Postconflict Elections, Democratization & International Assistance

edited by
Krishna Kumar

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Foreword

J. Brian Atwood

This volume on the role of international assistance in supporting postconflict elections is the third in a series of publications coming out of the ongoing evaluation studies directed by Krishna Kumar at USAID's Center for Development Information and Evaluation (CDIE). In *Rebuilding Societies After Civil War*, Krishna Kumar presented a set of case studies, illuminating the different dimensions of transition from civil war to fledgling peace. In *Bullets to Ballots*, Kumar and coauthor Marina Ottaway underscored the problems and challenge of postconflict elections and the role of the international community. *Postconflict Elections, Democratization, and International Assistance* builds upon this foundation. It presents eight case studies, expanding earlier analyses and assessments of postconflict elections.

While the book examines several aspects of the election process and draws pertinent conclusions, I would like to highlight a few important points. Without international assistance, many postconflict elections would simply not have materialized. Without the imprimatur of the international community, many would have lacked credibility. Nevertheless, we have come to understand that elections are no panacea. In societies recently devastated by intrastate conflict, elections can be particularly divisive if political parties organize around ethnic, regional, or religious orientations. In addition, the high cost of elections can adversely affect the sustainability of new institutions and structures.

These problems do not negate or lessen the utility of postconflict elections. Elections represent an essential step toward democratization—but are an insufficient condition in themselves. Efforts to foster democracy must also support an ongoing process of reconciliation among former enemies, security sector reforms, law-enforcement and judicial reforms, human-rights monitoring and enforcement, strengthening civil society, and a complementary dedication to economic development and job creation.

Finally, this volume reminds us that the presence of certain preconditions increases the viability and impact of postconflict elections: a state

capable of performing necessary functions; a negotiated consensus among former warring parties on the structure and functions of government; a demonstrable commitment by the peace accord signatories to implement its provisions; and progress toward demobilizing and reintegrating ex-combatants.

I hope that the analyses, lessons, and recommendations in the volume will serve as the catalyst for a continuing dialogue on postconflict elections. I congratulate Krishna Kumar and CDIE for this book and thank them for the effort it represents.

J. Brian Atwood
Administrator
U.S. Agency for International Development

Acknowledgments

Several colleagues and friends helped me in preparing this volume. The idea for a work based on my postconflict elections research came from Larry Garber, deputy assistant administrator of USAID's Bureau for Policy and Program Coordination. Susan Merrill, who directs the Program and Operations Assessment Division of PPC's Center for Development Information and Evaluation, encouraged me and provided the necessary resources. All the following tendered valuable suggestions on scope and substance: Dick McCall, chief of staff to the administrator; Gerry Britain, CDIE director; Richard Whelden, deputy director; and Marina Ottaway, senior fellow at the Carnegie Endowment for International Peace. Tom Buck carefully assisted me during each stage of the endeavor, and Robin Silver offered thoughtful commentary on my draft chapters. Bridget Julian and Lesli Brooks Athanasoulis, of Lynne Rienner Publishers, have done an outstanding job in producing the volume. I am grateful to all.

It is with both pride and pleasure that I also thank my daughters, Sonia Kumar and Sanaz Kumar, for their help. During the past two years I have often discussed my findings and conclusions with them. They have never failed to give thought-provoking suggestions.

Krishna Kumar

Introduction

Larry Garber

The principal hypothesis of *Postconflict Elections, Democratization, and International Assistance* is that elections in a postconflict setting are fundamentally different from those organized under normal circumstances. Postconflict elections are designed to facilitate, or to symbolize, an end to intrastate conflicts. Examples of these elections abound, including those discussed in this volume as well as the much debated 1996 and 1997 Bosnian elections, the 1996 Sierra Leone elections, and the 1995 Guatemalan elections. While not strictly postconflict elections, the 1994 South African elections and the 1995 elections in the West Bank and Gaza share many of the characteristics of the cases in this volume.

Perhaps not surprisingly, the role that elections play in postconflict settings has emerged as a topic of controversy among some analysts and policymakers. They also have raised concerns about both the efficacy and cost of organizing such political events. They also have noted that elections do not always result in a cessation of hostilities or the establishment of an environment conducive to economic, social, or even political reconstruction. This volume prompts reflection as to why elections have become such a key component of virtually all intrastate peace accords in the post–Cold War era. Further, it identifies lessons learned from recent experiences that might contribute to future successes.

What are the characteristics of postconflict elections? First, most of them occur after the negotiation of peace accords that involve most, if not all, the parties to the conflict. Second, the peace accords afford a major role to external actors (either an international organization or a group of nations), often involving the deployment of military or police forces to the country emerging from conflict. Third, these same external actors generally commit to assuming a major role in administering, supervising, observing, funding, and otherwise supporting the elections. Finally, the elections often take place while reconstruction efforts are still in their infancy, refugees

and displaced persons have not returned to their original places of residence, and land mines make travel difficult in certain regions of the country.

This pervasive increased reliance on elections in postconflict settings is not hard to understand. Unless one party to a conflict has achieved a definitive military victory (e.g., Ethiopia), the issue of determining who governs must be resolved as part of the peace process. Elections provide a recognized basis for settling this question, a basis few parties to a conflict are prepared to contest, in principle. Further, by agreeing to assume a major role in support of the electoral process, the international community challenges those who claim they are interested in a peaceful resolution of the conflict but who argue that the existing political structures are biased against them or cite prior experiences with electoral fraud and violence as reasons for taking up arms.

The international community encourages reliance on elections in postconflict settings through several inducements. To leaders exhausted by war and a population impatient for material improvements in their standard of living, a comprehensive reconstruction program represents a sought-after opportunity. However, the international community can negotiate the terms of engagement only when a legitimate, broadly based government is installed.

Similarly, the emphasis on exit strategies, particularly when military forces are involved, encourages early elections in a postconflict setting. For the international community, the occurrence of such an election symbolizes the return of some physical security for the population, and so justifies the removal of, or reduction in, foreign military and police forces present in the country. However, as the recent experiences in both Bosnia and Haiti indicate, planning a withdrawal of military forces following an election may prove impracticable and indeed counterproductive.

The current emphasis on democratization also ensures that election-related issues are discussed during negotiations of a peace accord. While policymakers and analysts recognize that elections are not synonymous with democracy, not holding elections or refusing to provide a timetable for elections may raise serious questions about the commitment of negotiating parties to a democratic future. On the other hand, those committed to promoting democracy in their own country often desire the opportunity that the electoral process provides for organizing freely, communicating openly through the use of mass media, and establishing respect for the rule of law.

Understanding why elections are so often a centerpiece of intrastate peace accords does not answer the question of whether they should be held at all. Answering this question requires an analysis of the efficacy of postconflict elections: Do the elections contribute to a permanent peace? Are the human rights of the population less likely to be abused, not only during the election period but afterward? Do the elections, in fact, contribute to the

prospects for economic and social reconstruction, including the return of refugees and the reestablishment of schools, health facilities, and private markets? Do the elections encourage reliance on democratic practices to ensure the management of political conflict? Do elections, held under less-than-optimal circumstances and under a hurried timetable, divert resources from other critical societal needs? What are the consequences of refusing resources for an event that all involved consider pivotal to the success of the peace process?

Our current state of knowledge about postconflict elections and their impact does not allow easy or precise answers to these very difficult and policy-relevant questions. Indeed, our inability to answer these questions definitively only highlights the need for further research and analysis. With this in mind, USAID evaluations have focused on several issues related to postconflict reconstruction. These evaluations have reviewed recent donor experience, identified best practices for addressing the policy and operational issues that have emerged in these settings and, when appropriate, offered concrete recommendations for policymakers. This groundbreaking volume is a consequence of USAID's continuing emphasis on assessment and evaluation. It is a testament to the importance that USAID assigns to meeting the challenges posed by postconflict reconstruction.

1

Postconflict Elections and International Assistance

Krishna Kumar

This volume focuses on a relatively new phenomenon in the democracy promotion activities of the international community: assistance to elections held in countries just emerging from violent internal conflict or even civil war.[1] The decision to hold elections is usually negotiated at the time of a peace accord. The purpose of such postconflict elections is a dual one: like all elections, they seek to install a legitimate, democratic government; in addition, they also attempt to consolidate fragile peace agreements into a lasting peace under a democratic system. Postconflict elections are thus extremely delicate and complex undertakings.

This volume presents eight studies of postconflict elections, authored by the scholars who carefully followed their evolution from firsthand experience of them. The studies explain the nature and context of postconflict elections, outline the process through which they were planned and carried out, and analyze the role the international community played in the undertaking. In addition, the case studies shed light on the effect of these elections on the promotion of democracy and consolidation of peace in the countries.

A few terms used in this volume need to be clarified at the outset to avoid confusion. The expressions "postconflict societies" and "war-torn societies" refer to countries in the aftermath of violent internal conflict. Such conflicts end because of successful negotiations leading to the signing of a peace accord, as was the case, for example, in El Salvador and Mozambique; or they come to an end when one party wins the war, as happened in Ethiopia. The term "postconflict elections" indicates the first national or regional elections held at the end of a civil war. These elections are usually held with considerable assistance from, and monitoring by, the international community. The term "international community" refers to all the multilateral and bilateral agencies, international organizations, philanthropic organizations, relief agencies, and private sector firms involved in development, conflict resolution, and humanitarian assistance.

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"Electoral assistance" refers to the set of economic, technical, and political programs financed and often implemented by the international community for governmental institutions, political parties, civil organizations, and other organizations involved in planning and conducting the elections. Electoral assistance may include support for a wide range of activities, from advising in the drafting of the necessary electoral legislation to organizing the tabulation of the votes. It should not be confused with international election monitoring undertaken to ensure that free and fair elections are being conducted in a country. The latter is just one of the many programs that are part of electoral assistance, and not necessarily the most important one, despite its visibility.

The Objectives of Postconflict Elections

The most obvious objective of postconflict elections is to transfer power to a democratically installed government that enjoys national and international legitimacy and is able to start rebuilding the country. The principle that people should choose their governments through free and fair elections is being increasingly enshrined in international law. Consequently, at the end of a civil war, there tends to be a consensus among the conflicting political parties, many civil society organizations, and particularly the international community that the country should have democratic elections to select a new government or a constituent assembly to draft a new constitution. During the past decade, international donor agencies have generally, though not always, insisted that competitive elections are a necessary condition for the flow of foreign assistance. Only in a few cases, such as Eritrea, Uganda, and Rwanda, did the countries receive massive international assistance in the absence of elections.

The second objective of postconflict elections is to initiate and consolidate the democratization process in the country. At least in public discourse, elections are viewed not as one-time events but as a first step toward nurturing democratic institutions after the war. The international community has justified huge expenditures on elections in countries such as Cambodia, El Salvador, and Mozambique on this ground. In many countries of Africa and Asia, postconflict elections represented the very first opportunity ever for citizens to participate in a relatively free and fair election.

While one cannot question the importance of this objective at the normative level, it remains doubtful whether postconflict elections can always achieve it. There are examples of transition elections held with great hope that failed to promote democracy, for example, in Haiti after the fall of Papa Doc Duvalier or more recently in Sierra Leone. One-time elections do not make a democracy. The nature, direction, and pace of democratization

are conditioned by a number of factors and circumstances both internal and external to a society. The sociocultural traditions, literacy and education, industrialization, urbanization, and the vitality of the emerging middle class are some of the major factors associated with the institutionalization of democracies.

The third objective of postconflict elections is to promote reconciliation between the parties that were formerly at war with each other.[2] Postconflict elections are supposed to transform a violent conflict into a nonviolent one: ballots take the place of bullets. They are expected to enable the former warring parties to pursue their conflicting ideologies and programs in a peaceful fashion. Elections give all factions an opportunity to present their agendas to the citizens, debate with their opponents, and mobilize public opinion to capture political power. Like other elements of a democratic system, elections contribute to the institutionalization of a conflict resolution mechanism in the body politic.

Problems arise because the above three objectives are not always mutually compatible with the hard realities of the postconflict societies. As the study of Angola indicates, premature postconflict elections can stifle rather than facilitate democracy. The rigid timetable for transferring power to a legitimate government can retard development of a sustainable infrastructure for elections. In the absence of adequate safeguards and restraints, elections in ethnically divided societies can be highly divisive, aggravating rather than moderating political cleavages and ethnic tensions. The international donor community has been slow to recognize this fact.

Impediments to Postconflict Elections

The high expectations for postconflict elections are unfortunately accompanied by a conspicuous weakness of essential preconditions for success. Although the situation differs from country to country, depending upon its social and cultural traditions, the severity and duration of the violent conflict, and the devastation caused by it, most war-torn societies lack the political climate, social and economic stability, institutional infrastructure, and even political will to mount successful elections.[3] Despite the signing of a peace accord, postconflict societies are hardly at peace. They remain highly fragmented, polarized, and prone to violence. Deep political cleavages between the warring groups have not yet been bridged, nor have the various factions come to share a genuine commitment to democracy and reconciliation. The law-and-order situation tends to remain unsatisfactory. The presence of ex-combatants poses a continual threat to the stability of the caretaker government and the safety of political parties, and programs aimed at demobilizing former combatants, reintegrating them in civilian society, and setting up a unified, new national army are seldom completed

before the elections take place. Because of poor security, the political parties find it difficult to travel and mount election campaigns in areas formerly under the control of their opponents.

Returning refugees and internally displaced persons further compound the security situation and create political and logistical problems for postconflict elections. With the signing of the peace accord, refugees and internally displaced persons start returning to their communities, without waiting for organized repatriation by international organizations. Often they and the people who stayed during the conflict harbor resentment toward each other, generating social and political tensions in the local communities. The arrival of returnees also complicates the voter registration process. If they remain in camps, procedures have to be established to enable them to vote.

In addition, the political institutions that are essential for competitive elections are either nonexistent or extremely fragile in many postconflict societies. Practically all countries discussed in this volume had authoritarian regimes and thus lacked independent political parties, a free press, or an independent judiciary. Often, the politico-military groups that fought the war found it difficult to transform themselves into democratic parties. An independent press is invariably extremely weak in postconflict societies, if it exists at all. In most cases, the number of newspapers and periodicals is small, and their readership is limited to urban literate classes. The electronic media tends to be a state-run monopoly, and ruling parties long accustomed to manipulating it find it difficult to give up this privilege.

A related problem is the wavering commitment to democratic elections on the part of the conflicting political parties. One is always surprised by the sudden allegiance to elections shown during peace negotiations by political leaders and parties that in the past have shown a marked aversion to them. Parties at the negotiating table may accept elections for reasons other than the acceptance of democracy. Some are confident that they will win the elections and thus continue to rule or assume power. Others accept elections because they are not in a position to publicly oppose them. All such actors are likely to refuse to play by the rules of democratic contestation when they do not favor their victory. Moreover, extremists in all political parties, dissatisfied with the negotiated settlement, seek to undermine the whole process.

Postconflict societies usually lack institutional and technical capacity to hold elections. Many such countries do not have the legal framework for free and fair elections. They lack an election commission, personnel with the technical training to organize elections, and voter lists.

Finally, most postconflict countries lack the economic and human resources to launch competitive elections. Prolonged conflict and economic deterioration have depleted the finances of the state. The migration of trained personnel, coupled with the dramatic deterioration of educational

and training facilities, creates critical shortages of skilled manpower. Pressing economic problems—such as food shortages, unemployment, and inflation—that need urgent, decisive intervention make it difficult for governments to free the resources needed to pay for elections.

Such serious obstacles cannot be overcome without substantial international assistance. Indeed, the international community has been generally involved in a substantial way in the planning, financing, execution, and monitoring of postconflict elections. Ethiopia is the only country in the case studies presented in this volume in which the international community was not deeply engaged in the administration of the elections.

The Role of the International Community

Namibia was the first war-torn country in which the international community led by the United Nations participated in the conduct and monitoring of elections.[4] The United Nations undertook peacekeeping and police operations, helped draft election laws and carry out civic education, assisted in planning and organizing elections, and monitored them. Since then—as the country studies in this volume show—the international community has played similar roles in postconflict societies all over the world. International support for postconflict elections can be classified into four categories.

Peacekeeping Operations

In many postconflict countries, the international community maintains multinational peacekeeping forces under the auspices of the United Nations or regional intergovernmental organizations to monitor cease-fires and to prevent the renewal of hostilities. These forces are crucial to successful elections. Their presence gives a sense of security to the citizenry and has a moderating influence upon those who have not reconciled to a peaceful settlement. They also provide a wide range of support services for postconflict elections, thanks to their efficient transportation, communication, and other logistic facilities. Thus they may assist in diverse tasks such as registering voters, transporting election officials and equipment, protecting candidates in areas that were under the control of antagonistic parties, and helping international observers reach the polling sites on election day.

The involvement of an international peacekeeping force in election logistics is not without problems. It has often created an unwarranted impression among political circles in the host countries that the international community is not an unbiased actor and is directly or indirectly advancing the interests of one side. Consequently, the activities of peacekeeping forces have come under criticism in Cambodia, Haiti, and Mozambique.

While such criticisms are generally unfounded, the international community has become sensitive to them, and has initiated greater transparency in its activities.

