadcasters to argue that further campaign coverage can and should follow usual journalistic reporting practice, and not be artificially constrained by any mathematical representation formula. (The United States of course has no 'right to air' arrangements, and works its elections through paid advertisements. It may be doubted whether that system is right for an emerging democracy, even if it has its advocates in the USA.)

3. 'Usual journalistic reporting practice' will probably be more severely monitored during election campaigns than at other times, and criticised for real or imagined departures from objectivity. It is therefore sensible practice for broadcast journalists to keep THEIR OWN tally of how issues have been reported, and how the various campaigning views have been reflected in the reportage. The object of such a tally is NOT to substitute slavishly for some mathematical formula, but simply to be better placed to argue that coverage has been as reasonably fair and even-handed as human fraility allows.

4. Daily reportage through whatever pattern of news bulletins and programmes is in operation will of necessity tend to follow a topical agenda - who is saying what, where and why and to whom, and so on. However, such an agenda can confuse as well as clarify. There is therefore a good case for a limited number of special programmes to both stand back from the daily fray and also place in sharp focus particular issues and/or personalities. Such programmes are usually the better for being kept reasonably straightforward. Of the several varieties that have been tried over the years in the United Kingdom, the following are worth noting: -

a. Firm interviews with main party leaders. If the interview is long enough, say half an hour, and properly conducted whether by a single interviewer or a panel, the viewer/listener is likely to learn much more than from a daily parade of soundbites.

b. Phone-ins to main party leaders. The same idea as a. but with the questioning coming from the public. More naturally a radio idea than a television one, but UK television for several years put out the SAME programme in both media simultaneously.

c. The major issues - analysed and debated. There are usually in any campaign a handful of issues worthy of analysis and debate. (The state of the economy, and the fairness of society's distribution arrangements tend to loom large in most elections.) A set of programmes, probably no more than one a week, could each take an hour to try to do 2 things:

first, lay bare the essentials of each major party's programme, where necessary using impartial journalists, foreign observers, international comparisons, reports and statistics to point up elements that politicians might prefer to ignore.

second, debate the virtues of the various programmes, either with the candidates exchanging views, or taking major candidates by turn.

d. Civilian Forum. With careful and even-handed selection of both issues and speakers, it is sometimes worth offering a programme which gives the 'informed civilian' point or points of view - industrialists, economists, workers, housewives, artists etc. (Such programming can be of considerable value where politicians are side-stepping major issues, as is likely to be the case in the forthcoming United Kingdom election.)

5. None of the above programme formulae is particularly earth-shattering. Indeed as a bunch they tend toward the bland. However, a judicious ad-mixture of some such programming, alongside normal daily reportage and a small number of party election broadcasts offers a three-tier pattern that is reasonably sturdy and resilient. In brief:

Party election broadcasts - on candidates own terms.
Daily reportage - using normal reporting conventions.
Occasional special programmes - to highlight issues.

6. Lastly, it is best if the campaigning be restricted in length, and not go on to such a degree as to stun the public. The United Kingdom practice is to confine the FORMAL campaign to within 4 weeks, although hesitation about just when the 1992 election will be held has in practice led to electioneering in the UK since the start of the year; the United States of course is used to campaigning that extends over a full year at least. ONE CLEAR MONTH would probably be the best answer.

B Wenham.

NB. This note excludes questions of 'civics'. Clearly both broadcast media can and should be used extensively to explain what the voting system is, who the candidates are, how and where to vote, etc, etc. The need for such programming will vary with the internal climate of each and every state. Such programming, however, as and when required should NOT betaken as a substitute for proper coverage, but as a preliminary to it.

Chapter 9

THE UNITED NATIONS TRANSITION ASSISTANCE GROUP

Unique UN Role in Namibia

The UNTAG operation in Namibia marks a dramatic development in UN peacekeeping and decolonization efforts. To assist in the transition to independence, UNTAG involved international military personnel and civilian police monitors and election supervisors. Given the success of the operation, UNTAG suggests a new dimension for future UN roles in international conflict resolution.

The term "peacekeeping" is now applied to those operations where the UN introduces multinational military forces under international command into hostile situations to control or resolve conflicts. Secretary-General Perez de Cuellar has described United Nations peacekeeping as "keeping belligerents at arm's length so that negotiations for a more permanent peace can go forward." The Security Council will authorize peacekeeping operations only with the consent of the countries involved, and Security Council approval of any given operation necessarily implies broad international support.

The UN Charter guarantees the right of dependent people to self-determination, and the Declaration on the Granting of Independence to Colonial Countries and Peoples sanctions the extension of this right beyond Trust Territories to all non-self-governing peoples covered by Chapter XI of the Charter. The General Assembly's Fourth Committee has jurisdiction over decolonization. It oversees a list of 19 non-self-governing territories that until independence included Namibia. Prior to the Namibia operation, UN representatives had been involved in approximately 30 elections, plebiscites and referendums in the

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decolonization context, but usually with a limited mandate and with a relatively small on-site team.

The UNTAG operation in Namibia, however, was neither a traditional peacekeeping effort nor a mere election-monitoring operation. Though it borrowed certain features from both kinds of UN operations, UNTAG was unique. It combined a military role, organized along the lines of a peacekeeping effort, with an extensive role in an election process designed to resolve a long-standing conflict. It required the active involvement of a large number of UN member states; the very size and scope of the civilian operation was unprecedented, and the military force was the largest deployed by the UN since it sent 19,000 troops to the Belgian Congo, now Zaire, in 1960. The operation had an extremely long gestation period, over a decade between inception and implementation. Finally, unlike oversight undertaken in other decolonization efforts, the Security Council, rather than the General Assembly, controlled the operation in Namibia.

Organization and Structure of UNTAG

General Administration

Both the civilian and military components of UNTAG operated under the authority of the Special Representative. UNTAG's civilian force structure included the Office of the Special Representative, the Deputy Special Representative, the Election Unit, the Police Adviser and the Chief Administrative Officer.

The Secretary-General appointed Martti Ahtisaari as Special Representative in 1978 and Prem Chand as military commander in 1980. Ahtisaari designated Cedric Thornberry as Director of the Special Representative's office in 1978. The Secretary-General created the office of Deputy Special Representative in June 1989 and appointed Joseph Legwaila to that post.

A total of about 8,000 individuals from 110 countries served in Namibia during the course of the UNTAG operation. More than 1,000 individuals from the United Nations Secretariat participated as part of the civilian UNTAG effort, and member countries contributed a total of 1,500 civilian police officers, more than 1,500 election supervisors, and more than 4,500 military personnel.

UNTAG personnel arrived in Namibia in three phases. The first group of civilian and military personnel arrived in Namibia around April 1, the beginning of the transition period. A second phase group arrived

in the summer and assisted in the registration process. The final group of election supervisors from member countries and from the Secretariat arrived in the weeks before the election.

Regional and District Offices

UNTAG's headquarters were located in Windhoek, and it established 42 political offices in 10 regions throughout the territory, all of which were operational by June. Two professionals generally staffed each office.

Upon their arrival in the field, UNTAG officials contacted political leaders, clergy members and tribal headmen. They worked with local party and other leaders to provide information on the transition process, to receive feedback from the local population, and to assist as much as possible in the reconciliation process by bringing all sides together.

The field offices were the backbone of the UNTAG operations; the men and women in these posts succeeded in instilling confidence in the local population regarding the transition process. The makeshift offices with the blue flags flying in remote areas of Namibia were quite distant geographically and culturally from New York and Geneva. Though officers filed daily reports with UNTAG headquarters in Windhoek, of necessity they relied on personal intuition and practical experience in the field for guidance in daily decision making.

UNTAG Civilian Police

The Settlement Plan provided that CIVPOL monitor the activities of the South West African Police, which retained primary responsibility for maintaining law and order during the transition period. The original Plan called for 360 UNTAG police monitors, but the Secretary-General's report in January 1989 increased the number to 500. Armed with information from the field, Ahtisaari twice requested the deployment of additional police monitors, and upon the recommendation of the Secretary-General, the Security Council approved an additional 500 police officers in May and 500 more in September.

As of November 9, there were 1,498 police officers deployed throughout the territory. The largest number, more than 600, were in Ovamboland, divided between Ondangwa and Oshakati. There were 260 assigned to the Windhoek district, almost 200 each at Otjiwarongo and Rundu, about 100 each at Keetmanshoop and Gobabis, and approximately 50 at UNTAG headquarters. These monitors were drawn

from 25 countries, with the largest numbers (more than 100 each) from Nigeria, Pakistan, Ghana, Fiji and Canada.

According to UNTAG, approximately 900 complaints were presented to CIVPOL regarding alleged abuses by SWAPOL personnel. These complaints were forwarded to the AG. Neither the Settlement Plan nor the terms of reference provided CIVPOL with authority to initiate investigations, question witnesses or make arrests.

Election Unit

The Electoral Division of UNTAG, with the assistance of the Director of Legal Affairs (Szasz), was responsible for helping to develop an effective electoral system. Notwithstanding ambiguities in the Settlement Plan about the extent of UNTAG's role in developing electoral legislation, senior UNTAG election officials exercised considerable influence over the election process, in developing both the law and the procedures, and in providing important administrative help.

Election Supervisors

UNTAG recruited about 1,700 electoral supervisors from 26 countries. Denmark, Kenya, Nigeria, Pakistan, Thailand and the United Kingdom each contributed 40 or more officials; more than 30 each were nationals of Canada, Finland, France, West Germany, Ghana, Norway, Poland, Sweden, Switzerland, and Trinidad and Tobago.

The election supervisors were theoretically selected on the basis of their experience, fluency in English, tempermental suitability to live in harsh conditions, and ability to drive transport vehicles. The contributing governments recruited the supervisors and paid their salaries. UNTAG maintained operational control and paid costs associated with the supervisor's service, such as transportation, food and lodging.

The electoral supervisors joined UNTAG during the last weeks before the election. After attending a four-day training session, they were assigned to teams and dispersed throughout the country. During the balloting period, these officials monitored every detail of the balloting process. In most cases, a spirit of cooperation and even camaraderie between the government civil servants and UNTAG election officials became the norm, rather than the exception.

Military Force.

Three major battalions, one each from Kenya, Malaysia and Finland, constituted the bulk of the military force. The military

component also included signals, medical, military police, air, logistics and military observer units.

The Settlement Plan assigned several functions to the UNTAG military force. First, it was responsible for monitoring the cessation of hostilities, the restriction to base of South African and SWAPO armed forces and the phased withdrawal of most South African troops. Second, the military was charged with responsibility for surveillance and preventing infiltration of the borders. Third, the Plan called on the military to monitor the demobilization of the citizen forces, commandos and ethnic forces. The military could also assist the police, if called upon to do so. In fact, the military guarded UNTAG offices throughout the territory.

The military provided substantial logistical support to the field operations and electoral supervisors. The British signals unit established an excellent communication system throughout Namibia, a system that was vital to the success of the election operation. Australian engineers also modified and built facilities and provided similar support as needed, and an Italian helicopter unit transported mobile election teams and ballot boxes. In addition, they provided humanitarian assistance, such as water delivery and clearance of mines, in many parts of the country.

As discussed previously, the Security Council debated changes to the Settlement Plan between December 1988 and April 1989. Most important, at the insistence of the permanent members, the Council limited the size of the UNTAG military contingent. The 1978 plan fixed the size of the military contingent at 7,500, although even then it was anticipated that a smaller number would be deployed. In early 1989, the Security Council authorized a military force of 4,650, comprising three enlarged infantry battalions, 300 military observers, about 1,700 logistics troops and a headquarters staff of about 100. As of October 12, 4,327 UNTAG military personnel from 21 countries were located in the territory.

The battle concerning the size of the military component consumed a great deal of time and left UNTAG without significant forces deployed during the April conflict. UNTAG officials knew, as the original Settlement Plan provided, that they needed at least six weeks to deploy the operation, especially the military force -- sufficient time to move personnel and equipment and to acquire supplies -- and thus the debate over force size delayed most of the deployment until after April 1.

Even if the full force of 7,500 troops had been deployed, however, it is arguable whether UNTAG could have prevented the fighting of April 1. In fact, during the negotiation of the Settlement Plan, SWAPO suggested that a force size as high as 30,000 would have been necessary.

After April, the military played a relatively limited role. UNTAG military forces continued to monitor 1,700 troops remaining at bases in Grootfontein and Oshivelo, as well as to guard warehouses of weapons.

Planning for Deployment

Following a survey mission to Namibia in 1978, the Special Representative prepared a draft plan for UNTAG and began to recruit senior professional staff. Over the next decade, the SR and several other senior UNTAG officials periodically reviewed, revised and initiated arrangements to implement the plan, only to be stymied in each case by events beyond their control. In late 1988, when implementation of the Resolution 435 plan began to seem likely, United Nations officials and members of the Security Council reviewed once more the deployment plan, determining what modifications would be necessary in view of the changed circumstances.

Recruitment

As implementation became a real possibility, UNTAG circulated announcements throughout the UN seeking recruits for the Namibia operation. By December, more than 1,000 people had expressed a desire to volunteer, while many others indicated at least a potential interest.

In light of this response, Ahtisaari conducted an open meeting for all interested parties. The meeting disseminated information about Namibia and UNTAG's mission, but was also meant to discourage less committed volunteers. The briefing was apparently successful in presenting a realistic portrayal of expectations, and while some applicants withdrew, some new ones volunteered.

Diversity in staffing the operation was an important consideration, and there was in fact substantial geographic diversity in the civilian component. Ahtisaari consciously sought to include personnel from the Soviet Union and Eastern Europe, despite Western biases regarding their involvement in a mission designed to ensure free and fair elections. Ahtisaari also emphasized the recruitment of women and Africans. Women comprised over 45 percent of UNTAG and served as directors in three of the 10 regional offices. By the first week of February 1989, senior UNTAG officials had selected the top staff of the Special Representative's office and nine of the 10 regional directors.

Training

At Ahtisaari's request, the UN's Training Service, with the help of the training chief of the United Nation High Commissioner for Refugees, organized week-long training sessions for professional staff from the New York, Geneva and Vienna offices. These sessions included mission-specific briefings on Namibia, and more general training and case studies on team-building and emergency preparation. The training personnel also administered a parallel program for general service personnel. They did not have the opportunity to provide similar training for the UNTAG civilian police, although they did brief senior police officials in several countries involved in the selection of police contingents. Training continued into March, even while the status of the mission was uncertain due to the dispute over the size of the military contingent.

The Training Service also briefed the second wave of UN personnel, who arrived in Namibia in July to participate in the registration process. The UNTAG Election Unit conducted some training in Namibia, but the Secretariat did not participate in training until the election supervisors arrived in the fall.

UNTAG officials in Namibia developed comprehensive training materials for election supervisors. These materials summarized the terms of the election law and the corresponding exchange of letters, provided background on the Resolution 435 process, and detailed the role of UNTAG supervisors in the election process. During the week before the elections, Secretariat training personnel and UNTAG election experts led four-day training sessions in Namibia for newly-arrived election supervisors. These sessions were held in four locations: Windhoek, Rundu, Ongwediva and Keetmanshoop. They covered the details of the balloting process under the election law and provided information about logistics and formation of teams.

The emphasis on preparation of personnel was well placed, and the training program was apparently quite successful. The in-country training for election supervisors, for example, seemed careful and thorough. Trainers detailed the polling procedures and led mock polling exercises, raising a variety of hypothetical voting problems. The officials being trained were also serious and professional, and many had evidently read with care the detailed briefing materials. In some cases, in fact, the trainees asked very specific questions or posed highly nuanced

hypothetical questions that the UNTAG trainers could not readily answer. The training program would have been enhanced if additional follow-up training could have been conducted in Namibia for personnel who arrived very early in the process.

Financing

The scale of the UNTAG operation made it extraordinarily expensive. One UNTAG official said that the UN "had to pay for the international community's paranoia about South Africa." In January 1989, the Secretary-General projected the final cost of the UNTAG operation to be $416 million, and the General Assembly approved essentially that budget in March. In December 1989, though, the Secretary-General placed actual requirements for the UNTAG operation at about $367 million, $49 million under the budget.

In his December report to the General Assembly on UNTAG financing, the Secretary-General analyzed the state of UNTAG's budget, discussed the status of assessed and voluntary contributions and presented a plan for the disposition and liquidation of UNTAG assets after the end of the operation. Based on performance-to-date and certain modified assumptions, and with provision for the estimated costs of a six-month liquidation phase, the Secretary-General's report projected that UNTAG would realize a net savings of $42.8 million.

The Secretary-General attributed the savings to voluntary contributions, in-cash and in-kind; shorter-than-projected stays for military and other personnel; savings of $7 million on accommodations; and savings of $21 million on air operations. At the same time, certain budget line items had been exceeded, especially for costs associated with providing additional police monitors, election supervisors and handwriting and fingerprint experts during the election.

As in peacekeeping operations, costs for the Namibian operation fell into three categories: 1) UN administrative costs, such as salaries of participating Secretariat employees; 2) purchases of goods and services for the UNTAG operation; and 3) reimbursements to governments that contributed personnel. Governments paid the salaries of the election supervisors and military personnel they provided, while the UN paid travel, living and other costs associated with their service. The UN, however, is obligated to reimburse governments contributing military and police personnel at a fixed rate, and it is responsible for the use of military equipment according to a four-year amortization schedule.

Assessments

Costs of the UNTAG operation were assessed in accordance with treaty obligations. Budgeted costs of almost $410 million were apportioned among UN member states as follows: $240 million from the five permanent members, $155 million from other economically-developed countries, $11 million from less-developed nations and some $2 million from the 47 least-developed countries. As of November 30, 1989, the UN had received only $315 million. Assessments of almost $95 million remain outstanding.

A number of governments made voluntary contributions to UNTAG. Germany, Greece, Switzerland and the United States made in-kind contributions valued at $10 million, and Japan contributed $13 million in cash.

In general, treaty obligations for contributions to peacekeeping operations impose a heavy burden on the permanent members; the United States is responsible for more than 30 percent of peacekeeping operations. As of February 3, the U.S. owed approximately $152.7 million on the peacekeeping accounts and was an additional $365 million in arrears to the UN general budget.

When, as in the case of UNTAG, member states fail to pay their full assessments, the UN gives priority to the first two categories of expenses -- i.e., UN salaries and purchases of goods and services -- and thus cannot pay obligations owed to contributing governments. The UN is about 10 years behind on payments to governments for their contributions of personnel to peacekeeping operations.

Chapter 10

EVALUATION OF UNTAG

Scope of UNTAG Mandate

In assessing the UN's Namibia operation, it is important to recognize the scope and limitations of UNTAG's mandate under Resolution 435. The Settlement Plan authorized UNTAG to "supervise and control" the elections. The Plan did not define this phrase, but it provided that the Special Representative be "satisfied" with the process at each stage, and implicitly left the administration of the process to the South African authorities. The inherent ambiguities, of the UN's "supervision and control" mandate *vis-à-vis* the reality of South African administration substantially contributed to many of the UN's implementation difficulties.

UNTAG's task was multidimensional; it had political, electoral, police, military, logistical, and administrative responsibilities. UNTAG's fundamental responsibilities were to monitor the AG's government and to attempt to guarantee an atmosphere free of intimidation. This was a compromise between actual UN administration and no UN role at all.

The role played by Special Representative was thus an extraordinarily difficult one. On the one hand, he was obliged to ensure that the elections were conducted in a free and fair manner and that the parties respected the instructions and demands of the various Security Council resolutions, Secretary-General reports and other diplomatic papers. On the other hand, he was under pressure to advance the process to a conclusion, thus making less credible his ultimate leverage to halt the process if dissatisfied with the measures taken by the Administrator-General. Given these competing pressures, the SR's job required Ahtisaari to draw on all of his diplomatic skills.

The UN civilian police monitors also felt constrained by the limits of their "monitoring" role. After the implementation of the Settlement Plan began, widespread intimidation and election-related violence posed more of a threat to the transition process than the possibility of renewed armed conflict. In this regard, the Settlement Plan's emphasis on responding to a military threat was outdated. As it became clear that the civilian police would have to play a particularly critical role, Ahtisaari twice found it necessary to request substantial increases in the number of CIVPOL officers. Ultimately, 1,500 were deployed, triple the number in the field at the beginning of April and more than four times the 360 provided for in the original Settlement Plan.

The unreasonable expectations of many segments of the Namibian population and the international community and the suspicions of the major protagonists, further complicated UNTAG's task. The South Africans suspected that the UN desired a SWAPO victory in the elections. Many SWAPO members felt that UNTAG bent over backwards to demonstrate its impartiality, while other parties participating in the elections were convinced that the UN favored SWAPO. It is in this context that UNTAG's contribution to the successful administration of the election must be considered.

Assessment of April Events

The Special Representative's decision in April to authorize the release of South African troops from their bases was widely criticized. SWAPO, the OAU and the Frontline states were particularly strident in their condemnation. Ahtisaari, however, apparently believed that the incursion posed a threat to the overall transition process and that he had no choice but to permit the deployment of South African troops.

Critics also questioned the UN's failure to deploy peace-keeping troops by April 1. Even with a full contingent, however, UNTAG could not have prevented the infiltration.

The events of early April substantially disrupted and delayed the timetable for the implementation of the Settlement Plan. SADF troops were not confined to base again until the middle of May. UNTAG civilian officials were not fully deployed in the field until June. Attention was diverted from the critical task of developing the legal framework for the various stages of the election process. More important, criticism of UNTAG's response to the incursion, and the ensuing conflict, eroded confidence, in some quarters, in Ahtisaari and in the Settlement Plan and left UNTAG's subsequent management of the transition process

vulnerable to criticism and second-guessing. UNTAG's entire operation never fully recovered from this loss of trust.

Relations between New York and Windhoek

The repercussions from the SR's decision to release South African troops unsettled the environment, which invited even closer scrutiny from the international community and thus from UN headquarters in New York. The Secretary-General formed a high level task force, which met daily in New York, to advise him about events in Namibia. The task force coordinated communications between the Special Representative and the Secretary-General and tried to supervise developments in Namibia.

The Secretary-General's task force operated under no formal terms of reference and had no exact precedent in UN history, although senior UN officials did meet regularly during the crisis in the Belgian Congo. Task force members worked simply to provide policy and operational guidance to the Secretary-General and the Special Representative. Formation of the task force constituted an effort to coordinate UN policy with respect to Namibia and to ensure that the UN spoke with one voice both to colleagues in the field and to the international community.

On the political level, the task force represented an attempt, after the events of early April, to regain the confidence and support of the African member states for the UNTAG mission. The Secretary-General's creation of the office of Deputy Special Representative for Ambassador Legwaila of Botswana was also responsive to the criticisms of African governments that Ahtisaari's front office needed more African representation. The Secretary-General's actions were timely; failure to recognize and respond to the political problem that the UN faced in Namibia undoubtedly would have substantially damaged future UN peacekeeping and other conflict resolution efforts.

Despite the tremendous geographical distance between New York and Windhoek, the task force maintained constant contact with UNTAG. UN headquarters typically received numerous daily cables from UNTAG in Namibia. Task force members analyzed the incoming cables, considered the information at their meetings and dispatched responses. These communications between New York and Windhoek relayed advice on a whole range of subjects: the status of negotiations, military positions, visiting delegations, incidents of intimidation, daily reports from regional offices, and the like. Most of the communications from Windhoek came from Ahtisaari, but Prem Chand, the military force

commander, often reported directly to New York. Most of the task force's communications from New York to Windhoek came from UN Under-Secretary Goulding.

The close interaction between the task force and the Special Representative was illustrated during the negotiations over the election law. While the SR understandably sought to establish a cooperative working relationship with the Administrator-General, Ahtisaari's response to the AG's initial versions of the laws governing the electoral process was criticized as too tentative; the proposed laws would have created a system that was unacceptable to the international community. After the AG presented his unacceptable draft of the election law in July, the Secretary-General dispatched Paul Szasz to assist the SR in the negotiating process.

On the other side, some Namibian political party and local government officials, as well as some international observers, lamented Ahtisaari's lack of authority and what was perceived as his apparent caution in making moves without checking with his superiors in New York. This lament amounted to an implicit criticism of UN headquarters in New York for failing to provide more authority to Ahtisaari, an experienced diplomat who was observing the process first-hand. Prem Chand's practice of reporting directly to New York also engendered a few complaints by civilian authorities in Windhoek, and it limited somewhat the military's accountability to the SR.

While the task force presented somewhat of a problem for Ahtisaari, it also increased his leverage. In his dealings with the AG, Ahtisaari could always blame New York for the harder line. Also, when negotiations in Namibia reached a stalemate, the task force would discuss these matters directly with the South African representative in New York. This was true especially of the amnesty law, the registration law and the election law.

Both bureaucratic politics and normal personality clashes seem to have interfered with the relationship between New York and Windhoek. However, it was the difference in perspectives between New York and Windhoek that caused the most difficulty. Especially in the early months of the transition, New York viewed Ahtisaari and his staff as too compliant in dealing with the AG. At the same time, UNTAG personnel in Windhoek saw New York as removed from the reality as it existed in the territory -- too responsive to the demands of the non-aligned movement, the OAU and the Frontline states, and insufficiently oriented

toward the real goal, making sure elections were held in a manner consistent with the intent of Resolution 435.

UNTAG Responses to Intimidation Problems

Despite persistent problems of intimidation, the presence of UNTAG military, police and civilian personnel contributed substantially to the maintenance of stability, and ultimately to the reduction of intimidation incidents. CIVPOL's monitoring of SWAPOL and Koevoet discouraged abuses by these territorial security forces. The UN military force contributed to a calmer atmosphere by monitoring the border area and the confinement to base of SADF troops remaining in Namibia.

SWAPOL and CIVPOL officials reported that problems of cooperation were nonexistent between counterparts at the officer level. At lower levels, many SWA policemen seemed to resent CIVPOL's oversight, which they perceived as nitpicking and second-guessing. Nonetheless, in Ovamboland in early October, CIVPOL and SWAPOL created a special anti-intimidation squad and established joint investigation teams. These structures contributed to improved working relationships and a reduction in incidents of intimidation.

UNTAG could perhaps have adopted a more aggressive and uniform policy with respect to the investigation of alleged incidents of intimidation. Many CIVPOL officers felt constrained by their role as monitors. They could only urge victims of intimidation to file reports with SWAPOL, despite the fact that SWAPOL members were often the target of the complaints. At a minimum, UNTAG should have insisted on receiving cooperation from SWAPOL, including more notification as to the schedule of patrols, prompt investigation of referred complaints and access to investigation files.

In the early days of the transition, the UN's response to the ongoing Koevoet problem was inadequate. For months, after the government simply integrated Koevoet into SWAPOL, Koevoet members continued to be the source of many reported incidents of intimidation and assault. The AG finally demobilized Koevoet members in SWAPOL in late September, five weeks before the election. The demobilization only transferred the problem of intimidation, however. Ex-Koevoet members, often wearing DTA colors or hired as DTA party organizers, continued to terrorize and intimidate SWAPO supporters.

In retrospect, many believe that the complete demobilization of Koevoet was a mistake. It would have been preferable, according to these observers, to confine Koevoet units to base outside of Ovamboland, where UNTAG could have closely monitored their activities, and where they could have been retrained for more traditional police duties.

Supervision of Registration and Balloting

UNTAG personnel monitored each registration location and in many cases assisted in registering voters. The registration period provided an opportunity for UNTAG field personnel to prove their operational capabilities, as well as to establish a high profile within the general Namibian population. This experience was repeated and expanded during the balloting process.

