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MANAGING

DEMOCRATIC

ELECTORAL

ASSISTANCE

A PRACTICAL GUIDE FOR USAID

David Hirschmann

with

Johanna Mendelson

United States Agency for International Development

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**MANAGING DEMOCRATIC ELECTORAL
ASSISTANCE
A Practical Guide for USAID**

by

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with
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August 1995

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USING THE GUIDE

The Guide has a specific focus on US Government assistance for democratic elections. It is therefore primarily intended for use by USAID field officers, and also embassy staff, who find themselves in a situation in which an election, and foreign assistance for the election, are both under consideration.

Its prime purpose is to answer practical and immediate questions that arise in analyzing or implementing electoral assistance.

It takes the form of a reference manual, organized primarily to be used according to the particular needs of the reader, rather than to be read from start to end.

The contents pages provide a simple index, which should facilitate the selection of material relevant to the needs of each user.

ILLUSTRATIONS OF SELECTIVE USE OF THE GUIDE:

- a) Given the time (and interest) which will enable the user to do so, and/or an assignment requiring it, it may be useful to read the whole document. It is organized reasonably logically and according to a likely sequence of events which might occur along the lines of a decision tree and an implementation process.
- b) If a decision needs to be taken on whether to consider assistance or not, attention should be paid to Parts 2 and 3; and within those Parts, to focus on the contextual and institutional factors most relevant to the user's case, for example, the military and the media.
- c) Given a situation in which a decision has already been taken, then the user of the Guide should turn to Parts 5 and 6, and based on the particular needs which have been assessed, to look, for example, at donor coordination and training.
- d) If the decision has been made not only to assist, but in what manner, it might be worth reading the brief list of things to watch out for or things to try in Part 7.
- e) If the user needs more detailed information and guidance than is provided here, Part 8 lists key guides and documents and explains how to access them; as well as additional readings used in preparing this Guide.

THE MAJOR QUESTIONS TO WHICH THE GUIDE ATTEMPTS TO RESPOND ARE THE FOLLOWING:

Part 2: Before a Decision is Made: Assessing the Contextual Factors

If and when there is an opportunity to analyze in advance whether and how to assist in an election, what are the key contextual factors which need to be taken into account?

Part 3: Before a Decision is Made: Assessing the Institutional Factors

If and when there is an opportunity to analyze in advance whether and how to assist in an election, what are the most important election-related institutions that should be assessed?

Part 4: Making the Call

Taking those factors that are relevant to one's own particular situation into account, what are the possible responses that might be feasible and appropriate?

Part 5: Managing Electoral Assistance

Given that there has been agreement to assist with an election in some way, what management questions should be taken into account?

Part 6: Tools of Assistance

In particular, what tools of assistance are available to USAID to assist with elections?

Part 7: A Reality Check

In brief, what are the things to watch out for?

What are the early predictors that an election might be going wrong?

What positive lessons have we learned that may be suitable for application?

Part 8 : Bibliography, and Access to Materials

If more detailed information is needed on particular aspects of electoral assistance, or on particular examples and case studies, where can this be obtained?

ACRONYMS USED

AAI African American Institute

IFES International Foundation for Electoral Systems

IRI International Republican Institute

NDI National Democratic Institute for International Affairs

NED National Endowment for Democracy

PART 1

INTRODUCTION

1) THE PURPOSE OF THE GUIDE

i) The Guide envisions a situation in which it becomes clear to field officers that an election of some kind is in the cards, and some pre-emptive thinking and analysis is required.

ii) It is acknowledged that the backgrounds to elections are as many as they are various. So are the local political, cultural and security contexts. Each will need a unique response to be crafted. **This Guide does not set out to say what should be done in individual circumstances. Rather, based on experience, it sets out to formulate the issues that appear regularly to arise, and, based on lessons of experience, to suggest possible approaches to them.**

iii) It is intended to serve as a layperson's practical guide, for use by USG officers, and in particular, USAID officers in country missions. It is intended to assist them in putting elections into a broader political and democratic context, anticipating and thinking through a wide variety of problems/questions/issues that are likely to arise as they respond to electoral questions of various kinds, and design programs of assistance.

iv) Its purpose too is to help officers in the field make better and more informed use of experts; it is not intended to replace those experts. For many of the issues involved in electoral assistance are technical and specific in nature; for example, questions relating to electoral law, the role of the judiciary, campaign finances, and fraud avoidance.

2) ASSUMPTIONS UNDERLYING THE GUIDE

i) Democracy Initiatives differ from other USAID undertakings in that while all activities have a political component, those relating to democracy are essentially political. This may even be more true for elections because of the climax and drama involved and the tremendous public, even international, attention that they attract. Elections may also be distinctive in the extent to which they have to fully integrate the most macro with the most micro of responsibilities; from analyzing the possible impact of elections on economic development to delivering indelible ink to 5000 polling booths on time.

ii) There are two key elements to a 'democratic election;' one is that the election needs to take place in a democratic environment and in accordance with democratic procedures (this is commonly referred to as a 'fair and free' election); the second is that the election should contribute towards sustainable democratic progress (this might be referred to as an 'effective' election).

iii) While each election is unique, there are a reasonably common set of factors that will usually be relevant to a USAID and USG decision to encourage or assist with a particular election, and to the selection of a particular pattern of interventions to support. While we still have much to learn, this is a suitable time to begin to apply what we have learned so far.

iv) Elections are important to democratic progress. They are a necessary, but they are not a sufficient,

requirement of democracy. And while they are a requirement, they are not necessarily the first one. Many other key components of democratic progress may need to be in place first, for “‘free’ elections cannot take place in an ‘unfree’ society.”(Mackenzie, 146)

v) Elections are better seen as systems rather than events. ‘Qualification and disqualifications of voters; the method of voting; the division of the electorate into constituencies; the prevention of corruption and intimidation; ... each of these sections is meaningless in isolation from the others. ... it is impossible to advance on ‘one front’ without regard to others.’ (Mackenzie, 19) Therefore a decision to get involved in electoral assistance should be seen in a broader context and should anticipate a longer term engagement in political development.

vi) Democracy is a process towards an end, not a fixed state. We may make progress towards its enhancement; but we do not ‘bring it about.’ In most recent times, we have been involved primarily in situations in which political systems are moving — even if haphazardly so, toward more open and meaningful public participation. But progress is not inevitable; it will be threatened by internal and external forces, both economic and political. Therefore sustaining such progress will be a long term on-going undertaking.

PART 2

BEFORE A DECISION IS MADE: ASSESSING THE CONTEXTUAL FACTORS

Essentially the discussion that follows in Parts 2 and 3 focuses on issues that need to be considered and questions that need to be raised before 'making the call' on whether and how to provide effective electoral assistance that will contribute to the transition toward or the consolidation of democracy.

In practice, answers to each of these questions are unlikely to take the form of an unmitigated yes or no, but rather will emerge as nuanced assessments and informed projections about changing political environments, political will, promises and undertakings, evidence of commitment, laws passed, and track records so far. As a set of answers to the questions, they are probably going to suggest that 'on balance' this set of circumstances is likely to happen, and that outside assistance therefore should or should not be provided, and, possibly, that certain conditions should be presented as a condition of assistance.

It would be convenient to locate all these contextual and institutional factors within some generalized hierarchy of importance. For example: political conflict in country X is intense; therefore no assistance should be given. While convenient, this will diverge from reality. For one thing, part of the process of electoral assistance involves leverage and policy dialogue. In other words, one of the purposes of the support is to transform problematic factors into ones more facilitate of a fair election. Often the judgment will be less about what is, and more about what might be — with donor assistance — and by the time the election takes place. Secondly, it might lead to an overemphasis on the importance of single fac-

tors operating in isolation. They are not isolated; they are interrelated, sometimes in a complementary and sometimes in a contradictory manner. Thirdly, whatever the assessment of the situation, there may be other actors, multilateral, regional or non-governmental who see it differently, and are prepared to take the risk and request USAID to cooperate in this endeavor. (NDI, Philippines, 1991).

So while more complex, it would be more realistic to think of a cluster of factors that we need to take into account. Some will be more conducive and some will be less conducive to a fair, free and effective election. For example, if we have a situation in which the following factors pertain: this is a procedural election; there is a low level of violence; the military has long abstained from entering politics; political conflict, while present, is generally peacefully managed; there is some history of democratic process; and there is an impressive growth in NGO's particularly non-partisan ones; then there is every likelihood of a successful election, and well used foreign assistance. If we take the opposite set of circumstances, we are presented with a situation which is likely to fail. And, more typically, in-between these two extremes, there will be the difficult cases, where some of the cluster of factors will be conducive to a fair election and some will not. Furthermore, some of the non-conductive factors will be susceptible to change, while others will not. Then, taking account of a balance of these factors, an informed call will need to be made.

Parts 2 and 3 are written with this cluster approach in mind. It is suggested that the reader consider the particular cluster of factors most relevant to his/her country's situation, obviously giving different weights to different factors according to the particular circumstances, and then in cooperation as a USG team, and with local actors and other donors, to make one of the calls discussed in Part 4 of the Guide.

1) THE US CONTEXT

a) THE US LEGAL & POLICY CONTEXT

Electoral assistance is part of the overall Agency objective to promote sustainable democratic development. The legal basis for such programs is found in Title IV of the Foreign Assistance Act (FAA) of 1961, which cites building democratic institutions as one goal of US foreign assistance. Section 116(e) of the FAA, which is part of the human rights initiative, embraces political development as a basic right, and thus permits electoral assistance, though not specific assistance to political parties. A provision in section 116(c) states that human rights funds 'may not be used directly or indirectly, to influence the outcome of any election in any country.' Section 116 has been interpreted to permit undertakings that make the process more fair and open, but to exclude attempts to influence the political outcome.

In addition, USAID policy can be found in Strategies for Sustainable Development. Washington, D.C.: U.S. Agency for International Development, March 1994; and Guidelines for Strategic Plans. Washington, D.C.: U.S. Agency for International Development, February 1995. The Guidelines emphasize sustainability and support directed at enhancing local capacity and state the following points, which should be observed when designing electoral process assistance program:

i) Electoral assistance should be provided at an early stage in the process to ensure effective usage;

ii) USAID should not provide *unconditional* assistance where electoral processes appear flawed or where segments of the population are denied participation;

iii) Helping establish a respected, permanent national electoral commission and encouraging meaningful participation among all sectors of the population merits particular backing;

iv) Training and technical assistance is preferred over commodity transfers; requests for high priced, state of the art electoral commodities are often nonsustainable and technologically inappropriate and raise the specter of large scale corruption;

v) Effective participation by political parties is critical to the success of an electoral process, although USAID must be particularly scrupulous in avoiding even the perception that it is favoring a particular candidate or party through the provision of financial or technical assistance;

vi) Campaign periods provide an excellent opportunity for developing nongovernmental organizational capacity through civic education and election monitoring programs;

vii) Development of domestic monitoring capabilities should take precedence over support for international observer efforts; and

viii) Programming commitment to a successful election should not skew resource allocations to the extent that funds are unavailable for post-election activities.

Permissible activities, discussed in detail in Parts 5 and 6, include anything from a one-time election assistance assessment to a full-scale, comprehensive assistance program beginning months before an election and running through the consolidation period after the election.

In terms of international law, it is significant that since the World War II, the right to political participation in one's government has been recognized as a fundamental human right. The role elections play in ensuring adherence to the right of political participation has also been recognized. **All the major human rights instruments contain provisions pertaining to participation in one's government and all but one**

EXAMPLES OF FACTORS:	MORE CONDUCTIVE TO A FAIR & FREE ELECTION	LESS CONDUCTIVE TO A FAIR & FREE ELECTION
Category of election	procedural	transitional
Security context Civil war/aftermath Level of violence Role of military	absence of war low abstain from pols	pervasive conflict high influential in pols
Political context Political conflicts Social cleavages Marginalization Democratic history Orientation to order/ unity/ discipline Patron-client relations Decision-making Associational life	minor, well managed homogeneous society reasonably inclusive soc/pol/ec system fairly recent not too strong not pervasive individualistic dense, vital	serious, poorly managed deep soc & econ cleavages soc/pol/ec excluded groups none very strong influence established pattern of interaction community/household control absent or controlled
Economic context State of the economy Recurrent budget	fair or improving resources available for election expenses	poor or deteriorating very large budget deficit
Institutional context Electoral law Voting system Election commission Judiciary Voter registration Political party system Political parties NGOs Media	clear, coherent, facilitates democracy balance of stability & participation independent, experienced autonomous, qualified effective, up-to-date settled, between 2-6 parties organized; clear policy messages many, independent, varied approaches & roles free, capable, varied viewpoints	restricts democracy, confusing clauses unbalanced, inappropriate dependent, inexperienced dependent, unqualified none, or out of date unsettled, one-party dominant or multiplicity disorganized; unclear policy messages none, few, or weak controlled, few, inexperienced

contain provisions pertaining to free and fair elections. Commenting on the electoral process in a foreign country, including evaluations by international organizations, therefore, does not amount to interference in the domestic affairs of another country. (Garber, 1984, 21; Zak, 176) One limitation on US unilateral support would be in regions that are not fully sovereign such as those under trusteeships or under the aegis of the UN.

b) FOREIGN POLICY ISSUES

US national economic, security and political interests and foreign policy concerns may have some influence on whether pressure will or will not be applied on a particular foreign government to take steps to democratize. Other related factors likely to be taken into account in deciding whether to apply such pressure would include local cultural and religious sensitivities, recent political and military links between the US and the country concerned, the likely local popular perception of that pressure, and the extent of the leverage that the US may be able to exert. US interests and other policy considerations may also affect the level of electoral assistance, the decision to take a high profile or a minor role (working, for example, under the umbrella of the UN or the OAS), and the amount of pressure applied on the parties to conform to the results.

Given the end of the cold war, however, and policy statements consistently favoring democratic progress, it is unlikely, on US national interest or foreign policy grounds alone, that the US would not respond positively to a request for support for an election which promises to be reasonably fair and free and contribute to democracy.

Once a decision is made to assist, US interests generally should no longer play, or be seen to play, a role in influencing the outcome. There may be an exception in the notion of 'leveling the playing field' (that is, working with new, usually resource-poor, and inexperienced parties that have a commitment to democracy in order to enhance competitiveness and fairness of the electoral process) in situations where a long established ruling party has systematically oppressed or banned political opposition. South Africa presented such an example.

2) CATEGORY OF ELECTION

Categorizing elections is a helpful first step insofar as each category suggests a shorthand description of the political and historic juncture into which the election fits. In so doing, it points to the type of contextual issues that are likely to require attention, and possibly to the kind of assistance that may be appropriate.

- **Procedural:** a regular election held in accordance with times and procedures set out in the constitution; the institutions are relatively mature and capable, and the rules relatively well understood and accepted.
- **Procedural but innovative in form:** as above, but some new constitutional or technical innovation may have been introduced such as a different voting system or computerization.
- **A limited political opening:** an election in a one party, one-party dominant, or monarchical system, which may be a first election of its kind or an adaptation of standard procedures, but either way amounts to an opening of some limited political space for opposition parties to participate and compete. Such an election may be experimental, or a response to foreign pressure or local demands, and it may or may not indicate an intention to continue with progress toward democracy and/or a multi-party system.
- **A component of a democratic transition ('a breakthrough election')**: a first and, sometimes, a second, round of elections taking place after a lengthy period of authoritarian rule amidst much uncertainty and general lack of agreement on how electoral rules operate. These have been the subject of much recent USAID attention.
- **A part of a conflict or peace resolution process:** as above, but in addition the election process is part of a peace process and issues of separation, demobilization and disarming of armies and the establishment of public security and new police forces are integrally related to the outcome of the election.
- **A component of democratic consolidation or broadening:** a second, but more likely a third or

fourth set of elections in which there is still some uncertainty and need to strengthen the procedures and institutions and widen and deepen participation.