Creating Political Prerequisites

Another important role of the international community has been to create the political prerequisites for the elections. Competitive elections require a set of minimal conditions, such as freedom of expression, movement, and organization; existence of political parties that can field candidates and mount election campaigns; and physical security to the people.[5] As indicated earlier, the problem is that most, if not all, postconflict societies tend to lack many of these essential requirements.

In practically all recent postconflict societies, the international community has assisted in the demobilization and reintegration of former combatants. As mentioned earlier, the presence of a large number of armed men belonging to rival groups can pose a major threat to any peace accord. There is always the danger that the party that loses the election might revert back to fighting, as happened in Angola. However, as the case studies show, the demobilization and reintegration process is generally not complete at the time of elections.

The presence of the international community also makes it easier for citizens to exercise their political and civil rights by helping governments implement the necessary legal framework. The international community has provided constitutional experts, financed the visits of host country experts to appropriate institutions in the United States and Europe, held seminars and conferences, and funded other short-term activities.

In addition, the international community often helps the emergence of independent media and moderate political parties in many countries. It has provided training for journalists and, less often, financial grants to newspapers and periodicals to purchase equipment, and it has persuaded governments to provide opposition parties access to state-controlled media. Political parties have received training in holding meetings, raising funds, organizing public rallies, selecting candidates for political offices, and mounting election campaigns. Occasionally, multilateral and bilateral agencies have provided financial and economic support to politico-military groups to transform themselves into functioning political parties in countries like Cambodia, Mozambique, and Nicaragua. Such support is different from the assistance provided by many ideologically oriented voluntary organizations to their favorite parties.

Two general observations can be made about the role of the international community in this area. First, its involvement in creating political prerequisites for elections has varied considerably. On one extreme are countries such as Cambodia, Mozambique, and Liberia, where the interna-

tional community practically took over the entire government and helped to drastically reorganize the polity. The other extreme has been countries such as Ethiopia, where the international community barely played any role. In general, the international community has followed a selective strategy, focusing on a few critical conditions where the need is paramount. Second, the international community has usually had only limited success in creating these conditions, for several reasons. The time frame for holding elections is generally limited, but creating political prerequisites to elections is undoubtedly a long-term process. It requires creating new institutions as a new political culture. For example, the constitutional provision of civil and political rights has little meaning in the absence of a well-established judicial system that can protect the rights of the citizenry, but an independent judiciary cannot be established even under the best of circumstances within the time frame of a couple of months.

Developing Electoral Infrastructure

Probably the most conspicuous role of the international community in postconflict elections is helping the country develop a legal and institutional electoral infrastructure. In countries such as Angola, Cambodia, Liberia, or Mozambique, the international community has had to set up such infrastructures from scratch.

Three areas have been targeted: the establishment of independent election commissions; the organizing of rudimentary administrative structures that can manage logistical tasks; and the strengthening of indigenous civil-society organizations capable of undertaking voters' education and monitoring elections. During the past decade, the international community has acquired remarkable expertise in creating electoral infrastructures even under the most unfavorable circumstances.

Monitoring Elections

While international monitoring is always helpful in routine elections, it is indispensable in the climate of mutual distrust and hostility that characterizes postconflict societies. The presence of outside monitors contributes to the credibility of elections and the acceptance of their outcomes by the concerned political parties. Moreover, it reduces the probability of large-scale fraud and cheating. Observers of postconflict elections are generally in a position to take a comprehensive look at the freeness and fairness of the electoral process because the international community is involved in planning and holding. Often, many of them have been present in the country since the planning of elections. Even those who arrive only at the time of polling are privy to the information and experience of the professional organizations providing electoral assistance. Consequently, international

monitoring of postconflict elections goes beyond focusing on the events of the election day; it also looks at irregularities and manipulations committed during election campaigns.

Monitoring of postconflict elections is indeed a difficult task for conceptual and logistical reasons. Conceptually, the problem arises in actuating the concept of "free and fair." What does it really mean? When is an election free and fair and when is it not? This conceptual problem is compounded in postconflict societies, as the election monitors have to consider the political consequences of their verdict.[6] In some cases, a lack of positive evaluation may trigger renewed hostilities, while in other cases the failure to point out gross irregularities may stifle progress toward democracy. Moreover, the monitors encounter many logistical problems. Because of transportation and communication problems, they find it difficult to reach remote areas. The language and a lack of familiarity with social and political conditions pose another obstacle.

Questions for Case Studies

The case studies of postconflict elections presented in this volume focus on the following three sets of questions.

The first pertains to the elections themselves: What was the overall political and social context in which postconflict elections took place? What were they supposed to achieve? How were the elections planned and conducted? What were the results of the elections?

The second set of questions focuses on the consequences of elections: How did elections promote or hinder democratization and reconciliation processes in these countries? What factors and conditions affected the outcome?

The final set of questions deals with the policy lessons for the international donor agencies.

The countries discussed in this volume were selected to represent different sociopolitical environments and regions, the severity of the conflict, and the nature of the elections.[7] Table 1.1 gives some information about the postconflict elections covered in this volume.

Table 1.1 Elections in Postconflict Societies

Country	Name and date of peace agreement	Date of election	Nature of elections
Nicaragua	Central American Peace Plan, February 1989	February 1990	Presidential, Legislative
Ethiopia	Transition Charter of 1991	June 1992	Regional councils
Angola	Bicesse Agreement, May 1991	September 1992	Presidential, Legislative
Cambodia	Paris Agreement, October 1991	May 1993	Legislative (parliamentary form of government)
El Salvador	Chapultepec Agreements, January 1992	March–April 1994	Presidential, Legislative
Mozambique	General Peace Agreement, October 1992	October 1994	Presidential, Legislative
Haiti	Accord brokered by President Carter, September 1994	June–November 1995 (legislative followed by presidential)	Presidential, Legislative
Liberia	Abuja 11 Accord, August 1997	July 1997	Presidential, Legislative

Notes

1. The U.S. Agency for International Development (USAID) undertook a comparative analysis of postconflict elections conducted in Angola, Cambodia, El Salvador, Ethiopia, Mozambique, and Nicaragua, which was directed by Krishna Kumar. The findings of this study are published as a monograph entitled *From Bullets to Ballots,* by Kumar and Ottaway.

2. It is interesting to note in this connection that Rafael López-Pintor, a pioneer in international electoral assistance, has coined the expression "reconciliation elections." See López-Pintor, "Reconciliation Elections."

3. Two recent works that have examined the social, political, and economic conditions of war-torn societies are "Making Peace Work," by Nicole Ball, and López-Pintor's "Reconciliation Elections."

4. *Nation Building: The UN and Namibia,* published by the National Democratic Institute, discusses the Namibian experience. Also see "Pollwatching and Peacemaking" by McCoy, Garber, and Pastor.

5. Political scientists have long discussed the subject of prerequisites to democratic contestation. See, for example, Linz and Stepan, *Problems of Democratic Transition;* Diamond, Linz, and Lipset, *Democracy in Developing Countries;* Huntington, *The Third Wave;* and O'Donnell and Schmitter, *Transitions from Authoritarian Rule.*

6. See Garber and Gibson, *Review of United Nations;* and Elklit and Svensson, "What Makes Elections Free and Fair?"

7. The USAID study had focused on six countries—El Salvador and Nicaragua (Central America), Angola, Ethiopia, and Mozambique (Africa), and

Cambodia (Asia). Two additional case studies, Haiti and Liberia, were added for the purposes of this volume.

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2

El Salvador: From Reactionary Despotism to *Partidocracia*

Enrique A. Baloyra

The Politics of Limited Land

Before the civil war of 1980–1992, the mere mention of El Salvador conjured up the specter of an overcrowded country under oligarchic domination.[1] During the civil war, El Salvador was called, rightly or wrongly, a textbook case of many things, among which is that the most serious domestic causes of that conflict were a repressive political system, gross inequalities, and the inability to manage conflict through political institutions under the rule of law.

Traditionally the land question was a key social grievance. A 1932 revolt often cited as a prelude of things to come originated in the tenure and use of land exacerbated by the Great Depression.[2] By the middle 1960s, practically all available agricultural land was being farmed, so future increases in production could not hinge on colonization (see Table 2.1). Demand for land was exacerbated by the summer 1969 "Soccer War" with Honduras, which sent thousands of immigrants scrambling back into their homeland and closed a traditional safety valve for the export of Salvadoran surplus labor. In the 1970s the expansion of export agriculture (EXA) diminished the amount of land available for domestic use agriculture (DUA), increased land rents for all agricultural tenants, enlarged the pool of people depending directly on wages that were declining in real terms, and flattened the net output of grain per person (see Table 2.2).[3]

Market forces and state policies worked to increase inequality until 1980.[4] This inequality was man-made and could have been alleviated or reversed by state policies and by market conditions. Remedies were available but they required policy innovation, and mechanisms of political intermediation and contestation were absent or not allowed to function properly.

The descent into civil war may be summarized as a process of regime breakdown in a "praetorian society."[5] Between 1948, when they assumed power in a corporate (or collective, as opposed to a one-man rule) fashion,

Table 2.1 Land Tenure and Rural Incomes in Central America

	Costa Rica (1963)	El Salvador (1961)	Guatemala (1964)	Honduras (1965)	Nicaragua (1963)	Central America Average
Land utilization	52.4	77.6	31.6	21.5	32.5	33.9
Rural density	6.1	13.5	13.8	4.4	5.3	8.1
Farms[a] classified as:						
micro/subfamily	43.2	91.4	87.4	67.5	50.8	76.8
family/small	35.1	6.7	10.5	26.4	27.4	17.0
multifamily medium	20.1	1.5	2.0	5.7	20.3	5.8
multifamily large	1.6	0.4	0.1	0.4	1.5	0.4
Area[a] exploited by:						
micro/subfamily	2.9	21.9	18.6	12.4	3.5	10.8
family small	14.3	20.6	18.9	27.5	11.1	19.1
multifamily medium	41.3	19.8	36.6	32.6	44.1	37.0
multifamily large	41.5	37.7	25.9	27.5	41.2	33.1
Average size (ha)[b]	41.3	7.0	8.3	13.6	37.4	14.5
micro/subfamily	2.8	1.7	1.8	2.5	2.6	2.5
family	16.8	21.4	14.9	14.1	15.4	16.3
all multifamily	158.2	208.2	244.9	134.2	146.3	164.6
Gini index of land	.5430	.5177	.4446	.3680	.5553	.4955
Average income[c]	1,199	581	453	—	902	—
landless families	727	229	340	—	370	—
microfarms	—	302	—	—	380	—
subfamily farms	908	420	220	—	445	—
family farms	1,084	1,408	1,300	—	717	—
multifamily medium	2,117	7,106	8,000	—	2,248	—
multifamily large	20,473	25,748	40,000	—	18,226	—
Families without land[a]	42.4	15.6	16.5	26.1	31.4	22.7

Sources: CIDA/CAIS, *Tenencia de la Tierra y Desarrollo Rural en Centroamérica* (San José: EDUCA, 1973), pp. 26, 70, 72; and Mario Monteforte Toledo, *Centro América, Subdesarrollo y dependencia,* Vol. I (México: Universidad Autónoma de México, 1972), pp. 174, 192–193, 197, 199.

Notes: a. Percentages of the total.

b. All countries utilized different criteria to classify farm size (in hectares):

	Costa Rica	El Salvador	Guatemala	Honduras	Nicaragua
micro	< .7	< 1.0	< .7	< 1.0	< .7
subfamily	.7–6.9	1.0–9.9	.7–6.9	1.0–9.9	.7–6.9
family	7–34.9	10–49.9	7–44.9	10–49.9	7–34.9
multi, medium	35–349.9	50–199	45–895.5	50–499	35–349.9
multi, large	> 350	> 200	> 896	> 500	> 350

c. Average family income is average annual income of the families of economically active individuals engaged in agriculture.

Table 2.2 Living Conditions in El Salvador, by Departments, 1971–1973 (percentages)

Departments	Dwellings without					
	Running Water	Electricity	Literacy Rate	Zero Education	Unattended Deaths	Family Workers
West						
Ahuachapán	72	81	49	57	70	7
Santa Ana	52	61	62	46	69	8
Sonsonate	59	70	56	53	75	6
Central-North						
Cabañas	88	88	46	60	87	26
Chalatenango	84	85	49	57	83	26
Central-Metro						
La Libertad	54	66	60	49	66	7
San Salvador	17	26	79	26	55	2
Central-East						
Cuscatlán	75	80	60	49	88	14
La Paz	70	78	61	48	82	8
San Vicente	76	80	54	54	74	14
Usulután	69	81	49	59	78	9
East						
Morazán	92	92	42	65	88	19
San Miguel	69	78	50	58	77	15
La Unión	86	88	45	63	68	20

Source: Adapted from Segundo Montes, et al. (*El Salvador 1989: Desplazados y Refugiados,* San Salvador: CAU Editores, 1985: pp. 31 and 32, charts 15 and 16).

Notes: Literacy rate is for those older than seven years of age. Zero education is those who never had formal schooling. Unattended deaths refers to anyone dying outside the care of medical personnel. Family workers are those employed without remuneration by their families.

and 1979, when they tried to find a substitute to the regime of "reactionary despotism" that theirs had become, the Salvadoran military hesitated between reform and continuity, trying to act as conflict managers and gatekeepers.[6] Ultimately, they were unable to reconcile conflicting demands.

Salvadoran radicals became convinced that change could come only through confrontation. Moderates hoped change could be a gradual democratization. Capitalist authoritarians were resolved to oppose both. Attempts by workers at organizing unions and engaging in collective bargaining met with increasing repression. Efforts to structure politics around party competition and elections bottomed out in the massive electoral frauds of 1972 and 1977. After that, violence escalated between clandestine leftist organizations and rightist paramilitary groups. In March 1980 this low-intensity conflict became a civil war pitting the government against guerrilla forces unified (under Cuban auspices) as the Farabundo Martí National Liberation Front (FMLN).

Many old scores and resentments were settled, but ethnic rancor was not among them. This was a war over ideology, not ethnicity. The war left

about 75,000 people dead, most of them civilians killed by the armed forces. Thousands were killed by right-wing death squads, units often composed of active-duty military or security force personnel operating with the complicity of some senior officers of the armed forces. Civilian victims were precisely those who had suffered the consequences of the expansion of export agriculture: predominantly young males engaged in agriculture. The FMLN was responsible for about 5 percent of the deaths.[7] By June 1984, the number of internally displaced persons was estimated at 427,892.[8] A half million more Salvadorans may have taken refuge in the United States.

Conflict took place in two interrelated processes. The first was organized violence itself. The second was a regime transition and an expansion of political contestation driven by electoral competition that had been interrupted in 1972 and in 1977. The civil war evolved over four stages:

1. Between January 1980 and December 1982 there was much disorganization, tentative alliances, the grossest and most frequent human-rights violations, relative statelessness, and great social dislocations.

2. The election of March 1982 led to a period of divided government in which the conservative Nationalist Republican Alliance (ARENA) controlled the Constituent Assembly and slowed down reforms. The Christian Democratic Party (PDC) won the presidency in May 1984 and control of the legislature in March 1985. Although ineffective with the economy and unable to end human-rights abuses, the PDC government improved the domestic political climate.

3. From January 1987 until June 1989 the domestic political arena continued to expand and the regional context took a favorable turn. In August 1987 the Central American presidents signed a Procedure for the Establishment of a Firm and Lasting Peace. It called for democratization and national dialogue, amnesty, a cease-fire, and genuine elections. In October 1987 government representatives and guerrillas met in the capital, San Salvador, for a round of negotiations called for by the procedure. In November leftist politicians Rubén Zamora and Guillermo Ungo returned from exile and organized the Democratic Convergence, a coalition of social democrats. ARENA triumphed in the municipal and legislative elections of 1988 and the PDC disintegrated in power.

4. The final stage began in June 1989 with the inauguration of Alfredo Cristiani as president and ended with the final demobilization, on 15 December 1992, of the FMLN and its legalization as a political party. This was a period of intense fighting. It saw the November 1989 offensive in which the guerrillas took the war into San Salvador and six Jesuit priests were murdered by an army patrol. The Jesuits' murder brought an outburst of international condemnation that left the military isolated and unable to

decisively influence a process of reconciliation that greatly diminished its power. Taking advantage of this power vacuum, of the improved willingness to negotiate, and of the new international context, the UN Security Council created a task force, called the UN Mission to El Salvador (ONUSAL), unprecedented in its power within a sovereign country. It deployed on 26 July 1991, with the civil war still going on. ONUSAL fulfilled its proactive agenda and supervised implementation of peace accords signed 16 January 1992 in Chapultepec, Mexico. Later on, ONUSAL's mandate was enlarged to include military, police, and electoral divisions. The mandate was extended through 30 April 1995.

International Electoral Assistance

It was during the 1980s, in the middle of the civil war, that Salvadorans could finally participate in increasingly substantive, inclusive, and fair elections. Those elections did not become the only effective instruments of regime transition, and they could not, by themselves, pacify the country. But gradually the international community came to recognize their salience and validity, and this increased the international legitimacy of the Salvadoran regime.