Mission to Investigate Allegations of Continuing Detentions

UNTAG did not include within its mandate the investigation of alleged mistreatment of detainees. Only in response to allegations of continued detentions did the UN become involved, and then only belatedly. Its handling of these allegations became one of the most criticized aspects of the operation.

Unfortunately the UN decision to send a survey mission to investigate alleged abuses was made late in the transition process, after the issue had become highly politicized. Further, the mission's failure to include ex-detainees, its inability to broaden its perspective by obtaining the participation of the International Committee for the Red Cross or any other international human rights organization, and its reliance on the cooperation of SWAPO, hurt its credibility, if not its effectiveness. On the other hand, unless the mission had returned with a SWAPO detainee, it would not have satisfied those who sought to use this issue politically.

Role and Impact of Observer Groups

The Special Representative welcomed outside observers from governments and from intergovernmental and nongovernmental organizations. In addition to intergovernmental organizations with permanent missions in Namibia, such as the OAU and the Frontline states, the non-aligned movement and the Commonwealth sent observer groups. A number of nongovernmental organizations also sent observers and commented on the process; these included NDI, Oxfam, the Commission on Namibia of the Lawyers Committee for Civil Rights under Law, the European Parliamentarians Against Apartheid, and various church groups. Certain governments, including the United States, sent high-level observer missions during the election period.

Due to the presence of these observer groups, many complaints of intimidation and criticisms of the proposed laws were aired in public and

in diplomatic forums throughout the world. Political parties, normally aggressive critics of proposed elections laws, took a less assertive stance in Namibia; observer groups thus stepped in to play the more critical role.

In presenting their concerns, many of the observer organizations aligned themselves with one or another of the Namibian parties. Moreover, some observer groups either did not accept the legitimacy of Resolution 435 or were constantly urging the UN to rewrite 435 to favor a particular party. In these respects, the observer groups acted inconsistently with recognized standards for international election observing, which mandates neutrality and objectivity. Notwithstanding these criticisms, observer organizations played a largely salutary role.

International Election Standards

As reflected in the negotiating record and the Secretary-General's reports, the development of the Namibian election system provides a basis for analyzing standards for what the international community perceives to be a free and fair electoral process. While the Settlement Plan stated certain criteria explicitly, others evolved from the process of responding to the criticisms of the election system originally proposed by the AG.

Resolution 435 injected substance into the principle of free elections established by the Universal Declaration of Human Rights. Article 21 of the Universal Declaration states that "everyone has the right to take part in the government of his country, directly or through freely chosen representatives." It adds that:

> The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

In Namibia, the UN developed and applied standards that moved beyond this limited formula to ensure that the Namibian elections occurred in a free environment with administratively fair rules. The improvements made in the final election law, as compared to the original draft, suggest that the UN can develop a consensus on what constitutes a free and fair election system that goes beyond the political rights provisions included in human rights instruments.

The most important of these standards in the Namibian context were: 1) secrecy of the ballot; 2) reasonable speed in the counting of ballots; and 3) accountability and openness of the process to the competing parties. The UN in effect maintained that universal practice, coupled with the provisions of the international human rights instruments, established these electoral principles under international law.

Future UN Election-Monitoring Operations

The UN may play a major role in future elections, especially elections used for conflict resolution. In addition to the Namibia experience described in this report, the UN recently observed, at the invitation of the government, the February 25 Nicaraguan elections. UN election-related missions have been also discussed in the context of Afghanistan, Cambodia, El Salvador, Romania and Western Sahara.

The United Nations Observer Mission to Verify the Nicaraguan Electoral Process (ONUVEN) was based in the country beginning August 1989, and grew to more than 230 observers present on election day. The Secretary-General appointed as his special representative to the elections former U.S. Attorney General Elliot Richardson, who visited Nicaragua several times during the election period. As part of their verification responsibilties, ONUVEN personnel reviewed the election law, observed the registration process in all regions of the country, monitored the election campaign and prepared in-depth reports on the quality of the election process. Their presence at campaign rallies, together with the presence of their counterparts from the Organization of American States (OAS), was a major factor in reducing the levels of violence and in providing confidence to the population. ONUVEN, the OAS and former U.S. President Jimmy Carter also pressured the government and the election council to adopt changes that inproved the election environment.

The large size of the ONUVEN election-day delegation permitted visits to more than 40 percent of the polling sites and an ONUVEN-organized parallel vote tabulation. The latter, by providing a quick and accurate projection of the results, played a significant role in minimizing tensions on elecion night and in assuring that the results would be respected. In the aftermath of the elections, ONUVEN sought to encourage a smooth transition in a country that has never seen a transfer of political power resulting from an election.

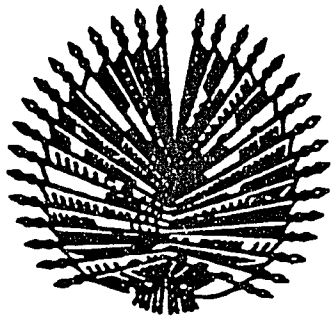
The proposed UN roles in Cambodia and Western Sahara are more ambitious than the Nicaragua effort. In the former, a plan has been presented whereby the UN would administer the country in preparation

for elections, which would then be supervised by the UN. In the Western Sahara, the UN may be called upon to organize and conduct a referendum to settle the conflict between Morocco and the Polisario Front.

At a political level, the UN operation in Namibia certainly built confidence in the United Nations' capabilities and integrity, and it augurs well for the organization's role in places like Cambodia and the Western Sahara. Given the positive outcome in Namibia, the UN undoubtedly brought much more credibility to fulfilling its role in the Nicaraguan elections. Such accomplishments are likely to spur member states to entrust additional responsibilities to the UN in dealing with regional and even national conflicts.

Although the Namibian operation, like each UN peacekeeping and election-monitoring operation, is unique, there are certainly experiences to share and lessons to learn. Perhaps most important, the UN should consider building an infrastructure for conflict resolution and election monitoring missions that is capable of quickly assuming a responsible role in an appropriate situation. At a minimum, there should exist within the UN an institutional familiarity with election laws and administrative procedures, written training materials on election monitoring and detailed information about previous missions. In addition, interested parties should settle the planning and budgetary battles in sufficient time to avoid hampering implementation. Finally, all sides should be aware that they are expected to keep their commitments and to play by agreed upon understandings.

OAS
SECRETARY GENERAL



OBSERVATION OF THE ELECTORAL PROCESS NICARAGUA 1989 – 1990

BACKGROUND AND GUIDE FOR OBSERVERS ON ELECTION DAY

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OAS GUIDE FOR ELECTION DAY OBSERVATIONS

On February 25, 1990, Nicaraguans will elect a president/vice president, members of the national assembly and municipal governments. Given the significance of these elections for the process of reconciliation and peace in Nicaragua and in the region, an unprecedented number of international observers will be present for these elections, including approximately 400 observers representing the Organization of American States (OAS).

This handbook is designed to assist those participating in the OAS observer mission. The first section provides background on the activities of the OAS mission during the period preceding the elections. It is followed by a section that sets the stage for the February 25 elections. The third section provides details regarding the administration of the elections and is followed by a section that covers the OAS plan of action for the election period. A final section includes basic information that should help the observers orient themselves to the situation in Nicaragua and their role as OAS observers.

I. BACKGROUND: THE OAS OBSERVER MISSION

On March 3, 1989, the Government of Nicaragua, acting pursuant to the accords reached a month earlier by the five Central American presidents in El Salvador, invited the OAS Secretary General to organize a group of observers for the February 25, 1990 elections in Nicaragua. The Secretary General accepted the invitation on March 10, 1989, and began planning the observer operation. Subsequently, the Secretary General and the Government of Nicaragua signed an agreement concerning the privileges and immunities to be afforded the observers, and the Secretary General and the Supreme Election Council agreed on a set of guidelines to govern the OAS observer mission.

The OAS effort began with a review of the electoral law reforms adopted by the Nicaraguan legislature in April 1989. The Secretary General's report evaluating the law was published on July 12. Subsequently, following negotiations between the government and the various political parties, the election law was further modified to account for many of the concerns expressed by the opposition forces in Nicaragua.

In July, logistical arrangements were made so as to provide for a permanent OAS presence in each of Nicaragua's nine regions. OAS observers, drawn from the OAS Secretariat in Washington, arrived in August and established themselves immediately in the different regions. Since that time, the observers have monitored the pre-election campaign and the registration period, and also have prepared for the extensive election day observations that are planned.

To summarize, the OAS observer mission in Nicaragua represents an unprecedented effort by the organization. As part of this effort:

- The OAS has established a continuous on-site presence in each of Nicaragua's nine regions which began in August and will continue through April 25, when Nicaragua's new president is inaugurated;
- the OAS Secretary General, to date, has issued four reports evaluating the administrative process and the electoral environment — three additional reports will be issued before the mission is complete;
- the OAS team has integrated members of the OAS Secretariat, other affiliated organizations and experts from member states, culminating in the presence of 400 observers for the election period;
- the OAS observers have investigated specific complaints filed by the political parties and individual Nicaraguans, raising these matters, where appropriate, with the electoral authorities and other government bodies; and
- the OAS has contributed to an electoral environment in which Nicaraguans, for the most part, have had an opportunity to participate in political activities.

The Nicaraguan government has invited and facilitated this comprehensive observation effort. The political parties also have welcomed the presence of international observers and have expressed considerable appreciation for the comprehensive approach the OAS has undertaken in observing the entire process. This effort, then, should permit the OAS to fulfill the purpose of its mission: to verify the purity of the electoral process in each and everyone of its stages. Hopefully, it will also contribute to the prospects of peace and reconciliation in Nicaragua and elsewhere in the region.

II. NICARAGUAN ELECTION PROCESS

A. Background

Nicaraguan history has been characterized by a series of elections whose legitimacy has been questioned by large segments of the population and by the international community. This was particularly true during the Somoza era (1935-1979). For example, in its 1978 Report on the Situation of Human Rights in Nicaragua the Inter-American Commission on Human Rights concluded that "the right to vote has been hindered by various obstructions of a practical and legal nature which limit its free exercise" (OEA/Ser. L/V/II.45/doc.16 rev.1 (1978).

In 1984, the first elections following the overthrow of the Somoza regime were held. According to most of the many observers present, the elections were conducted in an administratively fair manner. However, because several political parties — citing the unfair advantages that the incumbent regime enjoyed — declined to participate in the elections, questions persisted regarding the legitimacy of the 1984 electoral exercise. Nonetheless, the elections led to the establishment of a constituent assembly that drafted and approved a new constitution for Nicaragua.

Operating under the Supreme Electoral Council are nine three-member regional electoral councils. There are 4,394 three-member juntas receptoras de votos (JRV)responsible for administering the registration and balloting processes at the polling site level. The regional election councils and the JRVs generally include at least one representative of an opposition party. In addition, registered political parties are authorized to designate pollwatchers for every polling site and to be present during the regional counting of the ballots.

C. Registration Process

Registration occurred during the first four Sundays in October. Prospective voters — Nicaraguan citizens 16 years or older —registered at the registration site nearest their home. The process involved entering the following information in two registration books (one which is kept at the regional election council and the other with the Supreme Electoral Council): a voter's name, birth date, sex, address, signature and fingerprint. Based on the information included in the registration books, the election officials completed and gave to the voter a registration card.

Lists of registrants were affixed to the walls of the polling site at the end of each registration day. After the closing of the registration period, the Supreme Election Council prepared a global list of those who have registered. This list was provided to the political parties to permit a review of the names included. More than 1.75 million Nicaraguans registed to vote.

D. Election Campaign

Ten political parties registered candidates for president/vice president. These and other parties also registered candidates for the national assembly and the various municipal council seats. The official electoral campaign began on December 4, 30 days prior to the elections.

The election law provided for a campaign period in which all activities associated with a free and open electoral process were permitted. In communicating their respective messages to the population, candidates and parties organized rallies, displayed posters, published and distributed election propaganda and used loud speakers and similar devices.

The election law guaranteed access to the radio and television media. Beginning August 25, each registered political party was provided 10 minutes once a week on one of the government-controlled television stations. During the formal campaign, the amount of free access increased, with each party being given a half hour once a week (the format of the program changed during the campaign, in response to complaints presented by the various parties). Parties also could purchase additional time on television and radio at rates set by the Supreme Electoral Tribunal.

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Political parties are permitted to designate two fiscales for each JRV; however, only one fiscal per party can be present in the JRV at a given time. The names of all fiscales must be submitted ahead of time and they must obtain the necessary identification cards from the SEC.

The electoral police are responsible for law and order on election day. However, to ensure that the balloting proceeds in an environment free of intimidation, the electoral police are required to remain outside the polling site, unless the president of the JRV requests that they enter. The electoral police are also required to accompany the voting material from the polling site to the regional election council after the counting is complete.

International observers, who have been authorized by the SEC, are permitted to observe the process inside the JRVs, in accordance with regulations established by the SEC. In addition to the 400 OAS observers, there will be 200 observers participating in the U.N. observer operation, 30 observers who will be part of the Council of Freely-Elected Heads of Government delegation, which is led by former U.S. President Jimmy Carter, and several hundred other observers sent by governments and nongovernmental organizations. To ensure that the balloting proceed in an efficient manner, the observers are obliged to conduct themselves in a manner that does not disrupt or delay the process.

The JRVs are scheduled to open at 6:00 a.m. The election officials should arrive prior to that time to prepare the polling site. They will first check to ensure that the necessary materials are present. These include: a sufficient number of correct ballots for the three elections; voter registration books; ballot boxes; indelible ink; tally sheets; writing instruments; stamps; tape; and voting booths.

The ballots for president/vice president will be the same throughout the country; however, the ballots for the legislative assembly will vary by region and the ballots for the municipal elections will vary by municipality. Prior to the opening of the polls, the election officials will determine the number that will be stamped on the back of every ballot used in the JRV by asking each fiscal to select a single-digit number; the numbers selected by the fiscals will then be placed on the stamp. This procedure is designed to prevent the use of pre-marked ballots, for example, as part of a "replay voting" scheme.

Before beginning the balloting process, the ballot boxes will be checked to be certain that they are indeed empty. They will then be taped and remain sealed until the polls close.

B. Voting Process

A voter should arrive at the JRV with her registration card, which she will present to one of the election officials who will look for the voter's name in the registration book. The voter will sign the registration book before being given three ballots, each stamped on the back. The voter will then be directed to the voting booth where she will place a mark in the circle beneath the name of the party or coalition she prefers. (The names of the candidates are listed below the circle for reference purposes only.)

IV. OAS PLAN OF ACTION

The large OAS observer presence during the period immediately surrounding the elections is designed to encourage participation in the process by all segments of the Nicaraguan population. The presence of OAS observers also should deter fraud in the balloting and counting processes and, if fraud occurs, permit its detection. Finally, the first-hand observations of the OAS teams will permit the Secretary General to present a comprehensive report on all aspects of the electoral process, in accordance with the terms of reference established for this mission.

A. Pre-Election

The majority of OAS observers will arrive sometime before the elections. Those arriving prior to February 21 will participate in the OAS effort to monitor the final phase of the official election campaign.

During the week preceding the elections, there will be training sessions in Managua and the regions. These training sessions will review the procedures to be used by the electoral authorities on election day and will describe the role and responsibilities of the OAS observers. The OAS regional coordinators also will brief the observers regarding the political situation in their assigned region. S/he also will designate an area for each observer to cover on election day and will explain the observers' election night responsibilities. Depending on the circumstances, the OAS observers may be coordinating coverage of particular municipalities and JRVs with their U.N. counterparts.

Where feasible, the observers should visit the specific area they will be covering prior to election day; this will permit the observers to know where the polling sites are located and to familiarize themselves with the road conditions. During these pre-election visits, the observers should meet with the local officials and party representatives, informing them that OAS observers will be in the area on election day and inquiring as to what specific problems, if any, are anticipated for election day.

B. Election Day

The observers should begin their election day observations by being present for the opening of a JRV at 6:00 a.m. During the morning hours when most Nicaraguans are expected to vote, the observers should visit several JRVs, remaining at each JRV on average 20-30 minutes. This amount of time should permit the observers to make their presence felt and to obtain the information requested on the OAS forms. Obviously, if problems arise a lengthier stay would be warranted. Depending on distances between JRVs, an observer team should manage to visit between 5 and 25 JRVs during the course of the day.

C. The Parallel Tabulation

As part of the observation of all aspects of the electoral process, the OAS Observation Mission will conduct a parallel tabulation of the voting results. It will be based on the official vote count records.

The parallel tabulation involves two elements:

a. A comprehensive tabulation of the results from all the JRVs nationwide, which is the principal objective of the parallel tabulation.

b. A partial tabulation based on a statistical sampling, the fundamental purpose being to supply independent data with which to evaluate the internal consistency of the comprehensive tabulation and to analyze preliminary projections of the outcome of the voting.

The purpose of the parallel tabulation is to provide the Secretary General with information for monitoring the vote counting process and the results that the Supreme Electoral Council will announce. At no time shall the parallel tabulation be used to make public announcements of the election results before the Supreme Electoral Council declares the official results.

The details of the tabulation operation are contained in the specific instructions, which are adapted to the characteristics of each region.

The general outline of the operation is as follows:

To carry out the operation, the observers must be present at their respective preassigned JRVs by no later that 5:45 p.m.

The integrity of the operation requires that the identity of the JRVs included in the sample not be made public prior to the elections.

The observers must remain at their assigned JRVs until the counting of the ballots for the three elections -- presidential/vice presidential, legislative and municipal -- has been completed and shall obtain a copy of the Official Vote Count Record.

Depending on the location of the JRV, the vote count results shown in the Official Record will be taken by car or transmitted via radio to the corresponding OAS Regional Headquarters.

As of that point in time, the functions of the observers will vary. Some will go immediately to a predetermined Municipal Headquarters where they will pick up the Vote Count Records that were not picked up by OAS observers directly at the JRVs; and they will observe as telegrams containing official results are dispatched to the Supreme Electoral Council's Vote Tallying Center in Managua.

They will remain there until the election results from all the JRVs have reached Municipal Headquarters, at which point the observers will go to OAS Regional Headquarters.

Depending on the circumstances, it may be appropriate for the observer to go beyond merely listening to the complaint, making appropriate and polite inquiries with the persons allegedly responsible for the problem, whether they be election officials, partisans of a particular party or police/military personnel. These inquiries may resolve the problem or create an environment whereby the problem can be mediated effectively. The observers also may facilitate the problem being raised with higher authorities. However, under all circumstances, the observers should refrain from adjudicating disputes or interpreting the election day, even where requested by the JRV members.

B. Commenting on the Process

It is important for the integrity of the OAS mission that the observers refrain from offering their personal evaluation of the process until after the Secretary General presents his public statement. Otherwise, the observers' statements may be taken out of context and be viewed as representing the perspectives of the entire organization. This would be particularly inappropriate since an individual observer will have a very limited appreciation of how the election is being conducted nationwide. Moreover, an election day comment regarding the quality of the process may result in the statement being used prematurely to endorse or to denounce the process, notwithstanding the fact that an important part of the process -- the counting phase -- remains to be completed.

C. Security Considerations

The regional coordinators will obtain daily information regarding the security situation from the defense ministry, and will deploy the observers so as to minimize the possibility of observers entering security zones or regions where conflict is possible. However, the observers should exercise extreme prudence, particularly when traveling at night or in areas where incidents have occurred in the past.

CONCLUSION

The OAS observer mission in Nicaragua represents an unprecedented effort for the organization and for election observer missions generally. A successful mission will provide an additional mechanism for solving conflicts in the region. In this regard, it should be noted that the effectiveness and public perception of the OAS mission will depend, to a large extent, on the conduct and professionalism of the observers during their respective stays in Nicaragua.

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Form for Use by Election Observers

I. Background Information:

Name of observer: _____

Country holding election: _____

Type of election: _____

Date of election: _____

II. For each voting site visited:

	Site A	Site B	Site C	Site D
A. Location of site:				
B. Time of arrival at site:				
C. Time of departure from site:				
D. Time polls opened at site:				
E. Names of election officials:				
F. Names of party poll watchers:				

III Voting arrangements at site:

	Site A	Site B	Site C	Site D
A. Are voters identified as prescribed by law?				
B. Are ballot boxes or machines arranged in a manner that ensures secrecy of the ballot?				
C. What is the average time voters spend in line?				
D. What is the average time it takes to vote?				

IV. Other factors to consider:

	Site A	Site B	Site C	Site D
A. How many persons are not permitted to vote for whatever reason?				
B. How many persons require assistance?				
C. Are there any sources of intimidation present at the polling site?				

V. Observing the closing of the poll:

A. Location of Site: _____

B. 1. How many people are in the line at the time the polls are scheduled to close? _____
2. Are they permitted to vote? _____

C. If ballots are counted at the voting site:
1. Who counts? _____
2. Who observes the counting? _____
3. How long does the process take? _____
4. How are unused ballots accounted for? _____
5. How are reports of the results transported to central headquarters? _____

D. If ballots are counted at a place other than the polling site:
1. How is the ballot box sealed? _____
2. Who travels with the ballot box? _____
3. How are unused ballots disposed of? _____

VI. General

A. Evaluation of specific problems (e.g., late opening of polls; long lines; persons not permitted to vote; administrative snafus; intimidation):

_____

B. Recommendations for improving process:

_____

C. Describe any unusual occurrences seen or statements heard during the course of the day.

ELECTION DAY CHECKLIST

Romania - May 20, 1990

I. Who is present at the polling site?

A. election officials designated by local council
B. party designated election officials and/or officials
C. candidates
D. media, nonpartisan groups, international observers

II. Are the requisite materials present?

A. ballot boxes
B. electoral lists
C. ballots (either in one or three books)
D. control stamp placed on ballot box and on ballots
E. voter stamp to mark ballot
F. private room for marking ballot
G. forms for counting ballots
H. forms for preparing counting reports
I. strong box for locking away stamps

III. Are the procedures being followed adequately to assure an administratively fair balloting process?

A. identification of voters
B. instruction to voters
C. ensuring secrecy of the ballot
D. marking ballots with control stamp
E. permitting all members of the commission and other authorized personnel to observe the process
F. handling complaints
G. consistency of procedures

IV. Are there any irregularities alleged or observed?

A. late opening of polls or early closing
B. voters not included on lists
C. multiple voting
D. purposeful invalidation of ballots during voting
E. improper marking of ballots by election officials

V. What is the atmosphere at the polling site?

A. number of people waiting to enter polling site and overall waiting time
B. time it takes to process individual voter
C. intimidation of voters of election officials (sources: police or security, party activity, other)
D. special consideration at polling sites near military bases

ELECTION EVALUATION FORM

BACKGROUND

1. Name of Observer: _____
2. Base city: _____
3. Date of Arrival: _____
4. Date of Departure: _____
5. Sponsoring Embassy or Parent Organization

_____

WAREDA _____

A. Estimated Population _____

B. Number of Kebeles _____

C. Were snap elections held? Y____ N____

1. If yes, when? _____

_____

2. If no, why not? _____

_____

D. If the snap elections were held, were the results honored or canceled? _____

_____

1. If they were canceled, when did this happen? _____

_____

2. Why did this happen, and were attempts made to rehold the snap election? _____

_____

_____

Page 2.

E. What is your general assessment of the snap elections and their effects on local and regional electons?_____

_____

_____

F. ELECTION COMMITTEE (both at the Wareda and Kebele levels)

1. When were the committees formed?

   Kebele_____Wareda_____

2. How were the members designated.

3. Who was the chairman and what was his/her political affiliation?

   Kabele_____

   _____

   _____

   Wareda_____

   _____

   _____

4. What training or instructions did members of the committees receive?

   Kabele_____

   _____

   _____

   Wareda_____

   _____

   _____

4. Were the election committees at the time of your visit functioning? Kebele_____Wareda_____ If no, when did they cease to function?
Kabele_____Wareda_____ If no, did some other body replace the election committees?
Yes_____ No_____

5. What is the relationship between the election committees and local administration?
Kabele_____
_____
_____
Wareda_____

6. General assessment of the process for establishing election committees._____
_____
_____

7. General assessment of the operations of election committees._____
_____
_____

G. VOTER REGISTRATION PROCESS

1. When did the voter registration process begin?_____
_____

2. When was the voter registration process completed?_____
_____

3. How many voters were registered?_____

4. What percentage of the total eligible to vote does this represent?_____

5. Were any people denied registration? Y___N___

   a. If yes, how many?_____

   b. If yes, why?_____

   _____

   _____

6. General assessment of the voter registration process. Please comment on problems encountered in the registration process, (e.g., eligibility criteria, administrative requirements, time frame, and local initiatives to resolve those problems):_____

   _____

   _____

   _____

H. CANDIDATE REGISTRATION PROCESS

1. When did the candidate registration process begin? ____

   _____

2. When was it completed?_____

3. Were any would-be candidates denied the opportunity to register?_____

   a. If yes, who and how many?_____

   b. If yes, for what reasons?_____

4. General assessment of the candidate registration process. please comment on problems encountered in the Legislation process, e.g., regarding elegibility criteria, administrative requirements, time framr and local initiations to resolve those problems._____

I. POLITICAL ORGANIZATIONS

1. List parties/movements with offices._____

2. Were an party/movement offices not operational? If yes, which ones and why?_____

3. List parties/movements submitting a slate of candidates.

a. Was the list full or partial._____

b. If partial, why?_____

Page 6.

4. List other groups that are actively participating in the electoral process even if they have not submitted slates of candidates. (e. g. civic organizations, labor unions, religious organizations, etc.)_____

_____

_____

5. How were these organizations involved?_____

_____

_____

J. POLITICAL CAMPAIGN

1. What forms did parties/movements /candidates use to communicate with voters? (List by party)_____

_____

_____

2. What problems did parties/movements/candidates encounter during the campaign?_____

_____

_____

3. How were disputes settled?_____

_____

_____

4. (Oromo Region only) Was there a Tripartite Commission (EPRDF, OLF, EPLF) in this Wareda? Y____N____

a. If there was, was it active in settling electoral disputes? Y___N___

b. If yes, how did it do this?

5. Did any outside reconciliation teams (e.g., party leaders from Addis), visit the area? If so, for what purpose, and to what effect?_____

6. What role did police and security forces play during the campaign?_____

7. Was any information provided to voters regarding the election procedures by the local government, election committees or other organization? Y___ N___

   a. If yes, list by institution._____

   b. If no, why not?_____

8. General assessment of the election campaign._____

K. ELECTORAL PREPARATIONS

1. When and by whom were election materials received?

_____

2. What pre-electoral preparations did member of the election committee undertake prior to election day?

_____

_____

_____

3. What was the quality of the communications and coordination between the national and local election committees?_____

_____

_____

_____

L. ELECTION DAY BALLOTING

1. At what time did the polls open?_____

2. At what time did the polls close?_____

3. Who was present inside the polling site?_____

_____

_____

4. Were sufficient materials available to accommodate all potential voters? Y___ N___

a. If no, why not?_____

_____

_____

b. If no, what was missing?_____

_____

_____

5. Were the procedures outlined in the election law for identifying voters followed by election officials?

Y___ N___

a. If no, why not?_____

_____

_____

6. Were voters provided opportunity to cast a secret ballot? Y___ N___

a. If not, why not?_____

_____

_____

b. If yes, did voters utilize opportunity when available? Y___ N___

c. If they did not, why?_____

_____

_____

7. What irregularities were observed or reported? (List the types of irregularities, who was responsible and who was adversely affected)?_____

_____

_____

_____

8. At what time did most voters visit polling sites in order to vote?_____

_____

_____

9. General assessment of the balloting process._____

_____

_____

_____

M. ELECTION DAY --- COUNTING

1. Who was permitted to observe the counting at the Kebele level?_____

_____

2. Were procedures outlined in the election law for counting ballots followed by the election committee? Y__ N___

   a. If no, why not? _____

   _____

   b. If no, how were procedures violated?_____

   _____

3. How long did the counting at the Kebele level take?

_____

_____

4. How were results transmitted to the Wareda level ?

_____

_____

5. Who was present during the Wareda level tabulation?

_____

_____

6. Were proper procedures followed? Y___ N____

   a. If no, what irregularities were observed or reported?