- **An aspect of a politically deteriorating or threatening situation:** stability and democracy are not guaranteed and from time to time elections take place in countries in which democracy is under siege.
- **A local/provincial/municipal government election:** preceding or following a national election. Sometimes local government elections take place before transitional national elections in order to test the water in an environment in which there is less at stake and possibly a lower level of hostility; or later, as a government moves to enhance democracy by decentralizing authority.
- **A referendum or plebiscite about a transition or a key national issue:** while technically not an election, these exercises often make the same sort of political and management demands as do elections.

3) THE SECURITY CONTEXT

a) CIVIL WAR OR ITS IMMEDIATE AFTERMATH

Clearly it is impossible to hold a democratic election for the whole country during the course of a civil war. However it is possible that an election may be arranged as part of the peace process aimed at ending the war. In this case, fighting may break out from time to time among armed groups. **The challenges here for a USG team would include assessing the significance of sporadic breaches of the ceasefire, and the chances of providing security throughout the country in order that voter education, public meetings, and political party activity can take place in peace.**

Also the USG team would need to evaluate attempts to establish a unified national administration capable of running an election, and a unified national police force able to keep law and order during the campaign and the election itself, to demobilize and disarm the

warring factions, and to persuade the ex-armies, now political parties, to act as parties and accept that win or lose they will abide by the result without returning to war.

In deciding whether to support such an election a determination needs to be reached as to whether all of these challenges are likely to be met before the election campaign is too far advanced, the principal parties have the will to achieve this goal, and the donors are prepared to invest the resources necessary to help them do so. For example, a reasonably fair election in Angola ended in a return to civil war as the leadership of one of the armies had not accepted the change to a political party, had not demobilized his troops, and was unwilling to accept electoral defeat.

b) HIGH LEVELS OF VIOLENCE

There are various types of violence that can detract from the possibility of a free and fair election: rural banditry as a civil war winds down; intimidation, threat and violence carried out by secret or security police or the military; the injuring or killing of members of opposition parties, unions or newspapers; the destruction of opposition buildings and headquarters; the break-up of political meetings by gangs of thugs, sometimes youth gangs; threats and attacks on people in their homes; and violence on election day at the polling booths themselves or in order to prevent voters reaching the polling booths.

In the 1990 elections in Guatemala, the level of violence, while not unusual for that country, definitely had a deleterious effect on the campaign. The whole process was marred by killing and threats against candidates and others involved in the process. This, together with the contested candidacy of a former military dictator, served to discourage participation. It also suppressed countervailing viewpoints such as those calling for land reform or prosecution of the military and police for human rights abuse. (NDI, Guatemala, 58-9) In Sierra Leone violence during previous elections — in particular fighting between supporters of candidates in the lines at the polling stations and intimidation in the form of wanton firing by members of the national police — left citizens fearful of participating in future elections. This led

thousands of registered citizens to refuse to venture to the polls on election day. This consequent 'culture of silent suffering' distorts the underlying fairness of the electoral process. (Edgeworth, 54)

In making a decision to support an election in these circumstances, one needs to consider whether there are convincing reasons to believe that the atmosphere will change, and voters, candidates, political parties and the media will feel sufficiently secure and unintimidated to participate fully and openly in the election. Yet however negative the assessment, if the will is present and the major parties all see an advantage in an election, then it may be successful.

c) THE ROLE OF THE MILITARY

This is as much a political as a security concern. There are many societies in which until recently the military has ruled the country for extensive periods of time or has long had a continuing direct influence in politics. The election may serve as an element in the transition from a military to a freely elected government. In such situations there is a need to have reassurances from the highest level of the military that it will remain non-partisan and will not intimidate voters or politicians nor intervene at any stage of the election or in the post election governing of the country, and will accept the result of the election.

In practice, the degree to which the military is willing to take its instructions from the civilian electoral tribunal is an important element of overall electoral legitimacy. In many countries in Latin America, the military holds constitutional responsibility for ensuring the 'security' of the elections. Such situations require special vigilance, since the line between protecting the orderly management of an election, and influencing its outcome is often a fine one.

4) THE POLITICAL CONTEXT

a) POLITICAL PARTIES

These are discussed below under Part 3 dealing with the Institutional Context.

b) POLITICAL CONFLICT AND SOCIAL CLEAVAGES

Sources of conflict: All political systems operate on the basis of some level of competition and conflict — that is what politics is about. There are important differences, however, in the levels and sources of conflict. In addition to differentiating the degrees of intensity of conflict — from those societies characterized by violence to those in which disputes are peacefully resolved — and identifying the agendas, ideologies and interests of the leadership, it is necessary to understand the basic sources of conflict. Typically, though not inevitably, conflict derives from social cleavages in society. These cleavages may be based on religion, ethnicity, race, language, nationality, class, caste, or geographic region.

Usually, a number of these social divisions will reinforce each other. For example, a country may be divided not only on the basis of ethnicity — although the media may characterize it as an ethnic conflict — but also over class, competition for resources and region. Consequently, resolving conflicts peacefully and building mutual trust and a spirit of compromise become extremely difficult.

Yugoslavia provides us with a tragic example of political conflict based on long standing social cleavages. These same kinds of divisions will have a profound impact on the possibilities of promoting democracy, issue-based politics, civil society and fair elections.

Marginalization: Social divisions not only lead to conflict and competition. They also serve to marginalize certain categories of people — be they lower castes, tribal people, minority religious groups, nomadic communities, women, or the urban or rural poor — by excluding them from active political participation and usually access to economic opportunity. This pattern of discrimination may have deep historical and cultural foundations or it may have been more recently constructed or intensified. In Guatemala, for example, there exist large isolated

indigenous populations significant elements of whom do not participate in elections. (NDI, Guatemala, 59 and 60) It is important to understand why and under what circumstances these people have been excluded and to analyze what this means for the principles of participation, inclusion and representation which are essential to democracy. In some cases, such as South Africa, Zimbabwe, and Namibia it was the majority that was excluded and a principal rationale for the first elections was the transfer of power from the minority to the majority. But more typically, with the exception of women, it is a minority that is peripheralized.

Given the complexity of some, but not all, of these issues and the pressures of first elections, it may be problematic to press for their effective inclusion immediately. But as one moves to second and third elections, and so to the consolidation and broadening of democracy, the policy dialogue that accompanies democratic assistance should give attention to the fuller inclusion of the poor, religious minorities, etc.

c) POLITICAL CULTURE

Closely related to, but less visible than, the types of social cleavage discussed, is a society's, or its individual communities' political culture(s). Components of this political culture that are directly relevant to elections include the following:

- **Democratic history:** Does the society have a history and tradition of multiparty democracy and free elections? It is easier to re-constitute democracy in societies in which at least some (possibly middle-aged and older) people have participated in democratic elections sometime in their lives, than beginning from scratch with a whole population of officials and citizens that lacks familiarity with free elections and the accompanying requirements of freedom of the press, of association, and of opinion.
- **Emphasis on order/unity/continuity:** Some societies have a stronger impetus towards order, consensus, unity and stability than towards political competition, uncertainty, change, and open and public disagreement. (Dalpino, 2) The essential adversarial elements of a substantively competitive multiparty election may be novel, even unwelcome

in such societies. Electoral assistance, for example, will need to take account of this different model of political competition.

- **Patron-client networks:** Usually hidden behind, and providing much of the dynamic of, many formal political institutions such as parties and parliaments lies a powerful network of patron-client relationships. These usually involve the distribution of rewards, patronage and protection from the top in return for support from below, and may be based on tradition (clan leaders, chiefs), religion, employment (landlords, factory-owners, union organizers) fear and intimidation. These hierarchical networks take on another political significance when the leadership or elite form vertical alliances or political pacts.
- **Community and household decision-making:** Some societies may have a strong tradition of community participation and consensus building which may be helpful to local democracy; others may have a history of personal, clan, religious or tribal leadership which may be less helpful. In some countries or communities the male head of the community or extended family has typically made decisions for every one in the group. For these societies some of the 'basic components of the liberal democratic system such as 'one elector one vote' and the concept of the 'secret' ballot will constitute a very important change,' and will require special treatment in civic education both for household heads and household members. (Edgeworth, 20) This has a particular relevance to women's participation in elections for in these kinds of societies they may be accustomed to men dominating public decision-making.

d) ASSOCIATIONAL LIFE

The notion is now broadly accepted that 'a functioning democracy and a plural society involve far more than a multiparty system that holds elections every few year. It requires a rich and varied network of private organizations and associations — religious, traditional, cultural, political, economic, national and local — to counterbalance and monitor the activities of the state. ... If the state is one side of the democracy coin, civil society is the other.' (Hirschmann, 16)

As will be noted below, not only is an appreciation of the character of associational life important in a general sense to democracy, but the operation or co-operation of NGOs in elections has often been a key determinant of success.

In seeking to understand indigenous NGOs, it may be worth keeping in mind that their form may vary from those of western NGOs and that we should not always be looking for western replicas. Second, we should take care — particularly under pressure of an imminent election — that donor money does not become the main driving force behind the formation of the NGOs with which we cooperate, or does not lead to a distortion of their primary long term goals (NGOs are discussed further in the subsection on Institutions).

5) THE ECONOMIC CONTEXT

The state of a country's economy is relevant to election management from a variety of perspectives. There is no strict linear relationship between democratic progress and the economy, but it is generally thought that democracy is more likely to survive in countries with a reasonably sized and stable middle class; or where the country may be economically poor but opportunities for economic participation, particularly in urban areas, are growing rather than declining; or where income distribution (and in some cases land distribution) is at least not grossly inequitable; or where the budgetary or/and international debt burdens are not too high.

A very profound challenge to providing democratic and electoral assistance, and more so even to the sustainability of democracy, derives from the fact that many, if not most, of the countries seeking electoral assistance do not fulfill these conditions. For general economic malaise risks public disenchantment with democratization if it comes to be seen as synonymous with economic decline. This is particularly so given the high expectations that frequently accompany the early days of democracy.

More specifically elections cost a great deal of money, and the ability of a governments to pay for

the commodities and the vast numbers of personnel required is key to the effective management of an election. For example, a pre-electoral assessment of the Congo in 1991 found the government had not paid government workers and teachers for a few months (and schools were not functioning). This put into serious question the government's capacity to carry out voter registration and elections in a timely and proper fashion. (Hayward, 10) An assessment in Sierra Leone found that due to lack of government resources, certain sections of road were almost impassable, and yet roads are essential to campaigning, civic education and the election itself. (Edgeworth, Sierra Leone, 91) Regularly, in their enthusiasm for elections, electoral budgets underestimate expenses, and frequently they are reduced even further when legislatures make across the board cuts in the national budget.

PART 3

BEFORE A DECISION IS MADE: ASSESSING THE INSTITUTIONAL FACTORS

There are a number of institutions which are central to an open, competitive and well run election. In considering whether to assist in an election, and, if so, how, the nature of these institutions will require careful investigation. In a transition situation or even in second and third elections many of these will be deficient, at least in democratic terms. They may lack the legal framework, the experience, the expertise, the resources, or the will to administer or participate effectively in satisfactory elections.

In later elections, where the concern turns more toward consolidating and broadening democracy, the system is more likely to suffer from uneven institutional development. For example, some organizations might become more effective or technologically or financially resourceful and better able to manipulate procedures than others. Some might suffer from internal over-centralization and rigidity. And disadvantaged and peripheral groups of people may continue to be excluded from significant political and electoral agencies.

1) AN ELECTORAL LAW

Typically the electoral law covers all aspects of the election. These include: requirements for registration of voters, candidates and parties; principles of constituency delimitation; the role of the election commission and the election administration; the voting system; dates, deadlines and procedures for elections; and campaign financing regulations.

As such, it is the basic document to which any external advisor needs give first attention. It is a technical document which requires the attention of a legal, constitutional or electoral expert. In transition elections it is probable that an electoral law requires complete re-drafting. Important questions in this regard relate to the consistency between the election law and other key constitutional documents, and within the law itself, the explicit or implicit constraints to democracy contained in the laws' provisions, the feasibility of the procedures specified in the law, (IFES, How to Organize a Pre-Election Technical Assessment, 21) and whether the technical provisions contained within the law are likely to achieve the political results intended by its designers, such as political stability, or regional representation.

2) VOTING SYSTEMS

There are some principles of, or debates about, voting systems that are found in electoral laws that are different from those operating in the US and with which some missions might therefore be unfamiliar. They are mentioned here not so much because missions or Embassies can have much influence over them, but because they do often become part of the constitutional and electoral debate, and technical advice and mediation is often requested to assist with finding the most appropriate voting system for a particular configuration of social divisions, and political pressures, visions and traditions.

- **Proportional representation:** This contrasts with the single member majority system or first past the post system of the US and Britain, which tends to exclude or under-represent smaller communities, viewpoints and parties, but makes for a more stable system. A proportional representation system is one in which seats in the legislature are allocated to parties in proportion to the votes cast for the party either on a national list or in multi-member constituencies. (Bogdanoff) Each party offers a list of candidates, and if a party gets say 25% of the vote, 25% of the legislative seats are filled by that party starting with the first name on the list and working down. These systems are common in Europe. (Weissberg, 59) They tend to be more accurately representative of minority parties but less stable because they seldom produce clear majorities and thus require coalition governments. There are a variety of mechanisms for adapting the two systems, for example, using one for one house and one for another, or one for some of the seats and one for other seats, or holding two rounds of elections, in order to achieve something of the merits of both.

- **Threshold percentage:** A related question concerns a requirement of a threshold percentage of voter support as a minimum requirement for party participation in a parliament; for example a requirement that unless a party gets 5% of the vote it will not be allowed to be represented in the legislature even if it wins a few seats. The argument for excluding such a requirement or keeping the threshold very low is that it allows new and minor movements or parties to be represented and possibly develop. The argument for raising the entry level is to prevent an over-fragmentation of the party system and to encourage parties/groups to form coalitions, and broaden their base before entering elections. (One should not assume that only the minor parties will support a low threshold; there have been examples where the ruling party has favored a very low threshold in order to keep the new and disorganized opposition groups divided and ineffective.)

- **Candidate requirements:** If these demands are low, and require a very small deposit and few signatures of support before candidates may register, this is seen as more open, inclusive, and less elitist in

nature. However, minimal registration requirements may lead to a proliferation of what are referred to in India as nonserious or 'frivolous' candidates. The average number of candidates per constituency has grown in India from 4 in 1952 to 11 in 1989; in one constituency in India in 1989 no fewer than 122 candidates contested a single constituency. (Weil, 21)

- **Reserved seats:** These are established in cases of minority groups who for cultural, historic, or geographic reasons, or because of prolonged periods of political oppression, have long been marginalized or discriminated against in societies. While their interests should be represented and protected, they are thought unlikely to win seats in the legislature. Lower castes, scheduled tribes (for example in India), minority religious, ethnic, national or race groups (for example in Central or Eastern Europe), and women (for example in Bangladesh), provide examples. Reserved seats may make most sense in terms of inclusivity and justice and often security, but all the pros and cons characteristic of affirmative action debates are relevant to this concern.

- **Excluding certain categories of parties and voters:** Based on specific recent political events relating to political oppression and human rights abuse, some electoral laws exclude those political parties and individuals held responsible for the abuse from participating in elections. Other laws will exclude a political party that is not committed to upholding democratic principles. For example, Article 21 of the basic law of the Federal Republic of Germany declared ineligible for election, parties seeking to impair or destroy basic order or endanger the existence of the Federal Republic of Germany. On that basis the neo-Nazi Socialist Reich Party was outlawed in 1953, and the Communist party in 1956. Mali prohibits parties from basing their program on sectarianism, nepotism, religious affiliation, common linguistic group or region, gender, ethnic origin or professional status. (Edgeworth, 12) In particular circumstances, these are understandable exclusions, but they do set a potentially dangerous precedent.