During the elections a number of foreign governments and nongovernmental organizations lent their assistance. In an early effort USAID allocated $3.4 million to create a new civil registry from which a more accurate electoral roll could be drawn up. A more relevant USAID contribution was its 1993–1994 assistance to the Supreme Electoral Tribunal, channeled through the regional Center for Electoral Assistance and Promotion (CAPEL), the foremost institution of its kind in the hemisphere. CAPEL opened an office in San Salvador, brought in some of its most experienced personnel and consultants from Latin American electoral bodies, trained 16,000 poll workers, and worked closely with the Supreme Electoral Tribunal to improve its efficacy and to conduct mammoth voter registration drives.

The most systematic, decisive, and authoritative venue of international assistance to the elections of 1994 was that of ONUSAL. ONUSAL removed obstacles to citizen participation, reducing the estimated number who could not vote for lack of a voting card from a theoretical 786,386 to 78,113.[9] The task force also made the electoral process more transparent, allowed for better management of conflict and uncertainty through its intermediation, and contributed greatly to the legitimacy of the process. ONUSAL itself cost $7 million. Total external assistance came to $20 million.[10]

One important and more subtle aspect of international assistance was

the observation of elections. Large contingents of international observers created a "public good" by the deterrent effect of their presence. This contributed to a more substantive and impartial process.

Despite this systematic, well-funded, and closely monitored effort, ONUSAL still found fault with a number of things. Many of the shortcomings were blamed squarely on the partisan composition of the Supreme Electoral Tribunal and on the extreme caution with which the magistrates made decisions.[11] There were also a number of familiar, and annoying, contingencies, such as cumbersome registration procedures and an insufficient number of voting precincts. But neither the shortcomings enumerated by ONUSAL nor the contingencies identified by most foreign observers amounted to serious irregularities. And they were not produced by a will acting systematically to alter the result of the election.

An Electoral System of Institutionalized Distrust

During the 1994 campaign President Cristiani remarked that the Salvadoran electoral framework had been based on distrust and that this had served the country well. Institutionalized distrust responds to the lessons of electoral fraud that took place in the 1970s and to the difficult circumstances of the 1980s. It is, he said, a reaction against "the culture of fraud," a term referring primarily to the practices of the military governments of 1931–1979 but also to a legacy that had no room for defeat or for the rules of fair play.

In an agreement signed in Mexico City in April 1991, the ARENA government and the guerrillas committed to a series of changes that would require ratification by the outgoing legislature. One of these centered on electoral matters, which a group called the National Commission for the Consolidation of Peace (COPAZ) and a commission representing all political parties worked on. In January 1993 they presented a proposal that was modified and then enacted by the Legislative Assembly of El Salvador. The 1994 elections were conducted under this code.

Most prominent in the code is the Supreme Electoral Tribunal, whose partisan nature is blamed for the slow and cautious manner in which it conducts itself. While the tribunal is formally "outside the jurisdiction of any state organ," the manner in which its magistrates are selected reveals strong party influence. According to the code, three magistrates are selected from lists presented by the parties with the largest representation in the Legislative Assembly. Two are voted on by at least two-thirds of the assembly, from a list of nominees submitted by the Supreme Court. The president of the tribunal is the nominee of the largest party. All serve for five years.

The tribunal has final administrative and judicial responsibility for the suffrage. Its administrative staff is part of the spoils system, recruited by a quota system allotted to the parties. Party influence is also obvious at lower

levels. Magistrates must appoint all departmental (14) and municipal (262) electoral boards, from lists of nominees provided by the parties. Moreover, the members of voting stations are nominated by the political parties.

On the administrative side, magistrates of the tribunal must also appoint departmental and municipal delegates. The delegates receive all applications for registration made by residents living in their jurisdictions. They issue voting cards to qualified citizens, control all materials pertaining to elections, and support the work of all electoral boards in those jurisdictions. They also receive and transmit all claims made by citizens concerning mistakes in their registration status. This network of delegates constitutes the local branches of the Electoral Registry, which is itself a branch of the tribunal. The Electoral Registry is charged with drawing up the registry from which the voter registration roll is elaborated and of updating the roll every six months, or thirty days before any election.

One innovation resulting from the peace accords was creation of the Board of Vigilance. Flowing from the work of COPAZ and of the party commission, this permanent body is charged with oversight of the tribunal and is independent of it. The board reflects a regional trend. Similar institutions have been created in other Latin American countries responding to a desire for transparency. However, the board consists of representatives of all the political parties, not unaffiliated citizens elected according to other criteria. The Supreme Electoral Tribunal decides the board's budget. In the campaign and elections of 1994, the tribunal and the Board of Vigilance frequently clashed. The tribunal felt ONUSAL was already conducting enough oversight and that the board was enlarging its prerogatives and trying to encroach on those of the tribunal. For its part, the board accused the tribunal of not taking it seriously and of keeping it on the margins of the process.[12]

Institutionalized distrust can be seen in (1) relatively cumbersome procedures for registration, (2) agglomeration of voting stations into an insufficient number of voting precincts, (3) people voting where they are registered, not where they live, and (4) no public transportation being available to citizens on election day.

Registering to Vote

A first casualty of institutionalized distrust is the Salvadoran voter. It takes a considerable act of will to register to vote in El Salvador. According to a Freedom House report, this "is particularly onerous for the working poor, who are paid for seven days of work if they work six days. However, one day off to take care of a registration problem results in the loss of two days' pay—the day taken plus the Sunday bonus." This proved too high a cost to bear for many, who simply gave up after several attempts.[13]

Registering is all the more difficult for illiterates (still a very consider-

able proportion of the adult population), on whom the process itself is lost. But even the better educated may have to stop and think to get the difference between a *SIRE,* a *ficha,* the *carnet electoral,* and the *cédula de identidad.* Citizens must initiate registration by going to an office of the Supreme Electoral Tribunal. There they must show proper identification (such as the cédula de identidad) or bring along two witnesses to fill out the one-page SIRE (an individual's application to register). If the office has a matching birth certificate, the SIRE is approved and the citizen's name registered. The SIRE is returned to the local tribunal office, where it becomes a ficha, waiting to be signed by the voter and picked up. Properly completed and laminated, the ficha becomes the carnet electoral, the voting card. If rejected, voters may present a copy of their SIRE to the local office and demand a response within thirty days.

Despite these obstacles, by 3 March 1994 a total of 2,718,055 citizens had fulfilled the voluntary registration requirements. By various estimates, this represented between 80 and 95 percent of eligible citizens.[14] Absent a centralized register of citizens and with the last census dating to 1974, an unbiased estimate may be impossible.

Citizens must check that their names are on the roll and that the name on their voter card perfectly matches the name on the roll. If either is not the case, voters may demand satisfaction within fifteen days. In the 1994 elections, 79,418 SIREs were disallowed for improper documentation—3 percent of all the names in the electoral roll. By ONUSAL's own reckoning, 25,000 citizens with voter cards did not appear in their local roll.

Casting the Ballot

In the elections of 1994, many voting stations did not begin to function until well after 7 a.m. on voting day, in part because one or more of their members did not show up or were late. When their turn came up, voters waiting in line stepped forward and presented their voter card. The secretary used that to find a voter's name in the electoral roll, retaining the card until the citizen had voted. Ballots were signed by the president and stamped by the secretary of the voting station. The president tore up the detachable corner of the ballot; the ballot was then handed to the voter, who took it to the voting booth. Once they had voted, citizens had their fingers dipped in indelible ink. They signed the official copy of the electoral roll, had their name stamped with the official seal on that copy, and retrieved their voter card. Voting was continuous until 5 p.m.

Ever since the Constituent Assembly election of 1982, El Salvador has used a system of ballots that makes the participation of illiterates easier. All that appears on each ballot are the logos of the parties and coalitions taking part in the election. There were three ballots in the election of March 1994: blue for the presidential, yellow for the legislative, and pink for the

municipal. Voters made a mark on top of the party or coalition logo of their choice.

The immediate postelection process goes like this: At 5 p.m. the voting stations begin scrutinizing and counting the votes. This includes counting the spoiled and leftover ballots; opening the ballots; separating the votes for each party or coalition and counting these aloud; entering the tallies for each; tallying blank, null, and challenged votes; and entering all this information into an affidavit. The original and three copies of the affidavit, signed by all voting station members and party watchers, are taken *in person* to the municipal tribunal office. As many additional copies as there are parties competing are distributed to party representatives. Voting stations immediately inform the tribunal of their results.

Since copies of the affidavit are sent or transmitted directly to the tribunal, there was little reason for delay in reporting final provisional results of the 1994 election. The tribunal had arranged to have its official copies of each voting station affidavit driven or flown to San Salvador. A special computation center had been set up, and CAPEL ran simulations on four consecutive Sundays before the election. Nevertheless, the tribunal took its time before reporting anything.

Outcome of the Elections

ARENA's Armando Calderón Sol was elected president in the May 1994 runoff against Rubén Zamora of the Democratic Convergence-FMLN. The election for the eighty-four deputies of the Legislative Assembly followed what is known as the d'Hondt system of proportional representation in multimember districts, with sixty-four members elected from districts representing the country's fourteen departments, and twenty deputies (plus another twenty to the Central American Parliament) elected at large. Election of the 262 mayors and of municipal councils was by simple plurality, with *all* council seats going to the first past the post.

Some people anticipated that the 1994 general elections would be the "elections of the century." This was, after all, the first time in which the entire political spectrum of the country would be able to participate in balloting in which each party had a reasonable chance to field candidates and campaign. The vote was to be cast in secret and counted openly. What's more, the outcome of the election was to be dictated by these free elections and not by an elite arrangement outside the electoral process. It may have been anticipated that a large voter turnout would translate into an overwhelming victory for the FMLN. Nothing of the sort happened.

Appraisals written afterward referred to this unfulfilled expectation somewhat sarcastically.[15] Forgotten were some precedents that contributed greatly to make the elections of 1994 uneventful. The May 1984 victory of

José Napoleón Duarte settled the point that access to government had to be through genuine elections. The triumph of Alfredo Cristiani in 1989 showed that the political Right could win without fraud. The conservative ARENA and National Conciliation Party (PCN) kept forty-three of their forty-eight seats in the Legislative Assembly, less than a comfortable majority. The Christian Democratic Party's continuing decline left that party with only eighteen deputies, down from twenty-six. The FMLN bloc elected twenty-one deputies and, to everyone's surprise, did better in urban centers unaffected by war than in the rural areas where it had operated for more than a decade. In the municipal elections, the FMLN had its best showing in San Salvador, where it came in second to ARENA. The FMLN showing was impressive, but not where it had been expected, and probably not for the expected reasons (see Table 2.3).

Participation went back to the levels of the early 1980s, with more than 1.3 million valid votes cast on 20 March. The elections for the Legislative Assembly attracted more voters than did the presidential race and the runoff as the parties were somewhat ahead of the personalities. Doubts about the size of the electorate and the true feelings of voters remain, but 86 percent of the public believed the electoral process was going to be useful to the country.[16] Voters were more concerned about crime than with anything else, and the level of turnout was more or less that of the rest of Central America.[17]

The 1994 Salvadoran elections resulted from a process that had been interrupted by fraud and civil war. The Left was incorporated in the political process and became the second strongest force in the elections. Despite protests about some irregularities, none of the contestants challenged the outcome. The international agencies that assisted in the process were satisfied. None of the observer missions with any track record of covering Salvadoran elections put these in doubt. Therefore, unremarkable elections may have been the greatest achievement of 1994.

Consequences for Democracy, Governance, and Reconciliation

From the standpoint of reconciliation, one payoff of the elections of the Salvadoran transition was their "demonstration effect." No one anticipated that the outcomes of war and transition could be reconciled. Ironically, civil war made the elections relevant. International assistance and the determination of Salvadoran democrats made the elections more foolproof. Their outcomes made the peace process possible.

Looking at the elections of 1982, and 1984–1985, one observer concluded that their outcomes allowed for four inferences (see Table 2.3). First, their relevance was vindicated by very high levels of turnout. Second, the more benign approach to ending the civil war, addressing the more

Table 2.3 Party Votes in Salvadoran Elections, 1982–1994

Date, Type of Election	Convergencia Democrática	PDC	ARENA	PCN	Minor Right	Unión Democratica Nationalista	Total Valid
1982, Constituent Assembly	—	546,218 (40.09)	402,304 (29.53)	261,153 (19.16)	152,664[a] (11.21)	—	1,362,339 (88.1)
1984, Presidential	—	549,727 (43.41)	376,917 (29.76)	244,556 (19.31)	95,076[b] (7.47)	—	1,266,276 (89.6)
1984, run-off Presidential	—	752,625 (53.60)	651,741[c] (46.40)	—	—	—	1,404,366 (92.1)
1985, Legislative	—	505,338 (52.35)	286,665 (29.69)	80,730 (8.36)	92,498 (9.60)	—	965,231 (87.2)
1988, Legislative	—	326,716 (35.10)	447,696 (48.10)	78,756 (8.50)	77,581[d] (8.30)	—	930,749 (80.9)
1988, Municipal	—	298,551 (35.68)	389,453 (45.55)	82,057 (9.81)	66,609[d] (7.96)	—	836,670 (84.5)
1989, Presidential	35,642 (3.80)	338,369 (36.03)	505,370 (53.82)	38,218 (4.07)	21,549[e] (2.28)	—	939,148 (93.6)
1991, Legislative	127,855 (12.16)	294,029 (27.96)	466,093 (44.33)	94,531 (8.99)	40,769[f] (3.88)	28,206 (2.68)	1,051,483 (91.2)
1991, Municipal	94,697 (9.14)	307,982 (29.71)	469,517 (45.30)	102,366 (9.88)	38,942[f] (3.76)	22,954 (2.21)	1,036,458 (91.0)
1994, Presidential	325,582[h] (24.90)	214,277 (16.39)	641,108 (49.03)	70,505 (5.39)	56,186[g] (4.30)	—	1,307,657 (92.7)
1994, Legislative	357,085[h] (26.54)	240,451 (17.87)	605,775 (45.03)	83,520 (6.21)	58,446[g] (4.34)	—	1,345,277 (92.6)
1994, Municipal	328,807[i] (24.46)	261,130 (19.43)	597,206 (44.43)	107,110 (7.97)	50,016[g] (3.72)	— —	1,344,269 (92.8)
1994, run-off Presidential	378,980 (31.68)	—	818,264 (68.32)	— —	— —	— —	1,246,220 (96.1)
Averages, 1982–1994:	235,521 (18.95)	386,284 (33.97)	512,162 (44.56)	113,046 (9.79)	68,212 (6.07)	25,580 (2.45)	1,156,626 (90.2)

Sources: Computed from Foreign Broadcast Information Service, Central America (2 April 1982), I; CIDES Centroamérica, *El Salvador, Resumen* III, 109 (28 March–3 April 1984), p. 1; "Cómputos Oficiales, 25 de Marzo de 1984," and "Cómputos Oficiales, 6 de Mayo de 1984," in *Estudios Centroamericanos,* XXXIX, 426–427 (April-May 1984), pp. 365–366; *Diario de Hoy,* 2 April 1984, p. 54; *Estudios Centroamericanos,* XL, 438 (April 1985), p. 223; "Resultados Oficiales, 20 Marzo 1988," *Estudios Centroamericanos,* XLIII, 473–474 (March-April 1988), pp. 285–295; Consejo Central de Elecciones, *Elecciones Legislativas, 20 Marzo de 1988* (San Salvador: Consejo Central de Elecciones, 1988); Consejo Central de Elecciones, *Elecciones Presidenciales, 19 de Marzo de 1989* (San Salvador: Consejo Central de Elecciones, 1989); INCEP, "Reporte Político," *Panorama Centroamericano,* LXVIII (March 1991), p. 9; Consejo Central de Elecciones, "Escrutinio final por departamento, Elecciones para diputados del 10 de Marzo de 1991," *Estudios Centroamericanos,* XLVI, 509 (March 1991), pp. 225–226; Tribunal Supremo Electoral, "Escrutinio Final": 30 March 1994 (presidential), 5 April 1994 (legislative), and 7 April 1994 (municipal); Tribunal Supremo Electoral, "Escrutinio Final," *Document 19,* 27 April 1994, 5:00 p.m.

Notes: Parentheses refer to percentages.

Average 1982–1994 is the average of the percentages of the vote. Their sums are larger than 100 percent.

a. Includes Acción Democrática (AD), Partido Popular Salvadoreño (PPS), and Partido de Orientación Popular (POP).