7. At what time and by whom were Wareda level results announced?_____

_____

8. General assessment of the counting process_____

_____

_____

N. FOLLOW-UP

1. Did all electoral contestants accept the results?

Y___ N___

a. If no, who objected and about what?_____

_____

_____

b. If no, what formal complaints were filed?_____

_____

_____

c. If no, what informal complaints were filed with observers?_____

_____

_____

4. How soon is the newly elected Wareda council expected to meet?_____

O. **OVERALL ASSESSMENT AND PROGNOSIS**

6/5/92

OBSERVERS' ELECTION DAY CHECK LIST

Name/No. of Kebele:_____ Woreda:_____ Region:_____
Date of Visit: _____ Time of Arrival at Polling Station:_____ Time of Dep._____
Team Members Names:_____,_____
_____,_____
Number of Voters registered? _____ (as per registration book)
Number who had already voted? _____ Number of Voters queued up to vote:_____
Official body conducting the election?_____ when formed/arrived_____
Which Officials were Present at Polling Station?
E.C. Chairman? Yes:_____ No: _____ E.C. Secretary? Yes _____ No: _____
Other E.C. (List) _____, _____, _____,_____
What assistance/instruction provided to voters as they enter the polling station or booth (for those who do not understand the process)?_____
Is the person giving instruction perceived as neutral or partisan?_____

Names of Parties with Representative(s) present:

(1) _____ (3) _____ (5) _____ (7) _____
(2) _____ (4) _____ (6) _____ (8) _____

Election Material in stock:

Ballots? _____ Voting Booth Screen? _____ Reporting Forms?____
Indelible Ink? _____ Registration Book? _____
Ballot box seals?_____ Others? _____,_____
Is the indelible ink being applied properly? _____

Political Environment:

Armed Soldiers present near polling station? Yes _____ No: _____
Political propaganda in polling station? Yes: _____ No: _____
If yes, which Party? _____ _____ _____
Alleged Incidents Intimidation? _____
Arrest of candidates? _____
Were these Investigated? _____ Who was Informed? _____

Closing of the Polling Station and Counting of the Ballots:

What time did the Polling Station Close? _____.If earlier than the mandated 6:00 p.m., what reason given? _____
Was anyone waiting in line to vote when the Polling Station closed?_____
If so, were those people allowed to vote? _____
Who was present for the counting of the ballots? _____
Were candidates permitted to witness the counting? _____
Were the election law procedures for counting of the votes followed (see pages 31-34 of the Electoral Rules of Implementation): _____
Requisite information recorded prior to opening the ballot box? _____
Requisite information recorded prior to opening the ballot box? _____
Counting procedures followed? _____
Procedures followed for the recording and posting of the results?_____
How were the results and ballot boxes transported to the woredas?_____
_____
How were disputes re: count resolved? _____
How was the counting reported? _____

Additional Remarks: You may record on reverse of this page any comment on election procedure, drawbacks observed, intimidation etc.

TRUST BUT VERIFY;

MONITORING THE VOTE COUNT DURING TRANSITION ELECTIONS

authored by:

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and

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MONITORING THE VOTE COUNT

Larry Garber and Glenn Cowan

During the past decade, nonpartisan international and domestic election monitoring has grown increasingly sophisticated. Credible election observers no longer limit their assessment to election-day mechanics. Rather, elections are evaluated in their totality: the fairness of the pre-election campaign, the integrity of the election-day procedures and the willingness of the population to accept the election results are all essential components of the equation.[1]

The above notwithstanding, election monitors inevitably focus considerable attention on the balloting and vote tabulation aspects of an electoral process. The reasons are obvious. During these phases, wholesale vote fraud and manipulation of the results can take place. Even suspicions of wholesale fraud, albeit unfounded, can undermine the credibility of the entire electoral process and the legitimacy of any government that assumes power following such elections. Consequently, representatives of domestic monitoring organizations and international observers have dedicated considerable resources to developing effective means for evaluating the processes for counting ballots and tabulating results.[2]

In this context, a consensus has emerged regarding the need for election monitors to verify independently the accuracy of the results reported by the electoral authorities. The necessity for such an independent verification of the results is particularly acute for elections that launch a transition from nondemocratic rule to a more democratic system of government.[3] As part of this development, the terms *parallel vote tabulations, independent vote counts, statistically based verification methods* and *quick counts* have entered the lexicon of election monitors worldwide.[1]

The 1987 Korean presidential election provides a telling illustration of the difficulties involved in evaluating an election without a credible independent verification of the vote count.

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[1] Various terms are used to describe the process whereby election monitors record results obtained from individual polling sites and compare these results with official results released by the election officials. The authors, however, prefer the term "parallel vote tabulation," which is used throughout this article.

"Parallel" is used to distinguish the operation from the official vote tabulation conducted by designated government authorities. The term "tabulation" is preferred to "count" because the latter implies that those conducting the operation are opening individual ballots and recording the results; this task, in fact, is the responsibility of designated election officials, either at the polling site or at a centralized location. This process must be effectively monitored to guard against manipulation. However, in the cases discussed in this essay, the monitoring effort concentrates on the summing (i.e., tabulation) of results from individual polling sites, and not on the actual counting of ballots.

existence of nonpartisan organizations contribute to the development of civil society and promote citizen participation in the political process.

III

Considerations involved in developing an effective parallel vote tabulation vary by country. However, as this section illustrates, there has been an evolution in the methodology used in implementing these efforts, with the experiences of one country forming the basis for a new approach in a second country. Indeed, the organizers of one parallel vote tabulation have been frequently enlisted to help develop similar operations in other countries. This growing interaction among democratic activists worldwide is a significant result of international political development programs.[15]

In reviewing several specific cases, this section considers the rationale for undertaking a parallel vote tabulation, describes the groups that have conducted such operations, examines the techniques used in different countries, identifies some of the problems encountered in implementing such efforts and assesses the ultimate impact of these operations. While there is no prototype, those seeking to promote public confidence in elections can learn a great deal from these varied experiences.

Philippines - Soon after the August 1983 assassination of opposition leader Benigno Aquino, a debate ensued among those opposed to the Marcos regime regarding the issue of participation in future elections.[16] Many prominent individuals urged the boycott of any elections held while Marcos remained in power; Marcos, they argued, would not permit fair elections and would use opposition participation to legitimize his regime. In contrast, other individuals sought to use the elections as a vehicle to demonstrate Marcos' lack of popular support.

The organizers of NAMFREL belonged to the latter group. They encouraged participation in the elections, promoted reform of the election law and sought to organize a comprehensive monitoring effort for the 1984 legislative elections. Thus, by 1986, when Marcos scheduled a snap election, the organization had an established presence throughout the country and, with the considerable assistance of the Catholic Church, mobilized more than half a million Filipinos to participate in a nonpartisan monitoring program.

A major aspect of NAMFREL's effort was "operation quick count." As devised by NAMFREL organizers, the system was designed to provide the swift release of accurate information regarding the election results. NAMFREL hoped that the availability of such data and its public release would deter the Marcos regime from tampering with the results during the tabulation process. If that failed, the quick count would provide a basis for exposing fraud and determining the actual winner of the election in the eyes of the electorate and the international community.

The latter scenario, in fact materialized. In the 1986 presidential election, NAMFREL volunteers obtained results from approximately 70 percent of the 85,000 polling sites. Filipinos, the international community and important elements of the military accepted NAMFREL results, showing Corazon Aquino leading Marcos, as more credible than the official results indicating a Marcos victory.

The NAMFREL quick count organizers overcame considerable government resistance. During the week before the election, for example, the government-appointed Commission on Elections forced NAMFREL to accept conditions requiring NAMFREL volunteers to obtain certification of the polling site results from a provincial election official before transmitting the results to the NAMFREL headquarters in Manila. In addition, violence directed against and restrictions placed on NAMFREL volunteers in certain regions prevented NAMFREL from obtaining results from all polling sites.

The legitimacy accorded the NAMFREL results can be attributed, in large measure, to the transparency of the NAMFREL operation. Before the election, information relating to the quick count system was widely disseminated to the Philippine public, media and international observers. The media and observers were invited to monitor the operation at polling sites in the provinces and, more important, at the NAMFREL quick count headquarters in Manila.

The gross statistical anomalies inherent in the results released by the Commission on Elections also contributed to the impression that the official results had been manipulated. According to an international observer report, several regions exhibited a direct correlation between an overwhelming margin of victory for Marcos (greater than 90 percent) and an extraordinarily high voter turnout (greater than 90 percent).[17] In other regions, the Commission on Elections released results from nonexistent or "phantom" polling sites that reported overwhelming margins of victory for Marcos.

NAMFREL again used a quick count system during the 1987 legislative elections. Following the overwhelming victories scored by Senate candidates supported by Aquino, the opposition, led by former Minister of Defense Ponce Enrile, alleged fraud. Enrile's supporters cited initial, erroneous results released by NAMFREL as demonstrating manipulation of the vote count. NAMFREL officials later stated that they made a mistake in tallying the totals for individual candidates and sought to recapture the public's confidence by subjecting the NAMFREL results to an independent review. Ultimately, the organization's credibility convinced most Filipinos and the international community that, with a few exceptions, the 1987 official results, reported by the Commission of Elections, reflected the will of the people. Protests by the opposition soon faded.

Chile - Influenced by the Philippine experience, a group of independent political personalities in Chile, many of whom were associated with the Roman Catholic Church, formed the Committee for Free Elections. Together with a coalition of opposition political parties, operating as the Command for the No, the Committee sought a change in the 1980 Constitution, which called for a "yes/no" vote on the military junta's choice for president. When a

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opposition successfully pressed for a prohibition on the use of exit polls in the 1990 Bulgarian elections.[9]

II

Nongovernmental, unofficial tallies of election returns are undertaken by political parties, media and academic institutions throughout the world. In established democracies, these operations are most often used to provide timely data for news reporting, political/tactical planning and academic research. These parallel counts are such a proven part of the electoral process that little attention is paid to them, except in the cases of a particularly close contest, the rare instance when official results are challenged in a formal proceeding or where the unofficial projections are inconsistent with the official results. In the latter circumstance, the discrepancy is usually clarified in favor of the official results, and post-mortems are devoted to assessing why the projected results proved inaccurate.

The situation is different, however, in emerging democracies or in countries where allegations of electoral fraud have some resonance. In such circumstances, parallel vote tabulations assume considerable significance, fulfilling five related strategic purposes:

- encouraging participation in the process by convincing prospective voters that their ballots will be accurately tabulated;
- deterring vote-counting fraud by increasing the prospect that it will be uncovered;
- revealing manipulated vote totals;
- permitting the reporting of timely and credible, albeit unofficial, election results; and
- providing a focus for election monitors.

For a parallel vote tabulation to fulfill the first two purposes, enhancing confidence and deterring fraud, three conditions must be met. First, the sponsors of the operation must be viewed as independent and honest by a large segment of the population; thus, parties and government-controlled media often do not qualify. Second, the mechanics and administration of the parallel vote count operation must be based on a system that is publicly perceived as capable of providing accurate data; the more complicated the operation, the more difficult it will be for skeptical government officials and the general public to understand and accept. Third, the sponsor must conduct the operation in a relatively open manner, with an attendant press and public relations strategy; secret deterrents are of no value.

To fulfill the purposes of revealing a manipulated vote count and providing timely results, a parallel tabulation should have at least four attributes: accuracy; speed; credibility; and comprehensiveness. However, the immediate goals and limited resources of an organization

might necessitate a compromise between speed and comprehensiveness. In practical terms, this compromise requires choosing between: (a) a system that relies on random selection and statistics to project the outcome based on the results from a limited sample of polling sites; and (b) a system that collects the results from all polling sites and tabulates them.

The strategic choice between the need for speed and an attempt at a comprehensive tabulation is relatively simple. If it is necessary to obtain accurate, credible election returns quickly, then a system that relies on a sampling technique is more appropriate. If only a comprehensive polling site count will suffice to convince the electorate of the true results, then a more complete, and necessarily slower, system should be employed.

The more rapid systems, often referred to as "quick counts," usually rely on returns and projections based on the near-science of statistics.[10] If properly conceived, well-publicized and precisely executed, a quick count system will meet the criteria of accuracy, credibility and speed, and can be accomplished by tabulating results from as few as several hundred randomly selected polling sites. In most circumstances, the media and the international community will rely on a credibly implemented quick count as projecting the correct election results, even where the electoral authorities and political parties are presenting conflicting results or are releasing no results.

Despite the accuracy of sampling techniques, individuals unfamiliar with this form of analysis often view these operations with apprehension. The introduction of such terms as "confidence levels"[11] and "margins of error"[12] arouses further concerns that a projected outcome can somehow be manipulated or might simply be wrong. To overcome these anxieties, a comprehensive tabulation system is often used to complement the sampling system. Such a dual effort provides the means for contesting contradictory results on election night, while ensuring that polling site information is available to evaluate legal or other challenges to the results in the days and weeks following the initial counting of the ballots.

In several countries, the implementation of a parallel vote tabulation has served as an effective organizational vehicle for nascent civic groups, which have formed to mon transition elections.[13] Implementing a parallel vote tabulation provides groups engaged in election monitoring with a precise task, the collection of polling site results. The existence of these groups also helps avoid an overreliance on international observers and affords a constructive arena of activity for those who prefer not to participate directly in party politics. At the same time, these groups, which often draw upon volunteers who oppose the incumbent government, must establish their *bona fides* as truly impartial, particularly in their implementation of a parallel vote tabulation.

Parallel vote tabulations require the creation of a sophisticated communications network and reliance on the professional expertise of statisticians, computer specialists and others. Following the elections, the skills and networks developed in conducting a parallel vote tabulation can be utilized in undertaking broader based civic activities.[14] Further, the continued

Following the election, opposition parties alleged that as many as 4 million fraudulent votes had been cast.[4] Two nongovernmental organizations presented petitions to the Central Election Management Committee alleging fraud in the counting process.[5] While considerable controversy still surrounds the 1987 election, neither a majority of the Korean people nor the international community acknowledged that sufficient proof had been presented to delegitimize the government of Roh Tae Woo, who was declared the winner of that contest. Given these circumstances, the introduction of a credible mechanism to permit an independent assessment of the counting of the results in the 1992 Korean presidential election is essential to promote public confidence in the process.

The absence of a parallel vote tabulation was also noted by observers to the controversial 1990 Pakistan legislative elections.[6] In this case, the international observers sought to enhance the observation effort by implementing a sophisticated statistical analysis of the election results on a constituency-by-constituency basis. The analysis identified certain constituencies as exhibiting statistical anomalies, but, in the absence of a parallel vote tabulation, could not conclusively state whether the anomalies were attributable to fraud or to political factors.[7] Consequently, despite the continued denunciation of the elections by the Peoples Democratic Alliance, which is led by former Prime Minister Benazir Bhutto and which lost the elections,[8] the Pakistan people and the international community appear to have accepted the validity of the Islamic Democratic Alliance's overwhelming electoral victory.

This essay reviews the evolution of parallel vote tabulation mechanisms as a tool for verifying election results. Also considered are other verifications tools, such as the statistical analysis approach used by international observers in the 1988 and 1990 Pakistan elections. The final section of the essay outlines several points that should be considered in determining whether and how to organize such operations.

I

Monitoring vote counts is by no means a new phenomenon. Political parties and the media have used such methods for decades. The innovation in recent years relates to the role that nonpartisan monitoring groups and international observers have played in organizing unofficial vote tabulations and the professionalization and credibility these efforts have developed.

Popularization of the trend began in the Philippines in 1986. The National Citizens Movement for Free Elections (NAMFREL) was established to limit, or at least reveal, the manipulation that historically plagued Philippine elections. While monitoring the 1984 Philippine legislative elections, NAMFREL implemented "operation quick count." The quick count concept was acclaimed internationally two years later, when NAMFREL chronicled Ferdinand Marcos' attempt to commit wholesale fraud during the 1986 snap presidential election. The NAMFREL quick count projected Corazon Aquino as the true election winner, rejecting Marcos' initial claims of victory and providing Aquino with a semblance of electoral legitimacy. Variants on the NAMFREL approach, as described in detail below, were subsequently

implemented in Chile, Paraguay, Panama, Nicaragua, Bulgaria, Haiti, Bangladesh, Mexico, Zambia, Romania and Albania.

The impact of these efforts, collectively termed parallel vote tabulations, has been profound:

- In the Philippines (1986) and Panama (1989), parallel vote tabulations established a victory by opposition forces, despite government attempts to manipulate the results;

- In the Philippines (1987), Paraguay (1989), Bulgaria (1990) and Mexico (1991), parallel vote tabulations confirmed a ruling party victory, overcoming suspicions of electoral fraud among opposition forces;

- In Chile (1988) and Nicaragua (1990), and perhaps in the Mexican gubernatorial election in Chihuahua (1992), parallel vote tabulations helped convince the ruling parties that they should publicly accept an opposition victory and not attempt to manipulate the official results;

- In Haiti (1990), Bulgaria (1991) and Albania (1992), parallel vote tabulations provided reliable data considerably before the release of the official results, thus avoiding suspicions that may have arisen in the absence of such information; and

- In Zambia (1991), a parallel vote tabulation was used to instill confidence in the election process and to deter possible electoral manipulation -- the operation accurately projected the results in the presidential election, indicating a three to one victory by the challenger.

In planning a verification effort, it is important to recognize the critical difference between a parallel vote tabulation and an exit poll. Exit polls rely on answers provided by randomly selected voters after they have cast their ballots. By contrast, parallel vote tabulations depend on the actual results as counted by polling site officials, and verified by partisan pollwatchers and other eyewitnesses, after the closing of the polls.

In longstanding democracies, exit polls can provide reasonably accurate and timely projections of election results because there are few, if any, incentives for voters to disguise their preferences. Indeed, exit polls often project results even before the polls officially close. The situation is different in countries undergoing transitions. First, no meaningful electoral history, which that can provide a basis for demographic or statistical comparison between the results of prior elections and the trends demonstrated by the answers to the exit poll questions, seldom exists. More important, in a transition situation, voters may feel uncomfortable about revealing their choices to strangers presenting themselves as pollsters, whether before or after they have cast their ballots. Finally, exit polls in the context of a transition situation often undermine the emphasis placed on the significance of a secret ballot. Citing these factors, the

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constitutional change proved impossible to obtain, the Command and the Committee decided to participate in the plebiscite and to develop an effective monitoring operation as the most effective means for restoring democracy.[18]

In implementing a parallel vote tabulation, the Committee's methodology differed from that used by NAMFREL. Instead of attempting to collect results from all 22,000 polling sites in the country, the Committee's parallel vote tabulation relied on a statistical projection. Before the plebiscite, the Committee randomly selected 10 percent of the polling sites for inclusion in its count.[19] On plebiscite day, volunteers from the civic group Civitas obtained the results from the designated polling sites and transmitted these results to a tabulation center in Chile's capital, Santiago.

Partial results released by the Committee four hours after the polls closed showed the "No" votes ahead by a margin of 55.2 percent to 42.6 percent. The Committee released a second set of results two hours later; by this time, 1,600 of the 2,200 sample polling sites had reported, and the "No" remained ahead with 55 percent of the vote. The results released by the Committee were virtually identical to the final results released by the Chilean authorities.

The importance of the quick count was demonstrated on the night of the plebiscite. The Interior Ministry, which was responsible for releasing official results, did not announce any figures until 2 a.m., several hours after the polls closed, despite public statements that the results would be released immediately upon receipt. The delay raised suspicions throughout the country regarding the possibility of wholesale manipulation or cancellation of the plebiscite. However, the announcement of results tabulated by the Command for the No based on a comprehensive and credible parallel vote tabulation, together with the early projections released by the Committee, convinced those supporting Pinochet, including both pro-Pinochet political party personalities and members of the ruling junta, to recognize publicly the victory by the "No" faction. Once these pronouncements were broadcast by the media, any effort to manipulate the results or nullify the plebiscite would have been transparent.

Panama - The 1989 elections in Panama again demonstrated the usefulness of a credible parallel vote tabulation. As in Chile, separate parallel vote tabulations were performed by the opposition coalition and by a Catholic laity organization.[20]

While the opposition sought to collect and tabulate results from the more than 4,400 polling sites, the laity group relied on a random sample. Volunteers were assigned to collect results from 440 randomly selected voting "tables" and to transmit these results to one of 50 collection sites. From these intermediary sites, results were transmitted to regional centers and then to the main center, which was located in a private home in Panama City.

Despite the intentional obstruction that occurred in many regions at the polling site level during the counting phase, the quick count operation proved effective in providing a timely and credible projection of how Panamanians had voted. The quick count results showed an

opposition victory by a 74 to 26 percent margin, with a margin of error of 10 percentage points.

Based on this quick count, and what appeared to be deliberate, government-orchestrated delays in the release of official results, the secretary of the Episcopal Conference acknowledged an opposition victory on the day following the elections. The quick count results also formed the primary basis for the statement by former U.S. President Jimmy Carter, who led a team of international observers, attesting to an opposition victory in the presidential election. Notwithstanding the nullification of the elections by the Panamanian election tribunal, the results reported by the Church laity group, together with similar results gathered by the opposition, convinced the Panamanian people and the international community that the opposition had won the election.

President Carter subsequently sought to convince the Organization of American States (OAS) to recognize the opposition victory based on the church projection. The OAS resolution adopted 10 days after the elections, however, was limited to a condemnation of the Noriega government for "interfering with the electoral process."[21]

Nicaragua - The February 25, 1990 Nicaraguan elections represented the first time that intergovernmental organizations conducted parallel vote tabulations. The United Nations and the OAS separately organized comprehensive monitoring efforts, which included the implementation of parallel vote tabulations for the presidential election.[22]

The U.N. effort relied exclusively on results from approximately 300 randomly selected polling sites. The OAS operation involved both a projection based on a random sample, with a slightly larger number of polling sites included in the sample, and the collection of the results from all 4,335 polling sites. The latter was designed to ensure that the OAS would be in position to verify the results in the event of a close election.

There was initial resistance to the parallel vote tabulation. The Sandinista government believed that the effort might usurp the role of the Supreme Electoral Tribunal, while the United Nations and OAS were reluctant to proceed without explicit government authorization. Ultimately, all those concerned appreciated that, unless international observers verified the counting process, the results would be contested by the losing party. However, in consideration of Nicaraguan sensibilities, the United Nations and OAS agreed not to make a public announcement of the results until after consultations with the Supreme Electoral Tribunal and the leaders of the contesting parties.

Just before 10 p.m. on election night, the United Nations, which benefitted from a sophisticated communications network, projected opposition candidate Violeta Chamorro as the winner of the presidential election. This information was transmitted to Elliot Richardson, the U.N. Secretary General's special representative, and President Carter, who was leading a high-level nongovernmental observer delegation.

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Richardson and Carter immediately visited the Supreme Electoral Tribunal, where only a suspiciously small percentage of results had been released. After informing the Tribunal chairman of the projected results, Richardson and Carter, together with OAS Secretary General Joao Baena Soares, met with President Daniel Ortega, the candidate of the ruling Sandinistas, and then with Chamorro. Soon thereafter, results were forthcoming from the Electoral Tribunal, thus allaying concerns that, as in Panama, the elections might be nullified. The following morning, Ortega conceded defeat and promised to support a peaceful transition.

As noted in a November 1991 U.N. report, information from the parallel vote tabulation:

> proved to be crucial in the overnight efforts of . . . Richardson, the Secretary General of the [OAS] and . . . Carter . . . involving the President of Nicaragua and the victorious opposition coalition. An agreement by both sides to restrain the reaction of their respective supporters that night was a key factor in ensuring the successful initiation of the transition efforts.[23]

Bulgaria - The June 1990 Bulgarian elections exemplify how a parallel vote tabulation can convince a disappointed opposition to accept a victory by the ruling party.[24] Drawing upon the experiences of the Philippines, Chile and Panama, a group of civic activists, led by students and journalists, formed the Bulgarian Association for Fair Elections (BAFE) in April 1990. In the six-week period before the elections, BAFE recruited and trained more than 10,000 volunteers for pollwatching duty on election day. As part of this effort, BAFE successfully implemented a parallel vote tabulation, which involved collecting election results from 1,300 of some 12,000 polling sites and transmitting them expeditiously to BAFE headquarters in Sofia.

In implementing its parallel vote tabulation, BAFE overcame considerable government suspicion. On the eve of the election, for example, the Central Election Commission (CEC) sought to prohibit the release of results from parallel vote tabulations until after official counts were released. With the experiences of Panama, Chile and Nicaragua in mind, the international observers immediately protested the CEC action. The CEC relented and agreed that there would be no ban on the timing of the release of results from parallel vote tabulations.[25]

By midnight, the BAFE quick count and a quick count performed by a West German polling organization showed a significant victory by the ruling Bulgarian Socialist Party, the renamed Communist Party. Because BAFE was staffed by individuals with no ties to the government, opposition leaders accepted the results and began planning for the next election.

BAFE's quick count, however, did not completely dispel suspicions that the 1990 election results had been manipulated. Various conspiracy theories were popularized, the most notorious involving an alleged half million "phantom voters." Thus, a year later, as the October 1991 legislative elections approached, considerable energies were devoted to ensuring that proper mechanisms were in place for verifying the vote count. In the event, parallel vote tabulations

conducted by political parties and independent organizations confirmed a narrow victory by opposition forces several days before the official results were forthcoming.[26]

Four electoral contestants, two civic organizations and Gallup International sought to implement parallel vote tabulations based on samples ranging in size from 250 to 1,350 polling sites (out of a total of 13,000). The number of independent initiatives raised concerns that conflicting results would be reported, creating confusion and suspicions among the electorate. On the day before the elections, the state-controlled Bulgarian television convened a meeting of all the organizations planning to implement parallel vote tabulations. Each organization described its methodology, identified its volunteer base and funding source, and committed to withhold projections until all polling sites closed.

The close electoral contest between the two leading contestants, the Union of Democratic Forces (UDF) and the Bulgarian Socialist Party, encouraged a consultative process among several of the organizations. At 3:43 a.m., shortly after the final polling site closed, Bulgarian television invited representatives of several organizations to present their findings. Given the closeness of the race, the representatives were cautious in their projections, although they generally indicated a trend showing a narrow UDF victory. The final results released by the Central Election Commission several days later confirmed a slim UDF victory, thus reinforcing the accuracy of a well-designed parallel vote tabulation based on a random sample.

Haiti - Building upon their experiences in Nicaragua, the United Nations and Organization of American States jointly implemented a parallel vote tabulation for the December 16, 1990 Haitian presidential election.[27] One hundred and fifty polling sites, or slightly more than 1 percent of the polling sites, were included in the sample. The small size of the sample caused some concern, but was justified in terms of the modest goals of the parallel vote tabulation. The vote count sought to determine whether any presidential candidate obtained the 50 percent total needed to avoid a run-off and, assuming a run-off was necessary, to determine which two candidates obtained the highest vote totals.