- **Power sharing model:** This is a measure which may be considered after a civil war or during a major transition from minority to majority rule, when the level of trust is very low; or when all sides (or one

significant party) require reassurance about their future political and economic role in the country; or when there is little likelihood of the losers accepting their outright defeat at the election. Power sharing may be achieved through guarantees of regional or religious or political party representation in parliament or in the cabinet or power to veto certain types of legislation. It is intended to ease the transition from war to peace and minority to majority rule. Its downside is that it serves to protect minority rights. If used, therefore, it should be on a temporary basis only. It worked in Zimbabwe and South Africa. In Angola, it is thought that such an arrangement instead of a winner take all system may have had a better chance of succeeding. There is another purpose that it may serve. In some cases hostility to the old government is so strong that the new opposition may win over 80% of the seats so re-establishing a de facto one party situation. (Ottaway) In recent elections in Lesotho the opposition won 100% of the seats. By guaranteeing all major parties some representation, power sharing may prevent such a situation at least temporarily.

3) JUDICIARY

A fair and free election requires an independent judiciary able to fairly adjudicate election related grievances. Judges need to be familiar with the intricacies of electoral law and have the courage and independence to make and stand by decisions in the face of powerful political pressure.

Typically problems arise because the only experienced judges available are accustomed to ruling party control and to the old system of one party elections. They may also be poorly paid and therefore vulnerable to financial pressure, and lack independence because of their need for re-appointment. Key issues to look at include the previous training and experience of the judges, their tenure and re-appointment arrangements, their salary arrangements, and their recent track record of decisions.

While a non-independent judiciary would certainly be classified as one of the sorts of factors that are not conducive to fair election, a number of satisfactory

elections have been held in countries where this is the case. In the 1993 Mongolian presidential election, for example, the lack of an independent judiciary was definitely reflected in the opposition alliance's lack of trust in the system. Nevertheless, in the final analysis, the election was held to be fair by international observers and the opposition. The less independent the judiciary the smaller the role it should play in early elections, and the more it is essential to find some other mechanism of non-partisan or multi-partisan or international oversight.

4) ELECTORAL COMMISSION AND ELECTORAL ADMINISTRATION

If the electoral law provides the legal basis for the election system, the electoral commission is the primary agency responsible for overseeing the law. The normal responsibilities of an electoral commission include: interpreting the electoral law and adopting electoral regulations; designating and training election officials and polling officials; developing procedures for registering voters, implementing a voter registration process and publishing voter lists; regulating the election campaign; developing an effective, non-partisan civic education campaign; preparing materials necessary for election day; and establishing mechanisms for reporting the results from polling sites to central headquarters, and for announcing the official results.

There are a number of different models for establishing Election Commissions. One is to assign primary responsibility to a government ministry. A second is to give the judiciary or selected judges this responsibility. Another method is have all registered political parties designate representatives. And finally, based on a consensus of political parties, individuals with expertise and integrity may be assigned to the commission. (Garber, Election Commissions)

The points made above about the judiciary apply equally to the need for an independent electoral commission. Fairly typically, however, in early elections, one needs to rely on the imperfect solution of allowing the old government ministry that

has been running elections for many years to continue doing so. The role of international and local observers then becomes key to a fair election. And the sooner the commission's membership can become non- or multi-partisan the better for future elections.

Subject to the supervision of the election commission and to the adjudication of the judiciary, the electoral administration is in effect the election bureaucracy, usually comprising a small number of permanent staff and a large number of civil servants temporarily seconded from central and local government to implement the detailed procedures of the election. The full time and temporary personnel, the communications and transport equipment, the training capacity and the budgetary resources at the disposal of this agency, as well as its track record of non-partisan management of elections, and in particular its potential or capacity to mobilize and concentrate resources, all require careful assessment.

5) VOTER REGISTRY

Most countries' electoral laws require voter registration as a prerequisite to an election. This process is difficult, time-consuming and has been the source of innumerable problems. It is not only essential to the full participation of the public but provides the basis for much of the planning for the election; for example, the number and location of polling booths to be set up, the number of poll workers to be trained and employed, and the number of ballot papers to be printed.

Registration provides the first test of the capacity of the electoral administration. 'For a country to maintain an accurate voter registry, considerable infrastructure is needed and up-to-date civil registry of births and deaths is crucial. ... Where they exist at all, election registries are out of date within a few years without a major commitment of resources.' (Zak, 181)

In the Congo in 1991, a pre-election assessment concluded that inadequacies in the process of registration provided reason for delaying a proposed referen-

dum. (Hayward, 18) In Sierra Leone, it was estimated that it would take 5 to 6 months to produce a voter register. (Edgeworth, Sierra Leone, 31) Officials have to be trained to prevent false and duplicate entries, and members of the public need to be informed about how, where, when and why they should register.

If an up-to-date population census is not available, it has been the experience of some countries that it is possible to run an election without a voter registry. This was done in Zimbabwe in 1980.

6) POLITICAL PARTIES

As the major competitors in an adversarial electoral process political parties have the most to win and the most to lose; as such, in striving to gain power they are the actors that can make, break or test the fair management of an election.

Although there may be exceptions, it is generally considered essential to free and fair elections that parties are able to compete effectively for public support. To achieve this end, they need to be well enough organized and have sufficient know-how and resources to put their policies and implementation strategies, and their teams of candidates before the electors as alternatives between which to choose. (Mackenzie, 14) While most of their messages are partisan in nature, they do play an essential role in providing voter education to the public.

7) DOMESTIC NGOs

In general it is considered essential to balanced and positive progress towards democracy and governance that associational life or civil society should develop along with government and political parties. It is certainly clear that the participation of NGOs, particularly those of a non-partisan nature, in the electoral process may contribute in a major and constructive manner to a transparent and fair election. Namfrel in the Philippines, which relied on a nationwide network of volunteers, provided a model

for domestic monitoring organizations, not only for poll watching but for changing electoral laws and for quick vote counts. This example has been followed with modifications in many other countries, for example in Chile the Committee for Free Elections, Participa, and the National Citizens Crusade, in Bulgaria the Bulgarian Association for Fair Elections which organized itself effectively in two months, in West Africa, GERDDES which commenced activities in the Cameroon but now is operating as a regional group, and in Kenya, the National Election Monitoring Unit. (Diamond; de Martini; Cuadra; Avineri; Garber & Bjornlund; NDI, Bulgaria 63; IRI, 35)

These positive situations should be contrasted with Pakistan's 1990 election which suffered seriously from the lack of an independent local groups running an effective nationwide monitoring effort. Not only did this reduce monitoring of fraud but when it came to assessing the elections results which were challenged as illegitimate by the defeated party, it was impossible to make an informed call without the information which could only have been provided by a local nation-wide organization. (NDI, Pakistan, 105)

It is therefore important in assessing the likelihood of an election being preceded by comprehensive voter registration drives, widespread voter education and independent monitoring on election day to investigate the density and nature of civil society and in particular to evaluate the capacity of the sorts of organizations capable of, and interested in, providing non-partisan support for the elections.

8) THE MEDIA

Mass media also plays a central role in the electoral process by way of providing non-partisan voter and civic education, partisan and persuasive information and argumentation on behalf of the parties, partisan, non-partisan and alternative analyses of the parties and their platforms, and serving as watchdogs of the parties and the electoral agencies, and instant conveyers of electoral news such as problems experienced, disputes resolved and finally the results.

This is, in theory, no different from the US. But there are significant differences in practice. One relates to the fact that in most countries the national radio and television are state-controlled (IRI, 32, provides an example of Kenya during the 1992 elections), and for most of these countries the BBC model of non-partisanship is probably a more relevant objective than that of the multiple competing privately owned stations of the US. **The challenge is to remove restrictions and controls of news coverage and attempt to create and enforce a set of rules to effect equal treatment and non-partisanship.** Rules may allow all parties to have equal time (which provides problems in situations in which ten or more parties are competing), or equal opportunity to buy time (which advantages those parties — including the old ruling party — which have abundant material resources), on state controlled media. In either case it is common for the incumbent party to be given far more comprehensive 'news' coverage than the other parties.

Problems also derive from state or party control of printing presses, import and sale of newsprint and printing machinery, of licensing of printing firms, and also state dominance of advertising revenues. For example in one election: 'The government monopoly on radio and television, the print media's reliance on government advertising, the government's monopoly on newsprint, and the intimidation of news organizations by political parties all impinged on the media's ability to serve as a watchdog and source of accurate election information. Pakistan's print journalists, who generally receive low salaries and are therefore susceptible to political pressure, are further hampered by government restrictions.' (NDI, Pakistan, 113)

Other questions that need responses relate to the lack of television or major newspapers in rural areas, low literacy levels, and a multiplicity of languages, which may have the effect of most major media energy being expended on the main cities and on better educated and better off people. Radio often presents itself as a less expensive and more effective medium than either television or newspapers.

PART 4

'MAKING THE CALL'

1) CONDITIONS REQUIRED

At the time a decision needs to be made — particularly in relationship to the first election in a transition period — the conditions required for a free and fair election are unlikely to be in place, and to the extent that they are, they will be fragile and uncertain. For example, absolute equality of opportunity for political parties and movements, or even relative balance, is seldom possible in circumstances of transition, especially where the old ruling party is contesting the election. (NDI, Bulgaria, 60-61; IRI, Kenya)

What then are the key components of a political situation which make a decision to assist with a democratic election? **The most important component is thought to be the political will of key actors as expressed in public, and demonstrated in actions.** (Zak, 176)

Incumbents must have openly and clearly pronounced that it is their intention to allow other parties and viewpoints to operate freely and to compete in a fair election for power, and that they will accept the decision of the electorate. They need to have passed laws or lifted restrictions to allow this to happen. Opposing movements and media need to have commenced taking advantage of this new freedom and been allowed to do so. The government also needs to allow enough time for the opposition to organize itself for an election, to assure its support for outside observation and assistance, to commence set-

ting up an independent electoral commission, and set aside money in its budget to support the election.

In second or third elections the essential issue to consider is whether there is evidence to suggest that the ruling party and other dominant political actors such as the military, and representatives of big business associated with the ruling party have taken seriously the weaknesses of the previous election and have made, and are prepared to make, a concrete effort to improve upon them. There are now

Zak lists the following requirements for electoral assistance:

- willingness to establish and implement an impartial election law and an administrative body;
- acceptance of party poll watchers and international observers throughout the election process;
- acceptance of security measures to guard against fraud and abuse;
- willingness of the country to use resources to develop and institutionalize an honest and efficient electoral system;
- assurance of adequate time for the entire election process; and
- existence of guarantees to provide equal freedom for the political parties to organize, register, and campaign. (Zak, 191)

numerous detailed reports on elections, pointing out deficiencies and making very specific recommendations. Examples can be found in the reports on the Paraguayan, Pakistani and Romanian elections and many others. (NDI, Paraguay, 44, Pakistan, 112-117, Romania, 62-66)

Assuming that there is validity to these recommendations — and dialogue will obviously be required with the government concerned about this — assistance should be conditional on, or used as leverage to encourage, substantive improvements in these specific areas.

2) A 'MENU' OF CALLS

Taking account of the factors discussed above, both those conducive and those not conducive to the probability of a fair election, the following are suggested to USG teams as some calls which might be appropriate:

- **'Yes, but is it really necessary?'** The situation is completely satisfactory. The assistance required, if any, is mainly symbolic; possibly a small observation team may visit as guests for the sake of providing international support for democratic processes in the country and region. International observers may be paired with local monitors.
- **'Yes, we will provide specific expertise.'** The situation is satisfactory in most respects, but there is room for substantive technical improvement. The technical assistance will probably involve specialized expertise to refine procedures possibly with computerization of the voter registry or civic education for previously excluded groups, or indigenous monitoring in a previously unsettled part of the country.
- **'Yes, we will provide legal, political, constitutional expertise.'** The situation is satisfactory, but the government is initiating a constitutional or electoral innovation, such as local government elections where they have not occurred before. This may require electoral experts to advise on the electoral law and decentralization advisors to assist in clarifying relationships between the center and the districts. If the experiment is seen as a positive step for-

ward in consolidating or broadening democracy, some limited resources may be provided.

- **'Yes, but conditional on a number of requirements being fulfilled.'** The situation is promising, but problematic in terms of political will/trust or resources/expertise or both. This is usually the case in transition elections. This will need substantive and longer term assistance, probably of all kinds from pre-electoral assistance to advice on electoral laws to voter education to strengthening indigenous monitoring to post-electoral support. But it will need to be conditional on the fulfillment of promises undertaken by all sides, particularly the government and ruling party. Because it represents such a strategic moment, this is a priority area for substantial foreign assistance; but because it involves so much uncertainty it requires careful political and electoral assessment, clear conditions, and careful on-going negotiations with the local and foreign actors.

- **'Not now, but possibly some time in the future.'** A similar situation to the previous one but the problems outweigh the promise, at least for the time being. Insufficient evidence of political will and mutual trust and lack of resources indicate that an election in the near future — maybe a year in advance — is very unlikely to be held in conducive circumstances and may as such not only be unfair and unfree but may very well set back democratic progress. This requires further negotiation with government to work out conditions which need to be fulfilled (such as release of political prisoners, improvement in the security situation, redrafting of the electoral law) before electoral assistance will be considered. Another situation in which this call may be advisable is when the donors lack a full understanding of the all the complexities, and need to research more thoroughly. This may present an appropriate set of circumstances for NGOs to begin working on other aspects of democratic development.

- **'No.'** It would be pointless or even harmful to give assistance either because key conditions are not in place (for example, there is a civil war and armed groups not demilitarized; the ruling party insists on holding first elections within a few weeks with the intention of denying opposition groups time to orga-

nize; despite declarations of intent the ruling party or government has given no concrete evidence of good faith), or the overall pattern of factors does not provide any reason to think that the election will be democratic in nature. Possibly, NGOs might be able to help, for example, with civic education, human rights or conflict resolution.

- **'No, but possibly a US supported NGO or a regional multilateral could do the work either with its own finances or with USAID money.'** This is the case where US assistance may not be welcome by any or all of the major parties, or may itself have become a controversial part of the local political debate; or there may be a 'divided' invitation for assistance; for example, the opposition wants assistance, and the government does not, or visa versa, or the president welcomes the support and the legislature does not, or visa versa. NGOs and, sometimes regional or international organizations have more flexibility than government organizations.

- **'We think not; but some significant components of the opposition/democratic forces think yes.'** This is one of the most difficult of choices. An example would be the 1986 Philippines elections where the decision to participate (for some of the opposition) and the decision to assist (for the USG), in a situation dominated by a corrupt and repressive regime determined to use the election to legitimize its reign, was a very difficult one. The argument for participation is that even this kind of election can provide an opportunity to pressure the regime and to organize the opposition for future elections, and foreign observers can help to reduce fraud, keep the process in international focus and reveal the extent of the fraud. The opposition is prepared to take a major gamble and they are asking the donor to take a risk as well. In the Philippines it worked. There was blatant fraud, an effective local monitoring group to help expose it, and great local anger, and there followed a clear stand by international observers; and Marcos resigned. (NDI, Philippines, 72 and beyond)

- **'Yes we will give some assistance for limited opening up of the electoral system.'** This might occur in situations where long established rulers of societies that do not appear promising in terms of democratic progress, and/or with whom the US

relationship is politically or culturally complex, and/or with whom the US has good and important ties (of a security or trade nature), and therefore with whom the US has limited leverage, indicate that they want to expand participation in elections without undertaking to establish democracies and want some limited assistance in this process. A probable response will be positive, but some encouragement might be given to continue broadening participation and improving civil and political rights.