(continues)

Table 3.2 continued

b. Includes AD, PPS, POP, Partido Auténtico Institucional Salvadoreño (PAISA), and Movimiento Estable Republicano Centrista (MERECEN).

c. Running as Unión Patriótica Nacionalista (Nationalist Patriotic Union, UPN) with the support of PAISA and PPS.

d. Includes AD, Movimiento Auténtico Cristiano (MAC), Unión Popular (UP), and Partido Auténtico Republicano (PAR).

e. Includes AD, PAISA, POP, PAR, and Liberación.

f. Includes AD and MAC.

g. Includes MAC, Movimiento de Unidad (MU), and Movimiento de Solidaridad Nacional (MSN).

h. Includes FMLN (287,811), Convergencia Democrática (59,843), and Movimiento Nacional Revolucionario (9,431).

i. Includes FMLN (276,124), Convergencia Democrática (46,137), and Movimiento Nacional Revolucionario (6,546).

political aspects of its origins, was vindicated by the Christian Democratic victories of May 1984 (presidential) and March 1985 (legislative), which ARENA could not totally repudiate once in power. Third, the electorate behind ARENA was not so much in favor of a cleansing or a "final solution" as it was afraid that El Salvador could become another Nicaragua. Finally, the electorate remained skeptical of the efficacy of elections in solving the war.[18]

That ARENA and the Christian Democratic Party eventually found ways to compete and compromise in a civilized fashion induced the social democrats to return to the country in 1987–1988 and to integrate themselves into the electoral process. In turn, their presence implied that the guerrillas could eventually incorporate as well. The alternative to this reconciliation, which preceded but was insufficient to produce a reconciliation between government and guerrillas, would have been a hegemonic system. This could have come only from a military triumph or from some kind of electoral landslide. But neither war nor elections produced a hegemony, and the only viable approach was to manage conflict through party competition.

The chance to organize as a political party and eventually win a competitive election helped change the perspectives of extremists, whether conservatives or guerrillas. The fact that in 1982, 1984–1985, and 1988–1989 the opposition became the government was unprecedented. In those elections the "oligarchy" took the lead in the search for votes and developing party organization. Guerrillas hoped that they, too, could take advantage of this.

Elections and the Centrality of Political Parties

The political system that emerged from the war was a *partidocracia*—a party-based democracy. Party control or vast party influence over a politi-

cal system is not necessarily undemocratic. Politics driven by party control and competition is not necessarily an elite cabal taking place in a vacuum. It presupposes a system requiring networks of grass-roots activists that are no less representative than those of civil society.[19] In short, politics as a system of parties is not necessarily less democratic than politics as social movements. But while politics as a hegemony of parties is not necessarily undemocratic, it does create tendencies that are hard to check. One is exclusion. The Salvadorans were able to overcome that when they incorporated the former guerrillas. Another is corruption, the most probable cause of political decay in Latin American democracies.

What minimal coherence the Salvadoran regime had during the civil war was due to the political parties—an indication of the parties' viability. From the standpoint of governability, one other indication that both the Christian Democrats and ARENA were true political parties was that party discipline facilitated executive-legislative relations during the war. Party discipline also aided the peace process, as it was necessary for the assembly to ratify agreements and move with deliberate speed.

The centrality of parties also affected the Salvadoran Left. For reasons of survival during the war, the five factions of the guerrilla movement set aside their historical differences and built a coalition. When they joined the electoral process in 1994, they did the same, going united into the contest. Now the stakes were political effectiveness, rather than survival. There was no other option than to proceed in this fashion if they wanted to have a chance at becoming a viable electoral force. Although they may have preferred to remain a social movement, the logic of electoral competition forced the guerrillas to become civilian political-party organizations.

Nowhere is the impact of party control more lopsided and less justifiable than in the constitution of municipal governments across the country. In the municipal elections of March 1994, ARENA received 44 percent of the vote, but the winner-take-all system gave it control of 206 out of 261 local government councils (79 percent), which is inequitable and unfortunate. It not only distorts the popular will but also compromises a process of power devolution that sought to transfer initiative and resources to local governments.

Elections and Negotiations

By using the elections to rebuild the domestic political arena, Salvadoran politicians showed that theirs was not a failed or bankrupt state. But they knew that elections would not be enough.

In October 1984 President Duarte led a government team to a meeting with the FMLN at La Palma, a town in the department of Chalatenango often held by the guerrillas. Thousands of people turned out to support the talks and to demonstrate for peace. There were further meetings, but

various factors conspired against the effort. These included skepticism of the United States, and rancor between the Christian Democratic Party and the Democratic Revolutionary Front (which later became the Democratic Convergence). Duarte's failing health and vulnerability at home, opposition by the conservatives, and the regional political context were also factors.

In his 1989 inaugural address, Alfredo Cristiani proposed permanent, reserved, and substantial negotiations with the FMLN to end the conflict. Whatever his intentions, elections had put in place a president with a much stronger position than Duarte's. The two sides met in Mexico City on 13–15 September 1989 and agreed on a series of procedural norms. In January 1990 Cristiani asked UN Secretary-General Javier Pérez de Cuéllar to mediate in the negotiating process. In April the FMLN and the Salvadoran government signed the Geneva Accords, which opened a new phase of negotiations.[20]

The FMLN used the negotiations of 1989–1991 to extract a number of concessions from the government. These were part of the package of institutional changes that it considered indispensable for the democratic regime to function and for it to put down its weapons. The guerrillas wanted to reach agreement on a wide range of reforms before they would disarm. For its part, the government insisted that it would discuss changes in the military and in the political system only *after* the FMLN laid down its weapons. President Cristiani was adamant that his government would not accept an armed peace or a temporary truce.[21]

The two sides did not see eye to eye until they came to two realizations: first, that it was to their advantage to redefine the role of the armed forces in politics; second, that political incorporation could not be completed until the agent that had unhinged it in the past was neutralized. In the middle of the civil war, oligarchs and guerrillas alike realized they would not be able to curb the military without the rule of law and competitive elections. They took advantage of this coincidence of interests to end the "praetorian cycle" in El Salvador.

Diplomacy played a crucial role in marshaling an agreement, but the ultimate successful implementation of the Accords of Chapultepec and the process of reconstruction could not have been improvised by negotiation alone. The Salvadorans had learned some hard lessons. These lessons, reinforced by important changes in the regional and global context of their civil war, led them to modify their attitudes and to commit themselves to a negotiated solution. This commitment crystalized before and was reinforced by the results of the negotiation and implementation process. It kept that process moving forward despite the efforts of some to derail it.

The election campaign of 1994 began when FMLN leaders returned from exile and the battlefield to San Salvador, following enactment, on 23 January 1992, of the Law of National Reconciliation. On 1 September the

FMLN leadership swore allegiance to the constitution and laws of El Salvador. The FMLN was officially recognized as a political party on 14 December, the day the last group of guerrillas was demobilized. The campaign turned out to be about who could do a better job of rebuilding the economy and reconciling Salvadorans. FMLN incorporation was necessary for this normalization but, apparently, was not the central concern in voters' minds at the time of the elections of March and April 1994.

Elections, the Rule of Law, and the Security Forces

Absence of the rule of law characterized Salvadoran political regimes before the civil war. As a result, the judicial system could not be counted on for much during the transition. This seriously undermined the ability of the government to deliver justice and guarantee citizens' rights. Inability to end the slaughter raised serious questions about the complicity and involvement of the government. From 1983 through 1987 USAID earmarked $13.7 million to improve the judiciary but could spend only $5 million in a system that lacked "the ability to routinely deliver fair and impartial justice."[22]

The highest levels of popular participation and the most bitterly fought elections took place precisely during the period when the greatest violations of human rights were taking place, during 1982–1984. That by itself doesn't necessarily mean that a majority of Salvadorans participated in elections to repudiate the violence. But a more modest claim *can* be made that the uncertainty and terror created by the death squads could not intimidate voters enough to derail electoral competition.

Gains in the rule of law through elections were primarily indirect. The elections brought to office first a Christian Democratic government (1984–1989) that did not condone the death squads. That government introduced some innovations. It wanted to reform the judiciary and was more open to international scrutiny.[23] Then an ARENA government came to power (1989–1994). Because of its rightist origins, it had to look transparent in its treatment of judicial issues. It even yielded a measure of sovereignty to the UN mission so that it could fulfill its unprecedentedly proactive mandate.

The first chapter of the Accords of Chapultepec is not about agrarian reform or social security but about reorganizing the armed forces and subordinating them to the rule of law. The accords addressed the doctrinal principles and educational system of the armed forces; removal of officers unfit for service and an end to military impunity; disbandment of the so-called infantry battalions of rapid reaction (which were frequently accused of atrocities); subordination to civilian authority and proscription of paramilitary bodies; and suspension of forcible recruitment.[24] This was followed by the longest chapter in the agreement. It provided for the establish-

ment, training, staffing, controlling, indoctrinating, coordinating, and deploying of a new National Civil Police independent of the armed forces.[25]

Because the rule of law became such an important aspect of the agenda of negotiation, a number of innovations were included in the third chapter of the Chapultepec agreement: creation of a National Council of the Judiciary, of a judicial training school to be administered by the council, and of a National Counsel for the Defense of Human Rights. Around the time of the 1994 elections, the Bar Association of El Salvador conducted an election, in which 80 percent of its members participated, to produce a list of forty-two jurists who would become candidates for the Supreme Court. The National Council of the Judiciary produced a similar number of candidates.

But restoring or inaugurating judicial institutions does not by itself guarantee the creation of a law-abiding culture. Moreover, in the view of Msgr. Gregorio Rosa y Chávez, there has been no reconciliation in El Salvador. Monsignor Rosa y Chávez, the auxiliary bishop of San Salvador and a sometime mediator between the government and the FMLN, observes that the perpetrators of the more serious offenses have not been brought to justice and have not been exposed. When the UN Commission on Truth, a body called for in the peace agreement, issued its report, the Salvadoran government took issue with it, and the Legislative Assembly passed an amnesty law. Nevertheless, Msgr. Rosa y Chávez detected no groundswell for vengeance, at least among the more humble citizens—the ones who had suffered the most. As a practical matter, human-rights violations were so widespread on both sides that going after offenders would have left very thin leadership at the top.

Role of the Media

The mass media at the beginning of the Salvadoran transition were in a condition little different from the country's judicial institutions: they were there, but they did not perform the functions associated with them in open societies. To be sure, the civil war brought with it a number of natural restrictions. But the very manner in which the dominant elements of the Salvadoran media approached the job left much to be desired.

During the 1980s it was difficult, from Salvadoran printed media, to follow the course of the war and of the transition process. Wire information was reported incompletely or not at all, as long circumlocutions enveloped poorly or clumsily stated facts, with little distinction between fact and opinion. To make matters worse, some stories were spread out in small sections over several pages of the paper. It appeared as if the editors were challenging readers to stay with the story. Very often one could not tell that a civil war was going on from reading the Salvadoran press.

During the Duarte presidency, things began to improve. Local radio

stations began to interview social democratic leaders in exile and to feature more broad-based coverage, which, though unsympathetic to the rebels, earned the wrath of violent rightists. Numerous threats were delivered, and some were acted on. As usual, no one was apprehended. With the return of the social democrats in 1987–1988, coverage was amplified, and the larger outlets expanded to include all segments of the political spectrum. During this time, the FMLN used broadcasts (through its own station, Radio Venceremos) with great effectiveness. Indirectly, this may have contributed to gradually easing censorship and allowing others to catch up.

Given this record, it is hard not to view as undeserved self-praise claims that, on the whole, Salvadoran radio and television contributed greatly to advancing democracy in the country. If anything, Salvadoran media were remiss during much of the war.

Recent improvements in the coverage of domestic politics and elections have diverted the mainstream media from a collision course with the democratic process. The overall conclusion, though, is that not much should be expected of the media's role in ensuring the integrity of elections and of the democratic system. Given the mix of ideological agendas and profit motives, it is probably too much to expect that, as a whole, Salvadoran media have become a bulwark of democracy and stand ready to denounce abuse of power. As a result of the recomposition of the domestic political process, it is more likely that abuses and violations will not go undenounced. But there remain many outlets and interests willing and able to defend officialism and to justify its excesses.

Lessons Learned

Efficacy of Elections

Free and fair elections were a central concern to all parties, which suggests that a distribution of power produced by elections may be more legitimate and long-lasting than anything arranged at a negotiating table. But these need not be mutually exclusive. Salvadoran conservatives would not likely have accepted power sharing unless it came as a result of elections. Absent a negotiated security arrangement, it is doubtful the guerrillas would have become a political party and competed in elections.

Rigged elections were one of the causes of civil war in the 1970s. Free competitive elections were instruments of regime transition in the 1980s that laid the basis for transition of power in the 1990s. The ruinous armed conflict made political incorporation more difficult for the guerrillas to resist. The elections helped make war unnecessary. What remained to be seen was whether the rebels could participate on equal terms, without fear for their lives and without the possibility of reverting to old patterns.

But one should be careful not to assume similar initial conditions in other situations and adjust the timing and nature of elections accordingly. Elections following a civil war driven by ideological considerations may have much greater efficacy than in those driven by ethnic hatred.

Context of the Elections

There were no ethnic or religious factions to reconcile in El Salvador. The protagonists did not see themselves as proxies or subordinates of the superpowers. Direct foreign participation in fighting was minimal, and there were no foreign armies on Salvadoran soil.

But there was diplomacy. Central American presidents in the late 1980s, and the United Nations and the so-called four friends of the Secretary-General (the presidents of Colombia, Mexico, Spain, and Venezuela) in the early 1990s, played key roles in facilitating negotiations.

Some unfortunate consequences of the war actually helped alleviate problems that created the conflict in the first place. Emigrants' remittances had social consequences. In 1989, 42 percent of Salvadoran families had a relative living in the United States and were receiving an average of almost $150 a month.[26] This loosened the tradition of patronage and softened some of the constraints that had choked the economic options of families and individuals. This contingency was favorable but is hard to reproduce elsewhere.

Security Issues

That the national revolts and civil wars of Central America did not become a regional conflict was a result of (1) the decision of national governments to fight their counterinsurgencies relying on external assistance but without regional alliances; (2) diplomatic initiatives through which the Central Americans found the means to increase their autonomy relative to the United States; and (3) a level of superpower involvement that was well below that in other regions.

The civil war itself had its nuances peculiar to the country. For a greater part of the conflict, the relatives of the protagonists were not targets of violence. There were lulls as the rainy season, from March to October, made operations difficult. Lulls also occurred because many FMLN fighters spent considerable periods of time outside the country. Though savage and vicious, this war, fought over politics and ideology rather than ethnic hatred, was not a fight to the death. Nonetheless, there were crucial issues of security. The FMLN was irresponsible and duplicitous in the required reporting of its weapons inventory to ONUSAL. In this regard, monitoring is indispensable.

Electoral Innovation

During the 1994 elections the two leading presidential candidates agreed to implement residential voting, proportional representation for the election of municipal councils, the new Electoral Registry, and a single identity document for all citizens. They also agreed to an administrative reform of the Supreme Electoral Tribunal. By December 1996, however, very little had been done. This suggests that institutionalized distrust is alive and well. Donors must continue to help Salvadorans develop a more equitable and user-friendly system of elections.

Innovations in Technical Assistance

Getting around this institutionalized distrust calls for strategic planning. Both the tribunal and the larger political parties are stakeholders who will probably resist head-on efforts by civil society to wrest from them the management of elections and the leadership in electoral competition. The voting process is still unnecessarily difficult. If residential voting is not going to be implemented, electoral assistance ought to include support for transportation on election day. If voting registration continues to have high thresholds, another component of aid should be earmarked for facilitating the process.

Political Models

El Salvador's political system emphasizes caution and gives wide margins of negotiation to elites. It is not conducive to maximum participation. If that system is to be reformed from within, the leadership of the political parties will have to undergo major changes in norms and in attitudes—an evolution not likely in the short term. As for technical matters, the system of proportional representation has apparently served the Salvadoran electorate well in choosing its legislative assembly. Ballotage, a system of runoff presidential elections, has been in place for some time and is not likely to be tinkered with. By contrast, the scandalous winner-take-all system in municipal elections cannot be maintained much longer without causing a crisis of confidence and legitimacy.

Elections and Reconciliation

While no panacea, the El Salvador experience suggests that in civil wars driven by ethnic hatred (as El Salvador's was not), elections still may be considered confidence-building measures. In these cases, the stakes are higher, and elections may accomplish less. Still, if conducted on a limited regional or local basis, they may showcase the positive effects of reconcili-

ation. Such elections may start fairly early during the conflict but should be confined to areas where there is a realistic chance that they may produce legitimate government and a security accommodation between the parties at war. Linked to this protracted approach are two additional measures:

1. Doing more or less: In a civil war, all assistance is political. Electoral assistance was a tiny fraction of the massive assistance El Salvador received during the civil war. But it was effective because other things were put in place. Humanitarian, developmental, and political concerns are linked. That suggests that choices between remedying malnourishment and giving electoral assistance are clear-cut but false. Which is more urgent—that people are fed and housed, or that they are safe, or that their government is accountable? There are causal connections between these. It is time to think of assistance more comprehensively. Elections help put responsible governments in place.
2. Sustaining gains: Those with a stake in maintaining a democratic regime in El Salvador should provide civil society with the means to guarantee relief to ordinary citizens when political parties and electoral authorities fail to live up to promises of reform. For example, civil society groups could help register voters, drive them to polling places, and help orient them once they arrive. In addition, donors should consider linking future assistance to national electoral authorities' fulfilling promises of electoral reform. No one can guarantee that this will increase voter participation, but greater transparency will hurt no one.

Postcript

The arrangements put in place and under which the elections of 1994 were conducted did not unhinge at the first opportunity. As a matter of fact, institutionalized distrust remains intact. None of the commitments subscribed to by Armando Calderón Sol and Rubén Zamora in 1994 were passed into law by the Legislative Assembly in time for the legislative and municipal elections of 16 March 1997. People continued to be greatly inconvenienced by having to vote where they registered, not where they live. This may explain, in part, the relatively low level of turnout.