Data was transmitted through a sophisticated radio network, which permitted the two organizations to project the presidential election results shortly after midnight on election night. The UN and OAS representatives presented the projection to the chair of the Provisional Electoral Commission. However, pursuant to an agreement with the Commission, the results were not released publicly. The following day, given the parallel vote tabulation's indication that Jean Bertrand Aristide had won by an overwhelming margin, the Commission confidently released partial results of the official count, rather than waiting until all the results were centrally collected, as originally intended.

The significance of the parallel vote tabulation in Haiti was twofold. First, there were considerable delays in the collection and tabulation of official election results, which were ultimately released eight days after the elections; the early recognition of Aristide's victory helped reduce tensions that otherwise may have surfaced. Second, according to the U.N. report on the elections, approximately 25 percent of the ballots cast were never counted due to various

administrative and logistical problems;[28] without the parallel vote tabulation's confirmation of Aristide's overwhelming victory, this serious flaw in the process may have provided a basis for nullifying the elections.

Mexico - Elections in Mexico, according to opposition parties, have historically been the subject of balloting and counting irregularities committed by supporters of the Institutional Revolutionary Party (PRI), which has dominated Mexican politics since 1910. Indeed, the August 1991 congressional and local elections in Mexico City marked the first time that opposition parties publicly acknowledged a victory by the ruling party in contested elections. The parallel vote tabulation implemented by the Council for Democracy, a nonpartisan organization of prominent Mexicans, deserves considerable credit for promoting public confidence in the official vote tabulation of these elections.

The purpose of the Council effort was less to project early results than to demonstrate the accuracy of the official count and to detect any manipulation of the count. The Council relied on pollwatchers from two opposition parties to report results from 2,137 out of 9,600 polling sites in Mexico City. The large sample size was necessary to ensure that there were enough sample points in each of the 40 electoral districts to permit accurate projections of the results.

Despite problems in the implementation of the parallel vote tabulation on election night, sufficient data was collected to permit projections of the Senate race and 35 of the 40 congressional contests. The projected results paralleled the official results. More important, the count provided the basis for opposition parties to publicly acknowledge the ruling party's victory.

A parallel vote tabulation was again used for the July 1992 gubernatorial election in the state of Chihuahua. This time the count projected a victory by the candidate of the opposition National Action Party (PAN). The ruling party conceded defeat, marking only the second time in contemporary Mexican history that the ruling party had lost a gubernatorial election.

Zambia - The October 31, 1991 presidential and legislative elections were the first multi-party elections in Zambia in more than 18 years. Kenneth Kaunda, who had served as president since Zambia achieved independence in 1964, was running for reelection as the nominee of the ruling party. Frederic Chiluba of the Movement for Multiparty Democracy was the alternative to Kaunda. Given the long period of one-party rule and the government's control of state resources, the opposition was fearful that the ruling party would attempt to manipulate the process, particularly the vote count.[29] The decision to count the ballots at regional counting centers, although this reflected longstanding Zambian practice, further exacerbated concerns that the ballot boxes would be switched en route from polling sites to regional counting centers.

As a means of instilling confidence and deterring fraud, an international observer delegation organized a parallel vote tabulation. In implementing the effort, the international observers relied on a network of Zambians recruited from various nongovernmental

organizations that were monitoring the elections. Three hundred and fifty randomly selected polling sites were included in the sample. Because ballots boxes were counted at regional centers, rather than at the polling site as was the case in the other elections discussed in this essay, the operation was not designed to provide a "quick count." Moreover, as a result of government objections, the observers agreed not to release results of the parallel vote tabulation until after President Carter, who was leading the international observer delegation, consulted with the Electoral Commission and the two major political parties.

Notwithstanding the limitations mentioned above, the parallel vote tabulation provided observers with early evidence that Chiluba had achieved an overwhelming victory. This information was conveyed to Kaunda, who graciously accepted defeat. Chiluba was inaugurated as Zambia's new president within 36 hours of the closing of the polls and even before all the votes had been tabulated.

Pakistan - A credible quick count is not always possible. The use of single-member constituencies may preclude reliance on statistical sampling.[30] Alternatively, monitoring organizations may lack the necessary resources to implement a comprehensive count.[31] Both of these factors affected the possibility of conducting a credible parallel vote tabulation in Pakistan at the time of the 1988 and 1990 elections, where there were 217 separate elections to the National Assembly and more than 33,000 polling sites.

In lieu of a parallel vote tabulation, the principal international observer delegations to the 1988 and 1990 Pakistan legislative elections relied on statistical analysis that compared election results from a prior election on a constituency-by-constituency basis.[32] In 1988, the analysis focused on allegations presented by the opposition Pakistan Peoples Party (PPP) that voter turnout was intentionally kept low in areas where PPP candidates were competing. The elaborate analysis demonstrated that the significantly lower turnout in 1988 as compared to 1985 did not disproportionately affect any one political party.[33]

The 1990 elections proved even more controversial, as the PPP claimed that massive fraud was being committed throughout the country. The statistical analysis performed by the observers could not substantiate the allegations. The analysis uncovered statistical anomalies in 15 percent of the 216 constituencies.[34] However, as the observer report clearly stated, "a statistical analysis cannot conclusively establish the occurrence of fraud or the probable victor of a constituency where statistical anomalies exist."[35] In some of the constituencies where anomalies were reported, the opposition candidate won the election. In other constituencies, the anomalies may have been the result of political developments in the constituency, rather than any fraud or manipulation.

IV

Parallel vote tabulations may appear complex and to require considerable time and resources to organize. In truth, such operations, depending on their specific goals and the methodology utilized, are relatively simple to implement and, in addition to verifying official

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results, serve to enhance the capabilities of organizations engaged in monitoring activities. This section provides an abbreviated guide to organizing a parallel vote tabulation operation.

An initial decision must be made regarding the type of parallel vote tabulation system to employ. The election system, the resources available, the demographic and electoral data accessible,[36] and the goals of the operation are all factors to be considered. Once an approach is selected, the sponsors of the parallel vote tabulation must develop a coherent plan of action. The plan should establish various functional groups, provide for the recruitment of volunteers and set forth a timetable and budget for implementing the operation.

The functional teams should include: data processing; statistical analysis; volunteer training; logistics; publicity; and general administration. Recruiting volunteers with relevant expertise -- including specialists in demography, statistics, computers and communication networks -- is crucial for the success of the operation. Identifying the appropriate persons to coordinate the overall operation is also essential.

In cases where sampling techniques are used, the size of the sample must be determined. Because, typically, there is limited relevant electoral history in transition situations, the tendency has been to use rather large samples (often constituting 10 percent of the total polling sites) and to rely on a high degree of randomness. However, stratification principles also might be relied upon to reduce the sample's overall margin of error and to permit early projections where only part of the sample points have reported. Polling sites have been stratified according to administrative region, demographic characteristics (*e.g.*, urban, semi-urban, rural), socioeconomic status and gender (*i.e.*, where males and females vote at separate polling sites, as in Chile and Pakistan).

A computer capability is essential to draw the sample, to record the results and to project results, particularly in cases where all sample points have not reported. If feasible, computers should be distributed to different locations throughout the country to expedite the processing of results. From the regional sites, information can be transmitted to the central headquarters by modem or by computer disk.

Communications considerations also play a major role in the development of a parallel vote tabulation plan. The use of telephones, either to relay results verbally or through facsimile machines, requires the existence of a suitable nationwide telephone network. The possibility of election night telephone congestion or intentional disruption with the telephone network should not be overlooked. Alternatives to reliance on the telephone include radios, which require the installation of considerable infrastructure, and the physical delivery of results to regional and national headquarters, which slows the operation considerably.

The parallel vote tabulation plan should be explained to government and election officials, media and to political party leaders at the earliest opportunity. The cooperation of election officials is often necessary to ensure that a parallel vote tabulation is practically feasible. For example, a special regulation may be required to permit parallel vote tabulation volunteers to

be inside polling sites during the vote counting process or to obtain an official tally sheet. If such permission is not forthcoming arrangements may have to be made with one or more political parties whose agents have access to the polling sites.

As the Philippines, Bulgaria and Zambia cases illustrate, some hostility should be expected when the idea of a parallel vote tabulation is first broached. Election officials may view such an effort as an arrogation of their responsibilities and as a potential source of confusion to voters. A serious attempt must be made to convince election officials, and also in most instances the ruling party, that implementation of a credible parallel vote tabulation is in everyone's interest. The 1990 Bulgarian elections and the 1991 Mexican elections demonstrate the utility of a parallel vote tabulation to an election commission whose *bona fides* are under challenge and to a ruling party that believes it will win the election. Similarly, the examples of the 1990 Haitian elections and the 1991 Zambian elections may encourage election officials to accept the usefulness of a parallel vote tabulation where administrative capabilities may significantly delay the release of official results.

In some cases, election officials have sought to limit the effectiveness of the parallel vote tabulation by restricting access to the polling site during the counting process,[37] by requiring that polling site results be verified by a designated official prior to inclusion in the parallel vote tabulation or by proscribing release of information from the parallel vote tabulation until consultations have taken place with the election officials or until the official results are released. The sponsors of the parallel vote tabulation must evaluate the precise impact of a proposed limitation on the overall goals of the operation before determining whether to proceed. In several instances, proposed restrictions were withdrawn once the benefits of the proposed operation were understood by all concerned. International observers have played an important role in convincing governments and election officials to permit parallel vote tabulations to proceed with minimal restrictions.[38]

To enhance the credibility of a parallel vote tabulation and to overcome suspicions that it is serving the partisan purposes of a particular party or individual, religious personalities and prominent international observers may be involved directly in certain aspects of the operation. For example, the list of polling sites included in a sample may be deposited before an election with a prominent religious figure to avoid allegations that the sample was drawn after the polls opened. Similarly, international observers may be invited to monitor the receipt of polling site results at the central headquarters of the parallel vote tabulation operation to ensure that all the information is recorded accurately and without delay.[39]

Absent extraordinary circumstances, the organizers of a parallel vote tabulation should not deviate from the proclaimed plan for the release of results on election night. For example, if a plan is announced before the elections to release parallel vote tabulation results only after a certain number of polling sites have reported or at given time intervals, then this approach should be followed regardless of what the results show at a given time. Evidence that results are being released for strategic purposes, rather than in accordance with the pre-established plan, will call into question the credibility of the entire operation.

Finally, the organizers of a parallel vote tabulation should anticipate and prepare for different scenarios on election night. Often, the discreet private communication of the parallel vote tabulation results to key government or ruling party officials will deter attempts at manipulating the results and will encourage the expeditious release of accurate official results. However, if fraud is attempted or delays in the release of results appear inordinate and unwarranted, pressure will mount to publicize the results of a parallel vote tabulation, even in the face of a regulation proscribing their release. Under such circumstances, withholding the results of the parallel vote tabulation might be politically and morally untenable.

V

The monitoring of vote counts as part of an overall election observer effort promotes confidence among electorates suspicious of possible fraud, permits results to be projected more quickly than the official results and allows for the identification of actual election winners when manipulation is attempted. By contrast, failure to implement a parallel vote tabulation, or to develop some other mechanism for effectively monitoring the vote count, may result in the legitimacy of an election process being called into question with no credible mechanism for evaluating the allegations of fraud and manipulation. Parallel vote tabulation efforts have been particularly essential to the overall success of elections occurring in transition situations and in other circumstances where confidence in the integrity of the election process is in question.

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ENDNOTES

1. See generally, L. Garber, *Guidelines for International Election Observing*, p. 6 (International Human Rights Law Group 1984).

2. G. Cowan and L. Garber, "Power to the Process," *The Christian Science Monitor*, June 1, 1990, p. 18.

3. McCoy, Garber and Pastor, "Pollwatching and Peacekeeping," *Journal of Democracy*, vol. 2, pp. 112-13 (Fall 1991).

4. See International Human Rights Law Group, *The 1987 Korean Presidential Election*, pp. 28-29, 61-70 (1988); International Human Rights Law Group, *The April 26, 1988 National Assembly Elections in the Republic of Korea*, pp. 19-20 (1988).

5. *Id.* at pp. 27-33.

6. National Democratic Institute for International Affairs, *The October 1990 Elections in Pakistan*, p. 97 (1991).

7. *Id.* at pp. 205-06.

8. Peoples Democratic Alliance, *How An Election Was Stolen: PDA White Paper On Elections 1990* (1991).

9. National Democratic Institute for International Affairs and National Republican Institute for International Affairs, *The June 1990 Elections in Bulgaria*, pp. 49-50 (1990).

10. The irony is that NAMFREL's Operation Quick Count in the Philippines, which helped popularize the idea of nonpartisan groups conducting independent tabulations, relied on the comprehensive approach. The quick count term was used to highlight the slowness of the official count conducted by the Commission on Elections. See Section III below.

11. In most parallel vote tabulations, confidence levels of 95 percent are used. This means that, in 95 percent of the cases, the results would be as projected by the sample.

12. The margin of error accounts for deviations from the projected result that can be expected at given confidence levels. With the use of large and stratified samples, the margin of error can be reduced to a quite small number, often less than plus or minus one percentage point.

13. *Id.* at pp. 63-64.

14. For a discussion of the activities undertaken by one such civic organization, see National Democratic Institute for International Affairs and International Republican Institute, *The October 13, 1991 National and Local Elections in Bulgaria*, pp. 71-75 (1991).

15. The National Democratic Institute for International Affairs (NDI), with whom the authors are affiliated, has played a leading role in facilitating the transmission of experiences from one country to another: NAMFREL volunteers, for example, have participated in NDI training programs that resulted in the development of parallel vote tabulations in Haiti, Bangladesh, Bulgaria and Zambia; Chileans have shared their knowledge, based on their experiences organizing a parallel vote tabulation for the 1988 plebiscite, with Paraguayan, Panamanian, Nicaraguan, Bulgarian and Zambian counterparts, again under the auspices of NDI training programs; and the Bulgarian Association for Fair Elections and Civil Rights, at the request of NDI, recently has taken the lead in helping Romanians and Albanians develop capabilities for organizing parallel vote tabulations for elections in those countries.

16. See generally, National Democratic Institute for International Affairs, *Reforming the Philippine Electoral Process: Developments 1986-1988*, pp. 44-52 (1989, reissued 1991).

17. National Democratic and Republican Institutes for International Affairs, *A Path to Democratic Renewal: A Report on the February 7 Presidential Election in the Philippines*, pp. 65-66, 194 (1986).

18. See generally, National Democratic Institute for International Affairs, *Chile's Transition to Democracy: The 1988 Presidential Plebiscite*, pp. 53-59 (1989).

19. The organizers of the operation actually prepared 10 separate samples, each of which were equally valid for projecting the plebiscite outcome. In the days before the plebiscite, one of the 10 samples was chosen. The list of polling sites included in the sample was then given to Church leaders to ensure that no one questioned the credibility of the operation.

20. See generally, National Republican and Democratic Institutes for International Affairs, *The May 7, 1989 Panamanian Elections*, pp. 53-57 (1989).

21. *Id.* at pp. 120-22 (text of May 17, 1989 letter from President Carter to the OAS), pp. 123-24 (text of OAS Resolution adopted on May 17, 1989).

22. See generally, U.N. Doc. A/44/297, pp. 9-12 (February 1990); Council of Freely-Elected Heads of Government, pp. 25-26 (1990).

23. Report of the Secretary General, *Enhancing the Effectiveness of the Principle of Periodic and Genuine Elections*, U.N. Doc. A/46/609 at p. 13 (November 19, 1991).

24. See, *The June 1990 Elections In Bulgaria*, *supra* note 9 at pp. 49-51, 63-64.

25. *Id.* at pp. 6, 98-100.

26. *The October 1991 National and Local Elections In Bulgaria*, *supra* note 14 at p. 54.

27. See generally, Note by the Secretary General, *Electoral Assistance to Haiti*, U.N. Doc. A/45/870/ADD.1, pp. 11-17 (February 1991); Council of Freely-Elected Heads of Government and National Democratic Institute for International Affairs, *The 1990 General Elections In Haiti*, pp. 59-61 (1991).

28. *Electoral Assistance to Haiti*, *supra* note 27 at p. 13.

29. See generally, Carter Center of Emory University and National Democratic Institute for International Affairs, *The October 31 National Elections In Zambia*, pp. 66-69 (1992).

30. Parallel vote tabulations based on random samples have been used in presidential elections (*e.g.*, Chile, Panama, Nicaragua, Haiti, and Zambia) and for legislative elections where there is a national or state-wide distribution of seats (*e.g.*, Bulgaria and Mexico). However, the limited number of polling sites in a given single-member constituency generally makes reliance on statistical sampling impossible.

31. For the 1986 Philippine presidential election, NAMFREL sought to recruit at least one volunteer for each of the 85,000 polling sites. In Nicaragua, the OAS, with only 400 observers and 4,300 polling sites, collected polling site results at intermediary levels. While this did not confirm the chain of transmission, it did provide a basis for comparing the official results with the results contained on the forms collected by the OAS.

32. As noted above, an international observer delegation used a statistical analysis to question the credibility of the results reported by the Commission on Elections in the 1986 Philippine presidential election. See *supra* note 17.

33. National Democratic Institute for International Affairs, *Pakistan Elections: Foundation for Democracy*, pp. 51-53 (1989).

34. *The October 1990 Elections in Pakistan*, *supra* note 6 at pp. 97-100 (1992).

35. *Id.* at 107.

36. The necessary information would include a list of all polling sites and their location, the number of registered voters per polling site and the number of registered voters in each

administrative district or constituency. In the context of a first election, the difficulty in obtaining such basic information should not be underestimated. National election commissions in several countries have been unable to relate with precision the authorized number of polling sites or the total number of registered voters prior to the election day.

37. See also, L. Garber, "Observers at the Polling Places Must Include Those Without a Stake," *The Christian Science Monitor*, May 13, 1992 (commenting on a Romanian law to restrict the access of domestic monitors to polling sites).

38. See discussion of the 1990 Bulgarian elections, *supra* Section III.

39. In Panama, the authors were invited to be present in a private home where the polling site results from the church-sponsored parallel vote tabulation were received and recorded on computer data bases. They were thus in a position to confirm for the international observer delegation and the church hierarchy that the volunteers working on the parallel vote tabulation had meticulously verified the results received from the field and that there was little likelihood that the results projected by the parallel vote tabulation did not reflect the will of the electorate. See *The May 7, 1989 Panamanian Elections, supra* note 20 at pp. 55-56.

hiding at a critical stage in the campaign; he later surrendered to the police and was incarcerated in Sanghar jail. While it is not possible to assess the legal basis for Junejo's arrest, the timing of the arrest, the nature of the charges made against him, and the fact that both his sons were arrested on separate charges suggest that his arrest may have been politically motivated.

This pattern of arrests was also evident in three other constituencies that the delegation examined: NA 158, 160 and 180. As described above, the level of arrests and detentions in these constituencies prevented the PDA from conducting a full and thorough campaign and from observing the election process and documenting election-day irregularities.

Irregularities in Punjab reflect a different kind of problem in the election process. In NA 81, for example, the PDA candidate did not report widespread arrests or detentions. He did present, however, evidence of an election process that had broken down. He had in his possession duly stamped and signed ballots that had been found abandoned outside the polling station; he presented a letter to women's presiding officers that could have been construed as applying pressure on the officers to support the IJI; he had in his possession improperly completed tally sheets; and, he had an FIR documenting the arrest of his chief election agent. The charges against this election agent were dismissed the day after the election. All of these factors raise questions about the election process in a constituency where the winning candidate won by less than 4 percent of the vote.

The PDA candidate for NA 94, Salman Taseer, alleged similar problems. He presented copies of blank tally sheets that already had the signature of the presiding officer; he also had newspaper advertisements of tender notices for development projects in his constituency that had been ordered less than 10 days prior to the election. Eyewitness accounts in this constituency reported confusion at women's polling stations after busloads of IJI supporters arrived to vote. These eyewitness accounts do not confirm the existence of irregularities, but when combined with other problems – including the fact that the PDA candidate was barred from the returning officer's office during the count – they once again raise questions about the

election process in a constituency where the victor won by a very small margin. The limited recount of ballots performed by the returning officer for this constituency did not completely answer these questions.

There are of course limitations inherent in this type of qualitative post-election investigation. Nonetheless, the problems uncovered in the six constituencies described above were of a magnitude significant enough to warrant singling them out as problem constituencies. This does not necessarily mean, however, that the outcome would have been different had the misconduct not occurred, nor does it mean that the election process in the particular constituency was devoid of legitimacy. Such conclusions would be warranted only after a complete review of the election-day developments in these constituencies. Notwithstanding the inevitable delays, this review can best be accomplished through the election petition process.

B. Statistical Analysis

In undertaking this mission, the delegation was aware that one or more of the parties might question the results in different constituencies. The delegation also was uncertain whether any of the parties would initiate an effective independent, parallel vote tabulation, which could have provided a basis for comparing the official results released by the CEC. In these circumstances, the statistical analysis coordinated by delegation member Lee Feldman proved critical in assessing the allegations of wholesale fraud presented by the PDA. Feldman performed a similar analysis in 1988 to examine PPP allegations of voter disenfranchisement.

The analysis was designed with the following goals in mind:

- to broaden the scope of the delegation's coverage beyond the constituencies and polling stations personally observed;
- to help explain the results in constituencies observed by the delegation;
- to develop an overall perspective on the behavior of the electorate in this election as compared to previous elections; and

– to analyze the vote casting and counting processes for systemic strengths and weaknesses.

Appendix XXII outlines the methodology used by Feldman in performing the statistical analysis. It also presents his comments on the electoral process and on the limitations inherent in a statistical analysis of the type he performed.

The analysis relied on data released by the CEC. The data permitted a constituency by constituency comparison of the 1988 and 1990 elections with respect to: voter registration, voter turnout, and vote totals received by each of the contesting parties. (See Appendix XXIII.)

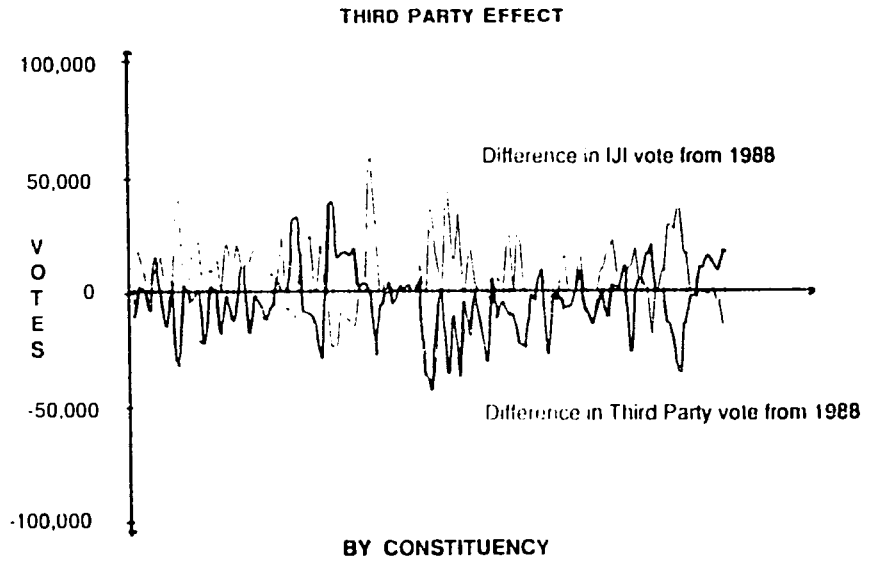
By evaluating this data, patterns of voter behavior, statistical anomalies and internal inconsistencies emerge that suggest, but do not prove, the existence of irregularities in certain constituencies. At the same time, it is also possible, and in some instances likely, that shifts in voter preferences as a result of effective political activity may explain what have been identified as problem constituencies.

The most significant pattern that emerged from analysis of the data attributes the IJI's overall success to its ability to forge coalitions or electoral alliances that prevented third party candidates from effectively competing against the IJI candidates. Table 1 illustrates that in most constituencies won by the IJI in 1990 the increase in IJI votes mirrors a corresponding decrease of third-party votes.

There were, however, a number of constituencies where the increase in IJI votes cannot be explained by a corresponding loss in third-party votes. In these constituencies and others, a pattern of PDA vote erosion raises questions about the quality of the electoral process. Vote erosion is the loss of voter support by one party in 1990 as compared to its performance in 1988. While fluctuation in party support would be expected in any election, significant erosion could also indicate irregularities. (See Appendix XXIII.)

The statistical analysis established parameters of vote erosion that helped determine the magnitude of the possible problems in the

TABLE 1



election process. In some constituencies, the erosion was so significant that it alone raises questions. In other constituencies, the combination of vote erosion and the ability of the winning candidate to garner all or most "available" votes raises questions about the election process. From a statistical perspective, "available" votes are votes that result from increased turnout, decreased PDA support and decreased third-party support.

Approximately 15 percent of the 216 National Assembly constituencies fall into one of these two categories. In all of these questionable constituencies, the PDA lost at least 15 percent of the vote that it received in 1988. In more than 90 percent of these questionable constituencies, the winning candidate received virtually all of the available votes.

The IJI won approximately 70 percent of the constituencies identified by the analysis as questionable. In approximately 6 percent of these constituencies, the PDA won despite the decrease in its vote total from 1988. Finally, third-party candidates, many of whom were in alliance with the IJI, won approximately 24 percent of the questionable constituencies.

This statistical analysis highlights the extent to which the election process may have been flawed. It cannot and does not draw conclusions about either the type of irregularities that may have occurred or the validity of the outcome in any constituency. Even in those constituencies where the analysis raises questions concerning the process, it is not possible to reach an *a priori* conclusion that the runner-up would have been the victor.

C. Summary

The above-mentioned problems notwithstanding, there is no clear basis presently available for invalidating the overall results of the 1990 Pakistan elections. The delegation's first-hand observations, coupled with the third-party phenomenon, suggest that the results in most constituencies reflected the will of the electorate. The PDA did not present sufficient evidence to prove, nor did the statistical analysis establish, that the results in a majority of the constituencies were affected by fraud.

The two tracks of the delegation's post-election investigation, however, confirmed the *possibility* that serious irregularities may have affected the election process, but not necessarily the results, in approximately 15 percent of the National Assembly constituencies. Moreover, the safeguards designed to prevent fraud proved ineffective in many constituencies.

By listing the problem constituencies found during the post-election investigation and identifying the types of problems encountered in each, the delegation seeks to highlight the need for increased vigilance by electoral authorities, government officials, political parties and the citizenry. The problems areas may also suggest the need for reforms in the election process that would facilitate more rigorous surveillance. Failure to address this matter in the near future will only diminish confidence in the election process.

METHODOLOGY FOR STATISTICAL ANALYSIS

Introduction

The vote casting and counting processes are critical elements of a free and fair election. With this in mind, the statistical analysis sought to determine the extent to which "unusual" activity in these processes indicated an attempt to alter outcomes through manipulation and thus create a situation wherein the spirit, if not the substance, of a free and fair election was violated. However, the results of the statistical analysis were not, in and of themselves, sufficient to provide more than an indication of irregularities.

The statistical analysis evaluated patterns of behavior, and permitted vote totals to be investigated for internal consistency. The analysis was designed to permit identification of several possible types of fraud, including: disenfranchisement of voters; gross ballot box stuffing; systematic additions of votes through targeted polling stations and subtle stuffing (for example at the use of fraudulent ID cards); and other irregularities.

The statistical analysis also enabled a categorization of constituencies. This categorization provided a presumptive indication of the fairness of the *vote casting* and *counting* component of the election.

Preparation for Analysis

During the two weeks prior to the elections, a template for the analysis process was created. This included review of the 1985 election results, data entry of 1988 election results into a spreadsheet, and development of a specialized database program, which provides a facility for various statistical measures, clustering and graphing of the election results.