3) WHEN THERE IS NO CHOICE: EXAMPLES OF RAPID RESPONSES

While they may be influential, USG teams seldom control or even dominate the timing of foreign elections. USAID missions may have even less influence. There are local forces which might want an election immediately, irrespective of foreign evaluations. The legitimacy of the whole early movement towards democracy may depend on an early election. Delays, particularly after dramatic announcements by transitional governments of imminent elections, may cause suspicion. There may be regional forces which have constructed a peace process which requires an early election. There may be US foreign policy concerns which override the need for caution. An election may be the lesser of two or more evils. The symbolism involved in saying no to the timing of an election may be too destructive. **Missions will therefore often find themselves in situations in which the timing of an election appears inappropriate; it may be unfair in the sense that the opposition will not have time to prepare itself; or it may be inadequate, so almost guaranteeing an imperfectly managed process.**

This kind of situation may have resulted from donor pressure and lack of clarity in communicating with governments. Host governments either think that is what donors want or that they can get away with it. It may therefore be possible for some preemptive action to be taken in the future to avoid this from occurring. When USG and other donors are encour-

aging or pressing a country to move towards democracy, it should be made clear that positive steps towards democracy will fulfill conditionalities until such time as elections can be carried out in an open and competitive manner. Such positive steps could include improvements in human and civil rights, and freedom of the press and of association. Eventually these steps will lead to elections, but missions should avoid situations in which they and other donors have, or have been understood to have, pressed for elections for which the country is not ready.

There have been rare occasions when it has been possible to delay an election until necessary conditions are in place. In Guyana, USAID's refusal to support elections prior to electoral reforms resulted in a delay of the elections for two years, and a far fairer election. (The Council of Freely Elected Heads of Government, Guyana). In the Congo, the pre-election assessment team recommended that the constitutional referendum be postponed until voter registration and education efforts had a chance to work. The delegation worked with the Congolese Government to develop a 'face-saving' method of postponing the referendum without losing the confidence of the voters (Hayward and Landry). These are admittedly rare occurrences, but they do demonstrate that it may be possible, even though they may require exceptional diplomacy or the intervention of an international statesman.

a) RAPID PRE-ELECTION APPRAISAL

If the manager has no way of delaying a premature election or of refusing to assist, then he or she needs to rely on a series of crisis management techniques. As a start, the hurried pre-electoral assessment would do well to borrow a set of tried and tested data gathering methods known as rapid rural appraisal. (Carruthers and Chambers) The following are suggestions of how borrowing from this method might be very useful to rapid pre-election assessments:

- For a start advice is given to **tap existing knowledge**, that is use available material, such as books, journals, political weeklies, newspapers, official and unofficial government and donor and consultant

reports (so called unpublished 'gray literature' which is often abundant and helpful).

- A second lesson is to select **key informants**. These can be categorized in different ways: 1) experts such as academics, journalists, business people, and diplomatic and aid personnel; 2) major partisan participants such as the parties; 3) major non-partisan participants such as the electoral commissioners and poll workers, and NGOs, religious, civic minded or women's, who may have expertise in human rights, elections and voter education; and 4) 'indirect' beneficiaries, so-called because as opposed to those in categories 2) and 3) they stand to gain no direct technical assistance benefits from the donors, and whose interest is in nothing more than the holding of a fair election.

- There should also be a 'sociological' sense of balance. This is not a survey and there is not much time; but it is both methodologically and politically appropriate that there is a sense of balance of social categories of people consulted.

- A fourth useful lesson of rapid rural appraisal is sometimes to follow **counter intuitive and unorthodox methods**. For example much can be learned and the common wisdom of 'experts' tested by speaking to people who are thought to know little about elections, or what may be referred to as 'invisible' people (illiterate people, people who do not speak the national language, isolated, rural communities). Also it is good to find ways of visiting informally or in the evenings. Listening to the radio and TV, looking at cartoons, taking note of political jokes, political graffiti, and even music may also provide insights.

- **Observation too is helpful**. One may try to learn from the **non-political**: what are the quality of the roads and of public transportation, when is the labor peak, is migration a major phenomenon, do people listen to radios, are there police and soldiers in the streets and how are they armed, are women in the markets or in businesses, do differences in unskilled and skilled work coincide with differences in race? Aerial photographs can tell lot about patterns of habitation and communication.

b) CUTTING CORNERS: USING, RATHER THAN BUILDING, CAPACITY AND LEGITIMACY

In short, when time is at a premium, it becomes necessary to distinguish essentials from non-essentials and rely upon, rather than seek to build, whatever capacity and legitimacy are available. A few illustrations of cutting corners in this manner follow.

- In non-time-constrained circumstances, the type of technical assistance personnel one would want to employ in electoral assistance would be what are referred to as training or institution building personnel; for example, he or she would be expected to strengthen the central election commission. However, when time is short one needs to bring in **performance personnel** whose task and talent is simply getting the job done so that the election can proceed; for example, he or she would computerize the voter registry.
- Civic education will need to give way to narrowly focused, immediately relevant, voter education preparing the electorate for the election day event but little else.
- Another technique that might be used when time is short is to use the **population census** rather than attempt to compile a voter registration list as a basis for planning, and if necessary, relying on it as well in lieu of a voters' list for verification on election day.
- When key institutions such as the electronic media and the electoral commission are government run and also untrusted, the most effective remedy at a late stage might be to **request international organizations such as the UN, or the OAS, to fill key non-partisan roles** such as that of acting electoral commissioner, or acting director of national television, or as a high profile advisor to these officers.
- If there are insufficient civic minded indigenous NGOs with capacity to monitor elections, it might be necessary to turn to **local religious organizations, and reliable NGOs that might not be concerned with elections and democracy**, for example, a charity or professional organization, to take greater responsibility for public voter education and electoral observation, and even conflict resolution.

- In a rushed situation, particularly if there is lack of mutual trust in the system, it might be necessary for the donor to provide a **higher proportion of commodities from abroad or pay for and oversee the production process, instead of having them manufactured locally**. In particular this might be the case for the construction of ballot boxes, the printing of ballot papers, and provision of indelible inks, all of which have practical and symbolic importance in assuring the public of fairness.

- If the judiciary does not enjoy sufficient autonomy or public confidence, one alternative is to **limit the role of, even exclude, the judiciary**. Another is to bring in an international judge to preside over the appeal court. If these steps cannot be taken then possibly a refresher course on elections and election systems including the role of quick counts could be provided for the senior judges.

- When the independence or the coverage of the media is in doubt the challenge then is to assess **whether rules can be established and enforced (for what remains of the campaign)** which effect equal treatment and inclusion of broader listenership. Rules should allow all parties to have equal time, or equal opportunity to buy time, on state controlled media. The idea of a panel discussion on radio and TV by the main candidates can be helpful even late in the election campaign.

- **Parallel voting tabulations** are a form of quick counting through tabulation of actual results gathered at the polling sites. These can be organized at a fairly late stage; and are discussed further in Part 6.

- There are no doubt many methods such as these. All of these shortcuts have costs in terms of the effective running of an election and sustainability, and the costs need to be made clear; but they will sometimes be essential. (Hirschmann, 1995) Obviously, where time is not a crucial factor, methods which develop long term and sustainable electoral/democratic institutions are preferable.

PART 5

MANAGING ELECTORAL ASSISTANCE

1) COOPERATING WITH EXTERNAL AGENCIES, BILATERAL AND MULTILATERAL

Among the earliest questions to be asked in considering whether and how to assist in an election concerns the way in which other donors might respond to the same request. From the outset the USG team needs therefore to contact and find out which other donors or international agencies, bilateral and multilateral, or non-governmental, are interested in assisting, and which of them might wish to be more, and which less, visible in the process.

The next step is to forge an appropriate relationship with other interested donors. In particular consideration needs to be given to working with UN and UNDP anywhere in the world, with the Commonwealth of Nations in Commonwealth countries, the OAS and CAPEL in Latin America and the Caribbean, the OAU in Africa, CSCE in Europe, and governments and NGOs such as those of Germany, the UK, France, Japan, Portugal and the Scandinavian countries that may have a general interest in democratic progress, or may have a particular historic, political, economic, or cultural connections to the country in which the proposed election is to be held. An example of such cooperation is the Donor Democracy and Governance Group in Kenya which was established as a clearing house for information nine months before the election and proved very useful in handling a complex situation.

Effective donor coordination is essential to pressing host governments to improve the human rights situation in their countries and move toward democratic electoral systems; to timely, sequenced and appropriate assistance to the host country, to a coordinated (and at least not contradictory) post-electoral assessment, and to smoothly phased-in post-electoral assistance. Donor coordination is especially important where decisions on foreign assistance are conditional on political liberalization and the holding of fair and free elections.

A number of experiences point to the effectiveness of a low key US presence working in combination with, and possibly under the auspices of, other agencies, preferably multilateral ones. USG participation in larger multilateral efforts reduces the political sensitivity of the election assistance that might be too closely identified with an individual donor country. It also reduces the cost to USAID.

The UN has a unique role to play in some aspects of electoral assistance, and in most circumstances a mission should initially take a positive attitude toward accepting UN coordination. However, each case needs to be assessed on its own merits. The following points on the UN's electoral role are found in a study carried out under the auspices of the Swedish Foreign Ministry:

The most well-known kind of UN activity are the operations under special mandates from the Security Council or the General Assembly, where supervision or observance of elections are part of an overall peace-keeping role for the UN. Cambodia, Mozambique,

Namibia and Angola are examples. A second line of activity is technical assistance, mainly carried out with resources from UNDP and in cooperation with the newly established Electoral Assistance Unit. As a general rule, these are based on requests from governments. UNDP can also provide some coordination in the field. However the UN has limitations. These include the following: It can only organize or participate in observer missions if given a special mandate by the Security Council or the General Assembly. The UN has limited scope and capacity for critical analysis and independent evaluation. And normally requests from member countries emanate from the government side, and usually the government is one of the parties involved in the election. (Ministry of Foreign Affairs, Sweden, 5)

This last point is representative of a more general problem with multinational organizations: for example, while it may in theory seem ideal to have the UN, the OAU, the OAS, or the Commonwealth take a leadership role, there are cases in which the local opposition sees them as too close to their fellow governments and as loath to criticize their colleagues. Also the UN record is mixed - it has been effective in some situations (for example the Congo) and performed less well in others (such as Ethiopia). It therefore behooves the mission before supporting a UN led donor committee and possibly the agency responsible for the pre-electoral assessment to make a judgement as to the probable efficacy of the UN in coordinating the election. It may also be the case that while the UN presents itself as the best option to lead the donor effort, it may still require a USG initiative to get the process under way. In Kenya the USG was instrumental in promoting the formation of the Donor Democracy and Governance Group.

2) TIMING QUESTIONS

It is important to work with host governments that are seeking electoral assistance, particularly those organizing first elections, to develop realistic election schedules. Along with the more fundamental problems of lack of political will and resources, lack of

time may be one of the most serious constraints on managing a good election. The Congolese elections, for example, have been described by one source as 'complete and total chaos from start to finish,' primarily due to an initial failure to estimate accurately the time necessary to adequately prepare. The compressed timetable created an assortment of problems. For example, the printing, distribution, and counting of ballots for each of the seven elections was described as a tedious and near impossible process. Ballot papers never showed up even in some parts of the principal cities. (Hayward and Landry) Similarly, most of the logistical problems associated with the observer mission to the Ethiopian election also stemmed from inadequate preparation time. (See Wozniak Schimpp and Peterson, 11)

Complaints are made about the length of time it takes USAID to process contracts. It is argued that USAID procedures intended for other kinds of undertakings are inappropriate and too rigid for the needs of election activities. Although there is no rule about this, and the Global Bureau's Center for Democracy may be able to more quickly accommodate missions in some instances, USAID/W generally needs about two or three months to respond effectively to requests for each phase of the assistance.

Until such time as changes might be made, missions are requested to keep this in mind in planning electoral assistance, and to share this information with their partners — host governments, local NGOs, US NGOs and other donors. In practice, agreeing to a schedule that takes into account all organizations' budget and contracting requirements will probably be an essential first step in initiating a cooperative approach to the election.

Once the time of the election is set, there is a critical need for a comprehensive and detailed administrative calendar to be agreed upon with all parties. In cases of countries lacking experience in elections, advice on the calendar may be part of a pre-electoral assessment report or be included in first phases of technical assistance. Each situation will require a different calendar; and depending on the state of the voter lists, communications, roads etc each country will require different amounts of time for each step.

**AN ELECTION CALENDAR:
EVENTS AND DEADLINES FOR INCLUSION**

- deadline for completion of pre-electoral assessment;
- date by which voter registration lists will be completed;
- deadlines for changes in electoral regulations that may have been agreed to by local actors or agreed to as part of donor assistance;
- deadlines for candidate and party filings;
- deadline for ballot layout;
- deadline for recruiting and hiring election workers;
- deadline for calling for tenders for the supply or manufacture of equipment and materials;
- deadline for ordering materials and supplies;
- travel and training schedules for civic education trainers;
- dates for poll watchers and poll worker training;
- delivery dates for receipt of materials and ballots by central electoral administration;
- date by which voter cards will be issued;
- schedule for national voter training;
- schedule for selection, arrival and briefing of international observers;
- deadline for delivery to polling sites of materials, equipment and election forms;
- deadline for delivery of ballots to all polling booths;
- election day deadlines for counting, delivery and reporting of election returns;
- dates of public announcements and press releases;
- deadline for contesting election;
- date for official certification of results;
- dates for post-election 'lessons-learned' workshops;
- dates for orientation training for legislators (Adapted from Edgeworth, 36 - 40); and
- other types of post-electoral assistance.

The box on the next page provides some idea of events and deadlines that might need inclusion.

3) ONGOING ENGAGEMENT WITH LOCAL ACTORS

It is broadly agreed that the most effective sort of electoral assistance involves support for local organizations that are non-partisan but have (or have the potential) capacity to analyze legal codes, monitor elections or provide civic education. There are some very impressive examples of NGOs playing critical roles in elections such as Namfrel in the Philippines, BAFE in Bulgaria, and the National Citizens Crusade in Chile.

The cooperative relationship which evolves between international and local NGOs is a sensitive one. Full respect needs to be paid to the expertise, insight, and experience of the national groups, particularly when the international NGO or its personnel are new to the country. International NGOs should refrain from 'smothering' local NGOs with money. Matching grants might be a useful approach to dealing with financial assistance. International NGOs should also not attempt to run domestic monitoring groups, allowing them to face their own crises and learn from their own mistakes. (USAID, Workshop on Lessons Learned in Providing Electoral Assistance in Africa)

While acknowledging the soundness of working with local NGOs, it is necessary nevertheless to carefully analyze the nature and agenda of the organizations with which the mission or US NGOs might work. In the 1987 election in Korea, international observers found that an organization operating under the auspices of the Korean Council of Churches was too openly partisan. (McCoy, Garber and Pastor, 110) In Zambia there was a problem with an NGO handling of funds, and internal splits within one of the NGOs. (NDI, Zambia, 63-69)

There may also be cases where it is difficult to find non-partisan groups. In one party states such as Kenya, those groups eager to assist with a first multi-party election are invariably tied to an opposition party or have their own activist agendas. In this type

of situation there are a number of ways of operating. One is to provide instruction which stresses the signal importance to the electoral process of non-partisan behavior, teaches the essential requirements of a non-partisan code of conduct, and calls for a public declaration by participating NGOs guaranteeing non-partisanship. Another possibility, one which was followed in Mongolia, was to seek out at least two partisan groups linked to the major political parties, and train them to work in teams. It might also be possible to get some established and widely trusted religious organization to cooperate in this effort to ensure, and possibly act as a kind of 'guarantor' of, non-partisanship.