Of the slightly over 3 million citizens who registered for the election, about 2,700,000 or 90 percent of those registered completed the process by claiming their electoral identification cards. Nevertheless, judging by the number of valid votes issued in the legislative election, which totalled 1,159,441, there was massive abstentionism.

Thirteen of the fourteen registered parties entered their candidates into a contest in which ARENA won by a narrow margin of 396,301 votes against 369,709 for the FMLN, which retained its status as the second

political force in the country. This came despite the fact that the FMLN coalition witnessed the departure of two of its five organizations. ARENA's share of the 262 municipal councils was reduced to 162, with the FMLN capturing 48 including San Salvador, behind the candidacy of Héctor Silva. The PDC continued its decline, falling behind the PCN into fourth place. Therefore, except for some minor adjustments and the usual attrition of flash parties on the fringes, the elections of 16 March 1997 more or less ratified the center-right versus center-left alignment of 1994. Of the 84 deputies in the Legislative Assembly, ARENA kept 28, the FMLN got 27, the PCN got 11, the PDC got 7, and the rest went to minor parties.

As was the case in 1994, there was nothing really remarkable about the campaign and the elections.

Notes

1. Colindres, *Fundamentos;* Durham, *Scarcity and Survival.*
2. Anderson, *Matanza*, pp. 35–37.
3. Bulmer-Thomas, *Political Economy*, pp. 201–207, 218–224.
4. Lindo-Fuentes, *Weak Foundations*, pp. 186–188.
5. "Praetorian" is a society in which not only the military but other social forces intervene *directly* in politics. See Huntington, *Political Order*, pp. 194–197.
6. Baloyra, *El Salvador*, Chapter 4. For "reactionary despotism," see Baloyra-Herp, "Reactionary Despotism," pp. 308–314.
7. For more details, see Naciones Unidas, *De la Locura a la Esperanza*, Volume 2, Part 5.
8. See Montes, *El Salvador 1985,* pp. 36, 200.
9. Baloyra and Rial, "Informe Técnico Final"; International Republican Institute, "El Salvador Election Observation Report."
10. International Foundation for Electoral Systems, *Election Observation,* pp. 17–18.
11. See United Nations Security Council, S/26606, pp. 4, 14.
12. See Instituto de Estudios Jurídicos de El Salvador, "Junta de Vigilancia Brinda Informe."
13. Freedom House, *Mission to El Salvador*, p. 4.
14. A contrast between International Foundation for Electoral Systems, *Election Observation,* p. 13, and Interparliamentary Union, *Report of IPU Mission,* p. 6.
15. Alcántara Sáez, "Las 'Elecciones del Siglo' Salvadoreñas."
16. Instituto Universitario de Opinión Pública, "La Opinión Pública de los Salvadoreños Sobre las Elecciones," p. 178.
17. Seligson, et al., "Who Votes in Central America?" pp. 153–160.
18. Baloyra, "Dilemmas of Political Transition," p. 238; Baloyra, "The Salvadoran Elections," pp. 18–24.
19. A point made for the Venezuelan case by Crisp, Levine, and Rey in "The Legitimacy Problem," pp. 148–158.
20. For the text of the accord, see United Nations, *The United Nations and El Salvador*, Document 11, pp. 115–116.
21. For an account of the dynamics of negotiation based on the notes of one of

the negotiators and on interviews with several of them, see Juhn, "A Conspiracy of Peace."

22. United States General Accounting Office, *Efforts to Improve the Judicial System,* p. 6.

23. Baloyra, "Negotiating War in El Salvador," pp. 128–130.

24. Text in United Nations, *The United Nations and El Salvador*, pp. 194–198.

25. Ibid., pp. 198–205.

26. Montes, *Las Remesas que Envían los Salvadoreños*, pp. 29–30, 50, 59.

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3

Nicaragua's Measured Move to Democracy

Rafael López-Pintor

Decades of Disaster

The political conflict that underlay the 1990 Nicaraguan elections was rooted in historical conditions of domestic tyranny and foreign interventions, most recently by the United States and the Soviet Union. The conflict involved both class struggle and resistance to autocratic rule. It was embedded in an ideological left-versus-right contest at the national and international levels that was characteristic of the Cold War.

At the time of the conflict, Nicaraguan society was still recovering from the apocalyptic earthquake of December 1972, which practically destroyed the capital city of Managua. On top of that, the warfare that put an end to the dictatorship of Gen. Anastasio Somoza Debayle cost an estimated $500 million, not to mention the loss of life and limb. The civil war of the 1980s generated an estimated 70,000 casualties and more than half a million exiles and displaced people. By the beginning of 1997, the economy had not yet recovered from these disasters.[1]

Three main factors contributed to the end of the conflict. First, the international context changed drastically. Beginning in 1987, the leftist Sandinista government, which had replaced the Somoza regime, was bound by a number of international regional agreements calling for democratization and peace in Central America. There were also Soviet president Mikhail Gorbachev's policies of perestroika (economic and bureaucratic restructuring) and glasnost (openness), along with diminished economic support from the Soviet Union. Second, the economy was in dismal condition, with public spending largely being absorbed by a war in which the U.S. government clearly armed and trained the adversary. Finally, the country was rife with discontent over economic hardships, military conscription, personal insecurity, and loss of life. These factors pushed the Sandinistas toward negotiations and spurred them to grant their opponents conditions of political pluralism and democratic elections.[2]

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In August 1987, in Esquipulas, Guatemala, the presidents of five Central American countries (Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua) signed the Procedure for Establishing a Firm and Lasting Peace, a regional peace plan designed by Costa Rican president Oscar Arias Sánchez. The plan (also known as Esquipulas II) led to negotiations between the Sandinista regime and the Nicaraguan Resistance (consisting of the three main counterrevolutionary, or Contra, groups). The two sides signed a cease-fire agreement in March 1988 at Sapoá, Nicaragua.

Esquipulas II also called for holding free and fair elections in the region. In February 1989, following a meeting at Tesoro Beach, El Salvador, Nicaraguan president Daniel Ortega pledged to reform the electoral law and call for general elections, to be held in February 1990, monitored by international observers. On the eve of a meeting in the small town of Tela, Honduras, in August 1989, Ortega accepted opposition demands for electoral reform. Then the government accepted changes in election and media laws that improved the chances for democratic elections.

In March 1989, Nicaragua's foreign minister asked the United Nations (UN) Secretary-General for an observer mission to monitor the electoral process. The same month, President George Bush met with Jim Wright, Speaker of the House of Representatives, and agreed to end U.S. assistance to the Contras. Secretary of State James Baker and the congressional leadership then sealed a bipartisan accord supporting the peace framework, denying military aid to the Contras, and calling for humanitarian assistance to the Nicaraguan Resistance through the February 1990 general elections.[3]

The elections were called in an atmosphere of relative peace. The civil war had been fought in areas near the border with Honduras, which sheltered the Nicaraguan Resistance combatants. Although demobilization and disarmament would not be complete until after the elections, the political and security situation was entirely different from that of the elections of 1984, held in the middle of the civil war.

Those elections were viewed by international observers as technically correct but politically flawed.[4] The main opposition parties withdrew from the race, alleging an absence of conditions for free competition. The experience may have taught the government to have a more open and conciliatory outlook in 1990. It may also have helped opposition parties develop a more pragmatic approach in negotiating changes in electoral legislation.

International Electoral Assistance

From the standpoint of international political and technical assistance, the elections were a historic landmark. They marked the first time that international electoral assistance was given to a sovereign nation in a very significant amount. Responsible for this assistance were the U.S. government, the

"Friendly Countries Club" (Costa Rica, Venezuela, and Spain), the Jimmy Carter Council of Freely Elected Heads of State, the United Nations, and the Organization of American States (OAS). Some of these missions visited Nicaragua in March 1989 (shortly after the government accepted the ground rules for the elections) and helped draft specific recommendations for reform.

A UN technical assistance mission visited the country in April and May 1989. The subsequent report was taken into account to establish an observer mission in July. Similarly, the OAS looked for financial support from the governments of the United States, Spain, France, and Sweden to establish its own observer mission. A third mission dealing exclusively with political aspects was led by former U.S. president Jimmy Carter.

The Sapoá accords and the cease-fire of 1988 prompted a flow of humanitarian assistance from both the United States and different UN agencies. The aid had considerable effect in creating an atmosphere of confidence in a more peaceful future for which the elections may have been viewed as a positive step. Included in the assistance was $10 million for support of a verification commission, called for in the Sapoá accords. The money was part of a 1988 U.S. Agency for International Development (USAID) $47.9 million package of humanitarian assistance to the Nicaraguan Resistance. The most important assistance package, though, was a $12 million congressional appropriation for a variety of programs supporting democratic elections (see Table 3.1).

The importance of U.S. electoral assistance may be summarily assessed by stating that no relevant sector of Nicaraguan society was left without a share in this fund. Beneficiaries included the electoral authority and all parties of the opposition, democratic civic groups, trade unions, and

Table 3.1 U.S. Funds Granted to the Nicaraguan Electoral Process (U.S.$)

National Endowment for Democracy	7,685,000
Unión Nacional Opositora	1,800,000
Supreme Electoral Council	1,800,000
Institute for Electoral Promotion and Training	1,500,000
Vía Cívica	220,000
Nicaraguan Labor Federation	493,000
Activities consistent with legislation	970,000
Management, oversight	897,000
Organization of American States	3,000,000
President Carter's Council of Freely Elected Heads of State	400,000
Interamerican Institute for Human Rights/CAPEL	400,000
Center for Democracy	250,000
Office of the inspector general and one election expert	180,000
Freedom House	82,000
Total	11,827,000

Source: USAID, 1989.

independent media. Furthermore, two of the three main observer missions (OAS and Carter) and some of the minor ones (Freedom House, the Costa Rica–based Center for Electoral Assistance and Promotion) were basically financed by direct U.S. aid. By all accounts, the international missions made an important contribution to the conduct of these elections. The missions cooperated with one another and labor was divided functionally among them: Carter dealt with conflict resolution at high levels, the UN observer mission was more closely attached to the workings of a government body called the Supreme Electoral Council, and OAS operated at the regional level.

Elections

On 25 February 1990, Nicaraguan voters cast three different ballots. First, they voted for president and vice-president, the winners being elected by simple majority in a single round with the nation as a single district. Second, they voted for a ninety-seat National Assembly, elected by proportional representation from party lists with the nine regions as electoral districts and a number of seats awarded according to population. And third, they voted for 131 mayors and municipal councils, from party lists and a mixed majority-proportional representation formula. (The party obtaining a simple majority of the vote won 50 percent of the council seats, the other 50 percent being distributed according to a proportional rule among all parties, including the one that got the largest plurality. The mayors were elected by simple majority of the council members.) In 1990, no municipal councils were elected in the two regions of the Atlantic coast; instead, two regional autonomous councils, with forty-five seats each, were elected by proportional representation. All elections were for six-year terms.

The reformed constitution of 1995 and the new electoral statute of 1996 have introduced substantial changes in the electoral formulas for the different elections and the electoral institutions. The president and vice-president are now elected on a second round if no candidate receives at least 45 percent of the votes in a first round. The assembly's ninety seats are split into two tiers: seventy seats are filled by proportional representation in seventeen electoral districts (the fifteen new departments and two Atlantic regions), and the other twenty are filled by proportional representation from national party lists.

The nine former regions are now obsolete. The new legislation divides the country into five electoral districts, but only for the purpose of calculating average electoral quotients for assigning additional seats in the assembly to losing presidential candidates who have obtained a certain number of votes. The five districts also serve for allocating the distribution of the twenty remaining assembly seats. Mayors are now elected by direct popular

vote and simple majority, but municipal council members continue to be elected by proportional representation. The president and the assembly are elected for five years; mayors and municipal councils, for four.

Minimum voting age in Nicaragua is sixteen. To be eligible for president a citizen must at least be twenty-five; for the assembly and the municipal councils, twenty-one.

Following Latin American tradition, the electoral authority in Nicaragua is established as a fourth branch of government and organized along a three-level structure. First, there is a five-member Supreme Electoral Council (CSE) elected by the National Assembly from a list submitted by the president. For the 1990 elections the CSE had two members from the opposition parties and a neutral member selected as president. Once in office, the CSE, in turn, appointed nine three-person regional electoral councils responsible for establishing 4,394 local polling stations.

Conduct of the Elections

As a first step, voter registration took place during each of the four Sundays of October 1989. It was based at the local polling stations where the actual balloting would occur. The registration operation was the responsibility of the CSE, which was assisted by the computing departments of the National Technological University and the Institute of Land Survey. During this period, 1.750 million voters (or 89 percent of the population eligible to vote) were registered at 4,391 centers. Since no population census had been carried out after 1973, the CSE conducted a sample survey of population aged sixteen and over. The council determined the number of potential voters at 1,970,486.

Military personnel registered in the centers closest to their garrison. It was necessary for the military (as for the rest of voters) to cast their ballots in the same center where they had registered, unless otherwise authorized by the CSE. Nicaraguans living abroad could register and vote once in-country, but they could not register abroad or cast absentee ballots. Another special case was that of the Atlantic coast, where, for a variety of reasons, many people could not register in October. The CSE accepted the demand of area citizens and allowed for a single later registration day, 6 February 1990.

As the campaign commenced, three issues became paramount. First was media access to all contending parties, a major concern since the announcement of the elections. Except for television, the basic demands of the opposition were met. Both public and private radio stations as well as the print press provided an opportunity for all contenders to defend their views.

Funding was the second tough issue. It remained unresolved until the last phase of the campaign. A small state fund existed to finance the politi-

cal parties. Money from it would be distributed according to the parties' share of the vote in the 1984 elections and in equal shares to all parties that registered for the 1990 elections. Local private financing of the parties was never disclosed, but it was clear that the leftist Sandinista National Liberation Front (FSLN) enjoyed the use of state resources, whereas the opposition had nothing similar.

On foreign financing, the law did not set a limit. It did establish, though, that it should be delivered through the CSE and that any donation exceeding $20,000 should be split, with 50 percent going to the CSE Fund for Democracy (for election expenses) and the other 50 percent to the recipient. The largest foreign donations were a USAID grant for the Opposition National Union (UNO) ($1.8 million) and the Institute for Electoral Promotion and Training ($1.5 million). (The UNO is a broad-based coalition of fourteen parties, united only in their opposition to the Sandinistas.) The institute is not a political party (it is a Nicaraguan non-governmental organization) and therefore was not required to split the grant. In addition to some bureaucratic problems in Washington, the Nicaraguan central bank delayed delivery of this grant. It was only after Jimmy Carter interceded that the government eased disbursement. Still, most of the money became available only when the campaign was virtually over.

A total of $7.1 million in foreign donations was reported by all parties (with only three out of the ten on the ballot reporting): $3.7 million by UNO, $3.4 million by FSLN, and only $2,500 by the Social Christian Party, a center-to-right bloc. The largest component of UNO's fund came from the USAID grant. The largest component of FSLN funds was material contributions, mainly campaign paraphernalia, from Spain, Colombia, and Mexico. Only $400,000 was in the form of cash to be split with the CSE. Outside contributions notwithstanding, money available to the opposition parties paled in comparison with the huge amount of resources available to the government and the FSLN.[5]

In general terms, the campaign was conducted with little violence and intimidation, but it was not exempt from either. In November and December, violence frequently broke out at the first rallies. In an incident in December 1989 in the town of Masatepe, near Managua, one person was killed. That prompted the CSE as well as the contending parties and the UN and OAS observer missions to seek interparty accords on codes of conduct.

Public gatherings and demonstrations were closely monitored by UN and OAS observers. UN observers reported having attended almost 80 percent of the public activities of opposition parties in all regions and a smaller number of events of the FSLN. They received hundreds of complaints and conducted investigations in at least two hundred cases. They also monitored nearly all radio and television political programs. A number of cases of intimidation, a majority against opposition political parties, were report-

ed to the observer missions. About two hundred candidates, most of them municipal, withdrew; of these approximately 140 belonged to UNO.[6]

From October 1989 to February 1990, and despite the cease-fire, continuing irregular military clashes between the government and the Contras in the central regions of the country caused at least sixty-seven civilian deaths. The UN observer mission considered this a serious problem, particularly when the large number of deaths was compared with the small number of people killed or wounded in incidents more directly related to electoral activity.[7]

International observation was important, even decisive, but still more important may be the fact that both the FSLN and the opposition UNO had poll watchers in practically every voting site in the country. An exhaustive list of international observers—2,578 of them—was printed in the fifth report of the UN observer mission.

The observers were classified by organization as follows: OAS (418), the UN observer mission (237), Carter's Council of Heads of State (78), European organizations (360), North American organizations (696), Sister Cities Program (357), Latin American organizations (413), Asian organizations (7), African organizations (6), and Australian organizations (6).

Not all were granted the same observer status by CSE. Only UN and OAS observers (655) were formally categorized as "international observers, " with a capacity to handle claims and complaints. The other two categories were "invited observers" (779) and "courtesy passes" (1,144). The latter could only watch at the polling stations.

Election Outcome

On election day, 1,510,838 out of a total of 1,752,088 registered voters, or 85 percent of the electorate, cast their ballots. Some 70,000 clerks, police, and other electoral officials worked in the elections.