Prior to the elections, the statistical team interviewed Election Commission officials, party officials and others to ascertain the mechanisms of the election and anticipated problems. On election night, one member of the team stayed at the Election Commission control room and, working directly off the Urdu documents, received

results contemporaneous with the Election Commission. As they became available, results were entered into the computer systems used by the statistical team.

The team also investigated several "back rooms" at the Election Commission where tallying was taking place to ascertain the time lag between results being called in from returning officers and summed tally sheets being presented to the Election Commissioners. There was nothing particularly unusual about the count as compared to our experience of 1988 and the delays experienced in collecting the information were, for the most part, similar to the delays encountered in 1988.

Data Collection

The statistical team collected data from the 206 single-member muslim constituencies contested on October 24 and compared the data with corresponding data from the 1988 elections. Specifically, the team investigated changes from 1988 with respect to the following factors:

- Registered voters;
- Votes cast and voter turnout;
- Increases (decreases) in votes by the winning, runner-up and third-party candidates;
- Number of votes garnered by the winning candidate from third-party and runner-up candidates;
- PDA votes cast as a function of a predicted apportionment of increased voter turnout;
- PDA votes cast and, where relevant, the decrease in predicted PDA votes cast (this is referred to as PDA vote erosion;
- A cluster analysis of voter turnout, votes cast for major parties, third-party phenomena and rejected votes; and
- A comparison between constituencies for turnout, victory margins and other factors.

Basis for Analysis

Several factors and analytical techniques were used to determine the appropriate classification for each constituency. Because of the sensitivity of the undertaking, the criteria used are fairly conservative and include the following:

- Constituencies where the 1990 turnout was 15 percent greater than the 1988 turnout
- Constituencies where the erosion of the 1988 PPP vote was greater than 15 percent, but less than 25 percent
- Constituencies where the erosion of the 1988 PPP vote was greater that 25 percent and less than 40 percent
- Constituencies where the erosion of the 1988 PPP vote was greater than 40 percent
- Constituencies where the winning party may have secured 100 percent of the increased voter turnout plus decreased PDA vote (accounting for changes in third-party vote).

These factors were evaluated in combination. Thus, a constituency that had an increased turnout in excess of 15 percent AND an erosion of the PDA base of 24 percent would be rated as more unusual than a constituency with only a PDA erosion of 24 percent. A direct analysis of the erosion of the PDA base from 1988, however, was complicated by the fact that the PPP was not in a coalition in 1988 as it was in 1990.

In those constituencies where there was an increase in voter turnout, two methods for evaluating the erosion of the PDA base were established: (i) erosion assuming that none of the increased vote turnout went to the PDA candidate; and (ii) erosion assuming that a portion of the new vote turnout equal to the ratio of the PDA share of all votes (in constituency) went to the PDA candidate.

Finally, the following criteria were applied to assign the specific classification types for each constituency:

- A decline in the PDA base of more than 25 percent was considered highly unusual and indicated that there may have been irregularities;

- A decline in the PDA base of less than 25 percent but greater than 15 percent, *where* the winner appeared to have secured all of the available new votes – i.e., a) increased voter turnout, b) lost third-party votes and c) lost PDA votes – was considered to be an indication of possible irregularities, while recognizing that such a combination of events could also be the result of coordinated political activities; and
- A decline in the PDA vote of less than 25 percent where the factors listed above were not present was considered a constituency where the statistical analysis did not demonstrate possible irregularities, although there may have been manipulation that was not identifiable through the statistical analysis.

It is important to note that even in those constituencies where there are reasons to question the electoral process, it is not possible to assume that the runner-up party would have been the victor. In these constituencies, the statistical analysis simply cannot be used to determine which candidate would have been the winner. Therefore, only in a conjectural manner, can the statistical analysis be used to ascertain the extent to which the existence of election irregularities might have affected the number of seats held by any given party.

Analytical Premises

The basic premise of the analysis is that useful information can be extracted from a comparison of the behavior of constituencies in 1990 to the behavior of constituencies in the 1988 elections. While this is fundamentally true, several phenomena introduce an element of uncertainty into the analysis:

- In any given 1988 constituency, undetected fraud could have occurred which would diminish the value of a comparison to 1990 as (i) the fraud might be repeated and therefore no significant change in behavior would be noticed or (ii) the 1990 results might artificially look unusual despite the fact that they more honestly reflect a fair result.

In light of the above statement, it is useful to note that if the 1990 election results were used as the base year, and then compared with the 1988 election results, there would be many constituencies with reduced turnout and increased PPP vote totals. Thus, in 1988 the PPP might appear to have won many constituencies by a margin that was suspiciously large, and IJI might look like the victim of systematic disenfranchisement. While most analysts would agree that the PPP's 1988 victory was attributable to political causes rather than rigging, there is a degree of speciousness to the premise that 1988 is the only baseline for comparison (many analyses have made this assumption).

- In 1988 the PPP, for valid political reasons, may have secured votes from a large number of "swing" voters. For this purpose, swing voters are defined as voters who vote for a party, but are not necessarily party loyalists and thus are more likely to change party affiliations.

For example, one might assume that the Pakistan electorate consists of 40 percent loyal IJI supporters, 40 percent loyal PPP supports and 20 percent swing voters. The 1988 results might then reflect the PPP obtaining, in any given constituency, a portion of the 20 percent swing voters (e.g., 50 percent). This would give the appearance of a PPP loyalist base that is larger than it is in fact. When, in 1990, these PPP swing voters changed affiliation to the IJI, it would appear that a portion of the loyal PPP partisans had (i) changed affiliation or (ii) been somehow disenfranchised. To account for this problem, the decline of PPP vote is not considered significant unless the decline is "dramatic" (this being a less than scientific concept).

- The statistical analysis was conducted, for the most part, without the benefit of qualitative substantiation that effective detection mechanisms would have provided. This significantly altered the tenor of the analysis: fraud or manipulation could only be suspected, but could not be conclusively proved. In order to make more definitive statements regarding the 1990 elections, much more data would have to be collected (including individual polling station data) and processed to ascertain, with more definition, what occurred in the problem constituencies.

- Different kinds of fraud require different levels of sophistication and coordination. No quantitative system, for example, would detect a sophisticated election cell which, upon completion of the vote tally, decided to add only enough votes to affect a change in the outcome.

In Pakistan, there are systems (theoretically) in place to deter such manipulation provided that the safeguards (in this case polling agents and tally sheets) are in place and are unfettered. Unfortunately, it may be the case that the party organizations (upon whom the onus of detecting and demonstrating fraud falls most heavily) may not be capable of meeting the challenge of demonstrating gross fraud.

OBSERVATIONS ON STATISTICAL ANALYSIS

Voter Turnout

Voter turnout was analyzed at several points in time. Initially, with only a few of the constituencies reporting in during the night of the election, an estimate of turnout projected national turnout of 38 percent. Subsequently, by midday the following day, with more constituencies reporting, national turnout was estimated at 44 percent. This apparent discrepancy is likely the result of legitimate aspect of the vote tabulation and data collection process. Nonetheless, it is possible that this could have resulted from certain irregularities, but we have no corroborating information to this effect.

Third-party Phenomena

The statistical analysis demonstrates that the IJI was, for the most part, successful in consolidating its support by eliminating or coopting powerful third-party candidates. Consequently, the IJI was able to garner a substantial portion of the votes that previously went to strong third-party candidates in 1988. The table on page 99 shows, for all constituencies, the difference in 1990 IJI votes (from 1988) compared to the difference in votes garnered by third-party

candidates. As can be seen, in most constituencies won by the IJI, the increase in IJI votes was mirrored by a corresponding decrease in third-party votes.

Problem Constituencies

There were also constituencies where the IJI vote was not the result of reduced third-party votes. In some of these constituencies, the results can be explained politically (e.g., a weak PDA candidate or a switch in party affiliation of a popular candidate). However, there are those constituencies that, based on a surface analysis of the numbers, suggest some "interesting" phenomena. The following example demonstrates how an unusual phenomenon could possibly be indicative of irregularities, but is not necessarily the result of irregularities.

In NA 1 (Peshawar), where the 1988 winner (PPP) flipped to the 1988 runner-up (ANP), the following data provided the basis for analysis:

- There were 96,516 votes cast (10,280 more votes from 1988 cast for an 11.92 percent change);
- The ANP received 15,286 more votes than it did in 1988 (a 42.5 percent change);
- Given the ratio of votes won by ANP to the votes won by PDA, the PDA should have (and may have) garnered 4,149 of the new votes cast (i.e., as a result of increased turnout);
- The PDA lost 5,707 votes as compared to 1988, representing a loss of 13 percent of their 1988 vote; and
- Third parties gained 701 votes.

There are two possible scenarios:

1. The ANP managed to secure 100 percent of the new votes cast (10,280) plus 13 percent of the PDA base (5,707), except for 701 votes that went to third parties; or

2. The ANP garnered 59 percent of the new votes cast (6,131) plus 22 percent of the PDA base (9,856), except for 701 votes that went to third parties.

Scenario 2 is more realistic, although scenario 1 is also possible. Thus, this constituency is categorized as one where irregularities may have occurred thus resulting in uncertainty about the results, notwithstanding that there may be a legitimate political explanation for these numbers.

Voter Registration and Political Organization

In light of the dramatically increased voter registration rolls (especially in the Sindi), one might draw the conclusion that this election was characterized by significantly more organization by the IJI than was the case in 1988. The post-election "confusion" and the PDA's inability to effectively substantiate claims of widespread irregularities provides a further basis of support for the theory that the PDA simply encountered well-organized political opponents. Of course, this high level of organization also could have expressed itself through sophisticated and subtle rigging, but, except as noted, this does not appear to be the case.

Conclusions

The statistical analysis of the 1990 elections is far from definitive. However, after some initial problems with inaccurate or incomplete data were corrected, the analyses revealed no significant underlying trend which was indicative of massive, centrally organized fraud.

Since Pakistan uses a parliamentary system, aggregate analysis of nationwide turnout, victory margins or other factors are not of great significance. It is more important that the analysis accurately reflect the behavior of individual constituencies. Nonetheless, the overall analysis of the 1990 election results supports the conclusion that, for the most part, the election appears to accurately reflect the will of significant portion of the electorate.

The most significant pattern that emerged was the reduction in votes for third-party candidates votes in constituencies where either the IJI or PDA candidate was the winner. In 15 percent of the constituencies, the PDA vote erosion was sufficiently significant, either by itself or in conjunction with other factors, to raise questions regarding the integrity of the results. However, even in these 15

percent of the constituencies, the results could be explained by coordinated political activity.

It is evident from these elections that the mechanisms currently in place in Pakistan that are designed to detect irregularities are far from perfect. While there are procedures in place to deter vote fraud, the mechanisms designed to detect fraud are far less robust. Furthermore, the onus to present evidence of irregularities rests entirely with a complaining party. The Election Commission has no system, nor any apparent interest in establishing an independent capability, to detect irregularities contemporaneously with the vote casting and counting process. If such a system existed, it would act as a significant additional deterrent to fraud. The absence of adequate concurrent detection is a major deficiency in the process and needs to be addressed.

Without the infrastructure of a coordinated policing of the process, the evidence collected by observer missions and the allegations lodged by aggrieved, but inefficient, party organizations is inadequate to characterize this, or future, elections. The fact data from these elections suggests that irregularities may have occurred in more than a few constituencies is evidence that extant safeguards are not adequate. The consequences of these systemic inadequacies could, in the future, erode the foundation of trust necessary for free and fair elections.

QUICK COUNT TEAM MANUAL

The quick count team (QCT) will conduct a parallel vote tabulation at a sample of 350 polling stations throughout Zambia for the 31st October 1991 presidential elections. The Quick Count will be used for projecting the results for the PRESIDENTIAL ELECTIONS ONLY. The QCT will use the following mode of operation:

IMPORTANT INSTRUCTIONS FOR ALL QCT VOLUNTEERS

1. ALWAYS MAKE SURE THAT YOU ARE NEUTRAL AND NON-PARTISAN

2. READ AND STUDY THIS MANUAL CAREFULLY AND COMPLETELY. BE SURE TO ASK QUESTIONS IF ANYTHING IS NOT CLEAR.

3. ALWAYS USE THE FASTEST MEANS OF COMMUNICATION

4. WHEN CALLING THE NATIONAL OPERATOR USE THE COUNTING CENTER CODE

DEFINITION OF TERMS

QCT - means Quick Count Team

QCT National Coordinator - means the person responsible for all sampled polling stations in the country (approximately 350)

QCT National Operator - people in Lusaka responsible for staying by the phones and the radios to receive results from the provincial centers

QCT Provincial Coordinator - people responsible for coordinating the volunteers in the province and disseminating materials.

QCT Counting Center Coordinator - people responsible for all sampled polling stations in a counting center. The Counting Center Coordinator will recruit assistants, receive materials from the headquarters, assign sampled poll stations to assistants, keep copies of poll [illegible] tally forms and gather all results from the counting center on the counting center coordinators form.

QCT Counting Center Assistant - will report to the counting center at 1700 hours election night. They will be assigned 1 or more SAMPLED polling station(s) and will meet the ballot boxes when they arrive. The assistant will stay with the box(s), record the results on the poling station tally form, check in with the counting center coordinator and transmit to the national operator in LusakA.

QCT Field Observer - person from the PVT team of volunteers observing a sampled polling station. The Field Observer is responsible for watching the ballot boxes from opening to closing and certifying the balloting

QCT COUNTING CENTER COORDINATOR

EVERY COUNTING CENTER WILL HAVE ONE COUNTING CENTER COORDINATOR ASSIGNED TO IT. THE COUNTING CENTER COORDINATOR WILL BE RESPONSIBLE FOR RECRUITING AND BRIEFING ASSISTANTS TO BE AT THE COUNTING CENTER ON ELECTION NIGHT AND FOR COMMUNICATING CONSTANTLY WITH THE HEADQUARTERS.

The Counting Center Coordinator will be in CONSTANT COMMUNICATION with QCT Headquarters.

BEFORE ELECTION DAY

The Counting Center Coordinator MUST report to QCT Headquarters the following information AS SOON AS POSSIBLE. If the QCT Counting Center Coordinator CAN NOT get any of the information they MUST REPORT THIS to Headquarters and we will work together to find it:

* The exact address of the counting center

* Find a RELIABLE phone/telex/fax or radio IN or NEAR the counting center that the QCT can use to transmit results from the sampled ballot boxes ALL NIGHT in Lusaka. The Coordinator MUST secure a way for the counting center assistants to get in touch with Lusaka and report results (several times if necessary) on election night.

* The names and NRC numbers for all of the counting center assistants and volunteers so they can get badges.

* The BEST way to get the materials (forms, badges etc.) to the Counting Center Coordinator a few days before the election.

* A contact phone and fax or telex for the QCT Counting Center Coordinator. THE Counting Center Coordinator and the Headquarters MUST BE IN CLOSE CONTACT.

ALL OF THIS INFORMATION NEEDS TO BE GIVEN TO THE HEADQUARTERS AS SOON AS POSSIBLE. You can fax at 223 604 or telex the Hotel Intercontinental ATTENTION GINA room 542 telex number 41440 or phone Adrian, Branel or Gina in Lusaka at 254788, 254444, 252112, 254433.

The QCT Headquarters MUST report or send to the Counting Center Coordinator

* the phone/fax/telex/radio numbers for the National Operators in Lusaka that the results will be transmitted to election night.

* Badges from the electoral commission that the QCT needs to get access to the counting centers.

* Badges from the QCT Headquarters so QCT volunteers can be identified

* the names of the SAMPLED polling stations in the counting center

* POLLING STATION TALLY FORMS - these are used for each of the polling station IN THE SAMPLE and the PRESIDENTIAL ELECTION results MUST be verified and transmitted as QUICKLY AS POSSIBLE on election night

* COUNTING CENTER COORDINATOR FORMS - these are used to record ALL of the results from both the presidential and parliamentary elections in all of the polling stations covered by the counting center. The QCT Headquarters will need to make arrangements to get copies of all of these forms after the elections. The results on this form do NOT need to be transmitted on election night ONLY the sampled polling stations.

The QCT Headquarters will send ALL of the materials that are needed for the counting center to the counting center coordinator. The Coordinator MUST hand out badges BEFORE the election or at the counting center on ELECTION DAY.

The Headquarters will draw a sample of the 350 polling station approximately October 27. Please MAKE SURE THAT all Counting Center Coordinators give headquarters a way to communicate and get materials to them.

The Headquarters will call all of the Counting Center Coordinators with the number of polling stations in that counting center that are sampled. The Counting Center Coordinator should recruit as many people as possible for the counting center because even if there are more people than sampled ballot boxes the extra people can be used to monitor other ballot boxes.

The Counting Center Coordinator will get a security code and the names of the polling stations. The Counting Center Coordinator MUST NOT TELL ANYONE the code or the names of the sampled polling stations BEFORE ELECTION night.

ELECTION DAY

The Counting Center Coordinator will BRING:

1) Electoral Commission badges for all assistants if they have not been handed out before election

2) Poll Station Tally Form for each of the sampled polling station in the counting center with the polling station name and information FILLED OUT

3) Counting Center Coordinator forms for the coordinator to fill out

4) List of all SAMPLED polling stations in the counting center and a MASTER list of all polling stations in the counting center

5) several copies of the list of phone/telex/fax/radio numbers for the national operators in Lusaka

6) several copies of the phone/fax/telex/radio numbers at or near to the counting center for specific instructions for the assistants to use to transmit results

The Counting Center Coordinator and the assistant will report to the counting center on 31 October at 1700 hours.

The Counting Center Coordinator will brief the assistants and assign them each a polling station in the sample (you may have to assign more than one to an assistant). The Counting Center Coordinator will hand out the materials and badges.

The Assistants will wait at the door to the counting center for boxes to arrive. EVERY time a presidential ballot box arrives the assistant will ask what constituency and polling station that it came from.

IF IT IS PART OF THE SAMPLE - the assistant assigned to that ballot box must ask the party agents from UNIP AND MMD -- Have you been with this box from the beginning of voting? Did you stay with it all day until the polls closed? Were you with this box from the time it left the polling station to the time that it arrived at this counting center? The TWO party agents then MUST sign the Polling Station Tally Form to certify that the box was not tampered with.

AFTER THE PARTY AGENTS HAVE SIGNED - the assistant will remain with this box until it is counted. It is the responsibility of the Counting Center Assistant to make sure that they or another assistant watches the count of the box and record the presidential results on the form. After the count of that box is done and the form is completed the assistant must show the completed form to the Counting Center Coordinator who will verify that all sections are completed. The assistant will give one copy to the Counting Center Coordinator. The Counting Center Coordinator will give the copy to the assistant who will phone/telex/fax the results AS QUICKLY AS POSSIBLE TO A NATIONAL OPERATOR IN LUSAKA.

IF the Counting Center Assistant has not received the phone telex/fax numbers for the Lusaka National Operators the Field Observer should get the contact numbers from the Counting Center Coordinator.

IF A BALLOT BOX WHICH ARRIVES IS NOT PART OF THE SAMPLE - the assistants do not need to fill out a form on it. The Counting Center Coordinator will be recording the results as they are counted for all of the ballot boxes. For the boxes that are not in the sample, the counting center coordinator ONLY needs to record the name and number of the poll station AND the results for the presidential and parliamentary elections -- no signature of party agents is needed.

The Counting Center Coordinator must make sure that the results from a polling stations are entered once, and ONLY ONCE. The Counting Center Coordinator will use the master list of all sampled polling stations in the counting center. When results from a sampled polling station are reported the Counting Center Coordinator will cross their names and numbers OFF OF THE MASTER LIST. When the counting center coordinator gets the results from polling stations that are not in the sample they should be crossed off of the master list also. In cases of double reporting, the CCT Counting Center Coordinator must verify with the electoral officer.

IF PARTY AGENTS CAN NOT CERTIFY THAT THE BOXES WERE NOT TAMPERED WITH - the assistant MUST write this on the polling station tally form and bring it to the attention of the counting center coordinator. The Counting Center Coordinator then notes this on the master list and transmits this information to Lusaka.

AFTER THE ELECTIONS

The Counting Center Coordinator will keep a copy of all of the Polling Station Tally Forms and the Counting Center Coordinators form. These forms MUST be sent to the headquarters. PLEASE CALL the headquarters and arrange for the method to pick up the forms or to send to Lusaka.

NOTE: Considering the difficult conditions that may exist, you are no doubt the best judge as to the ABSOLUTE quickest way to transmit the information. Keep in mind that SPEED and accuracy of numbers are VERY IMPORTANT. After verifying the PSTF, the CCT Counting Center Coordinator shall be responsible telling the assistant the best way to transmit the results to National Operator

COUNTING CENTER ASSISTANT

BEFORE ELECTION DAY

The Counting Center Assistant will be briefed by the Counting Center Coordinator

The Assistant must submit his/her name and NRC number to the counting center coordinator as early as possible to get a badge.

ELECTION DAY

The Assistant must report to the counting center at 1700 hours to be briefed by the counting center coordinator.

The Assistant will be assigned one or more polling stations in the sample. They will be given polling station tally forms for each of these sampled polling stations.

The Assistant will meet all of the vehicles as they bring in the ballot boxes and ask what polling station they are form. If they are from a SAMPLED polling station then the assistant MUST ask the TWO political party agents from UNIP AND MMD --

Have you been with this box from the beginning of voting?

Did you stay with it all day until the polls closed?

Were you with this box from the time it left the polling station to the time that it arrived at this counting center?

The TWO party agents then MUST sign the Polling Station Tally Form to certify that the box was not tampered with.

IF THERE WERE NO POLITICAL PARTY AGENTS WITH THE BALLOT BOX THEN THE ASSISTANT MUST BRING THIS TO THE ATTENTION OF THE COUNTING CENTER COORDINATOR

AFTER THE PARTY AGENTS HAVE SIGNED - the assistant will remain with this box until it is counted. It is the responsibility of the Counting Center Assistant to make sure that they or another assistant watches the

count of the box and record the presidential results on the Polling Station Tally Form. After the count of that box is done and the form is completed the assistant must show the completed form to the Counting Center Coordinator who will verify that all sections are completed. The assistant will give one copy to the Counting Center Coordinator. The Counting Center Coordinator will give the code to the assistant who will phone/telex/fax the results AS QUICKLY AS POSSIBLE TO A NATIONAL OPERATOR IN LUSAKA.

The Assistant or the person who calls in the results MUST get the code from the counting center coordinator and when they transmit the results to the national operator in Lusaka they must use this code.

After the assistant has filled in the poll station tally form for all of the assigned ballot boxes in the sample, given a copy to the counting center coordinator and transmitted the results to Lusaka they are finished.

QCT PROVINCIAL COORDINATOR

The QCT Provincial Coordinator is responsible for coordinating liaising with the Counting Center Coordinators to make sure that they are assigned the counting centers and briefed.

BEFORE ELECTION DAY

* The Provincial Coordinator MUST work with the identify and train all of the counting center coordinators. The Provincial Coordinator will communicate with the QCT headquarters and coordinate that all the counting centers in the province are covered with coordinators. They will assist in getting badges and liaise with the headquarters.

* The QCT Provincial Coordinator will identify addresses of all of the counting centers in the province. The Provincial Coordinator will be responsible for helping to set up communications at or as close as possible to each of the counting centers in the province. These counting centers should also have a backup communication plan. The Provincial Coordinator will need to work closely with the QCT Counting Center Coordinator and headquarters on communication networks.

* Approximately one week before the elections there will be a test run of the communications network. The Provincial Coordinator will have all of the contact numbers for the counting center in the province and the contact numbers for the National Operators. The Provincial Coordinator should be used as a backup to get the information.

* The Provincial Coordinator MUST be in close communication with QCT headquarters to alert them to any potential problems and update the headquarters on progress.

* The Provincial Coordinator will make a master list of all the sampled polling stations in the province and the codes assigned.

ELECTION DAY

* The Provincial Coordinator will be at a back up number no later then 1800 hours which all of the counting center coordinators will have in case there is a problem or in case the communication between the counting centers and the national operator in Lusaka fails.

QCT NATIONAL OPERATOR

The QCT National Operator receives the results from Counting Center Assistants or the Field Observers. There will be about 30 QCT National Operators in Lusaka on election night. All of the Counting Center Coordinators will have a list of approximately 8 National Operator numbers to which they can report. The National operator should report to the designated phone or fax or radio at 1800 hours and be ready to begin receiving results. At this time, the national operator is responsible for two things:

1) Ensuring that the results from each sampled polling station is entered once and only once and that results from invalid polling station codes are not entered. A Master code list of all provinces with counting centers and all sampled polling stations with codes, in the country be used such that as results from the counting centers are reported their corresponding polling station code numbers are crossed off from the master list.

Cases of double reporting as invalid polling station code numbers should be noted and reported to the QCT headquarters.

2) The National operators are responsible for filling in the NOF for every result that they receive and transmitting the results by messenger to the QCT National Coordinator as soon as they come in.

Results should be submitted as soon as they are available from each of the Counting Centers. One copy of the NOF form is kept by the operator, the second is given to the representative from the electoral commission and the third is used in submission of results by a mobile [illegible]on or messenger of results.

NOTE: Place of operation, code of place of operation, name of national operator, and national operator code should be filled in before election day. The national operator and the national coordinator should note serial numbers of NOF for verification.

QCT FIELD OBSERVER

THE QCT WILL TRAIN AS MANY PEOPLE AS POSSIBLE FOR THE QUICK COUNT. ALL OF THE FIELD OBSERVERS THAT HAVE BEEN RECRUITED AND ARE NOT WORKING AT THE ACTUAL COUNTING CENTER SHOULD GO THE POLLING STATION THAT THEY VOTE AT AND MONITOR THE BALLOT BOXES. THEY WILL FILL IN THE FIRST SECTION OF THE POLLING STATION TALLY FORM CERTIFYING THAT THE BOX WAS NOT TAMPERED WITH FROM THE OPENING TO THE CLOSING OF THE POLLING STATION

AFTER THE POLLS CLOSE - If the Field Observer can not get to the counting center then they should send by post a copy of the polling station tally form with the first part filled out and certified to the QCT headquarters. Address Attention - PVT, P.O. Box 37278, Lusaka

BEFORE ELECTION DAY

* Each Field Observer will participate in a training workshop and read and receive a Quick Count Team manual.

* All Field Observers should read and study the manual. If the Field Observer has any questions he should contact the QCT Counting Center Coordinator. The Field Observer must plan to contact the Counting Center Coordinator a few days before the election to get badges and a PSTF forms

ELECTION DAY

* Report to the assigned polling station at 0500 hours. The Field Observer will remain with the ballot boxes up to the closing of the polling station. The Field Observer is there to watch the sampled presidential ballot boxes ONLY.

* AFTER THE POLLS HAVE CLOSED - The Field Observer will fill in the total number of people who cast their ballot at the station on to the PSTF. The Field Observer should certify this number and get signatures from the other party agents present at the polling station

NOTE: The Field Observers and Political Party Agents should sign the PSTF to certify the total number of people who cast their vote before the ballot boxes are taken to the counting center.

* IF POSSIBLE, the Field Observer should try to accompany the ballot boxes to the counting center. At the counting Center the Field Observer should check in with the Counting Center Coordinator or the Assistants.

IF THE FIELD OBSERVER CAN NOT GET TO COUNTING CENTER - The Field Observer will complete the first section and certify that he/she was with the boxes until they left for the counting center. The Field Observer will then send this form to the QCT headquarters. If the Field Observer can not get to the counting center the counting center coordinator and the assistants will need to take over when the ballots arrive at the counting center.