There may also be examples where the level of distrust or ethnic hostility is so great that international observers might be preferable to local observers. In Haiti, Ethiopia, and Angola, for example, domestic observers may have enjoyed little credence. (Wozniak Schimpp and Peterson, 17 & 18) But even in these kinds of situations it is unlikely that there can ever be enough international observers to cover all polling booths. So while a more significant role might be required of the international observers, and local observers might be required to surrender their autonomy and play a minor role, international observers cannot do it all.

Finally in thinking beyond the election itself, it is important to consider the long term institutional sustainability of these organizations. This affects the kind of institutional assessment that is applied before selecting organizations with which to work. It involves encouraging networks of organizations and specialization of electoral related roles. It affects the financing arrangements, and the kinds of training, which should extend beyond voter education and election monitoring to areas such as legislation, polling, policy analysis, advocacy and ethics.

4) GENDER ISSUES

The impacts of, and participation in, the institutions and processes created by democracy can easily be coopted by a small group. It may be an elite, a religious or ethnic group, a class or one element of a

ATTENTION NEEDS TO BE GIVEN TO THE FOLLOWING TYPES OF CONCERNS REGARDING GENDER:

- Are there any legal restrictions on any categories of adults voting or standing for election?
- What are the major features of male-female political relations? In particular who usually takes responsibility for making major decisions on behalf of the household or/and community? Are women constrained to vote as they are told by the head of the household or head of some extended social unit?
- Are there cultural constraints preventing women from mixing with men in public? To what extent are women more constrained than men by the fact that they have very limited access to information on which to base decisions? To what extent are women more constrained than men by the fact that they are less literate or do not speak the national language?
- How mobile are women? If they are free to move around, do they get time away from home and work to learn about or vote or become involved in politics in any way? Are women allowed, and is it practical for them, to stand and canvass for elections, and to participate in party politics?
- Are there any legal restrictions on women voting in elections?
- How many women and men are migrant workers or live and work semi-permanently away from home, and therefore might be unable to vote in their home districts?
- When are the main agriculture or production labor peaks for men and women in different communities?
- Are there any other features of society that might discourage women from voting such as threat of political violence, hostile treatment by male officials?
- Have steps been taken (e.g., including women as electoral officials, through civic education, or possibly by men and women lining up to vote separately) to reduce fear and risks?
- What is the feasibility of women standing for election given cultural and educational and work-responsibility constraints? What are the chances of people voting for women? If very few women are likely to be elected, how will women's perspectives and needs be channelled into the legislative bodies? (Are there possibilities of setting aside a minimum number of reserved seats for women?)
- Do women have any special or cultural status which might make them useful as guarantors of fair and free elections?

class, or a caste. It is very likely to be male. While USAID does not intend to engage in detailed social engineering, it also does not wish to have its assistance serve to facilitate a particularistic, narrowly based, or elitist form of government. In other words, its assistance to democratic progress will be both more effective and more equitable the more it opens up opportunities to potentially disenfranchised or marginalized groups.

USAID recognizes that women's participation in elections as voters and candidates is essential to having their rights upheld and their agendas and issues adopted by policy makers. As the largest marginalized group in the world, women's rates of participation in elections can clearly indicate the levels of democratic reform the election process is meant to foster. Therefore, in preparing for, and managing, an election, consideration needs to be given to the potentially disadvantaged groups, such as uneducated

or illiterate people, isolated rural communities, minority ethnic groups, lower castes, people who do not speak the national language, indigenous or tribal people, and women. Gender issues will often be more complex than those relating to other categories because the limitations placed on women's participation are likely to be the least visible to the analyst's eye.

Answers to questions such as these will have an effect on the management of a number of electoral activities: for example, the content of voter education, dates and times of elections, locations and number of polling sites, inclusion of both men as women as poll watchers, poll workers and trainers, language on ballot papers, requirements of voting in home districts, queuing arrangements at polling booths, and reserving seats in legislative bodies for women. (Hirschmann, 26-27)

For example, in Sierra Leone, it was noted that due to domestic responsibilities, many women were likely to stay home rather than vote on election day. To counter this prospect it was suggested during civic education programs that women form self-help baby-sitting and cooking groups so that women could take a half day off to vote. Also a special publicity campaign was mounted to make clear to village women that their vote is a personal choice, not to be determined by anyone else. (Edgeworth, Sierra Leone, p 97) In Yemen, it was observed that most women had little understanding of their voting rights and were therefore unlikely to vote. A team of women, including Moslem women, with experience in elections, visited Yemen and assisted in encouraging local women to participate. (NDI, Yemen, 38-45)

5) COOPERATION WITH US AGENCIES AND PARTNERS

As noted in the introduction, elections may be the most political and politically transparent undertakings which USAID missions implement. In Washington, USAID and the State Department coordinate their operations, although it is agreed that joint planning and other forms of cooperation

could be improved. It has also become established as in-country practice for election work to be seen as a USG team initiative involving the USAID mission, the Embassy and USIA. All Bureaus regard such cooperation as essential, and encourage missions to become actively so involved in the preparatory as well as the implementation stages.

Outside of the Government, there would appear to be at least five categories of US based service providers, each with characteristic strengths and weaknesses for election-related work. The following refer to very general tendencies aimed at helping the reader anticipate differences, and do not describe particular organizations. Any organization of whatever category may choose to work in a manner that is different from that suggested below and also can work in partnerships with organizations from different categories.

i) Private Sector Firms: Typically their strengths include strong financial management capacity, particularly useful for large and complex contracts, and the ability to recruit and manage a large number of qualified people in a wide variety of fields in a responsive manner. Also because they work through contracts, they can be held accountable for fulfilling USAID procedures and standards, and for results. They are familiar with, and able to respond to, USAID proposal requirements. Possible disadvantages include their greater overheads, slow start up time especially when held to USAID requirements, relative lack of permanent internal expertise in, or commitment to, specific fields and subfields, and lack of in-country 'supportive' grass roots contacts.

ii) Professional Organizations: Their characteristic advantages are their access to a pool of very highly trained and experienced practitioners i.e., the type of people who have influence and impact, some of whom work on a volunteer basis. Their large domestic structure gives them financial management capacity and potential to expand internationally. Their potential weaknesses include lack of international and cross cultural experience and comparative insights, and therefore the possibility of over emphasis on US models. They may be able to send personnel only for very short term visits, and may not be

committed to medium term results and monitoring and evaluation.

iii) **Universities:** Among their strengths are that (some) have long experience with USAID, access to a pool of high quality resources often with both academic and practitioner experience, ability to write proposals and manage large financial contracts, and access to the latest cutting edge thinking and specializations. Potential disadvantages include less access to practitioners than others types of service providers, some limits on flexibility in timing, and fairly expensive overheads.

iv) **NGO's that are a) affiliated to political parties or financed through the National Endowment for Democracy (NED); or b) regionally focused organizations; or c) large established not-for-profits:** Characteristic strengths include experience with USAID headquarters and field; experience with, and resources for, proposal writing; adaptability to USAID and country circumstances, use of volunteers and semi-volunteers, lower overheads, initiative and on the ground adaptability and flexibility, a pool of experts available from the US, and a network of, and cooperation with, non-US experts, expertise and commitment particularly of type a) organizations to developing democracy skills and working with local 'partners.' Their potential weaknesses include lack of willingness to engage in full assessments or strategic planning or full evaluation, lack of willingness to coordinate/be coordinated, possibly serious conflicts over policy with USG in the field, a tendency to push those activities in which they are strong; they may be overstretched, and they may exhibit a higher comfort level with those local organizations sharing their political attitudes.

v) **New, small or specialized NGOs:** Characteristic strengths include sustained commitment to quality work, experience and specialized expertise, use of volunteers and semi-volunteers, extensive networks in the US and in partner countries, sensitivity to grass roots dynamics, readiness to share information and to network, lower overheads, symbolism of pluralism, image of openness, people to people contacts, capacity of some to expand, and educational effects on Americans. Their potential disadvantages include limited financial management capacity, lack of resources to prepare full documentation for propos-

als, lack of specialized language skills and difficulty in keeping volunteers in-country for lengthy periods, difficulty with matching grants and USAID's NGO registration requirements, very specialized, and probably not able, and not very interested, in quick responses to changing needs.

US NGOs work both in competition and cooperation with each other. All require some level of autonomy from the USG team in the field. This provides them with more flexibility to work in countries or situations in which the Government would not work, or in which it has not received an invitation. They require autonomy particularly in developing voter and civic education materials, local NGO support, political party training, and monitoring and assessing elections. This issue of autonomy is complicated by the fact that host country nationals and organizations do not always appreciate the difference between these organizations and the US Government. Of course these distinctions are not always clear cut, nor are they static, but missions should be aware of these differences and the sensitivities involved, and clarify with the Democracy Center those differences and specialties that may be relevant to their needs.

6) POST-ELECTORAL PLANNING

There is broad agreement that elections need to be seen as part of a process of strengthening of democracy. **There is therefore a serious danger in seeing elections as an end in themselves and providing assistance that ends on election day.** It is central to the sound management of both electoral and democratic assistance, and to the effective linking of one to the other, that plans are made in advance and contracting and funding mechanisms worked out to ensure appropriate continuity of assistance. There are mechanisms for doing this; most simply and most effectively, such activities should be included in electoral assistance contracts and grants. Implementing agencies and foundations are willing and able to work on this basis. Such assistance should be conditional on the election having been judged fair and free.

There are at least three types of post-election-day support which may usefully be included in an electoral assistance project. There are immediate post-

election (day-after, tidying up, peace-making) activities which may require external assistance and observation. Secondly, there is bridging assistance. Most urgently needed are programs that assist political parties and the new legislators (and/or local councilors) with skills to commence their work. Third, a more narrow focus relates to immediate steps necessary to maintain the process of institution building of the election commission, the election administration and non-partisan NGOs with an interest in a permanent electoral role.

Each of these types of assistance is discussed more fully below in the section on Tools of Assistance under the subheading on Post-Electoral Assistance.

PART 6

TOOLS OF ASSISTANCE

There are a number of tools of electoral assistance that missions might wish to consider, either individually, or, more usually, as a mutually supportive combination of methods. The choice will depend on the needs and priorities identified in cooperation with local parties, the resources available to the country itself, the extent and nature of other donor interest, the time available in which to deliver the assistance, and the comparative advantage of the US and its NGOs.

In accord with the points made about timing, the earlier one commences crafting a strategy of assistance the more careful and appropriate the selection and sequencing of initiatives, and the more effective the coordination with local actors and other donors will be.

The tools of assistance are discussed under six headings: pre-electoral assessments, international observation, technical assistance, training, post-electoral assistance and — for want of a better category — other types of assistance. Attention is given in more detail to those types of activities that involve aspects more uniquely relevant to the requirements of electoral than other types of technical assistance.

1) PRE-ELECTORAL ASSESSMENT

There is some ambiguity in the meaning and therefore the significance of a pre-electoral assessment. **Ambiguities need to be taken very seriously. Often differences of interpretation by various actors, and**

consequent conflicting expectations, lead to later misunderstandings and tensions. Missions should be clear on exactly what responsibility they are undertaking and what the implications are.

A pre-electoral assessment may mean an exercise intended to determine whether the donor should agree to the request for electoral assistance. In other words, it might conclude that the existing conditions are so unpromising that USAID should not provide the assistance, or not unless and before a number of significant changes are made. In this case, agreement to a pre-electoral assessment does not signify a commitment to provide assistance.

The second meaning is closer to a technical needs assessment. The purpose of the assessment is to determine the needs and recommend the manner and extent of assistance. Engaging in such an assessment is easily perceived locally as a first stamp of approval on the election, as an agreement to provide assistance and even a commitment of material support for some of the needs identified in the assessment.

There is a third possible usage. That is as the pre-election day component(s) of an on-going evaluation process determining whether the election is on course towards being free and fair. Discussions of the suggestion (see below on International Observation) that election assessments must include the period leading up to, and not be restricted to, election day, have also referred to this early assessment of the campaign period as a 'pre-electoral assessment.'

Ideally all three should take place, and be treated as three separate stages of assessment. Given restrictions on time and money, it is suggested that pre-electoral assessments should combine the first and second usages: the mission should keep its options open as to whether it will assist or not (and make clear to the government concerned that it is doing so), but at the same time investigate in what manner it may most effectively assist.

There may therefore be a number of objectives such a pre-electoral assessment can serve: to assure the donor/funder that there is a basis of both political will and local resources to allow for the possibility of a fair and free election; that subsequent assistance will be necessary and helpful to such an election; and to gather information that will facilitate the design of an appropriate and effective program of assistance. A mission receiving a report which suggests very serious problems should look carefully into refusing or delaying the assistance.

Ideally, the pre-electoral assessment should follow a comprehensive political assessment or survey, that is a full study of the sorts of context questions discussed above. Should no such study have taken place, then the pre-electoral assessment must ensure that it includes specific attention to the broader context and include on the team someone with expertise in the political, economic, social, and cultural dimensions of the country. Without this, the assessment may work on the assumption that an election is the only method of making democratic progress, and become narrowly technical in nature. The exercise may miss the opportunity to discuss political alternatives and priorities with local organizations and thus lack legitimacy and lead at a later stage to tensions.

At the outset, the mission must be assured that the government will welcome an independent, objective assessment, that the assessment team will be given access to all relevant information and people, that its presence will not be used in bad faith for propaganda purposes, and that the results of the assessment will be disseminated to all interested parties.

USAID should ensure that the host government has agreed to, and is clear on the purpose and the goals of the assessment, and there is a clear under-

standing of the role that the Embassy and the mission will play in facilitating the assessment during the team's time in country. There should be clarity too about the support which will be given to the team including lodging, transportation, in-country briefings, relations with the press and introductions to key personnel.

The team should meet with a wide range of government officials including those from the ministries of justice, education, information, interior and police, defense, external affairs and directors of government radio and television, bureaus of statistics and government printer, the registrar of political parties and voters; as well as non-governmental organizations including umbrella organizations, regional, religious, professional, development, human rights, ideological, ethnic and women's organizations, political parties, and editors of the major electronic and print media.

The team should travel outside the main cities: to assess the levels of education, voter awareness, the capacity of district officials to organize registration and elections, the communication system including telephone, radio, telex, transportation, and roads (during different seasons), the level of party activity, the nature and role of regional and local NGOs, regional and ethnic tensions that might not be obvious in the capital, and differences in political culture, for example the influence of religious or clan leaders, and patron-client, landlord-tenant and gender relations.

The team should make a determined effort to find out the views, and understand the particular constraints to political and electoral participation of unorganized and politically and economically marginalized groups.

Some key elements to look into are the political and security context including ethnic, class and regional patterns of politics and recent trends towards democracy, the substance and practice of relevant election and campaign laws and codes, electoral institutions and their relationship to the ruling party, political parties, voter awareness among men and women, women's participation, the media, constituency delimitation, the voter registration system, the avail-

ability of trained local poll workers and poll watchers, ballot design and security, transportation and communications, computerization, government resources, and an inventory of local equipment and supplies. Based on this investigation it should make specific recommendations for donor support. (Draws heavily on IFES, How to Organize a pre-Electoral Technical Assessment.)