Given the considerable distrust between government and opposition, the presence of poll watchers was crucial to ensure that the results were accepted and viewed as legitimate, no matter who the winners were. Some 33,000 poll watchers were accredited for the different political parties, slightly more than half of whom were from the opposition. A provisional count was carried out by ballot-receiving committees on the evening of election day. The results were flashed by telex to the national center set up in the Convention Center in Managua. The official count was conducted the following days by the regional electoral councils and the results sent to the Supreme Electoral Council.

In the presidential election, the candidate of the opposition UNO, Violeta Chamorro, gained the presidency with 54.7 percent of the vote. Daniel Ortega of the governing FSLN got 40.8 percent. Of the remaining candidates, only the candidate of the Revolutionary Unity Movement (a

breakaway faction of the FSLN) obtained more than 1 percent. That allowed him to win a seat in the National Assembly. Seven other candidates got less than 1 percent each.

In the election for the National Assembly, the UNO obtained fifty-one out of ninety-one seats, thirty-nine seats went to the FSLN, one went to the Social Christian Party–Yatama, and one was added for the presidential candidate with more than 1 percent of the vote. (Yatama is the name of the armed organization of the Miskito Indians; it became a political party on the eve of the elections.)

In the municipal council elections, UNO won a majority, enabling it to appoint mayors in 99 of the 131 towns in which elections were held. This included most of the main cities in the country, including Managua. The FSLN won a majority in thirty-two municipalities, including León and Estelí. In the elections for the regional council of the North Atlantic region, the local party, Yatama, won twenty-two seats, FSLN twenty-one, and UNO two. In the council elections of the South Atlantic region, UNO won twenty-two seats and FSLN won eighteen; five seats went to Yatama and the multiethnic Youth Movement.

The results were announced promptly. A first announcement was made by the CSE soon after midnight on election day, when 5 percent of the ballot had been counted. This was followed by second and third announcements in the following hours. The results of the final official ballot count were available between 1 and 4 March, depending on the region.

The UN mission made a projection of the results through a parallel count on a statistical sample of 11 percent of the polling stations. Between 7:45 p.m. and 9 p.m., the results of the presidential elections were known with a margin of error smaller than 1 percent. Elliot Richardson, head of the UN mission, passed the information on to the CSE, to Jimmy Carter, and to the secretary-general of the OAS. It was this information that was delivered by Carter to President Ortega by midnight, anticipating the Sandinista defeat.

The unanimous verdict of international observers was that the elections had been conducted in a free and fair manner and that they should be considered genuinely democratic.

Democracy, Governance, and Reconciliation

International assistance affected the conduct of the elections in helping provide for free and fair competition for power. We will now try to explain the ways in which the elections themselves affected the prospects for democracy and governance in the different institutions of the political system.

International assistance for democracy-building activities in the post-electoral period was primarily given by USAID after what was considered

a successful experience in assisting the conduct of elections. This suggests that effective assistance tends to bring about further assistance. Few of the many donors in Nicaragua at the time were involved in furthering democracy. Main reference is therefore to the approval in July 1991 of a USAID grant for $14 million to cover a number of democracy-related projects through June 1995 (see Table 3.2).

Executive Branch

In a country without a democratic tradition, such as Nicaragua, the conduct of an election by genuine democratic standards, as well as the acceptance of defeat by the party in power, must be considered as having a significant legitimizing effect on all public institutions, but particularly the executive. This is all the more so if the single-party thrust of the Sandinista government is taken into account.

The prospects for stability for the Chamorro government would depend largely on three factors: (1) demobilizing and disarming the Contras, (2) reducing the size of the army and keeping it within its garrisons, and (3) negotiating some economic policies that would respect changes introduced by the Sandinista revolutionaries and allowing others that would enhance economic freedom and initiative. All these factors were included in the Sapoá accords and would constitute the subject of the transitional agreement between FSLN and UNO.

Representative Bodies

The main effect of the elections on the National Assembly was to make it more pluralist by allowing most contending forces to have representatives in it. The new UNO majority included candidates from eleven different parties. Unlike the 1984 elections, all main contenders were now sitting in the legislature.

Table 3.2 Categories of the July 1991 USAID Electoral Grant (U.S.$)

Media	685,000
American Institute for Free Labor Development	2,840,000
Political parties	650,000
Governmental institutions	2,130,000
Human rights support	1,550,000
Civic education	3,620,000
Contingency	1,400,000
Project support, audit, evaluation	1,125,000
Total	14,000,000

Source: USAID, 1996.

On the Sandinista side, the FSLN soon formed a parliamentary group (Center Group) with other center-leaning parties, some of which had obtained representation in the 1984 assembly. But by the legislature's midterm the FSLN would split between its social democratic and more radical leftist factions.

On the UNO side, the president's chief of staff, Antonio Lacayo, led the moderate wing; Arnoldo Alemán led the more technocratic faction; and Vice President Virgilio Godoy led the more conservative and intransigent segment of officialism. Recurrent confrontations between factions supporting the government and the FSLN, as well as within each of those sectors, led the assembly to virtual paralysis by midterm.

Nevertheless, by 1995 legislative activity was relatively normal, after an institutional crisis lasting longer than one year ended and an agreement was reached for the reform of the 1987 constitution. A number of important reforms were actually approved as 65 out of the 202 articles of that constitution were modified.

Electoral Authorities and Future Elections

The electoral authority of Nicaragua was left in good shape after the February elections. Even before an election was announced, the Supreme Electoral Council had already built some institutional capacity after the experience with the 1984 election. In 1984, a stream of substantial international assistance came to consolidate the institutional structures of the CSE at the national and local levels. As a consequence, the CSE remained a well-built institution of government. The flow of financial and technical international support to the CSE did not stop after the 1990 elections. Some assistance programs sponsored by foreign governments continued, especially those of European nations such as Sweden and Spain.

More than a third of international electoral assistance of about $20 million was devoted to *cedulación*—that is, to the issuing of a single national identity card as the basis for a voters' registry (see Table 3.3). The rest was earmarked for the 1996 election. By August 1996 most of the money had not yet been spent.

A significant continuing effort has been made to improve the organization of a permanent registry of voters. At the time of the 1990 elections, authorities and donors were discussing the possibility of establishing a permanent registry of voters based on a new civil registry and a single national identification document. The voter registry elaborated for the 1996 elections, established by the new electoral statute, is a permanent registry based on *cédulas de identidad,* which citizens use for identification before voting. It was anticipated that by the time of the 1996 elections, about two-thirds of the country would be included in the new registry and that voters would use their single national identification document without having to register

Table 3.3 Funds Actually Disbursed to the Supreme Electoral Council, 1990–1996 (U.S.$ millions)

Donor Country	Funds Disbursed
United States	4.5
Spain	2.8
Sweden	2.8
Denmark	2.1
Switzerland	1.6
Holland	1.4
Norway	1.3
Japan	0.5
Finland	0.1
Other (Canada, OAS–International Support and Verification Commission)	0.08
Total	17.18

Source: CSE, 1996, for all donors except USAID.

anew. It is mostly in rural areas that the organization of the new registry has not yet been completed.

As mandated by the constitution, general elections were held on 20 October 1996 for the offices of the presidency and vice-presidency, the National Assembly, departmental assemblies, the Central American parliament, for mayoral and vice-mayoral positions, and for municipal councils. Nearly 75 percent of eligible voters cast their ballots in the presence of more than 4,200 domestic and 1,200 international observers. The candidate of the Liberal Alliance (AL), Arnoldo Alemán, won the presidency with 51 percent of the votes, followed by Sandinista Daniel Ortega from the FSLN with 38 percent. None of the remaining twenty-one candidates received more than 4 percent of the vote.[8]

The presidential contest closely resembled the 1990 election. As in the previous elections, the main political actors were able to overcome former disputes and divisions by realigning themselves around two main tickets from the Right and Left. There were also similarities in the ideological distribution of the vote, with the more rightist AL prevailing over the more leftist FSLN. To the benefit of minor parties, however, both of the larger parties obtained a slightly smaller share of the ballot than in 1990. More important, the conduct of the election was declared to be genuinely democratic by domestic and international observers, despite the major logistical problems involving the handling of different kinds of voter ID cards and ballot papers, the late distribution of materials, and the tallying of votes under very difficult conditions.

Although losing candidate Daniel Ortega denounced the elections as fraudulent in the weeks following the vote, he would come to accept the results after electoral observers concluded that the irregularities observed at the polls, while numerous, did not imply ballot tampering or organized

fraud.[9] Once again, with the international community's assistance, the second general elections helped drive authocracy and civil war further into Nicaragua's past. The elections should be considered a further step toward the consolidation of democracy.

Local Authorities

At a political institutional level, the first effect of the municipal elections was to bring new blood to local government. For the first time in Nicaraguan history, a variety of political forces obtained representation in municipal councils. The second effect was to enhance opportunities for administrative and financial autonomy from the central government. Also at a local (though nonmunicipal) level, the elections brought a better arrangement for the ethnic minorities of the Atlantic coast through popularly elected regional councils. (According to the law, municipal elections in the region were due in 1994. They were carried out on schedule.)

Judiciary

The judicial branch was in much need of reform and assistance. Changes started soon after the new government's inauguration.

The bulk of international assistance in support of the administration of justice, still more than in other fields of the democracy sector, came from USAID. First, and within the scope of the 1991 grant, $200,000 was allocated for a study of judicial reform. Later, in February 1994, an amendment to the agency's Strengthening Democratic Initiatives project granted $4 million to the administration of justice for technical assistance, training, and limited commodity support to the courts, office of the attorney general (public defender's office), and the Ministry of Education.

Two constitutional reforms have strengthened human-rights institutions and the judiciary in particular. First, a human-rights procurator office was established as an independent institution. The procurator and a deputy are elected by the National Assembly. Second, it was established that the judiciary be provided with at least 4 percent of the total national budget.

Civic Organizations

The network of voluntary associations of civil society was thin on the eve of the 1994 elections. The electoral experience allowed some improvement. International assistance given to some established organizations (as well as to some new ones) allowed them to carry out civic education and electoral mobilization activities. Such was the case with labor, business, and human-rights groups, and with some civic-education organizations.

Postelectoral assistance was aimed at building on previous experience

and helping in the consolidation of some of those organizations. Assistance to civic organizations was intended to strengthen the capacities for citizen participation as well as to improve the protection of human rights.

Demobilization and Resettlement of Former Combatants

Demobilization of the resistance and reduction of the Sandinista army were major problems. The election outcome had a significant effect on both situations but not enough to resolve them completely. On the one hand, a genuine democratic election had been held with participation of all opposition parties, with all returning to civilian politics and thereby ratifying the end of war. On the other hand, the election was won by the opposition, and the Sandinistas accepted their defeat. That favored prospects for reintegration of the Nicaraguan resistance, which had been distrustful of a fair electoral result. Although the changes described below were not exclusively due to the outcome of the election, they would not have taken place without it.

According to governmental and military sources, from 1990 through 1993 the size of the army was reduced from about 80,000 to some 16,000, rapidly becoming the smallest army in Central America. The number of officers dropped from 15,000 to 2,000. Conscripts were released from their two-year commitments with no benefits whatsoever. For their part, government critics did not seem much impressed by these figures. They alleged that the end of the war made the reduction inevitable and also that desertions accounted for a large part of the decrease.[10]

Perhaps the most important institutional change contained in the amended 1995 constitution is the one relating to the armed forces. The former Sandinista Popular Army has been renamed simply the Nicaraguan Army. Military conscription has been abolished. The jurisdictional autonomy of the army is severely curtailed. One provision, for example, prohibits bringing civilians before military tribunals. Another prescribes that military personnel shall always be tried by civilian courts if the crimes alleged against them are not of a military nature.[11]

Repatriation of Refugees and Return of Internally Displaced Persons

From 1986 through 1993, repatriated Nicaraguan refugees numbered 71,750. Most were poor peasants or farm workers returning from camps or settlements of the UN High Commission for Refugees (UNHRC) in Honduras or Costa Rica. Those assisted by the UNHCR were provided transport back to their places of origin, given $50, a six-month supply of foodstuffs, rudimentary housing, and some agricultural tools. A fourth of them returned on their own, without any assistance.

Other than refugees, the number of people who had been internally

displaced by the war came to 354,000. Most of them had lived in government-supported rural settlements for several years. Their situation was therefore more stable than that of other displaced persons. Still, they were to suffer from the lack of resources available from the government as well as the inexperience of those dealing with the displaced.

Ethnic, Religious, and Regional Cleavages

A significant and historically rooted rift in Nicaragua relates to the ethnic minorities of the northern and southern regions of the Atlantic coast, especially Miskito Indians. In an effort to pacify these areas, the Sandinista government granted its citizens a measure of autonomy by establishing two regional councils and calling for an election for the councils jointly with the general election. An interest in politically accommodating these minorities can be deduced from the electoral formula that was chosen for the council elections, giving ample margin for minority representation.

Taking the two regions together, a number of representatives were being elected at large from among the total number for the National Assembly—ninety in all. Moreover, to guarantee a minimum of ethnic minority representation and on the basis of the ethnic composition of certain districts, the law established that in a number of districts the first candidate in every party list must come from a given minority group.

Lessons

Timing of Elections

At the very least, an effective cease-fire is necessary for a democratic election. A political will to demobilize and disarm by former combatants as well as by the international powers assisting them in the peace process is also necessary. Even if demobilization dates were not met as originally negotiated, none of the parties in Nicaragua rejected the accord, and both ran in the election with the expectation of winning and of putting an end to the war.

Security Issues

Much depends on the extent to which combatants have actually stopped fighting, disarmed, and been demobilized. For a free and fair election to take place, access to all areas of the territory should be physically possible. In Nicaragua, only some small portions of the northern regions and a part of the Miskito land were unsafe at election time. Contending parties did not

make a special issue of this matter and conducted their campaigning under normal conditions of access to every portion of the country.

That citizens were able to exercise their political rights owed little to government control over its security apparatus, and even less to any tradition of human-rights protection in Nicaragua. (Assessment of the police and judicial tradition has been negative.) It was the high degree of party pluralism and of citizens' political mobilization that counteracted the predominant position of the Sandinista government and the FSLN. Most of this was achieved through political information and mobilization and training of activists from parties, unions, and other organizations supported by international electoral assistance.

A lesson to be learned by donors is this: the breakdown of barriers to the exercise of political freedom can be achieved with limited resources, in any case fewer than those available to the political establishment. If such were not the case, no establishment as solid as that of the FSLN in 1990 could ever be deestablished.

Electoral Innovation

Withdrawal of the main opposition parties from the 1984 elections led to changes in the conduct of the 1990 elections. The government adopted a more open and conciliatory outlook in 1990. And opposition parties developed a more pragmatic approach in negotiating changes in electoral legislation. Thus, the political apparatus can learn from past negative experiences.

Important changes were introduced in the electoral legislation as a direct consequence of the 1988 Sapoá agreements. A new electoral law was issued later in 1988. It regulated all types of elections and provided for a more balanced composition of the electoral authority and the possibility for autonomous regional government and representation of ethnic minorities in the strife-torn Atlantic region.

The Supreme Electoral Council was integrated on a multiparty basis. It acted with high standards of neutrality and technical competence. That style of management at the central level pervaded all levels of the system. The lesson here is that an electoral authority can be party-based and still operate neutrally and independently. When there is no better tradition or an existing body of widely respected independent civil servants, the multiparty composition of the electoral authority may better guarantee a balanced action.

There were no arguments regarding the vote-counting procedure. The overall conduct of the counting and the proclaiming of the results must be considered exceptionally fair and effective. This uneventfulness is rarely the case in postconflict elections. The way the votes were counted might be a model for other countries facing transitional elections.

The main international observer missions in Nicaragua, those of the United Nations and the Organization of American States, had been operating long-term in every region of the country. This intensive and extensive observation seems to be more effective and cost-efficient than short-term observation with large numbers of participants.

Constitutional Models

The Nicaraguan experience, in conjunction with other cases, shows that there is no one best electoral formula for democracy. The best formula is always "the best under the circumstances," which has to do with political tradition and capacity to accommodate existing political rifts. Tradition is a given to be tackled by those assisting in an electoral process. As for accommodating political differences, not all electoral formulas are equally suited, in a given society. In Nicaragua, the main institutional arrangement came from the Latin American tradition of constitutionalism, presidential politics, and proportional representation—though adjusted to new demands coming from the warring factions.

Democracy-Promoting Activities

Development of a citizen mentality imbued with the democratic values of a civic culture is a long-term endeavor requiring the support of the international community. Although the effects of this kind of support may not be highly visible in the short term, they should be given attention. Civic-education activities have short-term synergistic effects on other democracy-promoting activities, such as those dealing with the promotion of civic associations and human-rights monitoring groups. Assistance for development of the mass media is often required for enhancing pluralism and improving the levels of professionalism and objective reporting.

Donor Coordination

In general terms, coordination is a good investment for international assistance. It saves time, money, and physical effort as much as it allows for information exchanges, which at times have turned out to be invaluable.

When there is a main donor (such as the U.S. government or the European Community), some basic coordination among different programs will come—structurally imposed—by that important funding source.