As far as observations of the conduct of the elections is concerned, QCT headquarters needs a count of the number of occurrences or irregularities in the process on the PSTF. The full description and specifics should also be written on the form BUT will in order to save time this will NOT be read with the results. The QCT Field Operator should post this to the headquarters in Lusaka. The headquarters will use these descriptions to assist in making a record after the elections.

NOTE: The occurrences will be marked by when they occurred in the election day process.
A - refers to the irregularities with the polling station as a structure

B - refers to the irregularities during the poll time
C - refers to irregularities during the transport of ballot boxes to the counting centers
D - refers to irregularities from the time the observer arrives at the counting center to the time when all the ballot boxes are counted.

QCT NATIONAL COORDINATOR

The national coordinator will be stationed at the QCT headquarters with the computers. The National Coordinator will receive the results as they come in to the national operators in Lusaka. The National Coordinator is responsible for:

1) Ensuring that the results from a sampled polling station are entered once, and only once, and that results from invalid polling stations are not entered. A master code list of all provinces with counting centers and all sampled polling stations with codes in the country, be used such that results from provincial centers are reported, there corresponding polling stations are crossed-out from the master list.

Cases of double-reporting or invalid polling station code numbers should be verified with the electoral officer, counting center coordinator, provincial coordinator and the telephone operator concerned.

2) Submission of results as they come to the computer operators, for entering in the computer. Form NRF is to be used for this purpose and only one NRF shall accommodate all the results from the telephone operators,

Submit results from each of sampled polling station as soon as they are available, to computer operators.

NOTE: Name of the national coordinator and his code should be filled in on the NRF before the day of elections.

THE FORMS FOR QUICK COUNT

1 **POLLING STATION TALLY FORM (PSTF)** - 3 copies

The QCT headquarters will send the PSTF form to the QCT Counting Center Coordinator to distribute to assistants at the counting centers and to field operator (if possible). The Counting Center Assistants will use this form to fill in the number of ballots that were cast at each sampled polling station. If the sampled ballot box arrives at the counting center without a field observer, the counting center assistant asks the party agents (2) who accompanied the ballot to certify on the PSTF that the box was not tampered with. The assistant then stays with the box as it is counted and records the results on the PSTF. The Assistant verifies this with the Counting Center Coordinator gives the coordinator a copy and transmits the results or gets a messenger to transmit the results as QUICKLY AS POSSIBLE>.

2 **COUNTING CENTER COORDINATOR FORM (CCF)** - 2 copies

The QCT Counting Center Coordinator will verify the results of the presidential race on this form on election night. The QCT Counting Center Coordinator will collect the results from all of the polling stations in the counting center. The QCT Counting Center Coordinator copies the results from all the sampled polling stations at the counting center on to the two copies of the CCF. These results are going to the QCT headquarters after the elections along with the copies of the Polling Station Tally Form that the counting center coordinator has collected.

3 **NATIONAL OPERATORS FORM (NOF)** - 3 copies

The National Operators will be collecting results by phone, by radio, by fax and by delivery (from Lusaka urban) from all counting centers. They will collect results from all of the sampled polling stations in the country through the counting center assistants or messengers with the code and copy these on to the NOF. The National Operators will send these results by messenger as they get them to the QCT National Coordinator at the QCT computer headquarters in Lusaka.

5 **NATIONAL RECEIVING FORM (NRF)** - 2 copies

The QCT National Coordinator will be the only person with the NRF at the QCT headquarters on election night. The National Coordinator will use this form to fill in the results from all of the 350 sampled polling stations that are sent via the National Operators. The National Coordinator will use this form to make sure that polling stations are not counted more than once and to keep a record of the polling stations that are in the sample. The QCT National Coordinator will submit the results from all sampled polling stations in the country to the computer operators for entering into the computer at QCT headquarters.

C. Parallel Vote Tabulation

Z-Vote decided to organize its own independent vote count, known as a parallel vote tabulation, when it became clear that the belated organization of the domestic monitoring groups would make it impossible for them to mount such an effort on their own. While domestic groups or intergovernmental organizations, such as the United Nations and the Organization of American States, have performed such independent tallies in past transitional elections, such as in Nicaragua and Haiti, Z-Vote's effort in Zambia marked the first time that a private group of international observers independently conducted a PVT.

Using a network of Zambians recruited specifically for the independent vote count, drawn largely from the ranks of several of ZEMCC's constituent groups, Z-Vote developed the methodology and plan of operation for a parallel vote tabulation of polling sites representing 10 percent of the eligible voters within each of the country's nine provinces. Zambian statisticians and demographers advised on the plan and generated the random sample of 350 polling sites.

Z-Vote prepared a PVT manual, trained provincial and counting center coordinators, developed a nationwide communications network, supervised the activities of the data processors and organized the distribution of PVT materials throughout the country. As the ballot tabulation was completed in counting centers throughout the country on election night and the following day, PVT representatives obtained and reported the results from the pre-selected sample back to the Lusaka headquarters. PVT data processors, statisticians and demographers at the headquarters entered the information in computers, calculated partial results and prepared periodic reports.

The PVT served as an important deterrent to fraud. As designed by Z-Vote, the PVT allowed the international observers to verify officially announced results and to check the integrity of the ballot box transportation process. This arrangement would have been critical had there been serious allegations of electoral manipulation. The PVT in Zambia, however, was not designed to provide a "quick count" to be announced to the public. The procedure for counting the ballots, which required waiting until all of the ballot boxes from a given constituency arrived at the counting center before a tally could begin, precluded the PVT from announcing results on election night.

Moreover, in response to UNIP's continuing objection to the PVT, President Carter had agreed to withhold the results of the PVT until he had consulted with the Electoral Commission and leaders of the two major parties.

By Friday morning, November 1, when television newscasters announced results from the first two constituencies reporting, the PVT headquarters in Lusaka had already received results from 12 percent of its sample. As sample points continued to report during the day, the trend showing an overwhelming victory for the MMD did not change. Z-Vote had received 65 percent of the sample points by the time it closed the PVT operation on Saturday night. (See Appendix XX.)

Even working with an extremely slow official counting process, PVT results available two days after the elections showed that MMD's Chiluba had won the presidential race with 74 percent of the vote to 23 percent for UNIP's Kaunda with a margin of error of plus or minus 5 percentage points. (See Appendix XXI.) The estimated turnout was 45 percent. The official results announced much later by the Electoral Commission put the final count at 76 percent for Chiluba to 24 percent for Kaunda.

The PVT procedures also provided that, for each sample point, the PVT volunteers verify that the ballot boxes had not been tampered with during balloting or transport to the counting centers. The volunteers would either rely on their own observations or obtain the certification signatures of both of the party agents who had accompanied the ballot boxes. PVT volunteers in almost every polling station reporting were able to obtain both of the requested certifications.

Given the landslide results and the early concession by Kaunda, it is difficult to estimate the importance of the PVT. It may well have deterred anyone tempted to manipulate the count and perhaps provided the electorate with added confidence that the elections would be conducted fairly.

Appendix XX

Z-Vote Parallel Vote Tabulation Results

Table I
Parallel Vote Tabulation by Province

Province	Sample PTS	PTS Report-ing	% Report-ing	MMD	UNIP	Spoilt	Turn-out	Con-firm 1	Con-firm 2
Central	32	12	37.5	79.8	17.1	3.1	41.5	12	12
Copper	78	37	47.4	88.3	9.5	2.2	41.3	37	36
Eastern	43	30	69.8	22.9	72.4	4.7	48.9	29	28
Luapaula	24	22	91.7	89.1	9.22	1.7	30.3	20	20
Lusaka	45	42	93.3	73.9	23.5	2.6	51.7	42	42
Northern	39	23	58.8	80.9	15.9	3.1	57.7	19	19
North Western	19	14	73.7	73.1	23.4	3.5	46.2	14	14
Southern	42	31	73.8	82.2	14.8	2.9	41.2	30	30
Western	28	13	46.4	76.4	21.3	2.3	44.6	13	13
TOTAL	350	224	65.8	74.1	23.0	2.9	44.7	216	214

Appendix XXI

Z-Vote Parallel Vote Tabulation Incremental Results

Table II

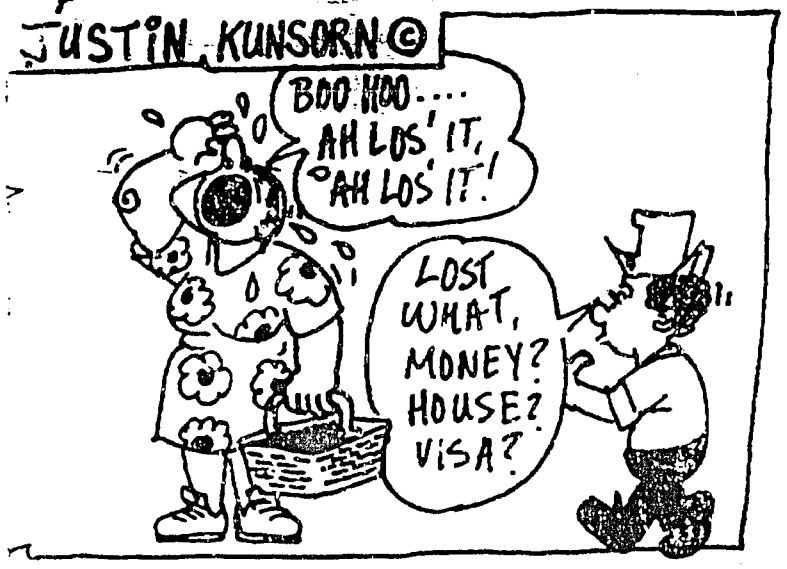
Date-Time	Polling Sites Reporting	MMD Percent	UNIP Percent	Spoilt Percent	Percent of Sample
11/1-7:30	31	68.0	28.4	3.6	12.1
8:05	37	73.2	24.0	2.8	13.0
8:40	44	73.7	23.7	2.6	15.4
9:50	53	73.5	23.9	2.6	18.9
–	77	70.4	26.4	3.2	24.9
15:12	107	71.2	25.5	3.3	32.7
19:07	157	72.7	24.3	3.0	46.9
23:57	199	74.3	22.8	2.9	59.0
11/21-9:45	224	74.1	23.0	2.9	65.8

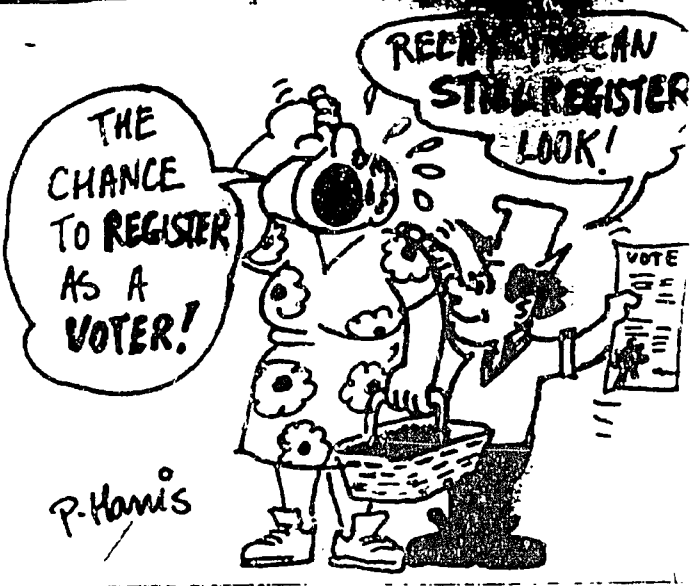
Estimated Turnout: 44.8 percent

Section 6

Civic Education

(Session 11)

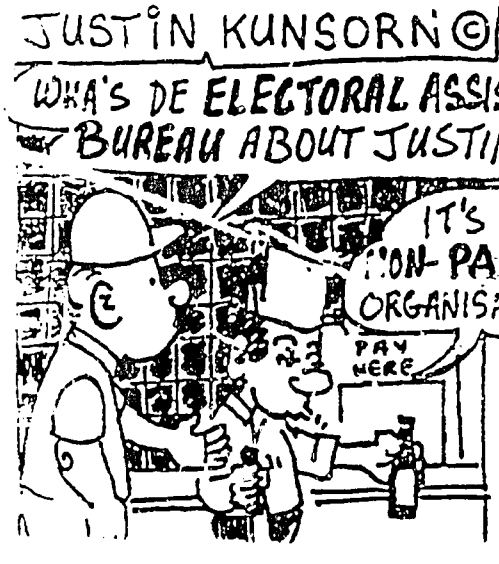




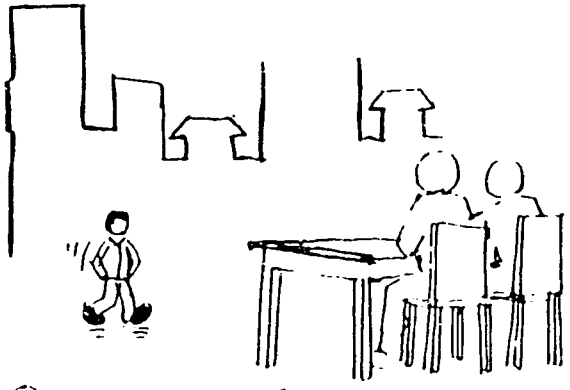
You STILL have time to register. When the Preliminary Voters' List comes out early in August, you will have a certain number of days to register at the Registrar for your district.
Don't be left out!

Electoral Assistance Bureau "Let's make every vote count."

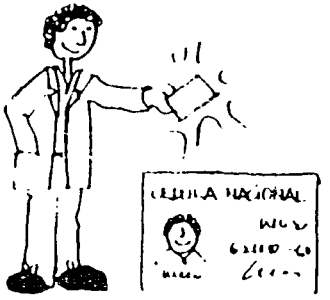
Electoral Assistance Bureau
"Let's make every vote count."
106 Laluni & New Garden Sts.
Queenstown · Tel: 62533



(ASÍ SE DEBE VOTAR)

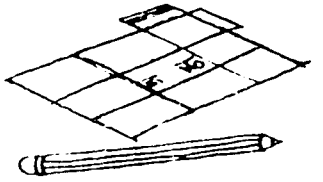


① EL ELECTOR TIENE QUE LLEGAR SOLO....

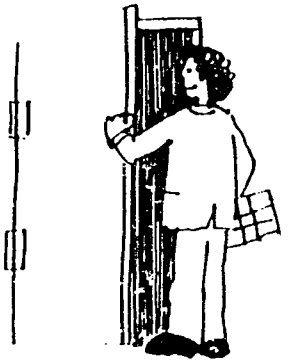


② PASA SU CEDULA DE IDENTIDAD AL PRESIDENTE DE MESA

③ Y FIRMA EL CUADERNO



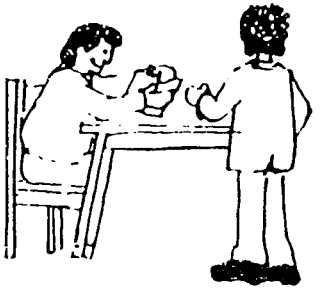
④ RECIBE EL VOTO Y UN LAPIZ



⑤ ENTRA EN LA CAMARA SECRETA.

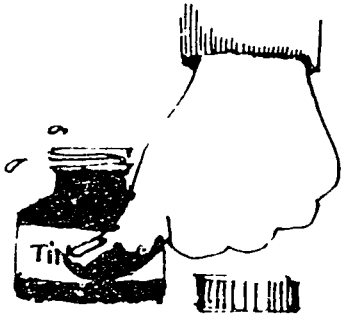
⑥ MARCA SU PREFERENCIA

⑦ .... DOBLA Y CIERRA EL VOTO



⑧ EL PRESIDENTE CORTA EL TALON Y DEVUELVE EL VOTO AL ELECTOR

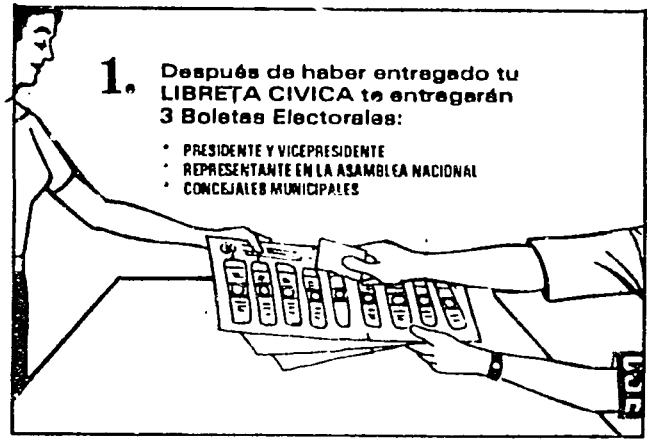
⑨ EL VOTANTE LO DEPOSITA EN LA URNA



⑩ ENTINTA SU DEDO PULGAR DERECHO

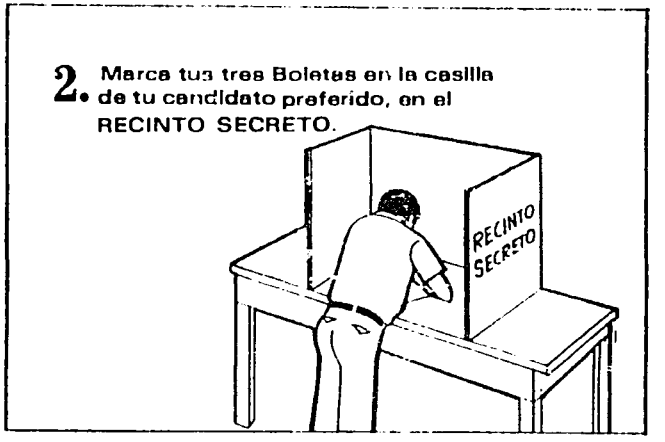
⑪ RECUPERA SU CEDULA DE IDENTIDAD

Los 4 pasos para votar

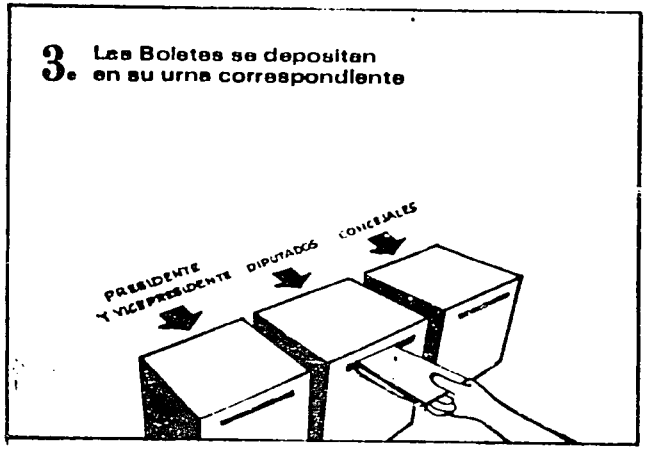


1. Después de haber entregado tu LIBRETA CIVICA te entregarán 3 Boletas Electorales:

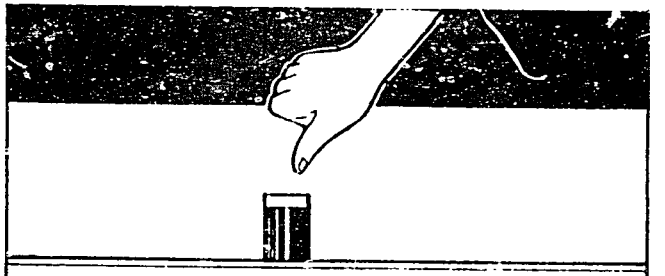
- PRESIDENTE Y VICEPRESIDENTE
- REPRESENTANTE EN LA ASAMBLEA NACIONAL
- CONCEJALES MUNICIPALES



2. Marca tus tres Boletas en la casilla de tu candidato preferido, en el RECINTO SECRETO.



3. Las Boletas se depositan en su urna correspondiente

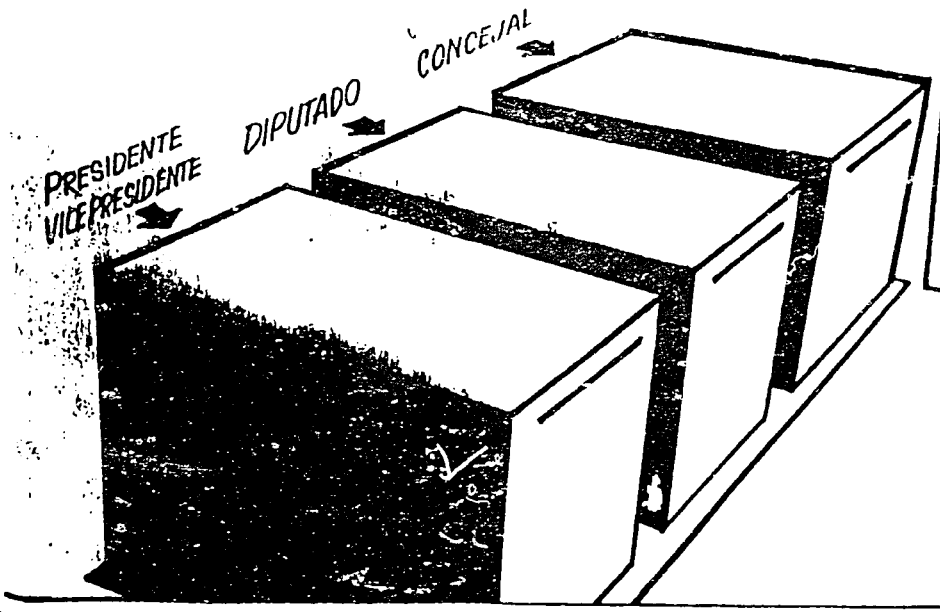


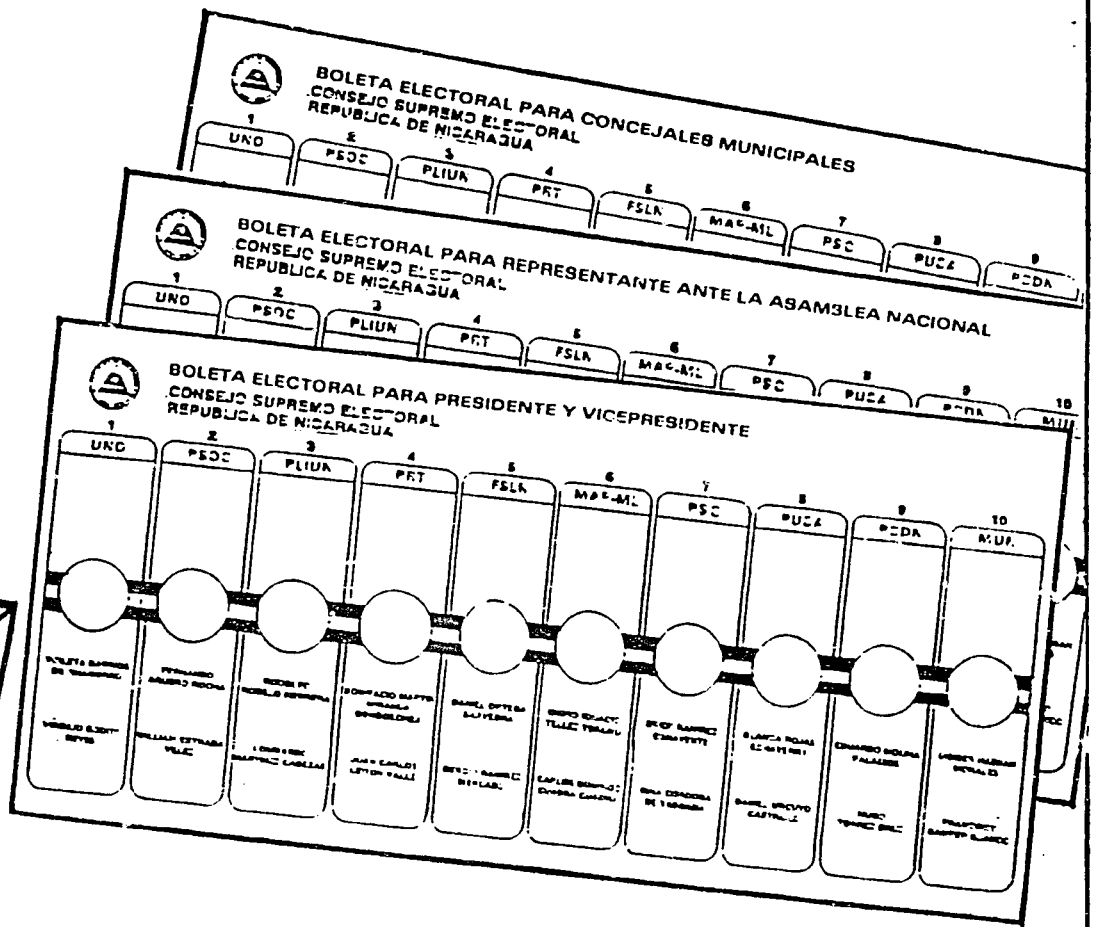
4. Enseguida te mancharán el dedo pulgar con tinta indeleble y te devolverán tu LIBRETA CIVICA debidamente sellada

IPCE INSTITUTO DE PROMOCION Y CAPACITACION ELECTORAL

Son 3 boletas electorales

Márquelas y depositelas en su urna correspondiente





IPCE INSTITUTO DE PROMOCION Y CAPACITACION ELECTORAL

"Why is The 1986 Constitution Called The People's Constitution?"

THE CONSTITUTIONAL COMMISSION (CONCOM) WROTE THE 1986 CONSTITUTION. WAS IT REPRESENTATIVE OF THE PEOPLE?

YES.
President Cory Aquino made sure that the members of the CONCOM represented almost all sectors of the Filipino society.
She chose representatives from: the farmers, the workers, the urban poor, the cultural communities, the youth, the women, the educators, the lawyers, the mediamen, the businessmen, retired public officials, the religious and other professionals.

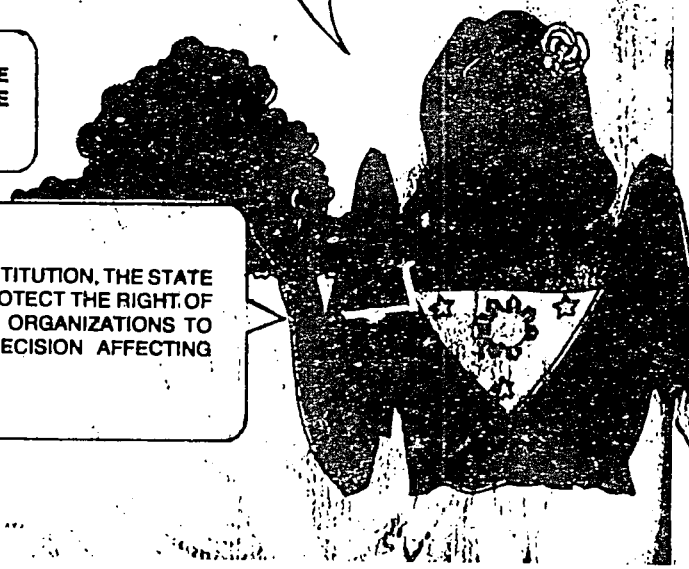
AND SO, IS THE 1986 CONSTITUTION DEMOCRATIC?

YES.
The proceedings and debates of the CONCOM were open to the public and the mass media.
The CONCOM members and committees listened to the views of different groups. They travelled throughout the country and discussed the issues with the public.

THE 1986 CONSTITUTION AIMS FOR ALL THE PEOPLE TO "BUILD A JUST AND HUMANE SOCIETY. . . UNDER THE RULE OF LAW AND A REGIME OF *TRUTH, JUSTICE, FREEDOM, LOVE, EQUALITY, AND PEACE.*"

HOW SHOULD THE STATE SERVE AND PROTECT THE PEOPLE?