2) INTERNATIONAL OBSERVATION

a) SOME CAVEATS

In the early stages of USAID's election assistance, international observations took center stage. Consequently, there is an abundance of material on this subject. Even today, many Ambassadors and USG personnel think first of international delegations as a way of quickly and easily providing visible support and assistance in first or even second round democratic elections. The Agency's experience, however, and that of professionals in this field has revealed that international observer delegations are the most costly and often the least effective type of assistance. Flying in numerous foreigners, however well prepared to view the actual election, can overshadow the important fact that elections are a process, not a one day event. International observers may also unwittingly legitimize a flawed process. Furthermore large international delegations consume vast resources without contributing to the sustainability of local democratic institutions. In short the lesson to be drawn is that strong non-partisan indigenous monitoring groups, rather than international observer delegations, foster sustainability and credibility.

Having said that, there are situations where foreign observers are desirable and play an important role. They are able to: serve as a neutral witness expressing the international community's interest and support for the democratic process; raise public confidence in the elections process; deter fraud and irregularities; detect and expose fraud and irregularities when they occur; and provide domestic and international communities with valuable information about

the electoral process while providing recommendations for improving the elections. The need for international observers becomes apparent in situations where the only available indigenous organizations are small, inexperienced, under threat and/or are perceived to be partisan. In these limited circumstances international observer delegations may be appropriate. Additionally, the best solution in these circumstances is to have the local monitoring groups work with or, at a minimum, coordinate with the international delegation.

b) RELATIONSHIP WITH THE HOST GOVERNMENT AND LOCAL ORGANIZATIONS

In general where international observers are called for, USG will need to work with officials of government. They will therefore need to request an invitation from the government, visas to enter the country, clearance to travel freely, meet people, investigate, attend meetings and visit polling sites. An agreement should not include restrictions that would impede the observers from observing freely and assessing independently. USAID would need to inform the government of the team's terms of reference and its composition, but certainly not specific plans.

[NB: US NGOs need not operate as formally, and there may be circumstances where it will be advantageous for them to have this additional flexibility. For example, it is possible that the President of the host country may want them and the legislature may not, or visa versa; or the old ruling party may not welcome their presence but the newer opposition movement or parties may regard it as essential. This flexibility, with its attendant risks, should be kept in mind as an option by USAID officers].

Conditions agreed to with a government should include at a minimum the following requirements: the ability to meet with representatives of all parties and with individuals randomly selected, and to obtain information regarding the election process from the electoral authorities at all levels; permission to travel in all regions of the country during the election campaign; unimpeded access to polling sites and counting centers throughout the country;

and authority to issue public statements. (NDI, Ethiopia, 76)

c) TERMS OF REFERENCE

These provide a framework for the activities of the mission and assist in resolving disputes among observers over the scope of the mission's activities. They delineate specific areas that the sponsoring organization wishes to have investigated. They should be sufficiently specific to provide guidance to the observers, but also sufficiently flexible to allow the observers to deal with unforeseen circumstances. These should not be phrased in a manner that pre-judges the issues to be considered by the observers. They should also indicate the nature of the assessment to be made by the team; whether it requires a black or white answer to questions such as 'were the elections fair and free?' or a more analytical (and nuanced) report which assesses the strengths and weaknesses of various elements of the election, and leaves it to the public or the government or the donors to make the definitive call.

d) A BROADER CONCEPT OF INTERNATIONAL OBSERVATION

An informed assessment of an election cannot be made on the basis only of election day observation. If the observation mission is required to make an official public assessment of the election, the conditions of agreement with the government should require that, in addition to the main body of observers being in the country for a few days before the election and on election day itself, that a small observation team be in country for a few months before the election to observe the environment in which the campaign is carried out, and the campaign itself, and for a week afterwards to observe the counting, announcement and handling of early grievances, and the public response to the election campaign itself.

e) ISSUES OF AUTONOMY

There are numerous different contracting, cooperative and supervisory arrangements involving governmental, intergovernmental and nongovernmental organizations under which international observers carry out their work. (See Part 5) Missions therefore

An example of terms of reference for an observation team is:

- to observe, in the period leading up to the election, the political conduct and atmosphere of the campaign including the freedom of expression, association and information for all participating parties;
- to observe, on the day of the elections, all aspects of polling arrangements, giving special attention to privacy and secrecy of voting, and the prevention of intimidation and fraud of any kind, the closure of voting, the counting of ballots, the protection of the ballots, the declaration of results, and the post election responses to election complaints;
- to make known immediately to the nearest electoral official any problems which they observe, as well as note the response of the official;
- to make an early assessment on whether the election constituted a valid test of the public opinion/or could be considered acceptable/or was fair and free; or to clearly and objectively lay out both the strengths and weaknesses of the process; and in particular to provide an assessment of the role of the military in the electoral process; or comment on whether this election represents a substantial improvement in terms of participation and openness over the previous election; and
- to submit to 'the Council' as soon as practical a report on its observations of the election containing such conclusions and recommendations as it might wish to make.

need to anticipate that observers will be responsive to different organizations with different agendas. Relations between the mission and Embassy on the one hand and organizations such as NDI, IRI, IFES, the Asia Foundation and AAI — and in particular their autonomy from the USG — need to be clarified, and the relationship made clear to the public.

Care also needs to be taken in cooperating with local governments, political parties and NGOs that acceptance of assistance, for example accommodation, transportation, interpretation, scheduling or advice, is not perceived as partisan in some way. (NDI, Panama, 64-5)

f) SELECTION OF OBSERVERS

The primary factors to consider in selecting an observer is his or her: a) reputation for independence, impartiality and objectivity, b) ability to understand and apply election laws, c) expertise in electoral administration; d) experience in practical politics, and e) knowledge of the host country. To the extent possible a mission should include individuals from various countries, different races and ethnic groups, and of both sexes, and represent a mixture of political practitioners, political and social scientists — some but not all with country expertise — and electoral experts.

g) COLLECTION OF INFORMATION

Given the shortage of time that the main party of visitors is in the country, a briefing book on the economic, social and political context of, and legal, institutional, and procedural arrangements for the elections, and the present campaign record thus far, should be prepared in advance. Pre-election day briefings should also be arranged for the visitors.

Election observers should meet with a cross-section of participants in the electoral process of the host country. This includes government officials, political party leaders and candidates, members of the electoral commission and electoral administration, leaders of major organizations, such as labor unions, farmers' organizations, professional organizations, religious institutions, human rights groups, environmental groups, women's groups of different kinds and ethnic groups. They should also make an effort to meet with representatives of significant but politically disorganized groups. They should closely monitor the media and travel widely. They should not be accompanied by government security forces or others likely to intimidate any interviewees.

h) ELECTION DAY ACTIVITIES

Prior to election day, a detailed plan should be developed to coordinate visits to polling sites. The plan should identify the specific procedures each observer should utilize during a visit to the polling site, and how they should cooperate with local observers. The plan should set forth how an observer should respond when confronted with complaints or problems at a polling site. (See section 2 i) above for a list of terms and responsibilities.)

One of the most difficult questions confronting observers is how they should respond to complaints raised during visits to polling sites. It is suggested that they should refrain from giving advice unless specifically requested to do so by local officials. Otherwise the advice may be viewed as unwarranted interference. Nonetheless observers may draw the attention of the local officials to problems that they notice, allowing the officials to correct the problems on their own. Serious problems should be reported to the central electoral authorities.

In addition to checking on the compliance with balloting procedures by all the main actors, voters, parties, workers, officials, and police, judging the mood and confidence of the voters, and interviewing voters, the observers should remain on to observe the vote count.

i) ASSESSING THE ELECTORAL PROCESS

Observers should consider the provisions contained in the major international human rights instruments pertaining to popular participation and free and genuine elections, as interpreted by the relevant international organizations. While acknowledging the principles of international law, observers should give due respect to specific electoral law and procedures adopted by the host country that may reflect the historical development of the country or particular problems facing the country. In assessing the election, all evidence should be considered as long as its credibility is assured. When faced with conflicting allegations, the observers should undertake an independent investigation. (If this is impossible, they should report the conflicting allegations.)

EXAMPLE OF AN ELECTION DAY TIMETABLE

1. Have a map in hand indicating clearly where the polling stations are located.
2. Have a rough itinerary worked out of the polling stations you intend to visit during the course of the day. Keep in mind the time you might spend at each polling station (say 30 minutes), and the time taken to travel between polling sites.
3. Visit the first polling station about 15 minutes before opening. Witness the opening.
4. At each polling station attempt to speak to the following: the Officer in Charge, independent or multi-partisan observers, and voters.
5. Select out key points to observe, for example, respect for secrecy, orderly and open registration, recording of voters on the registry, possible opportunities to influence voters, ability of the local observers to carry out their functions effectively, and any other aspects of the process in which problems are anticipated. (Of particular relevance to steps 4 and 5 is the example in the next box of a questionnaire which might be used.)
6. In the event of problems, more time may have to be spent at a particular polling site. Depending on the definition of responsibilities you may be required to deal with problems in different ways. In general it should be pointed out to the Officer in Charge. Wait to see what he or she does about it. The problem, and the manner with which it was dealt, should be included in the later report.
7. Be present at polling stations 15 minutes before closing time. Witness the closing procedures.
8. Remain on to observe the count. It is important to pay attention to the organization of counting tables and the persons responsible, the method of counting, the openness of the process, the ability of local observers to carry out their functions freely, the method of dealing with invalid votes. Investigate the method of submitting the results to the next level in the election result recording system. In situations which require this, it may be helpful to then visit the location where results are being received and tallied.

Responsibility for the announcement is now a controversial matter. In some cases parties appear to want to do so, in others they are reluctant. Given that there are often numerous actors, all with their own agendas, involved, how is the information which goes into the decision to be coordinated, and how is agreement to be reached on a final statement? The most that can be said now is that the USG should come to some understanding about this with US NGOs and other donors, agencies and NGOs. Local monitoring groups should be consulted on how they want to be involved in this arrangement and whether they wish to make a separate or combined announcement or no announcement at all. The announcement should be made reasonably promptly, but only after the votes have been counted, com-

plaints have been responded to, Parallel Voting Tabulations or quick counts considered, and the results have been announced.

[Materials from 2ii) through 2x) above draw heavily on Garber's Guidelines for International Election Observing. Some points are taken from IFES, How to Organize and Conduct an Election Observation Mission, and from interviews and other election reports.]

In reaching an ultimate conclusion in non-ideal circumstances, observers should evaluate whether imperfections in the electoral process actually resulted in thwarting the popular will of the citizenry. Even in the case of a positive assessment, all imperfections should be reported.

EXAMPLE OF AN OBSERVER QUESTIONNAIRE

A) OBSERVE AND RECORD

1. Location of polling site: Name No
2. Free Movement of Voters If necessary check time taken for voting
3. Mood/Environment: Relaxed/Tense, Organized/Disorganized
4. Presence of Observers of Incumbent..... of Opposition
5. Freedom of movement, and of observation, by observers
If not what restrictions
6. Arrangements for ensuring secrecy of ballot
7. Rough idea of male/female participation a) voters b) officials c) observers

B) ASK AND RECORD a) Poll officials

1. How many voters registered
2. How many people have voted Note Time
3. How many ballots received
4. How many people were turned away
For what reasons
5. Were there any differences/disagreements over rulings
What were they about
6. How were they settled
7. How many floating/early/at home voters were there.....
8. Which officials are from which Party

b) Poll observers (one from each party)

1. Are voters experiencing any problems.....
Examples.....
2. Is secrecy being carefully respected.....
Examples of problems
3. Are observers free to observe and move around.....
Examples of restrictions
4. Have there been any disputes/differences
Examples

c) Voters (men and women)

1. Did you have enough information about the two candidates
2. Did you experience any problems in voting.....
Examples.....
3. Do you feel confident that your vote will be secret
If not, why not
4. Do you feel confident the votes will be counted carefully
If not, why not (Gastil and Hirschmann)

3) TECHNICAL ASSISTANCE

a) PERSONNEL

Technical assistance (TA) needs should be determined both by the nature of the request for assistance, by the findings of a pre-electoral assessment team, and through consultation with local actors and other donors. They may also derive from observed weakness in a previous election.

Types of expertise which have been made available for electoral assistance, include the following: election administration, electoral and constitutional law, logistics, communications, computers, mass civic and voter education, person to person civic and voter education, poll worker and poll watcher training, voting procedures, communications, polls and surveys, workflow analysis, land, water and air cargo handling, electronic and print media, video and audio production, and cartography. (IFES, How to Organize an On-Site Technical Assistance Project, 33, 38-9)

Examples of timely TA provided by USAID and related NGOs include: advice given to change aspects of electoral laws requiring prohibitively high requirements to register a party; to change the composition of an electoral commission; to alter the date of elections set on examination day which would have prevented students from voting; to give equal time to opposition parties in situations in which the national radio was dominated by the ruling party; to improve the system of registry lists in order to ease verification; to alter party symbols on election ballots which provide significant advantage to one of the parties; and to redesign ballot paper designs which fail to protect secrecy

As with all technical assistance personnel, it is important to determine in advance whether the expert is intended to 'put out fires' (of which there are many), perform specific functions, substitute for local officers who may on be training abroad, train, mobilize, or work to strengthen local institutions. The greater the clarity on this, and the more clearly the role is delineated and applied in recruiting advisors the better. (Morss and Gow, 83-106)

b) COMMODITIES

IFES divides this up into three categories: capital equipment (commodities which may be reusable in other elections); supplies (commodities which are consumed during the course of the election); and services (specialized tasks which are performed for the election).

Following an inventory of existing stocks of goods and an assessment of what can be provided out of the election authority's budget, recommendations can be made on foreign assistance. Examples of commodities that have been provided include vehicles, computers, plastic laminated registration cards, camera and film, collapsible ballot booths, fax machines, hurricane lamps, ballot boxes, ballot papers, indelible ink, audio and visual equipment for purpose of mass civic education programs, padlocks, photocopiers and security bags.

The purposes served by assistance with commodities include not only the obvious one of making good on shortages in local resources, but also of reducing the opportunities for fraud and allaying suspicions of locally produced items. For example, people are sometimes wary of a government printing press taking responsibility for printing ballots or of it being done locally at all. In environments of high distrust it is often useful for the printing to be done abroad.

With commodity assistance comes responsibility of seeing that the equipment and supplies are properly purchased, shipped, inventoried, warehoused, deployed, used, and (in some cases) recovered. A schedule for identifying, procuring and delivering goods must be worked out which reflects the reality of the election calendar. A data base to assist in identifying vendors is available. (IFES, How to Organize an On-Site Technical Assistance Project) As with all commodity transfer arrangements there needs to be satisfactory arrangements for local maintenance.

Given constraints on USAID funds, extensive expenditure on commodities is not favored. The provision of electoral commodities entails certain dangers. One relates to creating a new kind of technological dependency through encouraging demands which accord with an industrialized country's

notions of elections, which may not be necessary and might not be sustainable or replicable. Furthermore, if there are suspicions of collaboration between the USAID and one or more local actors, the handing over of commodities tends to intensify those suspicions.

Computerization of various systems related to election management represents a very powerful tool for improving record keeping, data collection and procedures; and an attractive component of commodity and technical assistance. But it needs to be introduced with caution, and with awareness of initial and recurrent expenditure involved, variations in power supply, compatibility, alternative uses of the equipment during downtimes, training and supervision responsibilities, initial and recurrent expenditure, and serious potential for early errors and for manipulation.