When there is not a main donor but a number of limited contributors, as has been the case in a number of countries, a common coordinator should be looked for. Preferably it should be an agency such as the UN Development Program. As a last instance, it might be the equivalent of the Supreme Electoral Council. Such a coordinator should be considered the

last resort, however, because it invites politicization and injection of local interests.

Notes

1. UNDP, "Condiciones de vida."
2. Browning, *Report on the Conduct and Context,* p. 4.
3. Pastor, "The Making of a Free Election," p. 15.
4. LASA, *The Electoral Process in Nicaragua,* p. 17.
5. LASA, *Electoral Democracy Under International Pressure,* p. 25.
6. United Nations, *Fourth Report to the Secretary General.*
7. Ibid., various of the reports.
8. Soudriette, "Observing Democracy in Nicaragua," pp. 6, 28.
9. Ibid., p. 4; McCoy and McConnell, "Nicaragua: Beyond the Revolution," p. 79.
10. NDI, *Civil-Military Relations in Nicaragua,* pp. 7–8.
11. See Asamblea Nacional de la República de Nicaragua, Articles 92–97.

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4

Nicaragua's Second Elections

Jennifer L. McCoy

Since the 1990 elections, Nicaragua has seen a transition from civil war to peace, from revolutionary rule to fledging democracy. The 1996 elections were an important test of democratic consolidation to date. They provided an opportunity to assess the sustainability of new electoral institutions, the direction of political development, and the nature of reconciliation in a postconflict context. This chapter examines the context and conduct of the 1996 elections and the role that the international community played in them.[1]

Learning Democracy

Nicaraguan history is replete with a winner-take-all approach to politics, reinforced by the institutions of a strong presidential system. Even before the Somoza dynasty, the contest between Liberals and Conservatives produced confrontation and violence rather than constructive oppositions. The Somoza practice of co-opting the opposition merely enhanced presidential power, since the checks and balances of a separation of powers among branches of government was largely absent. After the resignation of the non-Sandinistas from the governing junta in the first year of the revolutionary government, the Sandinistas likewise practiced a winner-take-all approach to politics, postponing elections for five years and isolating the opposition.

Thus, when the Sandinistas transferred power to Violeta Chamorro of the National Opposition Union (UNO) coalition in April 1990, the country had very little experience in the give-and-take of democratic politics. Political actors had first to learn the skills of bargaining and competition within a constitutional framework, and simultaneously strengthen or create the institutions that would guarantee the rule of law and the checks and balances characterizing political democracy.

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Under President Chamorro's tenure between 1990 and 1996, the government made peace with the Contras, dramatically reduced the size of the Nicaraguan army, conquered hyperinflation of 13,500 percent, and weathered a constitutional crisis in which a balance of power was established between the once dominant office of president and the legislature. Nicaraguans began to practice the art of politics in earnest. Political parties and alliances continued to split and regroup in a continual kaleidoscope in the National Assembly, with politicians vying for power and favors and learning the skills of negotiation and logrolling. Outside the legislature, former foes began to talk and forge fluid and sometimes strange alliances: demobilized Contras joined former Sandinista soldiers to demand land from the government; the FSLN allied with a faction of the Resistance Party (formed by former Contras) in the 1996 elections; and two brothers-in-law (former minister of the presidency Antonio Lacayo and National Assembly President Alfredo Cesar) stopped talking to each other as they took opposite sides in the institutional tug-of-war between the executive and legislative branches.

Both the victorious UNO alliance and the FSLN had also to learn new roles as governors and opposition. This task was complicated by the division of each group into factions of conciliatory (democratic) and confrontational (maximalist) factions.[2] Many of the crises faced by the Chamorro government were a result of actions by the maximalist factions of both the UNO and the FSLN.

The immediate challenge for the FSLN after the 25 February 1990 elections was to learn how to give up power and act as an opposition within a liberal democratic framework, while protecting the interests of its supporters. The FSLN's initial response to its electoral defeat was one of surprise and desperation, leading to the so-called Piñata during the interim of February 25–April 25. Government bureaucrats sacked the supplies and equipment in government offices, and the legislature passed laws distributing property to government officials and occupants of confiscated or abandoned properties.

The second response was a self-critical evaluation in which the party analyzed the causes of its electoral defeat, the future of the party, and the most appropriate means of protecting the gains of the revolution. At El Crucero in June 1990, the party assembly attributed electoral defeat to the military draft and the populace's hope that a friendly U.S. government might improve the economic situation. However, the analysis also identified Sandinista mistakes, including "an excessive emphasis on the control and centralization of the public administration," the coercive implementation of Sandinista policies, confrontation with the Catholic Church, and disregard for the Indian peoples of the Atlantic coast.

During the next year, FSLN debate centered on demands for internal

party democratization, and on how to function as an opposition. A new conciliatory faction argued for cooperation with the government, while a more militant faction argued for pressure on the government through strikes and street protests to promote the interests of the rank and file and to preserve the principles of the revolution. The FSLN leadership faced the dilemma of needing to satisfy a demanding and at times resentful and inobedient rank and file, while also addressing the long-term needs of a country in desperate economic shape. By 1995, the party had formally split, with the more conciliatory wing, led by Sergio Ramirez and dominated by the Sandinista deputies in the Assembly, departing to form the "renewal" party, Movimiento Renovador Sandinista.

The 1990 postelection challenges for the UNO were, first, to stay together and, second, to govern. Without a party of her own, Chamorro relied on the coalition in the Assembly. However, the Chamorro government recognized FSLN strength, as an opposition with 41 percent of the popular vote and control of the military, police, and largest trade unions. This led the government to adopt a pragmatic policy of inclusive politics, negotiating with, rather than eliminating, the opposition. Chamorro's first controversial decision—to keep Gen. Humberto Ortega as chief of the armed forces—resulted in the resignations of two cabinet members the day of her inauguration, and was the beginning of the end of the UNO alliance. Formed solely to defeat the Sandinistas, the fourteen-party coalition had very little chance of surviving once that goal had been accomplished.

In order to govern, Chamorro and her chief of staff, Antonio Lacayo, learned to make use of alliances when necessary to pass legislation, particularly with the Sandinistas, and to rely on the considerable power of the presidential decree. Driven by Chamorro's vision of reconciliation, the new government was careful to consult with and protect the interests of the major opposition party in an effort to overcome the legacy of a divided country. In the course of these efforts, the government paid insufficient attention to its own coalition partners in the UNO, contributing to the collapse of the alliance and leading the Assembly to revise the balance of powers between the strong executive and weak legislature in a 1995 constitutional reform.

Within the National Assembly, Nicaraguan political actors demonstrated a remarkable ability to learn about democratic political practices as they entered a period of freewheeling, fluid coalition building and change. The parties employed brinkmanship with each other and the executive, using tactics of walkouts and linkage politics, often holding the executive hostage on one issue to win concessions on other issues. Although individual politicians and parties were learning, through trial and error, the practice of negotiation, bargaining, and lawmaking, they did not advance beyond a frontier mentality of politics. Throughout the six-year period, they focused

on tactics and strategies, but always with an instrumental viewpoint—striving to maximize partisan and private interests, often at the expense of the nation.

While the political elites in Managua reveled in their debates, the many suffering from unemployment and hunger grew more disenchanted. Despite Chamorro's achievement of macroeconomic stability, political uncertainty and conflict over property rights and privatization slowed investment and kept under- and unemployment at nearly 50 percent of the active population. Deputies did not appear to realize that the population was growing increasingly cynical, viewing the bickering within the Assembly and with the executive as petty, selfish, and far removed from the needs of the nation. As the time came to prepare for a new round of elections, opinion polls showed confidence in the parties and political institutions plummeting.

The 1996 Elections

By the advent of the 1996 elections, democratization in Nicaragua had already achieved a credible electoral authority, an assertive and boisterous legislature, progress on depoliticizing and reducing the armed forces, and a budding independent media. Weak links remained in the extremely ineffectual judiciary, the fragmented party system, and the deep-rooted conflict over property rights, only partially resolved by the 1995 grand compromise and new law.

Nicaragua approached the October 1996 elections as a polarized society, but that polarization shifted from the battlefield to the political arena. In 1990, the level of distrust was so deep that the Sandinista government and the UNO had invited the UN, OAS, and Carter Center to monitor the elections. The observers helped open the political space and mediate disputes, thus raising confidence in the electoral process. In 1996, lingering distrust among the major political actors led Nicaraguans once again to turn to outsiders.

International Assistance

The international community donated some $2 billion to assist Nicaragua's economic recovery and democratic development in the five years following the 1990 elections. The United States provided the bulk of the assistance targeted directly for democratization programs: from 1990 to 1996, the United States spent nearly $65 million (about 5 percent of its total assistance to Nicaragua) on democracy-related programs, and an equal amount on the repatriation and resettlement of Contras and refugees in the first three years after the elections.[3]

The 20 October 1996 elections could not have been held without international assistance. Foreign donors provided 57 percent of the cost of the elections.[4] The international community also participated once again as election monitors. The Nicaraguans had confidence in outsiders, and the parties asked the international organizations to return. The OAS and five U.S. nongovernmental organizations (NGOs) monitored the entire electoral process and the European Union sent a sizable delegation to observe on election day. The NGOs also helped to create a new national observer organization, Ética y Transparencia (ET).[5]

Conduct of the Elections

To prepare for the 1996 elections, the National Assembly rewrote the election law in December 1995 to create a new pluralist election authority, with members nominated by political parties, under the Supreme Electoral Council (CSE). The law also enabled small political parties to receive campaign financing and compete in the elections. The result was an extremely complex electoral process that sorely taxed the capacity of the election authorities: six different elections occurring simultaneously,[6] new election officials, a complicated three-tiered voter registration system,[7] and double the number of polling stations used in 1990. A total of thirty-five political parties and popular organizations registered for the elections, fielding twenty-three presidential candidates and creating ballots nearly three feet long.

Several problems arose at this time. The immediate effect of the new law was to prompt the CSE president to resign because he feared the law would produce an inexperienced and politicized election authority incapable of carrying out the complicated elections. Indeed, the departmental electoral councils were only appointed six months before the elections, and the polling station officials were chosen only weeks before. Consequently, there was little time for the new officials to be trained and to learn how to manage an exceedingly complex electoral process.

A second controversy involved a 1995 constitutional reform that prohibited relatives of the sitting president from running for president. This reform effectively prevented President Chamorro's chief of staff and son-in-law, Antonio Lacayo, from achieving his ambition of running for president. A third issue centered on the mixed registration system, with some Nicaraguans and conservative Republicans in the U.S. Congress fearing that the traditional ad hoc registration system utilized in the twenty-six municipalities would discriminate against peasants expected to support Arnoldo Alemán's Liberal Alliance. In fact, this registration method proved much easier and faster than expected.

Despite these difficulties and in positive contrast to the 1990 campaign, the 1996 campaign was extremely peaceful. The parties had the opportunity to hold their rallies without harassment. The newly indepen-

dent media was competitive and uncensored, though many newspapers and radio stations were still quite partisan in their coverage.

The campaign was dominated by two candidates representing the best-organized parties on polar ends of the political spectrum: former Sandinista president Daniel Ortega and former Managua mayor Arnoldo Alemán of the Liberal Alliance. The remaining twenty-one candidates each had less than 3 percent support in the polls and represented the fragmented political center of Nicaragua.

Although Ortega and Alemán rejected invitations for a public debate, the other candidates campaigned hard and participated in numerous televised debates and public forums. In an unprecedented effort by a broad swath of civil-society organizations, all parties, except the Liberals, signed the "Commitment to a Minimum Agenda for National Development," which encouraged more substantive campaign debate and outlined an agenda for the new government. The Liberals decided not to sign the document because they felt it would limit their ability to run an independent campaign.

Arnoldo Alemán campaigned with the slogan "The Change Is Coming," and his platform promised respect for private property, job creation, and land titles to the thousands of urban and rural poor who had received property under the Ortega and Chamorro governments' land reform programs. Daniel Ortega revamped his own and his party's image by moving toward the center, acknowledging past Sandinista mistakes, committing himself to a market economy, and recruiting a businessman and rancher to be his running mate. He campaigned with the slogan "Government for All," and his television spots sent feel-good messages promising to unite all Nicaraguans.

As election day approached and polls showed Ortega catching up to Alemán, tensions between the Sandinistas and the Liberal Alliance increased. The campaign remained violence-free, but each candidate warned of a return to a dark and dangerous past were the other to win. The Liberals referred to Sandinista revolutionaries as tyrants, terrorists, and snakes who had ruined the country economically and morally. The Sandinistas accused the Liberals of being *somocistas* who would bring back the injustices against which the Sandinistas had struggled long and hard. As the campaign closed, both the respected Cardinal Miguel Obando y Bravo and President Chamorro indirectly indicated their preferences in the election, warning against a victory by Ortega.

Discourse aside, technical rather than political problems dominated the list of concerns articulated by political parties and international observers. The delivery of voter identification documents continued to be slow. Less than one month before the elections, almost 30 percent of voters had yet to receive documents. Delays in printing the ballots raised fears that the CSE could not deliver them in time for the elections. Smaller political parties

complained that they did not receive public financing in time to campaign fully.

Despite these logistical delays and last-minute improvisations, election day turned out to be peaceful and calm, with about 80 percent of eligible voters going to the polls and waiting patiently in long lines to vote. Party poll watchers oversaw the vote at 99 percent of the polling sites; 4,200 national observers and 1,200 international observers monitored as well.

Dedicated electoral workers and observers remained for hours afterward to count the ballots. A simple lack of carbon paper caused many mistakes, as exhausted officials wrote by hand up to twenty copies of each of the six tally sheets for the poll watchers and election authorities. All election materials were then transported to departmental counting centers, where any challenges filed by poll watchers could be resolved and the tally sheets added up. Poor planning, however, caused huge delays at those centers. Exhausted election workers waiting to turn in ballots and receive their pay even rioted in Managua. Election officials often lost track of what they had received and simply let bags and ballots pile up in total disarray.

Election Outcome

The biggest challenge in the 1996 elections came the day after the election, when the parties claimed discrepancies between party poll-watcher results and official returns. Arnoldo Alemán claimed victory before dawn on 21 October, with less than 10 percent of the results in. By early afternoon, party poll watchers were reporting irregularities in the telephone transmission of the early returns to the national computing center, triggering concerns among Sandinistas and other parties that the vote count had somehow been compromised. The following day, eight small political parties held a press conference to express their concerns.

International actors both contributed to and assuaged the tenuous outcome. The Carter Center's Council of Freely Elected Heads of Government mediated a partial resolution to allow for the investigation of these discrepancies, and the parties and Supreme Electoral Council agreed on a full review. Only two days after the election, all the delegation leaders had left the country, though the international groups kept staff monitors on the ground for the full three-week review process. The problem was that several observer groups made early statements praising the process *before* the serious problems had emerged. This convinced the Sandinistas that the world was not concerned about the deterioration in electoral practices since the exemplary 1990 elections.

The international monitors did reinforce the peaceful review process, monitoring the entire process and eventually issuing reports with constructive criticism. However, they were unprepared either to preempt the crisis or to mediate after its initial unfolding for two reasons: (1) believing that

Nicaraguans had made more progress in reconciliation and the institutionalization of the process than they actually had, they misjudged the degree of distrust still lingering in Nicaragua; and (2) the groups that had the quick count controlled the information until it was too late to use effectively. At a more mundane level, the monitors' failure to observe the transmission of the vote results on election night, and the rush to hit the TV cameras on election day, contributed to the insecurity of the Sandinistas.

On 8 November, the review was completed and provisional results were announced. The bulk of the problems appeared in Managua and Matagalpa, the two most populous departments, where the presidents of the department electoral councils were both Liberal Alliance appointees. A dozen parties and alliances filed appeals calling on the CSE to investigate certain of the results. The CSE annulled 5 percent of the polling-station results for gross irregularities, but rejected the FSLN's petition to hold new elections in the Managua and Matagalpa departments.

The results were finalized on 22 November, a full month after the elections, and Arnoldo Alemán was declared the winner with 51 percent of the vote. Daniel Ortega came in second with 38 percent, and third place went to the Christian Way candidate with 4 percent. The Liberal Alliance won forty-two seats in the ninety-three-seat National Assembly, five seats short of a majority. The FSLN won thirty-six seats, and nine other parties split the remaining fifteen seats. Mayors were directly elected for the first time; the Liberal Alliance and the FSLN won ninety-one and fifty-two mayoral races, respectively.

Consequences

On 24 November, Daniel Ortega went on national television and, for the first time, publicly denounced the elections as fraudulent. Nicaragua had entered a dangerous moment. In a successful election, all major parties accept the published results. In this case, however, the major opposition party (and several smaller parties) did not fully accept them. International observers concluded that, despite serious irregularities, the election by and large reflected the preferences of the Nicaraguan people and that Alemán was indeed the first-round presidential victor. Former president Carter spoke with both Ortega and Alemán via telephone on 4 December to urge Ortega to recognize the presidential results and to urge both to work together in reforming the electoral law and developing a constructive relationship for the benefit of the country.