UNDER THE NEW CONSTITUTION, THE STATE MUST PROMOTE AND PROTECT THE RIGHT OF THE PEOPLE AND THEIR ORGANIZATIONS TO PARTICIPATE IN ANY DECISION AFFECTING THEIR LIVES.



WHO ARE GOING TO VOTE "YES" TO THE NEW CONSTITUTION?

President Cory Aquino is asking the People to approve the new Constitution. She also asked her ministers and those with her in the government to campaign for "YES" votes.
The Catholic Bishops gave it their official approval.
Many private groups and people's organizations are also working for its approval.
The approval of the new Constitution is necessary:

- To have stability in the nation;
- To preserve our freedom and democracy; and
- To rebuild and strengthen our economy.

WHAT GOOD IS THE 1986 CONSTITUTION TO THE *COMMON TAO*?

The common *tao* has the following rights under the new Constitution:

- To have direct representation in the local and national government;
- To initiate, repeal or amend laws;
- To directly propose amendments to the Constitution; and
- To petition for the recall of corrupt, immoral or incompetent public officials.

DOES THE PRESIDENT HAVE THE POWER TO ISSUE ARREST ORDERS AND DETAIN OPPONENTS?

NO.
search warrant or warrant of arrest may be issued only by a judge.
And in no case may a person be arrested and detained for more than three (3) days, unless a proper complaint is filed in court.

DOES THE NEW CONSTITUTION SPECIFY OTHER RIGHTS OF INDIVIDUALS?

YES.
"For the first time, the Charter contains an all-embracing expanded Bill of Rights." (Justice Cecilia Muñoz-Palma).

3. Equality in political participation and decision-making

Paragraph 86

Governments and political parties should intensify efforts to stimulate and ensure equality of participation by women in all national and local legislative bodies and to achieve equity in the appointment, election and promotion of women to high posts in executive, legislative and judiciary branches in these bodies. At the local level, strategies to ensure equality of women in political participation should be pragmatic, should bear a close relationship to issues of concern to women in the locality and should take into account the suitability of the proposed measures to local needs and values.

Paragraph 87

Governments and other employers should devote special attention to the broader and more equitable access and inclusion of women in management in various forms of popular participation, which is a significant factor in the development and realization of all human rights.

Paragraph 88

Governments should effectively secure participation of women in the decision-making processes at a national, state and local level through legislative and adminstrative measures. It is desirable that governmental departments establish a special office in each of them, headed preferably by a woman, to monitor periodically and accelerate the process of equitable representation of women. Special activities should be undertaken to increase the recruitment, nomination and promotion of women, especially to decision-making and policy-making positions, by publicizing posts more widely, increasing upward mobility and so on, until equitable representation of women is achieved. Reports should be compiled periodically on the numbers of women in public service and on their levels of responsibility in their areas of work.

Paragraph 89

With respect to the increase in the number of couples in which both partners are employed in the public service, especially the foreign service, Governments are urged to consider their special needs, in particular the couple's desire to be assigned to the same duty station, with a view to reconciling family and professional duties.

Paragraph 90

Awareness of women's political rights should be promoted through many channels, including formal and informal education, political education, non-governmental organizations, trade unions, the media and business organizations. Women should be encouraged and motivated and should help each other to exercise their right to vote and to be elected and to participate in the political process at all levels on equal terms with men.

Paragraph 91

Political parties and other organizations such as trade unions should make a deliberate effort to increase and improve women's participation within their ranks. They should institute measures to activate women's constitutional and legal guarantees of the right to be elected and appointed by selecting candidates. Equal access to the political machinery of the organizations and to resources and tools for developing skills in the art and tactics of practical politics, as well as effective leadership capabilities, should be given to women. Women in leadership positions also have a special responsibility to assist in this field.

Paragraph 92

Governments that have not already done so should establish institutional arrangements and procedures whereby individual women, as well as representatives of all types of women's interest groups, including those from the most vulnerable, least privileged and most oppressed groups, may participate actively in all aspects of the formulation, monitoring, review and appraisal of national and local policies, issues and activities.

540

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Section 7

Logistics and Related Matters

(Session 13)

Organizing International Observer Delegations - Logistics Checklist
Prepared by Leticia Martinez

OUTLINE AND PROGAM TIMELINES

1ST PHASE FUNDING

1. What is our budget?
2. Do we have other funding sources?
3. Do we have cost estimate for line items? Will election or other events affect these amounts?
4. Contractual in-country consideration costs?
5. Survey mission - determine potential costs for regional deployment.
6. Are we doing a joint mission/budget? Have we signed joint budget agreement?
7. Contracts signed and tentative reservations and committments made.
8. Final Budget submitted to accounting.

2ND PHASE - IDENTIFICATION AND CONFIRMATION OF RESOURCES AND NEEDS

1. Build participant list - consultants and paper resources established.
2. Identify in-country contacts.
3. Determine regions for deployment. Determine size of regional teams.
4. Establish staff responsibilities and meeting times/days.

3RD PHASE - PAPER FLOW AND FOLLOW-UP

1. List of Participants
2. Letters of invitation
3. Logistics-follow-up and in-house accounting.
4. Confirmation of participants, counsultants other.
5. Briefing book includes:
   a. Tentative Agenda
   b. Logisitcs Sheets
   c. List of Participants
   d. Bios
   e. Release of Liability
   f. Terms of reference
   g. Country background/news articles etc.
   h. Press release/press guidelines
   i. Airline tickets

6. Credentials process explored/restrictions/warnings.
7. **In-house staff assigned to program.**

4TH PHASE - MEETING CONFIRMATIONS

1. Briefing panelists identified for leadership and pre-deployment briefing with names, titles and addresses noted for distribution/information.
2. Briefings for survey team if needed.
3. Potential advance trip by in-house staff to advance sites/and or political meetings. Information gathered for deployment kit.

5TH PHASE - BRIEFING BOOKS/FINALIZING

6TH PHASE - STAFF DEPLOYMENT AND PARTICIPANT ARRIVAL NEEDS

1. Partial staff departure.
2. Supplies ordered and packed along with equipment.
3. All funds requested and received for payment/travel.
4. Political and press follow-up. Packets done (press, welcome, team, other). Deployment funds ready with tickets.
5. Equipment tested, delivered and under contract. Office set, contractual help (drivers, interpreters)briefed.
6. Staff meeting.
7. Participants met - credentials and kits distributed.
8. Program initiated - team or other meetings set.

7TH PHASE - WRAP-UP

1. Logistics for departure set. Participant departure.
2. Updated names of political/other in hand to bring home.
3 Office closed and packed - original papers filed.
4. Documentation to master file, thank you letters sent.
5. Report requirements and deadlines set.
6. Public relations.
7. Financial report/reconciliation.

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Section 8

Election Paraphernalia

(Session 15)

Narrative and chart for elections, in

***Mali: A Pre-Election Technical Assessment Report of Capabilities and Needs*, pp. 31-49**

(in Section 4)

An Overview of Election System Functions and Supporting Computer Modules

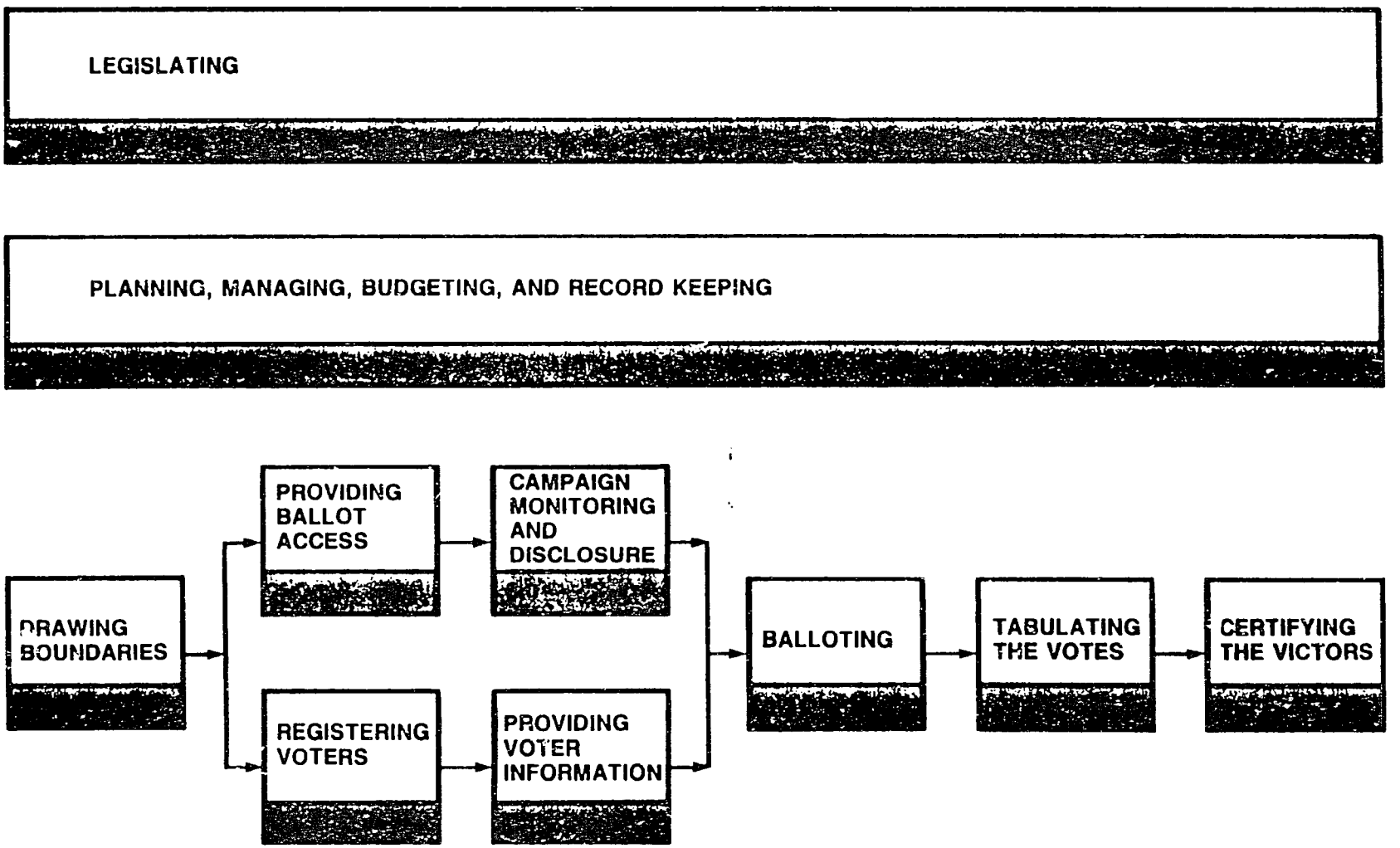
This chapter identifies the functions generally performed by an election office and provides an overview of the computer modules described in the remainder of this volume which can automate these functions. The election office functions we identify below are defined independently of any specific jurisdiction, job title, or organization. Because we have tried to include every possibility, you may find that our descriptions include tasks and activities which your office does not perform. And too, you may find that we have packaged them differently from the way you are used to thinking of them Our purpose, however, is to present you the broadest possible menu from which you can select those things appropriate to your office.

The Primary Functions of an Election System

The term "Function" refers to a category of tasks or activities performed to support the election process. The following election functions are defined in Volume I of this series, *Computerizing Election Administration: Current Applications*. They are described in Figure 1 and in greater detail below using generic names.

- **Providing management control (or planning, managing, budgeting and recordkeeping):** This function refers to the myriad administrative tasks incumbent on an election official in organizing and fulfilling his election responsibilities. This function might include, but is not limited to, the development and execution of an election plan (i.e., the identification of required work units and tasks, manpower planning and allocation, and work scheduling); the development and execution of annual budgets; and the maintenance of key historical or archival data on each election. This administrative function also encompasses all security measures taken to protect all files and functions. Typical tasks include:
  - Establish organization goals and objectives
  - Review events which may affect operations
  - Determine staffing requirements
  - Formulate budget requests
  - Maintain accounting records
  - Calculate the cost of election services performed for other entities and bill outside organizations for services, when necessary
  - Prepare and reconcile budget-versus-actual expense reports, job cost reports, and other required accounting reports
  - Develop the election schedule and prepare a detailed election task plan
  - Coordinate the organizational units responsible for an election and monitor the progress of election-related activities
  - Ensure the timely completion of all required election-related tasks
  - Plan and oversee the security of the election process.
- **Precincting (or drawing boundaries):** This function refers primarily to the delineation of precinct lines and the identification of polling places. In practice, it entails subdividing established constituency districts into convenient subgroupings of voters. This function includes such tasks as:
  - Monitor changes of political jurisdiction and changes of physical geographic or man-made features
  - Maintain a comprehensive list of valid addresses
  - Determine established precincts
  - Maintain and sell maps of current jurisdictions.

FIGURE 1 — PRIMARY FUNCTIONS OF AN ELECTION SYSTEM



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- **Candidate and initiative filing (or providing ballot access):** This function refers to the process whereby candidates and public questions come to appear on the ballot. Such procedures very often entail the verification of candidates or issue petitions as well as an identification of the office sought. Typical tasks include:
  - ☐ Track expiration of office terms of elected officials within jurisdiction
  - ☐ Disseminate information regarding candidate and measure filing requirements and deadlines
  - ☐ Accept required filing documents after ensuring they have been properly completed
  - ☐ Verify candidates' registrations and eligibility for a given office
  - ☐ Collect filing fees (if applicable)
  - ☐ Accept and qualify petitions
  - ☐ Accept and review all statements of intent and approve the petition format for recall elections
  - ☐ Verify the registration of petition signers
  - ☐ Verify the petition signatures against voter registration forms if necessary
  - ☐ Verify precinct or jurisdiction for candidate petitions
  - ☐ Maintain petition statistics and proper controls
  - ☐ Certify the number of valid signatures and report to the jurisdiction.
- **Registering voters:** This function pertains to maintaining a list of voters and may include (in addition to the relevant information on each voter) a voter history for the purposes of purgation. Registration tasks may include:
  - ☐ Distribute and account (if necessary) for registration forms
  - ☐ Recruit and train deputy registrars (if appropriate)
  - ☐ Coordinate deputy registrar activities (if appropriate)
  - ☐ Accept voter registration forms and registration change requests
  - ☐ Verify registration information (including valid address)
  - ☐ Add and change voter records
  - ☐ Maintain history of voter activity
  - ☐ Conduct voter residency confirmation program to identify invalid voter addresses
  - ☐ Delete voter records in response to voter residency confirmation program and voter history.
- **Monitoring campaign information:** This function refers to the maintenance of campaign financial disclosure statements, conflict of interest statements, or personal financial disclosures which may be required of candidates in some jurisdictions. Related tasks may include:
  - ☐ Administer legislated reporting requirements regarding the disclosure of potential conflicts of interest filed by candidates, controlled committees, officeholders, major donors, supporting committees, and proponents of ballot measures
  - ☐ Notify appropriate parties regarding the necessity to file specific statements
  - ☐ Review statements as they are filed to ensure proper completion, the collection of penalty fines, and the enforcement of maximum contribution levels
  - ☐ Produce required campaign reports.
- **Providing voter information:** This function refers to the routine provision to the public, or other approved entities, of essential or desirable election-related information—

most commonly, registration information, changes of polling place locations, sample ballots, and the like. Information tasks might include:

- ☐ Disseminate information regarding voter registration procedures
- ☐ Disseminate information regarding election precincts and polling places
- ☐ Disseminate sample ballots, where necessary.

- **Balloting:** This function refers to the essentially logistical operations of election day: ballot preparation, distribution, and control; materials distribution and control; the identification, training, fielding, and evaluation of poll workers; and the like. The balloting function also encompasses providing a list of voters to each polling place, recording votes and providing absentee voting services. Tasks normally include:
  - ☐ Recruit, train, pay, and maintain a history of poll owners and election workers
  - ☐ Maintain information regarding available polling places and election workers
  - ☐ Verify election workers' registration and eligibility
  - ☐ Inspect prospective poll locations
  - ☐ Determine ballot groups and lay out ballot styles for each group
  - ☐ Compile and translate ballot information into all necessary languages
  - ☐ Proofread ballots and materials
  - ☐ Prepare sample and absentee ballots
  - ☐ Prepare camera-ready copy for ballots and other materials
  - ☐ Print ballots and materials
  - ☐ Assemble and allocate ballot devices
  - ☐ Determine geographic voting precincts for each election
  - ☐ Realign and consolidate precincts (where necessary)
  - ☐ Assign voters to precincts
  - ☐ Assemble, label, and mail sample ballots and inserts to individual voters
  - ☐ Determine absentee voting places
  - ☐ Accept requests for absentee ballots and verify signatures
  - ☐ Assemble, label, and mail absentee ballot materials
  - ☐ Accept absentee ballots and verify signatures
  - ☐ Prepare all voter-related material for distribution to polling places and inspectors' homes, including the precinct voter roster and the notice of absentee voters
  - ☐ Deliver and pick up all election materials, including supply boxes and polling booths
  - ☐ Provide election problem reporting and troubleshooting
  - ☐ Accept polls roster and conduct election canvass
  - ☐ Coordinate the execution of election-day and election-night activities.

- **Tabulating ballots (tabulating):** This function refers to the counting of votes cast—their aggregation and disaggregation by office, precinct, and the like. Relevant tasks include:
  - ☐ Accept and control election ballots
  - ☐ Tally all ballots (including absentee voter ballots)
  - ☐ Provide interim election results.

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- **Certifying election results:** This function is generally a formal one of issuing certificates of election. In cases of close elections or contested elections, however, it may entail a virtual "instant replay" of all aspects of the election, including a recount of the ballots. It may therefore be viewed as a verification of all other functions. Tasks include:
  - Report certified elections results to the secretary of jurisdiction or other responsible party
  - Coordinate all reballoting and recount activities.

Modules of a Computerized Election System

In order to perform each of the functions described above, election officials need to have certain information. The information required for conducting *all* the functions can be put into essentially 30 categories which we call "data classes." Some data classes may be used for more than one function since the same information may be used for different purposes. Other data classes are specific to one function. By analyzing which functions use which data classes, it is possible to design a set of logical and convenient computer modules and examine their data interrelationships. (Appendix E presents our analysis of the data classes and modules in detail.)

We have identified eight computer modules which will support the election functions described in the previous section. These application modules are:

- Voter Registration
- Precincting/Districting
- Petition Verification
- Campaign Reporting
- Election Preparation
- Absentee Voter
- Election Tally
- Management Control.

Figure 2 demonstrates which election functions these modules support.

You will notice in Figure 2 that several functions have more than one supporting module. This is because those functions require several different types of data, processed in different ways, to perform their specific activities. The function of Providing Voter Information, for example, calls upon data from the Voter Registration Module, the Precincting/Districting Module, and the Election Preparation Module in order to provide voters with information on registration, precincts, and sample ballots.

By the same token, several modules support more than one election function. The Voter Registration Module, for example, not only supports the function of Providing Voter Information, but it also supports the function of Registering Voters and of Candidate and Initiative Filing. This is because these functions all require access to information contained in the Voter Registration Module.

Each of the modules in this design can be subdivided into *features*—some of which are more or less standard, some of which are optional according to the specific requirements and practices of your jurisdiction. Each feature actually represents a set of computer programs within the module which performs a portion of the work inside that module. The Voter Registration Module, for example, comprises the following five features:

- Register Voters
- Perform History/Purge Activities
- Provide Public Information
- Control Registration Forms (optional)
- Perform Registrar/Outreach Activities (optional).

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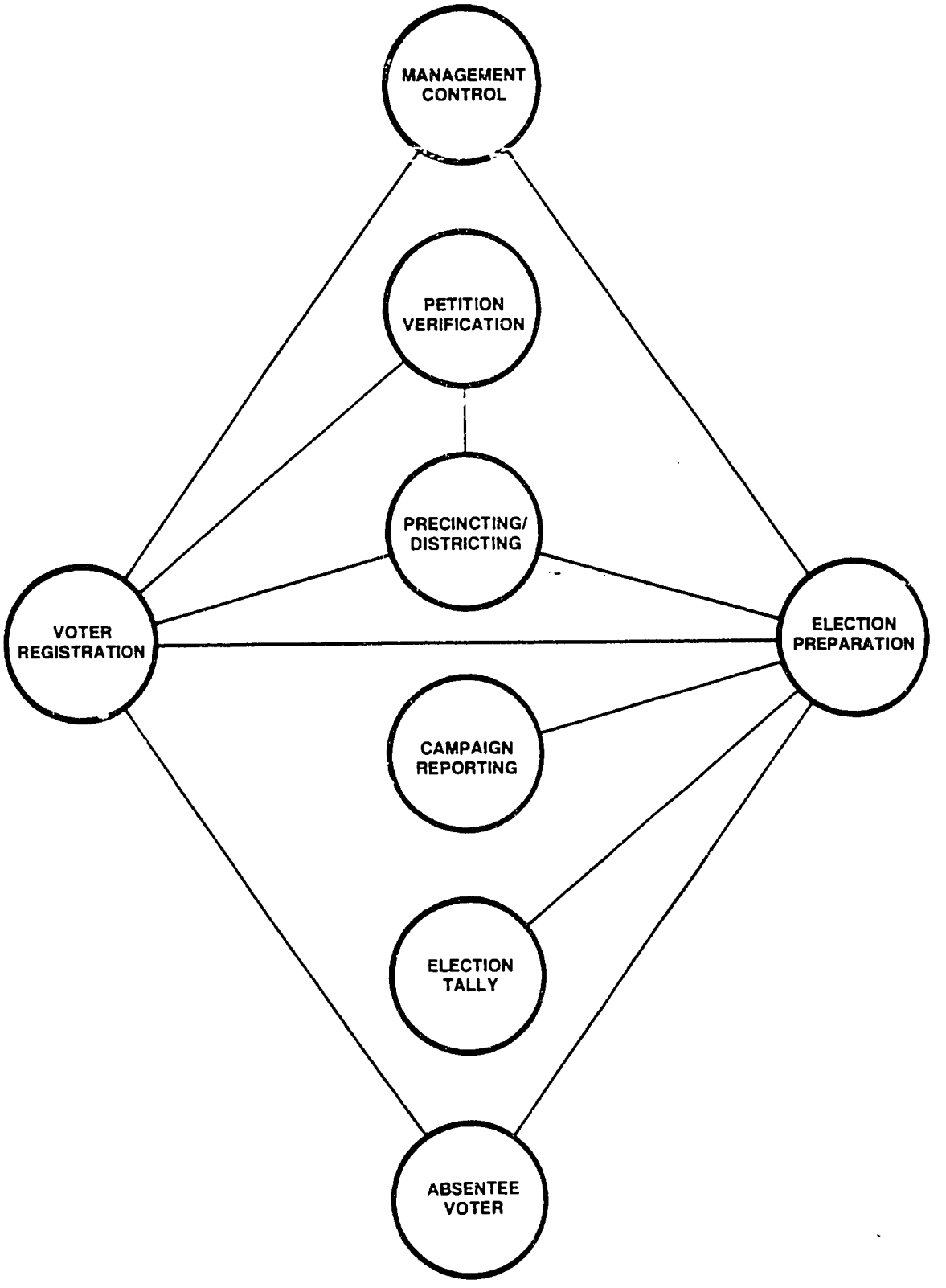
FIGURE 2 — ELECTION FUNCTIONS AND SUPPORTING MODULES

ELECTION FUNCTION	SUPPORING MODULES
1. PROVIDING MANAGEMENT CONTROL	■ MANAGEMENT CONTROL MODULE
2. PRECINCTING	■ PRECINCTING/DISTRICTING MODULE
3. CANDIDATE AND INITIATIVE FILING	■ ELECTION PREPARATION MODULE ■ PETITION VERIFICATION MODULE ■ VOTER REGISTRATION MODULE ■ PRECINCTING/DISTRICTING MODULE
4. REGISTERING VOTERS	■ VOTER REGISTRATION MODULE
5. MONITORING CAMPAIGN INFORMATION	■ CAMPAIGN REPORTING MODULE ■ ELECTION PREPARATION MODULE
6. PROVIDING VOTER INFORMATION	■ VOTER REGISTRATION MODULE ■ PRECINCTING/DISTRICTING MODULE ■ ELECTION PREPARATION MODULE
7. BALLOTING	■ ELECTION PREPARATION MODULE ■ ABSENTEE VOTER MODULE
8. TABULATING BALLOTS	■ ELECTION TALLY MODULE
9. CERTIFYING ELECTION RESULTS	■ ELECTION TALLY MODULE ■ ELECTION PREPARATION MODULE

FIGURE 3 — ELECTION MODULES AND FEATURES

MODULE	COMPONENT FEATURES
VOTER REGISTRATION MODULE	■ REGISTER VOTERS ■ PERFORM HISOTRY/PURGE ACTIVITIES ■ PROVIDE PUBLIC INFORMATION ■ CONTROL REGISTRATION FORMS (OPTIONAL) ■ PERFORM REGISTRAR/OUTREACH ACTIVITIES (OPTIONAL)
PRECINCTING/DISTRICTING MODULE	■ MAINTAIN GEOGRAPHIC INFORMATION ■ CHANGE POLITICAL SUBDIVISION AND/OR PRECINCT BOUNDARIES ■ REESTABLISH OLD POLITICAL SUBDIVISIONS (OPTIONAL)
PETITION VERIFICATION MODULE	■ INITIATIVE, REFERENDUM, AND RECALL PETITITION VERIFICATION ■ CANDIDATE NOMINATION PETITION VERIFICATION
CAMPAIGN REPORTING MODULE	■ CAMPAIGN REPORTING ■ INITIATE ELECTION ■ MONITOR CANDIDATE FILING (OPTIONAL) ■ DETERMINE BALLOT INFORMATION (OPTIONAL) ■ COORDINATE ELECTION WORKERS ■ ADMINISTER POLLING PLACES ■ COORDINATE SUPPLIES AND EQUIPMENT
ABSENTEE VOTER MODULE	■ PROCESS ABSENTEE VOTER APPLICATION ■ PROCESS AND ACCOUNT FOR ABSENTEE BALLOTS
ELECTION TALLY MODULE	■ PROCESS ELECTION TALLY ■ PROCESS POST-ELECTION CANVASS
MANAGEMENT CONTROL MODULE	■ MAINTAIN ELECTION CALENDAR ■ BUDGET AND ACCOUNT FOR COSTS ■ CONTROL CASH RECEIPTS ■ MONITOR DISBURSEMENTS

FIGURE 4 — ELECTION MODULE INTERRELATIONSHIPS



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Section 9

Financing Elections

(Sessions 17 & 18)

COST ESTIMATES

The Secretary of State in charge of electoral activities at the Ministry of Territorial Administration and Security submitted a copy of their electoral budget summary to the IFES team at the end of their stay in Togo (Appendix J). A detailed electoral budget was not made available to the team. IFES' comments and recommendations on this budget follow an English translation of the budget presented below.