4) TRAINING

Unlike commodities assistance, training of elections commissioners, poll watchers and poll workers is an efficient, practical and sustainable method for promoting long-term development and local capacity. And as pertains to all levels, special attention should be focused on the training of trainers so the host country develops the resources and expertise to maintain a cadre of professional election officials and workers.

a) TRAINING OF ELECTION COMMISSIONERS

As previously stated in the Agency policy, assistance for respected, permanent national electoral commissioners merits particular backing. Training of electoral commissioners is a valuable method for developing institutional capacity and is increasing in importance and frequency. There are several activities that, depending on the expertise of the commission, may be included in the training. Potential areas include, but are not limited to, the following:

i) Legal review and/or drafting of electoral laws;

- ii) Principles of election administration, administrative responsibilities and structure;
- iii) Design and implementation of registration calendars, organization and procedures;
- iv) Design and procurement of election commodities;
- v) Pre-election preparations on "how to" perform polling place set-up, channels of communication, control and distribution of materials;
- vi) Organization, as well as, implementation of poll worker training programs;
- vii) Designing vote tabulation methods;
- viii) Designing a conflict adjudication system; and
- ix) Principles of the democratic values underlying the electoral commissioners' responsibilities.

b) TRAINING OF LOCAL POLL WATCHERS

Training of both local poll watchers (non-official election observers) and poll workers (officials who manage the polling booths) should not come before a country has clearly embarked on a path toward a national referendum or democratic elections, and the practical details of the election have been worked out. Prior to the training team's commencement of work, election dates should be set; and it is helpful for a general election calendar to have been formulated. Sufficient time should be available before the elections to permit training to be completed.

Training of local poll watchers is increasingly seen as a very important technique aimed at making use of local citizens in numbers sufficient to be present at all polling sites, and in some cases to cooperate with international observers. Ideally there will be one or more non-partisan groups who are in a position (possibly to help design the training program), and to benefit from and then pass on the necessary training.

This is regarded as very positive and realistic from all perspectives. It involves and local personnel. It builds local capacity. It strengthens civic culture and non-partisan behavior. It bolsters democratic institution building. It is far more cost effective than bringing in external observers. It becomes more likely that the whole country will be covered

on election day. It reduces some of the suspicions of external intervention and influence. And it has proved key to the peaceful outcome of disputed elections in a number of situations. Furthermore, US NGOs are getting more experienced at cooperating with local organizations and personnel in this activity and are very positive about this approach.

There are some limitations and cautions. There are cases where there may not be enough time to do the training. In other situations, there are no non-partisan organizations, or none with sufficient standing or with the political muscle to stand up to government pressure. Namfrel, it should be recalled, had the full power of the Catholic Church of the Philippines behind it. It also carries personal dangers for those local people who participate and who may wish to draw public attention to breaches of regulations or to fraudulent behavior. There are, therefore, cases where international observers can play a constructive, cooperative role in support of local poll watchers. On a number of occasions this has proved to be an invaluable partnership — international observers are sometimes able to enhance the status and bolster the courage of local poll watchers, and the local officials in turn can provide a wealth of information and insight to the newcomers, and add to the legitimacy of the final electoral assessment.

As will be noted below, political parties are likely to, and should, play a helpful role in poll watching. Since parties will mix partisan with non-partisan information, assistance to parties must be delivered in a non-partisan manner. As long as all, or all major, parties are allowed the same access to poll watcher training opportunities, and to the polling booths, this is a very useful additional mechanism for monitoring balloting procedures.

c) TRAINING OF LOCAL POLL WORKERS

As part of developing a plan for the training of the electoral administration poll workers, it is instructive to think of the magnitude of such a training program. Normally polling stations are staffed with three to six people. A nation with 8.5 million registered voters serviced by one station for every thousand voters will be required to staff 8,500 polling stations. Therefore 8,500 polling station supervisors will need

to receive training and in turn will be responsible to train two to five additional staff, for a potential total of 17,000 to 42,500 individuals. Therefore considerable time and resources need to be made available for this undertaking.

Depending on the level of the official, the training requirements may differ somewhat. The more senior officers, for example, regional or local administrators need a functional understanding of the tenets of the electoral code because on election day they could be called on to arbitrate various disputes or clear up misunderstandings. They and other officials need a full understanding of the physical operation of the polling station and the roles and responsibilities of the polling station personnel. All personnel need to understand the administration of a polling station: setting up, opening, voting, closing, counting of votes, recording of results, continuing security of ballot boxes, and delivery of results to the electoral administrative office. Also they need to be familiar with the rights and responsibilities of voters, party delegates, and national and international observers, as well as what to do when faced with irregularities, voter errors, and unanticipated problems from voters or political parties. All officials should have ready access to a manual at all times.

Additional members of the polling center staff who must be familiar with its operations are delegates representing individual parties and/or candidates, domestic and international observers. Police assigned to keep order on election day need to understand the electoral process and the strict limitations on their role. (See *IFES, How to Organize a Poll Worker Training Project*)

d) VOTER EDUCATION

This is essential particularly for the first few elections after a change from non-democratic to democratic systems of voting — to assist communities and citizens understand the significance of elections, the role and platforms of parties and candidates, and how and where to register and vote.

Before registration there needs to be a special effort to educate citizens about how, where and why they should register. This is significant because so much of what follows in the elections depends on

an effective registration process, and because citizens need to be protected against the possibility of being excluded either by oversight or by intention. After registration attention needs to be turned to the elections themselves.

Voter education needs to focus on the practicalities of the elections, such as the location of polling booths, dates and times, what to expect, what to avoid, the mechanics of voting, what a ballot paper will look like, and reassurances (not guarantees) about secrecy of the ballot and the avoidance of fraud and violence.

Voter 're-education' will be necessary when changes are made in election systems. For example, the introduction of mechanization of voting, or a move from proportional representation to a single member majority system.

As discussed above, voter education should be designed and implemented with the full cooperation of local NGOs. If there are no NGOs available with experience in voter or civic education, then thought should be given to working with religious organizations, youth and women's organizations, students and teachers. These groups have served this purpose well in some circumstances. Points common to voter and civic education are discussed in the next section.

e) CIVIC EDUCATION

This is considerably broader than voter education, but is less immediately relevant to the event of the particular election than voter education. However, it remains important for both the election, and even more so for the period after the election. **The public needs to know its rights and responsibilities both civic and political, the role of the various political institutions including the legislature, the judiciary, the military, and the political parties, and what to expect and to request from candidates and from elected officials.**

Courses should encourage, and explain the advantages to society, of tolerance of opposing views and parties, of other ethnic and religious groups, and, in some cases, an understanding of the rights of lower castes or of women to participate in public affairs.

Peaceful conflict resolution training might also be very helpful in some situations.

There are a number of concerns of relevance to both civic and voter education. These are experienced in countries in which the government controls the media, many languages are spoken, there is a high illiteracy rate, very limited access to national newspapers, and even less to television, postal services are very circumscribed, particularly in rural areas, the best and most trusted form of information remains personal, and the population lives mainly in dispersed and isolated rural communities, some of which may be cut off almost completely in the rainy season.

Also relevant to the delivery of both forms of education is the need for a prior assessment as to level of voter awareness of the mechanics of elections. Taking this into account and the time available before the election, informational objectives must be clearly defined. If the time is very limited, for example, it may be necessary to restrict education to the mechanics and location of voting.

In cases where there is a bitter legacy of a previous election, it may also be necessary to explain efforts to guarantee secrecy of balloting and reduce violence and fraud. The medium needs also to be selected; possibilities include posters, graphics, newspapers, radio programs, direct person to person contacts including seminars, theater groups, story telling, printed and illustrated manuals. **Intermediaries also need to be sought for carrying out the work: these include non-partisan NGOs, churches or mosques, professional associations, schools, political parties, radio or TV stations.**

Account needs to be taken of regional differences say in religion, language, education levels, access and topography and gender differences in preparing training messages and manuals. Managers must take care in choosing host country nationals to participate in such programs, to make a serious effort to balance partisan participation, gender, ethnic groups etc.

f) POLITICAL PARTY DEVELOPMENT

This is a politically sensitive undertaking, as it is anticipated that it can easily become partisan and so

reduce the benefits which derive from non-partisanship. On the other hand political party development is essential to effective elections in the sense that many parties need to learn how to formulate policies, propagate them, select candidates, and prepare for varying roles of victor, loser, or coalition partner.

Since the Agency is currently in the process of developing a political party assistance policy paper, there is no one source of guidance on the topic. However, the Center for Democracy has provided guidelines based on the FAA, the Agency's democracy guidelines and lessons learned. Thus, any assistance to political parties should be in compliance with the following restrictions:

- i) By law, USAID assistance may not be used to influence the outcome of any election;
- ii) Any direct or indirect support for campaigns for public office is strictly prohibited;
- iii) Where USAID funded assistance is provided to political parties or groups in civil society that have political missions, it must be completely non-partisan, impartial, available to all parties or groups genuinely committed to the democratic process and provided without reference to specific policy positions taken by competing candidates or parties;
- iv) Assistance must be intended to promote or strengthen the democratic process as opposed to bolstering a particular political party, coalition or alliance;
- v) Any assistance should be provided equitably to all groups committed to the democratic process, and channeled through "other appropriate institutions" such as the Democratic and Republican party institutes, with minimal direct USG involvement consistent with appropriate oversight;
- vi) USAID funds must not be used for the financing of campaigns or candidates for public office;
- vii) USAID funds must not be used for any payments to individuals that are intended to influence their vote;
- viii) USAID funds must not be used for any direct contribution to a political campaign, or for any salary, wage, fee, honoraria, or similar payment to

any candidate, political party leader, or campaign official;

ix) USAID funds must not be used for any public meetings that endorse or feature a candidate for public office; and

x) USAID funds must not be used for any private polls designed to help political campaign strategies in favor of any candidate, party or alliance.

Suggestions for political party development include: developing techniques to encourage tolerance and minimize tensions and intimidation; enhancing practical political techniques in such areas as organization, management, election preparedness, candidate selection, coalition-building, voter contact education and outreach; defining mechanisms for developing more issue based political parties by considering such subjects as message development and dissemination, campaign themes and governance strategy; encouraging the active participation of women in the political process; and promoting dialogue between election winners and losers by examining the respective roles of ruling and opposition legislators in a democracy. (NDI, Ethiopia, 84)

Another component may relate to coalition building both before and after the election. In the early burst of excitement it is not unusual to find large numbers of parties, often based on a single issue, a single leader, and a very limited geographic area — for example, 125 parties formed in the Congo in 1991. Dealing with this kind of fragmentation, its likely consequences, and how to seek allies and build joint platforms may also be helpful to the democratic process.

Working effectively, political parties can act as major providers of civic and voter education. The importance of functional inter-party relations also needs to be better understood, and those relations developed for purposes of both the campaign itself and consequent period of governing the country.

A further important issue to pursue — although there will often not be time in first elections — is that of intra-party democracy. In India for example after 45 years of effective, if difficult, elections this remains a key limitation on the depth and breadth of

participation — that the ordinary voter has no choice in the selection of party candidates or party issues. There is near total lack of intra-party democracy whether through party primaries, conventions, congresses or other opportunities for rank and file members to make their views known. Decisions and candidates are imposed from the center with no opportunity for grassroots inputs. (Weil, 36)

Working with political parties has to be done in a transparent way which ensures to the satisfaction of all that courses, seminars, etc. are open to all parties and that the process is primarily aimed not at strengthening individual political parties but at enhancing the election process and the post-election management of legislative affairs. It is best left to NGOs to implement; but to the extent that they make use of USAID money, the stress on a non-partisan approach must be very clear.

5) POST-ELECTORAL ASSISTANCE

In keeping with the notion of seeing the electoral process as a continuing one and as part of on-going democratic development, it may be essential to the smooth transition from election day excitement to the reality of legislation, negotiation, consultation, administration and so on, and even more so to the long term democratic impact of the election, that post-electoral assistance be provided.

It should be possible to anticipate many of the likely needs in advance of the election. In terms of personnel it is important to ensure continuity by including at least one person who had been working in the country in the pre-election period. This is not a time to set up new contacts and relationships. There are at least three types of post-election day assistance that can be very usefully included in an election assistance project:

There are immediate post-election (day-after, tidying up, peace-making) activities which may require assistance and observation. These include potentially threatening conflicts over the election, the resolution of which may benefit from mediation skills; and response to particular complaints and challenges

raised by candidates and voters, the fairness and openness of which may be more likely in the presence of external observers.

Immediately after the election, particularly one which has been hotly disputed or generated hostility, it may also be necessary to create or rebuild effective communications between the parties. In this regard a public de-briefing with an emphasis on 'lessons learned' and 'ways forward' might be helpful. International experts might be of assistance here in defusing some of the hostility, and providing additional and comparative insights.

Secondly, there is bridging assistance, which needs to proceed while waiting for new activities to begin. Most urgently needed are programs that assist political parties and the new legislators (and/or local councilors) with skills to commence their work. At a general level, a profound change is often required to transform protest movements or dominant single parties into democratic ruling or opposition parties with legislative and constituency responsibilities.

The new legislators themselves are usually in need of courses to assist with parliamentary procedures, policy making, budgeting, monitoring, committee work, legislative-executive relationships, and so on. Early training of a parliamentary secretariat would also be helpful in order to provide research and policy support for the legislators. For one of the most disturbing elements in progress toward democracy is to see the whole purpose of an election being compromised because those elected lack expertise. They are therefore easily dominated by the executive branch, and debating becomes little more than an adversarial and hostile activity. This may lead to early public skepticism and delegitimizing of the whole undertaking. It may also tempt impatient presidents and the military to intervene. Orientation courses — which go beyond mere formalities — for the new legislators are therefore a very important tool, which implementing agencies have the capacity to carry out and are ready to refine.

Thirdly, a more narrow focus relates to institution building of the election commission, the election administration and non-partisan NGOs with an interest in a permanent electoral role. While the

medium- to long-term tasks aimed at strengthening these organizations (such as improving their management information and registration systems) can probably wait for a new contract and be integrated as one component of a broader democracy program, there are a few tasks which need to be dealt with expeditiously.

One is to work with these organizations in small workshops focusing on the lessons of the elections and making recommendations for improvement in the process. Issues that may be of relevance to an agenda include party, candidate and voter eligibility requirements; financing regulations; poll management and vote counting procedures; the role of international, political party, non-partisan observers; the performance of the media; the role of the military and other security forces; dispute resolution; the functioning of the election commission; and participation of poor and less educated people and other marginalized groups (NDI, Ethiopia, p 78-83). This is the appropriate time to consider these issues and record the suggestions.

At an even more practical level, it may be important to help the electoral commission retain an up to date registration system; store for re-use, and keep, an inventory of, equipment; and prepare vendor files for future use.

6) OTHER ELECTORAL ASSISTANCE

a) CONVENING ELECTORAL ROUNDTABLES

This may turn out to be a key to a satisfactory election. Essentially it calls for a regular meeting among equals, at which the parties can bring their problems and outside advisors can bring their viewpoints to the table. The effective operation of a roundtable can tell much about the working environment in which the election is to take place and the willingness of the parties to consult, compromise, resolve conflicts, and respond to external advice.

In transition situations it may be necessary for external agencies to initiate such a process; in more mature situations it may be advisable to suggest one or to encourage more regular open and fair operation of such a roundtable. Along these lines, NED has established Election Information Centers in a few countries. These have multiple purposes. They serve as roundtables to deal with problems as they arise, neutral meeting sites for the parties to meet, and a permanent center where the public and the press can come to meet and question the parties. It is seen as a quiet and effective way of encouraging dialogue and a civic culture. It may be worth noting that in Panama in 1989 the Defense Force closed down such a Center through intimidation, and this set the standard for what was to turn out to be a poor election.

b) PARALLEL VOTING TABULATIONS

Parallel Voting Tabulations (PVT) are a form of quick counting through tabulation of actual results gathered at the polling sites. They are not exit polls or opinion surveys. (Garber and Cowan) They have been very useful on a number of occasions in cases of controversial election results. They serve to give warning to officials running polling booths that they might be monitored in this way and will tend to keep them more honest. **But of more importance, they help the public and in particular the losing parties accept that the election results are reasonably accurate.** On a number of occasions they have played a significant part in getting the losers, both outgoing governments and hopeful new opposition parties, to accept that their defeat does represent the people's will. In so doing they have defused potentially dangerous situations. In Bulgaria the tabulation indicated that the ruling party had indeed won; (NDI, Bulgaria, 63) in the Philippines that the ruling party was stealing the election; and in Zambia that the ruling party had lost. (NDI, Zambia, 50)

It is important that the organization responsible for these tabulations has a high degree of credibility as a non-partisan organization or if it is partisan that it has the capacity to carry out such a tabulation in a non-partisan and accurate manner. Crusada Civica in Panama was too closely linked to the opposition coalition, and when General Noriega exposed this, its credibility was undermined. Namfrel was also

identified with the opposition to President Marcos, but both because of the Church's backing and because it managed to impress with its professionalism, its PVT carried considerable weight. In general, as polling, surveys, exit polls and quick counts become more integrated into the non-partisan and partisan aspects of elections, so more caution should be exercised in relying on their findings.

PART 7

A REALITY CHECK: FOUR CHECKLISTS

CHECKLIST 1:

EARLY PREDICTORS OF AN UNSATISFACTORY ELECTION

In preparing this list certain assumptions are made:

at least in some cases electoral assistance is conditional on the continuing good faith of the major local parties;

conditionality has a positive influence only if the threat of withdrawal of assistance is real and taken seriously by local politicians;

in the imperfect and uncertain world of elections there are likely to be a variety of deficiencies, none of which on its own will be cause for withdrawal;

and this may lead to the mission (and other donors) finding themselves unable to extricate itself from continuing to support a process that is clearly leading toward an unfair election.

The purpose therefore of the following list of early predictors is to suggest a way of analyzing — as one moves along — good faith and local capacity and the probability of an open and competitive election, something akin to taking note of where one is on a moving side walk. None of the problems are listed below because it alone amounts to a cause for withdrawal. On the other hand, the occurrence of a number of these sorts of delays, or obstacles, or rejections, or hindrances, may amount to pattern of bad faith,

which may give cause for donors to first warn (privately and then publicly) of the possibility of, and then to effect, a withdrawal of support. As authoritarian leaders become more adept at playing 'the election game', so donors will need to observe the process more closely.

The following are examples of early predictors of an unsatisfactory election:

- The Government is (or soon becomes) unwilling to consult, take criticism and make adaptations.
- Key actors — government, ruling party, opposition parties — do not attend, or soon lose interest in attending, round tables, or the meetings become increasingly dysfunctional, and/or decisions are not implemented at all or in bad faith.
- The opposition parties experience serious delays in getting permission to hold public meetings.
- The news coverage by the national electronic media — usually government controlled — covers the activities of the ruling party far more comprehensively than those of the opposition parties.
- The opposition media experience trouble in obtaining newsprint or in getting licenses to import printing machinery or to operate at all.
- Party youth break up opposition meetings without any effective steps taken to prevent or punish their actions.

- The nature of the security presence (police/soldiers/special forces) at political meetings moves from provision of security to intimidation of the public.
- Intimidation of, or threats against, opposition politicians, and the media; or warnings to communities of dire consequences for voting for the opposition.
- The early willingness to cooperate with external advisors and observers changes; and increasingly blocks are put in their way. (e.g. work with local NGOs on voter education and poll watching is obstructed.)
- The members on, and more particularly the more recent appointments to, the election commission are partisan to one of the main parties.
- Steps are taken that have the effect of reducing the secrecy of the ballot or voters' sense of confidence in that secrecy (e.g. lining up to vote for candidates, different colored ballots for different parties).
- Manipulation of, or lack of openness to, computerized and other lists of information relevant to the election.
- Lack of receptiveness to civic education and poll watcher training.
- In a military conflict situation, one or more of the parties continues to resist demobilization.
- A sudden change by the incumbent of the rules or understandings of the game.
- Detention of opposition leaders and editors/journalists of papers with opposing views.
- The military takes an increasingly active role in the election, going well beyond guaranteeing security.
- An unwillingness of the major parties, and particularly the ruling party to open up major constitutional debates to public fora, not only in the cities but out in rural areas, or to engage with grassroots organizations.
- The dismissal, without good reason, of publicly respected officials from key positions such as chief electoral commissioner, chief justice or head of the public media board
- Cuts in the budgetary appropriations for the election. This may not be done in bad faith but simply because of across the board cuts in the budget carried out without consultation with election professionals. (Edgeworth, Forrest & Scallan, 101-2)

CHECKLIST 2:

THINGS TO WATCH OUT FOR

There is obviously some overlap between this list and that of the 'Early Predictors of an Unsatisfactory Election' provided above. However the purpose served is different. Based on the adage, 'to be forewarned is to be forearmed,' this checklist, based on things that often have gone wrong, is intended to assist the reader to anticipate the sorts of things that might go wrong. They therefore can help a USAID officer develop a set of questions aimed at determining in advance the likelihood of these problems occurring in his or her country of operation. These can be discussed with the Embassy, USIS, other donors, US and local NGOs, local and foreign experts, and with the electoral commission and political parties. Based on the responses it may be possible to take preemptive action to prevent them from ever occurring, or to bring them to an end, or reduce their impact.

I) OMISSION OF LOCAL ACTORS AND GROUPS

- any major actors being left out at any significant stages;
- any ethnic or regional groups left out (in addition to the issue of inequity, even small groups are capable of violence or supporting irredentist movements);
- elections are restricted to a purely intra-elite activity;
- women are excluded from active participation, and their political situation is not actively analyzed and discussed;
- groups outside the capital city, lower castes, illiterate people, smallholder farmers are excluded during assessments and planning; and
- an insufficient number of polling places for voters outside their home districts and those in rural areas.

II) ABUSE OF POWER

- the incumbent party uses the media disproportionately to its advantage (for example by getting much greater news coverage than the other parties);
- major actors still have independent military capacity (as long as they remain mobilized and armed they will be a threat to stability, and less likely to accept defeat);
- early intimidation/violence/thuggery to discredit the whole election process; and
- large scale vote buying of individuals and communities.

III) MANIPULATION OF TECHNICALITIES

Examples:

- the threshold percentage of voters required for party participation in parliament is too high (or too low);
- the required number of signatures and fee necessary to register a political party are too high (or too low);
- restricted number of languages used in civic or voter education and on ballots;
- the requirement, as in Guatemala in 1984, that only illiterate people are required to register; thus reducing the number registered, and thus the number of polling booths available in certain rural areas (Zak, 184);
- the requirement, as in the Philippines in 1986, that each new voter submit four photographs when registering; in the rural areas this was both difficult and expensive (Zak, 186);
- too brief a voter registration period; and
- literacy requirements are used as a way of keeping certain categories of people from voting.

IV) MANIPULATION OF DONORS

- a head of state or ruling party intentionally setting out to implement a barely satisfactory election;

- good-cop bad-cop wings of ruling parties — one continually accepting, the other rejecting compromises, the role of external agencies, etc;
- the opposition being in a position where it can effectively veto, or threaten to veto, in advance, the election results by withdrawing from the election (a hostage situation);
- the losing party delegitimizing an election result without producing systematic information detailing the mechanisms and extent of fraud; and
- apparently non-partisan NGOs using donor resources and support for partisan purposes.

V) DONOR PRACTICE

- a premature impression by donors of a commitment to support the election no matter what happens;
- the impression that when donors call for, or suggest, improvements in the electoral system, they are automatically responsible for providing the material resources to carry out that change;
- a failure to distinguish between partisan information (political education which is the responsibility of the political parties) and non-partisan information (civic or voter education which may be the responsibility of NGOs);
- no effort is been made to encourage the parties to include serious policy analysis and prescription in their preparation work and campaigns;
- US understandings and perceptions of elections and election procedures dominate one's assessments of other systems (there are alternative democratic voting systems with which recipient countries are familiar); one should prevent the perception of an overly US perspective on issues;
- the announcement of the election assessment is made immediately after the polls close (the most blatant fraud usually happens after the polls close when ballots are being counted and transported); and
- there is nothing in place to immediately assist the newly elected government and newly democratic society with further activities in democracy.

VI) FRAUD ON ELECTION DAY

Examples:

- disregard for safeguards such as using indelible ink;
- disenfranchisement of large numbers of voters particularly in opposition strongholds;
- 'flying voters' who vote in numerous voting sites;
- ghost precincts;
- counterfeit ballots, theft of ballot boxes, stuffing of ballot boxes after the vote has closed;
- selective checking of voter identities, allowing some people to vote for others;
- through gesture or words, using voting process to influence voters, e.g., when explaining how to vote;
- denying access to poll watchers;
- inconsistent interpretations of invalid ballots;
- invalidation of voting results by the government run election commission when opposition candidates win;
- after balloting closes, officials voting for people who have not voted;(Zak, 186 & 188)
- 'booth capturing' — party loyalists using overt force or the threat of it to control the process at the local polling station; and
- 'silent booth capturing' — using the threat of force to prevent registered voters from voting, followed by the casting of these unused votes.(Weil, p 34)

CHECKLIST 3:

SELECTED LESSONS (OF EXPERIENCE) SUGGESTED FOR APPLICATION AND TESTING:

The purpose of this third list, which is based on positive lessons of experience, is to suggest practices that are thought likely to be helpful in assisting in a fair(er) and free(er) election, and also make an effective contribution to sustained democratic institutions. These are not put forward as rules, but as ideas to which the reader should give positive attention.

I) STRATEGIC & LONGER TERM PLANNING

- Longer term notion of monitoring and assistance: arrive early (say nine months before), negotiate and follow realistic election calendar, and stay after the election.
- Democracy assessments are essential for strategic planning and risk reduction in a broader political, economic, security and social context.
- Strategic planning is essential for interrelating, prioritizing, and sequencing of specific initiatives into a coherent and mutually supportive program.
- USAID missions should encourage/facilitate participation of State and main locally active US NGOs in key stages of strategic planning.
- Early clarification of terms and definitions for each specific undertaking will prevent later misunderstanding and tension: e.g. assistance requested, assistance offered, conditions, scope and limitations of responsibility, NGO roles and USG/NGO relationships.
- Anticipate, designate, and monitor early (pattern of) predictors of an unsatisfactory election: e.g. interference with media, opposition, and/or poll watcher training. (See first Checklist above)
- Post-election assistance integral to program: essential to constructive transition from election day

drama to complexity of formulating, negotiating and administering legislation.

- Emphasis on sustainability influences design: technology, financing, institution building, and training differ from preparation for one event such as an election.
- In the final analysis take account of voices of grass roots organizations: as the most directly affected they provide a vital reality check.
- Basic election law(s) should be subject to early examination: technical changes at an early stage of the campaign have made significant contributions to positive outcomes.

III) LOCAL PARTICIPATION

- More reliance on local monitors: it is more cost effective, builds local capacity, strengthens civic culture and reduces suspicion of undue outside influence.
- Contribution of women's and religious organizations to monitoring elections: in many cases they have been instrumental in ensuring fair elections and facilitating voter and civic education.
- Greater inclusion of minorities and women possible even under apparently difficult circumstances: requires analysis, will and expertise of US actors, and cooperative local groups.
- Election commissions are key to continued democratic elections: need pre-election, election and post-election legal and management expertise.
- Important considerations in local institution strengthening: assistance should be appropriate to established institutional capacity and objectives; should avoid distorting objectives, 'smothering with money,' and dependence; should be representative and non-party partisan.
- Utility of informal roundtables to plan, share information and coordinate: as an effective way of gaining voluntary collaboration from US NGOs; from other donors; and from local participants.
- Training programs should be focused on trainers: most cost effective and best multiplier, especially if carefully but selectively monitored.

IV) POLITICAL PARTIES

- Although partisan in nature, parties are capable of providing effective voter and civic education; they also provide poll watchers; and after the election, they are called upon to fulfill all important parliamentary responsibilities.
- Party assistance is therefore valuable; however all party assistance needs to be (and be seen to be) strictly non- or multi-partisan.
- Post-election pre-parliamentary preparation to assist parliamentarians in legislation, new roles (as opposition or ruling parties), coalition building and constituency services is key to retaining democratic momentum.

V) CIVIC/VOTER EDUCATION

- Civic education needs to be sensitive to variety of cultures: tested not (only) on trainers or elites or educated, but on end users who may be illiterate or of a minority language group.
- Civic education should be broadly conceived: to include material emphasizing advantages of democracy, and on human, civil and political rights and responsibilities, conflict resolution, and tolerance of diversity, and be delivered to and by a representative cross section of groups.
- Voter education needs to focus on the practical methods (including familiarity with relevant forms) of registration and elections (when, where and how), teach roles of election officials, party officials, poll watchers and police, take note of cultural, language and gender differences, and provide clarity about, and assurances of, secrecy of the ballot.

VI) OTHER TECHNICAL ASPECTS

- Parallel voting tabulations are helpful in controversial elections: they help the public and losing parties accept accuracy of results.
- Later rounds of elections are likely to require different, more technically advanced, assistance: local partners and actors have more experience and expertise with managing and/or manipulating elections (and donors).

- Incremental assistance with electronic means and computerization: already under way and inevitable; but there is a need to observe technological, sustainability, and distribution of power, effects, and potential for fraudulent usage.
- Measurement of progress is difficult but possible: important not only for results, but also to measure improvements as we move into further rounds of elections.
- Anticipate interest by, and consult with, other donors: cost effective, reduces prominence of US role, and they, notably the UN, may have comparative advantages in some settings.
- Inclusion of non-US nationals in technical assistance and monitoring: helps diffuse image of US (even industrialized country) dominance; they may have more relevant expertise; and some gain experience and insight for their own countries.
- Support local level elections: closer to people, relevant to civil society-government relations, and to regional and provincial interests; less fraught than national elections; builds confidence in, and of, electoral commissions.

CHECKLIST 4:

MINIMAL CONDITIONS FOR A FAIR AND FREE ELECTION

The 'ideal' of a fair and free election would require the following contextual features:

- non-partisan institutions for legal drafting, delimitation, administration, monitoring, dispute resolution and certification;
- sufficient time has been allowed for all parties to register, organize and campaign;
- freedom to organize, electioneer, campaign and distribute propaganda;
- absence of unfair advantage for particular minorities, especially for incumbents;
- mechanisms to adjudicate and redress grievances among contenders;
- fair and free system of registration and election administration, protection of ballot boxes after elections close, and an honest count of the votes; and losers respect for the winners rights to rule; and winner's respect for the rights of losers and other minorities to continue participation.

Which ensured for all voters:

- free and equal opportunity to receive information about issues, parties and candidates;
- free and equal opportunity to speak on political issues;
- free and equal opportunity to register to vote;
- free and equal opportunity to vote;
- free and equal access to voting sites (which may require assistance with neutral transportation in rural areas);
- ballot secrecy, including the right to deposit secretly a null or blank ballot; and
- freedom from coercion on how to vote. (Booth 18 & 19; Zak 189-91)

PART 8:

BIBLIOGRAPHY, AND ACCESS TO MATERIALS

1) ELECTION GUIDES

The following guides have been relied upon in researching material for this Guide. They provide very useful practical and detailed information on various aspects of election management.

They are obtainable from the relevant institutions, primarily from NDI and IFES. They may also be obtained through USAID's Center for Development Information and Evaluation.

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APPENDIX:

PEOPLE CONTACTED

(Most interviews took place in mid-1993; others at the end of 1994/early 1995. Affiliations refer to the date when the (last) interview took place.)

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