TENTATIVE BUDGET
1992 ELECTIONS IN TOGO
Exchange Rate: $1.00 = 250 CFA

CATEGORY	COST
I. ELECTORAL CENSUS	383,890,000
II. TRAINING	5,000,000
III. SEMINARS	5,000,000
IV. SENSITIZATION	20,000,000
V. ELECTORAL EQUIPMENT	
a) Electoral Cards	50,000,000
b) Ballot Boxes	38,500,000
c) Voting Screens	10,000,000
d) Ballots	24,000,000
e) Reports (Procès-Verbaux)	27,000,000
f) Ballot Counting Paper	12,000,000
VI. OFFICE EQUIPMENT AND SUPPLIES (Typewriters, paper, photocopier, etc.)	15,000,000
VII. FUEL	30,000,000
VIII. VEHICLES	100,000,000
IX. HOUSING ALLOWANCE for Observers	10,000,000
X. SALARIES AND ALLOWANCES	
a) Members of the Electoral Commission	30,000,000
b) Officials/Supervisors 20 x (10.000 x 3)	600,000
c) Mid-Career Professionals 15 x (8.000 x 3)	360,000
d) Secretaries 20 x (5.000 x 3)	300,000
e) Journalists 30 x (6.000 x 3)	540,000

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f) Prefectoral Agents (5 x 30) x (5.000 x 3)	2,250,000
g) Communal Agents (Lomé) 25 x (5.000 x 3)	375,000
h) Security Agents (Lomé) 350 x (2.000 x 3)	2,100,000
i) Other Security Agents (Up-Country) 1.500 x (2.000 x 3)	9,000,000
j) Pollworkers (3 x 3.500) x (3.000 x 3)	94,500,000
XI. OFFICE SUPPLIES	
a) Constitutional Referendum & Local Elections	90,000,000
b) Legislative & Presidential Elections	100,000,000
XII. EQUIPMENT: Computer System	320,000,000
SUBTOTAL	1,380,415,000
CONTINGENCY (5%)	69,020,750
GRAND TOTAL	1,449,435,750
	$5,797,443

Item

II. Formation (Training) - The amount listed for the training of election officials and pollworkers recommends a total of 8,000 to be trained (four people in each polling place) plus central officials. The IFES team recommends that the number of polling stations be increased from 1,415 to around 2800 in order to reduce the number of voters for each station. This will result in an increase in the number of officials to be trained to 12,000, and will increase the training budget by one half.

III. Seminars - These programs should provide information for nongovernmental organizations, political parties, journalists, labor unions and other groups regarding their roles in the election process. No target number was specified; the team recommends that the seminars involve up to 600 people from each of these areas.

V. Electoral Equipment - IFES recommends that 4,500 to 5,000 ballot boxes be used (two to three per station). 18" x 14" x 14" steel boxes produced in the United States cost approximately $60 each. IFES also recommends the use of cardboard voting screens, two per station, at $2 each. Until the ballot design is confirmed, it will be difficult to estimate the cost of ballots; the team suggests that 2 million ballots be printed for an estimated 1.7 million voters.

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VIII. Vehicles - This item assumes purchase of land vehicles outside Togo. IFES recommends rental of two helicopters for three days during the elections only to transport ballots from less accessible areas. The approximate cost for rental is $100,000.

Polling Place Supplies - IFES suggests that this item include lamps for counting purposes as well as communications links such as a radio system or a FAX machine network for message transmittal.

Additional Comments

Not included in the Ministry's budget are technical advisors to the election process, who can provide assistance at all levels of election administration. IFES recommends that technical advisors be retained for direct assistance to the Ministry or the electoral commission, to design a civic education program, and to develop communications links as well as broadcast capability.

Direct Technical Assistance Advisor - 18 weeks
This advisor would work with the electoral commission to develop election procedures, identify districts and polling places, clarify organization and logistical issues, assist in the procurement of commodities and function as a liaison between donors and the commission.

Airfare - $4,000
Per Diem - $19,400
Salary - $34,560

Civic Education and Training Advisor - 4 weeks
A civic education advisor would work with election officials and nongovernmental organizations to design and implement comprehensive education and training programs for officials, pollworkers and citizens.

Airfare - $4,000
Per Diem - $4,320
Salary - $7,680

Communications Specialist - 4 weeks
This advisor would work with the technical advisor and the electoral commission once the districts are established, to design a communications network for all polling stations using existing broadcast capabilities as well as exploring opportunities for new communications systems.

Airfare - $4,000
Per Diem - $4,320
Salary- $7,680

SUMMARY OF RECOMMENDATIONS

The challenge of administering elections in Togo is affected by political and social factors, as well as technical factors. This summary of the IFES team's recommendations is divided into these two categories.

Political and Social Issues

- The government should promulgate the new electoral code as soon as possible. A final establishment of election dates cannot take place prior to the code's issuance.

- A central body charged with administration of the elections should be named and provided with the code immediately to facilitate the development of procedures to be used in the implementation of the code, including the requirements for party registration and candidacy.

- The government should encourage dialogue among political parties and nongovernmental organizations through a series of seminars designed to explore the concept and implications of functioning in a multiparty electoral society.

- The electoral body, in conjunction with nongovernmental organizations inside and outside Togo, should assist in the development of comprehensive voter education and election worker training programs.

- Strong interest groups among the electorate, such as businesswomen and students should be identified and brought into the election process through election official training and civic education efforts.

Technical Issues

- The electoral body should promply determine the election calendar, requirements for voter and political party registration, the electoral constituencies and the general ballot design.

- An advisor should be identified to assist the electoral body with determination of the organizational and logistical aspects of election administration in accordance with the electoral code.

- Multiple elections held on the same day would save organizational time and finances.

- Polling places should accomodate no more than 600 voters. Polling place structure and procedures for voting must ensure that each voter can cast a ballot with the minimum amount of waiting and delay.

- Ballot boxes with four opaque sides should be used, provided that the reasons and implications for their use are made known through the civic education program.

- Polling places should include links by FAX and radio as well as lamps to facilitate ballot counting and reporting.

- Counting should be completed at the polling sites before the ballots are transferred to a central location.

TENTATIVE BUDGET
REGISTRATION OF VOTERS
(Costs Related to Base Level Activities)

General Notes

- These costs assume that computerization of the registration rolls will continue to be contracted with the Institute of Population Studies at Fourah Bay University. While the registration field work will be implemented for the reregistration of all voters, new registration forms will be compared with existing lists so that data entry will only have to be completed on new voters, or to delete names of individuals who do not reregister.

- The costs reflected in this tentative budget takes into account the replacement of Form B and Field Register Form with a registration book containing 3 part, self-carbon forms allowing for the issuance of a receipt to the voter. A plastic sleeve will be provided to the voter in which to store the receipt.

- A major expenditure covers the cost of reproducing the provisional voter registration list for posting during the revision period. The cost estimated in this projection assumes that the original lists are photocopied as was done during the Referendum Election. It is recommended that the Electoral Commission research the possibility of working with an independent computer contractor to determine if it is possible to transfer the data on diskettes to magnetic tape for rapid duplication on a mainframe computer. Should this prove possible, it should dramatically cut the cost and the time of printing and duplicating the voter lists.

- Current policy dictates that honoraria be paid to staff members in addition to their regular salaries for their work during the peak election cycle. These honoraria are also included in the preliminary estimates.

VIII. BUDGET INFORMATION

Following are the summary budget figures presented by the Senegalese Government in support of 1993 elections. The complete budget is attached as Appendix C.

BUDGET - ELECTIONS 1993
(265 CFA = US$1)

NATIONAL IDENTITY CARD	REGISTRATION	PRESIDENTIAL ELECTION	LEGISLATIVE	T O T A L
1,660,214,520	714,858,500	4,237,439,162	2,348,739,052	8,961,251,234
				US$33,816,042.39

1988 BUDGET FOR PRESIDENTIAL AND LEGISLATIVE ELECTIONS = CFA 3,085,000,000 ($11,641,509.43)

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TWO PART SUMMARY OF THE 1993 PRESIDENTIAL ELECTIONS BUDGET

FOR 4,237,439,162 CFA (US $15,990,336.46)

		C F A	US $ Equivalent
1.	Vehicles, Fuel, Repairs, vehicle/airplane hire, communication/radio material, transportation	1,673,700,854	$6,315,852
2.	Incidental Expenses	385,210,742	1,453,625
3.	Food	234,634,900	885,415
4.	Communications material, materials for maintaining order	462,185,749	1,744,097
5.	Indemnities	556,870,000	2,101,396
6.	Supplementary hours (Salary and Per Diem)	80,000,000	301,887
S U B T O T A L		3,392,602,245	$12,802,273
1.	Civic Education/training	56,162,000	211,932
2.	Mobilization	32,052,225	120,952
3.	Equipment, office supplies, election materials (urnes, isoloirs, lamps, stamps etc.)	236,947,775	894,142
4.	Printing (Ballots, forms)	519,663,917	1,960,996
S U B T O T A L		844,825,917	3,188,022
T O T A L		4,237,455,162	15,990,397

Source: Direction de l'Automisation des Fichiers (DAF)

IFES Pre-Election
Assessment: Senegal

IFES TEAM BUDGET RECOMMENDATIONS - PRESIDENTIAL ELECTIONS

OPTION NO. 1 - CIVIC EDUCATION	C F A	$US
1. National Identity Cards	21,000,000	79,245
2. Voter Registration	26,814,000	101,185
3. Presidential Election	30,000,000	113,208
S U B T O T A L	77,814,000	293,637
OPTION NO. 2 - CIVIC EDUCATION TRAINING		
1. Training Allowances for Trainers	4,062,000	15,320
2. Training Allowances for prefects, sous-prefects, others	14,150,000	53,396
3. Training Materials	20,000,000	75,471
S U B T O T A L	38,212,000	144,188
OPTION NO. 3 - ELECTORAL MATERIALS		
Printing		
Ballot paper - Presidential Election	278,460,000	1,050,792
Vote checking register	3,740,625	14,116
Tally Sheets	4,000,000	15,094
Posters, for electoral Code publicity	1,350,000	5,094
Material		
Indelible ink pads	16,500,000	62,264
Ballot boxes - Subsidies	10,000,000	37,736
Voting screens - Subsidies	13,250,000	50,000
Lamps - Subsidies	6,000,000	22,642
Official electoral envelopes	18,720,000	70,642
Paper for electoral list	55,237,492	208,443
Equipment		
Electricity and Generators (DAF)	30,455,000	114,924
S U B T O T A L	437,713,117	1,651,748
SUMMARY		
Option No. 1 - Civic Education Budget	77,814,000	293,638
Option No. 2 - Training	38,212,000	144,188
Option No. 3 - Electoral Materials	437,713,117	1,651,748
G R A N D T O T A L	553,739,117	$2,099,573

Budget NOTES!!!!!!!!!!!!!!!!

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IX. CONCLUSIONS AND RECOMMENDATIONS

In some sense, the spectacular success of the Reform Commission may foreshadow major, if not also spectacular, political discontent with election preparation progress. A number of deadlines imposed by the Commission on government, specifically the Ministry of the Interior, will probably not be met, or even approached. Provisions for voter education and mobilization mandated by the Commission are not being implemented. Perhaps more important, the widespread expectations of political party leaders that they would share in election planning and administration have been substantially unsatisfied.

The goals for government subsidy of private political party activities, from poll-watching to campaigning, far exceed reasonable expectations by most standards. Still, the existence of those goals in the national election budget, however inoperable, has meant a reorientation of the major political parties. They appear to be less capable now of mounting independent campaigns then they might otherwise have been. In some cases, the party leaders, for examples, Landing Savane and Abdoulaye Bathily appear to have the personal popularity needed to attract some voters, but they do not include a party base. In this regard, much of the criticism of the Socialist Party is aimed at its second echelon leaders rather than at President Abdou-Diouf. Many in the opposition believe that party members are profiting and profiteering from Diouf's undeniable popularity. An indication of useful areas of support for international donors is contained in the following recommendations.

1. Pollworker Training. An extensive training program and guidelines on electoral procedures should be developed for election officials involved at all levels of the election. The Ministry of Interior is responsible for training election officials (prefects, sous-prefects) who in turn train the polling clerks in their area. With the modifications of the Code concerning rules and procedures of the electoral process, it is evident that training will require highly qualified individuals. The prefects and sous-prefects with all due respect are not specialists in election procedures. If all the prefects were to receive a standardized training course, it is more likely that the training they would then provide would reduce the likelihood of a variety of interpretation on voting and counting procedures.

2. Civic Education. Given the low levels of participation in Senegal's last two elections and the addition of a new age group, 18 to 21 years old, to the electorate, it is likely that the majority of Senegalese have no recent experience in voting. Moreover, only a minority of potential voters could be old enough to remember the last really competitive election. As a consequence, a major program of voter education is needed in Senegal to promote full participation in elections. More

importantly, civic education should be used to encourage the belief that political change can come through regular elections. Such a program can best be maintained through the public education system and universities and/or through the few private civic associations. More narrowly oriented public civic education programs may also be promoted through the national government but, at present, the mechanisms are not clearly in place.

3. National Identity Cards. The distribution of the national identify card and the distribution of the voter registration card (*carte électorale*) involve two laborious and costly processes. While the national identity card is expected to be almost universally distributed to all adults, the registration card will only be distributed to eligible voters. The processes of distribution can, nevertheless, be construed to overlap. If the registration card were distributed along with the identity card, substantial savings could be realized. In addition, the double distribution might encourage wider voter participation.

Obviously, the long-term distribution of the cards could be efficiently separated because voters move from district to district. In the short term, however, very little displacement can be expected before the 1993 elections. There is, therefore, little apparent reason for not distributing them simultaneously, except, of course, for administrative regulations. The presumably small portion of voters with other acceptable pieces of identification, such as a passport, but without an identify card, can easily be permitted to request a registration card directly from either the Commission or an appropriate office in the Ministry of Interior. It is urgent that the government implement and disseminate a civic education and awareness program among voters concerning the importance of obtaining the national identity card and of being registered on the electoral lists.

4. Ballot Design. The Election Code does not prescribe any procedure for disposing of the multiple unused ballots in the voting booth after the voter has selected the preferred ballot. As a first step, we recommend that uniform regulations be established and circulated for disposing of ballots in a way that is attentive to the protection of voter secrecy.

As a major step, the team recommends that in order to regulate this problem for the future, the issuance of a single ballot be considered. The use of a single ballot would be advantageous for voter secrecy without discouraging the illiterate from voting.

5. Ballot Secrecy. A tradition or practice founded on a clear expression of the popular will is always deserving of deference. We cannot, therefore, expect that the forms of voter secrecy required in the U.S. and Europe would necessarily be imposed in Senegal. Still, a movement toward the maximum level of voter secrecy needs to be encouraged. The kind of subtle pressure on voters that have existed in the past to demonstrate their choices publicly should be discouraged. The encouragement of secrecy may be simply treated as part of civic education or it may be more forcefully promoted. To speed up the voting process and to increase ballot secrecy, the team recommends that one of the polling officials present the envelope and all ballots to the voter, since voters do not always take a copy of each ballot and thus it can be determined for which candidate he or she voted. International donors may well consider imposing some contingency on aid tied to the level of guaranteed voter secrecy.

6. Voting Rights of Citizens Abroad. The Senegalese Electoral Code does not provide procedures for permitting the Senegalese who live abroad to vote in their country of residence. There appears to be a large number of such potential voters. For example, at least a million Senegalese live in the neighboring countries. The Reform Commission studied the possibility of according these Senegalese the vote but encountered many complexities in seeking a solution. The Commissic postponed a study of the relevant organic law.

The IFES team believes that a study of alternative voting procedures for Senegalese residents abroad that would involve their voting in their places of residence should be undertaken. We recommend that technical assistance to this end be provided.

7. Nonpartisan Campaign Commissions. Given the long history of domination in government by one party throughout the Senegalese public sector, there is a substantial belief among all other political parties that government funds and resources are used for partisan purposes. Clearly, none of the fifteen political parties approach the resources of the dominant party. In order to provide some assurance of non-partisanship in the use of government resources, we believe that an independent agency or Commission should be empowered to survey and regularly report on campaign and partisan expenditures. Such an agency could be modeled after "elections commissions" in other countries. In this regard, appropriate research and technical advice should be supported through international assistance.

8. International Observers. The disturbing and potentially destabilizing sequence of events following Senegal's 1988 presidential elections fully justifies national and international concerns for the peaceful execution and follow-up of the next presidential election. Fortunately, Senegalese political parties and the government have undertaken major electoral reforms to reassure the interested public. Still, like all changes that have never been put into practice, the success of these reforms is far from guaranteed. The spirit of democracy seems to reign in Senegal but the additional appearance of its practical implementation is still needed.

International observers in 1993 can play a valuable role in reassuring the electorate and the diverse opposition parties of the level of integrity in the elections. Given some skepticism about the adequacy of observers in diverse regions, international observers can only be reassuring if they arrive in larger numbers with more balanced distribution than in the previous elections.

9. Electoral Boundaries. The electoral Code does not contain provisions concerning electoral boundaries as such. The country is divided into 10 administrative regions, 30 departments decentralize in 90 area disseminates, 48 commercial sections and 317 rural communities. The team suggests that electoral districts be labeled as soon as possible to facilitate planning for equipment and election materials inventory and distribution.

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ETHIOPIA ELECTION OPTIONS

Outline of Presentations
to the
Council of Representatives
by
Judge Antonio Vitorino and Larry Garber
November 22, 1991

PART I: GENERAL OVERVIEW

I. Introduction - Transition elections
- A. Portuguese experience
- B. Lessons from Eastern Europe
- C. Recent elections in Zambia

II. Timing of elections
- A. Considerations
  1. Elections as an educational tool
  2. Using the regional elections to prepare for national elections (voter registration, election administration techniques, etc.)
  3. Commitment to the public of early elections
  4. Need to avoid administrative fiasco
  5. PHASED SCHEDULING OPTION
     - a. regional elections over period of time
     - b. would allow for concentration of resources
     - c. would make process more manageable
- B. Setting a timetable (working backwards)
  1. Sitting of newly-elected government
  2. Proclamation of results and resolution of complaints
  3. ELECTION DAY(S)
  4. Campaign period
  5. Nomination of candidates
  6. Determining voter eligibility
  7. Administrative preparations (ballots, boxes, forms, etc.)
  8. Appointment of local election commissions

conducting nonpartisan international programs to help maintain and strengthen democratic institutions

9. Adoption of election regulations
10. Appointment of Central Election Commission
11. Adoption of election law

III. Logistics Considerations

A. Communications and transportation between different levels of election commissions

B. Preparation and distribution of materials: instruction manuals, ballots, ballot boxes, voting booths, ink, voter registries and tally forms

C. Availability and training of personnel needed for election preparations and for polling day

D. Transportation of party agents and voters to polling stations

E. Financial resources

IV. Possible Assistance

A. Types

1. Technical assistance
   a. review and critique of election laws
   b. training of election officials
   c. devising government-sponsored civic education campaign
2. Material assistance
   a. election paraphernalia: ballot paper, boxes, ink, voting booths, computers, computer paper
   b. civic education materials: print, audio and video advertisements; posters and pamphlets
3. Financial assistance
4. Monitoring
   a. training of party agents and representatives of civic organizations
   b. comprehensive international observer effort: pre-election visits and high profile election day delegation

B. Sources

1. donor governments - political development assistance: either bilateral or consortium approach
2. private groups (e.g. NDI, Carter Center)
3. Ethiopian citizens living abroad
4. intergovernmental organizations (U.N., OAU)

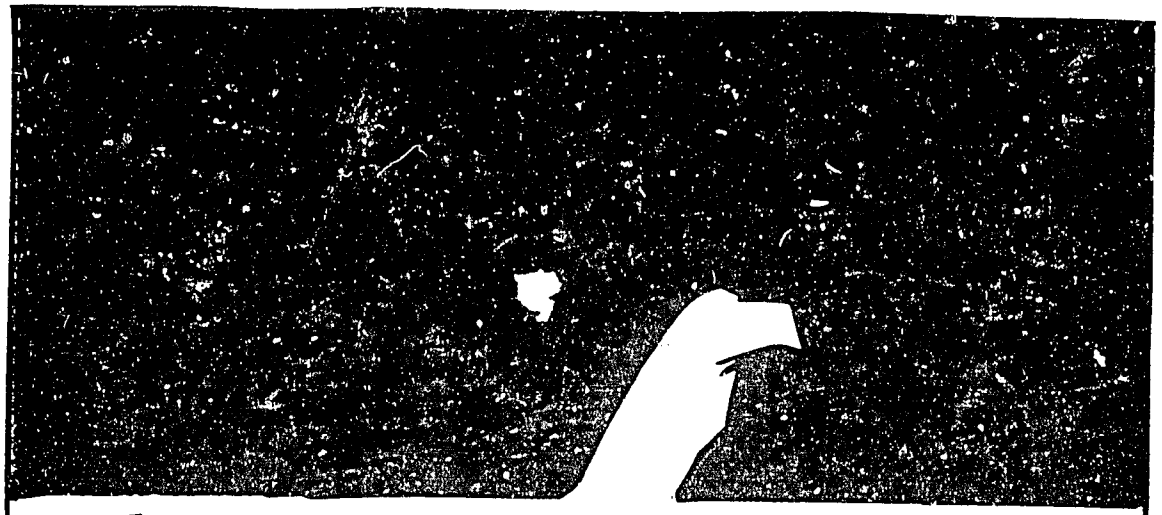
Section 10

Cooperation and Coordination

(Session 21)

See **Report of the United Nations and the United Nations Development Programme Guidelines for Special Arrangements for Electoral Assistance (in section 3)**

THE CHRISTIAN SCIENCE MONITOR Wednesday, May 13, 1992



Observers at Polling Places Must Include Those Without a Stake

By Larry Garber

IN Romania today, the question of who may be present inside polling sites on election day has become a major issue. The government proposes authorizing the presence of political parties, the media, and international observers. Opposition political parties and civic groups, now supported by members of the United States Congress and others in the international community, urge that the law also explicitly provide for the presence of nonpartisan, domestic monitors.

Parliament, which is debating the election law in anticipation of July elections, apparently will permit domestic monitors to be present at polling sites – but subject to such onerous restrictions that the whole purpose of the effort will be compromised.

The critical role that domestic election monitors, together with international observers, play in promoting public confidence in an electoral process is recognized in the 1990 Copenhagen Declaration. The Conference on Security and Cooperation in Europe (CSCE) pledged to facilitate the presence of international observers and domestic monitors for elections in member countries.

The Romanian government contends that permitting domestic monitors would overcrowd polling sites. It further argues that the compliance with the Copenhagen Declaration requires only that the law authorize the presence of political-party agents, media representatives, and international observers. This view ignores the important and unique role that nonpartisan monitors have assumed, particularly in countries in transition.

The Philippine National Citizens Movement for Free Elections (NAMFREL) deserves considerable credit for this development. NAMFREL performed a critical function in the 1986 presidential election, which ultimately led to the demise of Ferdinand Marcos.

NAMFREL demonstrates the range of activities undertaken by domestic monitors. It recruited and trained pollwatchers who were present at polling stations throughout the Philippines on election day, defying in many cases threats and violence directed against them. The organization also mounted a "quick count," which provided an independent tabulation of the election results. The NAMFREL results showing a victory by opposition candidate Corazon Aquino were viewed by the Filipinos and the international community as more credible than the official results.

This experience influenced Chileans as they prepared for the 1988 plebiscite that ended the rule of Gen. Augusto Pinochet. Again, domestic groups organized a nonpartisan effort to register voters and to conduct a quick – and credible – count.

BY the time multiparty elections in East and Central Europe were scheduled in 1990, domestic monitors were considered an important component in ensuring public confidence in the electoral process. The Bulgarian Association for Fair Elections (BAFE), for example, initiated an effective civic education program.

Domestic-monitoring initiatives have spread to Africa. GERDDES, an African civic organization based in Benin, has organized election observer missions and training programs for monitors in more than 15 West African countries. In Zambia, two domestic monitoring groups were credited with helping create the conditions necessary for free and fair elections there.

A nonpartisan monitoring effort differs from the monitoring conducted by political-party agents. The latter are more concerned with protecting the interests of their party than ensuring that the process is fair or that voters feel secure.

The media, particularly in transition situations, also are not an adequate substitute for a nonpartisan monitoring effort. Many media outlets are partisan, and journalists are seldom willing to remain present at polling sites for more than a few minutes at a time. The same is true for international observer teams, which also are often limited in scope and whose members may not speak the local language.

Nonpartisan monitors played a portentous supporting role in Romania's February local elections. The Pro-Democracy Association produced and distributed explanations of the voting process, organized candidate forums in cities throughout the country, trained and deployed more than 6,000 pollwatchers, and, at a roundtable discussion after the elections, brought together political party leaders and government officials to discuss needed electoral-law reforms. Political parties and international observers, as well as Romanian election officials, expressed their appreciation for the presence of well-trained individuals who knew the proper election procedures.

In view of these circumstances, inclusion of a provision in the election law authorizing nonpartisan organizations to monitor Romania's upcoming national elections should not be a matter of much controversy. Instead, debate should focus on more substantive questions such as the allocation of seats in the legislature, media access, campaign financing for political parties, and the creation of an electoral environment in which voters may cast their ballots freely.

It would be a shame if, after the progress in February, the upcoming elections are unfair due to serious inequities in the law.

Larry Garber, a senior associate for the National Democratic Institute for International Affairs, is the author of "Guidelines for International Election Observing." On a recent visit to Romania, he participated in a roundtable discussion on the election law.

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GUIDELINES FOR INTERACTING WITH THE PRESS

The December 16 national election in Haiti will attract worldwide attention. Undoubtedly many journalist, both in Haiti and abroad, will want to obtain your impressions of the electoral process before, during and after December 16.

In these circumstances, it is important for the credibility and effectiveness of this international observer delegation that members of the delegation are circumspect in their dealing with the media and adhere to the guidelines set forth below. Otherwise, the delegation may become actors in and part of the debate and our credibility as impartial international observers could be questioned.

The following guidelines are internationally recognized standards for observer missions. They are referred to in Larry Garber's book *Guidelines for International Election Observing*. Larry, a senior consultant to NDI on electoral processes, is an member of our delegation in Haiti.

BACKGROUND

Our election observer philosophy is directed primarily at providing a presence on election day to deter misconduct and to report the perspectives of the people participating in the election to the international community. In addition, we seek to avoid making premature statements which can be taken out of context, particularly where there is a local media influenced by the government. We prefer to reserve judgment on an electoral process until after indigenous groups have spoken. In this way, the international observers do not become, at least during the first 24 hours, part of the debate surrounding the fairness of the election.

The guidelines listed below are designed to implement this approach:

1. Pre-election - There will be an arrival press statement on December 14, in which President Carter will explain the purposes of the observer mission and outline the delegation's plans for observing the election. Delegates who are approached by members of the press are urged to limit their comments to those two topics. Thus, you can describe who the members of the delegation

are, who has briefed the delegation and where the delegation will be deploying, including where you personally will be on the day of the election. All this material will be included in press packets which will be available in the NDI/Carter Center office at the El Rancho Hotel. As the delegation will not take sides in the process or endorse any candidates or parties, you should decline answering any questions relating to such matters.

2. Election day - Members of the delegation are urged to refrain from offering any comments on the day of the election. The reasons for this are twofold: first, even a carefully worded comment can be taken out of context and be misused to convey a wrong impression; second, delegation members will be observing the election in particular regions and will not have the national perspective necessary to offer a credible evaluation of the process. In this regard, it is important to note that on the day of the election, the primary role of observers is to provide support for a free and fair process by virtue of their presence at polling sites and other places where activities relating to the election are occurring. If journalists request permission to accompany you to polling sites, you should inform them that they are free to follow you (with their own transportation), but that you will not be making any statement until after the delegation regroups and issues its consensus statement.

3. Post election - Following the issuance of the delegation statement, members of the delegation are free, and indeed encouraged, to speak with members of the media, both Haitian and international. Further, members of the delegation are encouraged to prepare articles for publication in their respective countries' newspapers. NDI and the Carter Center would appreciate your forwarding any such articles to our Institutes.

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