In the end, the Carter Center Council's post hoc mediation attempts to bring the Sandinistas to accept the presidential results failed for political reasons. Ironically, the very success of the Sandinista electoral campaign that had brought them within an unexpected reach of victory produced both

high expectations and a perception of failure when they did not capture the top prize, the presidency. The leadership's perceived need to respond to the frustrated expectations of their supporters led them to escalate their rhetoric, speaking of fraud without evidence of a systematic pattern of bias.

The Sandinistas decided to acknowledge the Alemán government as the country's legal authority, but not its legitimate one, because of the number and the nature of the irregularities. This questioning of the elections' legitimacy would seem to herald a return to the politics of confrontation, but the FSLN did not call for street protests. The Sandinistas took their seats in the National Assembly and in city councils, their mayorships, and their positions in the Central American Parliament. Nevertheless, Ortega's refusal to meet with president-elect Alemán and shake his hand produced uncertainty about Nicaragua's political stability.

The stakes were high, not only for the FSLN and the Liberal Alliance, but also for the other parties in Nicaragua. UNO had splintered in the first year after the 1990; a total of thirty-five parties and organizations registered for the 1996 elections. The smaller parties staked their survival on the new election law, which provided at least $150,000 in public campaign financing for each party, but required any party that failed to win a seat in the new legislature to repay the loan. Since Nicaraguan law also allocated a seat in the legislature to those losing presidential candidates with approximately 1.5 percent or more of the popular vote, there was an added incentive for ambitious political elites to form microparties as vehicles for their presidential campaigns. In the end only eleven parties maintained their legal status.

In this political environment, Alemán's immediate challenge was to form a majority in the National Assembly. He not only needed to gain five additional votes, but also to maintain the coherence of his Liberal Alliance, made up of several parties and factions. The Sandinistas, too, were fighting to survive as a party and to salvage the vestiges of their revolution. A confrontation between these two forces seemed imminent.

Indeed, in December, the outgoing legislature induced political crisis when a majority of its members, in an action reminiscent of the Sandinista Assembly's 1990 Piñata Legislation, decided to push through eleventh-hour legislation before the Liberal government took office. Measures to appoint the heads of the Central Bank and other agencies, preempting the incoming president from making those choices, were attempts to limit the powers of the incoming government. The legislature also sought to award its members severance pay and to adjust the electoral law post facto to eliminate political parties' obligation to repay campaign financing received from the state. Ultimately, the Supreme Court ruled the bills null and void.

The new National Assembly was inaugurated on 9 January, and after being sworn in by the Supreme Electoral Council, it elected its leaders. The Sandinistas proposed a multiparty directorate led by a Liberal Alliance

member. The Liberals proposed a slate exclusive of Sandinistas. The thirty-six FSLN deputies then walked out of the building in protest when the CSE ruled that the vote on the leadership would be done in public rather than by secret ballot. The FSLN charged that the Liberals intended to monopolize leadership positions and exclude the Sandinistas from their rightful quota, despite the fact that the Liberals had not won a majority, gaining only 7 percent more of the popular vote than the FSLN in the legislative races.

The following day, Alemán was inaugurated as president in a public ceremony that the Sandinistas did not attend. Nonetheless, within hours Ortega agreed for the first time to meet face-to-face with President Alemán. At that meeting, the two men accepted a common agenda for the days ahead. They agreed that small-property holders should receive title to their land as soon as possible, and they established a commission to help strengthen the judicial branch, which might help speed the resolution of property disputes brought before the courts. If these agreements are implemented, they will be crucial in resolving what has been the most contentious issue in postrevolutionary politics: property rights. Finally, Alemán and Ortega agreed the electoral law required reform. The Alemán government would take up both topics at a later date.

Conclusion

The 1996 elections demonstrated Nicaraguans' faith in and commitment to the democratic process as they turned out in large numbers to cast their ballots on 20 October. Nevertheless, the controversy over the election results diminished public confidence in the electoral institutions. A CID-Gallup poll published 19 December 1996 indicated that 49 percent of the respondents believed the elections were honest, but a substantial 40 percent believed that some fraud had occurred. A Demoscopia poll conducted in December 1996 suggested that 66 percent of the respondents had little or no confidence in the Supreme Electoral Council, indicating the considerable challenge ahead for the CSE and political leaders prior to the 1998 Atlantic coast elections.

The fact that the two largest parties together won 88 percent of the vote reflects an emerging biparty system, but one that is polarized around the two extremes of the ideological spectrum, with a fragmented, weak center. The composition of the National Assembly, in which the Liberals fell short of an outright majority, implied that the government would need to sustain a coalition for normal legislation, and most likely would require Sandinista support to muster the 60 percent vote required for constitutional change. With the vast majority of the elected deputies holding office for the first time, the new Assembly also needed to learn the skills and practice of negotiation, compromise, legislation, and alliance building.

The 1996 elections also gave evidence of the growing commitment of Nicaraguan society to the rule of law. The fact that political parties, candidates, and the population participated in an unprecedented three-week review and partial recount of the votes in a peaceful, patient, and legal manner is a remarkable achievement for a country with a history of division and traumatic conflict. This respect for the legal process, along with the eagerness of the newly elected political candidates to assume their new posts, is an important basis for continued democratic development in Nicaragua.

The development of the national observer effort, Ética y Transparencia, a positive development for Nicaraguan civil society, illustrates the difficulties of national observation in a polarized society. On one hand, Ética y Transparencia was the only nonpartisan observer group capable of mounting a large observation on election day; with more than 4,200 observers, they were able to monitor half of the voting sites for the entire day. The survey forms filled out by their observers provided an excellent analysis of the qualitative aspects of the election, as well as a reliable quick count with a small margin of error. Mobilizing civil society to participate in this activity was also a significant achievement.

On the other hand, the new organization faced certain obstacles. Putting together a board of directors that would be at once pluralist and impartial proved to be difficult in such a polarized society. The president resigned when he was named shadow minister for one of the candidates, and the long process of obtaining agreement among board members meant that its final statement was delayed until February 1997. The quick count, though excellent, was not useful in mediating in the aftermath of the elections because ET was perceived as partial to one candidate and constrained in divulging its results only to the SEC and Cardinal Miguel Obando y Bravo.

Despite the serious technical shortcomings of the 1996 elections, they by and large reflected the preferences of the voters. Nevertheless, the fact that between 11 and 12 percent of the votes were nullified in the various elections (4.95–6.03 percent on the day of the election, and another 5.6–6.4 percent during the vote review), and that a dozen parties submitted appeals, indicated the need for a serious evaluation of the process before the 1998 Atlantic coast elections. In particular, the cases where the number of votes nullified in the review process exceeded the difference between the winner and loser suggest that some mayoral and even legislative races could have been affected by the irregularities. The fact that the FSLN chose to question only the outcome of the presidential race reflects Nicaraguan society's greater emphasis on presidential politics, even while decentralization is increasing the role of local officials and constitutional reform has strengthened the role of the legislature in Nicaragua's democracy.

The 1996 elections demonstrated the need to continue the tasks of

democratic political learning begun with the 1990 elections: moving from winner-take-all politics to bargaining, consultation, and compromise; adapting to the roles of constructive opposition and inclusive governing party; and developing a new political discourse based on competition and respect.

A review of the first eight months of the Alemán administration reveals some of that learning. After a rocky start, the two major political forces entered into negotiations on two serious issues facing the country: the unresolved property conflict and reform of the electoral law. Though dominated by the two largest parties, civil society also played a role in the debate through the National Dialogue conducted in the summer of 1997 and the Assembly's consultation of affected groups during its debate of the new draft property law in the fall of 1997. The electoral law approved for the 1998 Atlantic coast elections favored a two-party system, to the dismay of the smaller parties. The remaining controversial issue at the close of 1997 was economic policy and the negotiation of a new structural adjustment loan from the International Monetary Fund (IMF).

The future direction of democratic development in Nicaragua will depend on four factors in the near term: confidence-building measures between the two major political parties as they attempt to implement their initial political accords; the capacity of constructive democratic forces to marginalize the maximalist positions within each party; the cohesiveness of each party; and the willingness of the two large parties to tolerate minority positions and parties. International attention and assistance have declined precipitously since the historic 1990 elections; it is now up to the Nicaraguans to determine their own path.

Notes

1. Parts of this chapter draw from two other publications by the author: "Nicaragua: Beyond the Revolution," with Shelley McConnell, and *The Observation of the 1996 Nicaraguan Elections.*

2. Guillermo O'Donnell uses the terminology of democratic and maximalist oppositions to describe different analytical factions in democratic transitions. See O'Donnell, "Transitions to Democracy," pp. 62–75. Robert Pastor refers to the conciliatory and confrontational wings of both parties in "The Making of a Free Election."

3. Figures provided by the U.S. Agency for International Development, Mission in Nicaragua, "Status of U.S. Economic Assistance to Nicaragua, Fiscal Years 1990–1996."

4. *Report on the Impact of External Assistance.*

5. The observer organizations, all financed by the U.S. Agency for International Development, divided their tasks: the OAS maintained a national office and regional presence, monitoring the entire process, writing periodic assessments, and offering recommendations on the preparations for the elections. The

Carter Center, the Center for Democracy, and the International Republican Institute focused on international observing, with the former bringing high-level attention and visibility to the elections, and the latter two paying special attention to the *cédulizacion* (national identification card) process and the ad hoc voter registration process in the north central area of the country, respectively. The International Foundation for Electoral Systems (IFES) offered evaluations and advice on the technical aspects of the election, and the National Democratic Institute for International Affairs (NDI) worked closely with Ética y Transparencia.

6. President and vice-president; National Assembly representatives elected by proportional representation by department and nationally; Central American Parliament; mayors; and municipal councils.

7. A 1993 law charged the CSE to provide a new permanent plastic photo ID card (cédula) that would serve as the voter's card for all eligible Nicaraguans. As early as mid-1995, however, the CSE knew it would not be capable of producing enough cédulas in time for the 1996 elections. Consequently, the CSE proposed two additional forms of identification. First, for twenty-six municipalities in the mountainous central corridors of the country, which had difficult access or security problems due to rearmed Contras and demobilized soldiers, the CSE proposed to use the traditional form of walk-in registration over several weekends in June. Second, the CSE would strive to complete the cédula process in the other 119 municipalities in the country, but would be prepared to substitute a temporary voter document valid only for the 1996 elections to those cédula applicants whose applications had too many errors to be completed in time for the 20 October elections.

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5

Haitian Elections and the Aftermath

Sue Nelson

Dictatorships, repression, and regime change through the use of force have dominated Haiti's history. The state has been a means for a traditional elite and military to accumulate wealth and maintain power. The parliamentary and presidential elections in 1995 and the subsequent inauguration of the new president in 1996 constituted the first peaceful transition of power from one democratically elected government to another. Only international intervention and peacekeeping made this democratic transition possible. This chapter focuses primarily on the conduct of these elections and the donor assistance provided by the international community. It also considers the implications for longer-term political and economic development in Haiti as a result of these elections.

Historical Background

Christopher Columbus discovered the island of Hispaniola in 1492. The Spanish colonized the eastern part of the island; in the west, the French established lucrative sugarcane plantations dependent upon African slave labor. Over time, the descendants of the French plantation owners, and often their slaves, formed an indigenous elite, amassing wealth and maintaining their linguistic and even cultural identification with France.

In 1791, the slaves rebelled, gaining control over the French colony. With the defeat of the army sent by Napoleon to protect his interests, the former slaves declared Hispaniola independent in 1814 and renamed it Haiti. The first ruler, a rebel leader, appointed himself emperor, and his assassination and immediate replacement by another rebel leader established an enduring political pattern: the use of violence in the pursuit of power. The eastern half of the island broke away from Haiti in 1844 and declared its own independence, creating the Dominican Republic.

Continued instability, coupled with U.S. economic and geopolitical

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concerns, prompted U.S. intervention in 1915. By sending the U.S. Marines to establish a protectorate in Haiti, President Woodrow Wilson set another pattern: U.S. intervention in Haiti's domestic affairs. The marines centralized the Haitian government and created a modern Haitian army. The termination of U.S. protectorate status in 1934, and the lack of a viable alternative political institution, allowed the Haitian military to assume a dominant role in Haitian politics.

In 1957, François Duvalier was elected president with tacit military support. Wary of their military and political power, Duvalier marginalized the military by creating a private army, the Tonton Macoutes, and by manipulating traditional Haitian beliefs such as *vodun,* or voodoo. He legitimized his new regime with the 1964 constitution, which named him "president for life." After his death in 1971, his son, Jean Claude Duvalier, assumed power. Continued repression and corruption sparked mass protests and international pressure, forcing his exile to France in 1986.

Instability and unrest marked the post-Duvalier era. An interim government, headed by Gen. Henry Namphy, promised civilian rule and allowed for the election of a constituent assembly. In 1987 a new constitution was adopted by referendum and became the touchstone for democratic transition. Nevertheless, political violence forced the cancellation of the 1987 presidential elections halfway through voting. Military-backed elections were reheld in 1988, but Namphy overthrew the winner, Leslie Manigat, when Manigat tried to remove him as head of the army.

In 1988 Gen. Prosper Avril overthrew Namphy, but civil unrest and U.S. political intervention forced Avril to resign and permitted the establishment of a civilian caretaker government. Headed by a supreme court justice, the new government held presidential, parliamentary, and local elections with substantial international assistance and observation. Father Jean-Bertrand Aristide, a Roman Catholic priest, easily won the presidency with 67 percent of the vote. A vocal critic of the Duvalier regime, Aristide represented the popular Lavalas Political Platform (PPL), a movement that emphasized social justice and the redistribution of wealth.

Aristide was the first freely and democratically elected president of Haiti, yet his survival in office was not assured. His leftist convictions and his ability to mobilize mass support among the underclass threatened both the military and the traditional elite, who stood to lose political power and resources. Even before Aristide's inauguration, the former head of the Tonton Macoutes attempted a coup d'état. He failed, but the attempt resulted in three days of rioting, with 125 dead and $65 million in damage.

After only eight months in office, Aristide was ousted by a military coup led by General Raoul Cedras. The Cedras government, supported and financed by many of the traditional elite, held senate elections in 1993, which most Haitian political leaders and the international community did not recognize. Deteriorating economic conditions, systematic repression,

and human-rights abuses eventually caused many Haitians to flee the country. This flood of "boat people" to the United States persuaded it to intervene again.

Under intense U.S., regional, and international pressure, Cedras and Aristide signed the Governors Island Accord in mid-1993, setting the stage for Aristide's return. However, after senators elected in 1993 assumed control of the senate, and government-inspired demonstrators prevented the USS *Harlan County,* with its entourage of U.S. and Canadian military observers, from entering port, the accord fell apart. Consequently, in July 1994, the UN Security Council approved Resolution 940, creating a special multinational force authorized to use "all necessary means" to restore democracy in Haiti. Invasion plans had already been approved when last-minute negotiations by former president Jimmy Carter forced Cedras to concede defeat and leave Haiti.

A U.S.–led multinational force (MNF) peacefully entered Haiti's capital, Port-au-Prince, in September 1994, as part of "Operation Restore Democracy." The MNF, with 23,000 U.S. troops and 4,100 non-U.S. military and support staff, proceeded to establish a secure and stable environment in Haiti. When Aristide returned on 15 October 1994 to reestablish constitutional rule, he faced a country handicapped by years of mismanagement and international sanctions. Real Gross Domestic Product (GDP) had fallen by 30 percent, inflation was at 52 percent, and unemployment and underemployment were estimated at 75 percent.

Aristide's return to Haiti was only the first step in the restoration of democracy. His government faced several challenges in the months ahead: establishing and promoting the rule of law, enforcing the mandates and statutes of the 1987 Constitution, and reconstructing the Haitian polity. The preparation for new parliamentary and presidential elections was the most critical task on the agenda.

The 1987 Constitution called for regular elections—local, parliamentary, and presidential. Holding free and fair elections soon, in accordance with the constitution, was a crucial, nonnegotiable part of the international effort to return democratic rule to Haiti. Parliamentary elections were to take place in November 1994 but had to be postponed until 1995 because of the lack of time. Presidential elections mandated for November 1995 were also delayed, but only for a month.

Publicly, all sectors of Haitian society supported the elections. However, the depth of genuine support is questionable. Haiti had no tradition of a voluntary transfer of power based on the electoral process. The seventy-odd political parties had little experience with democratic elections—most were simply a means for individuals to gain both control over the state and access to its wealth and resources, and thus lacked the popular support needed to win elections. Many Aristide supporters in the PPL were also opposed to the idea of presidential elections: they argued that Aristide

deserved an additional three years in office to make up for time spent in exile. In two years' time, this coalescence of support around Aristide would influence the course of Haitian politics. In the meantime, the international community stood firm, insisting that parliamentary elections should be held as soon as possible and presidential elections should meet the constitutionally mandated inauguration date of 7 February 1996.

International Electoral Assistance

The international community provided an integrated program of democratic and electoral assistance and monitored the entire process closely at the highest levels. In the United States, an interagency Haiti Task Force composed of officials from the Department of State, the National Security Council (NSC), and USAID followed the progress of democracy assistance. In Haiti, UN Special Representative of the Secretary-General (SRSG) Brahimi coordinated the critical program of political, technical, logistical, and security assistance for the restoration of democracy.

Donor coordination grew out of necessity, required by the realities of the Haitian political environment. The SRSG held a weekly policy-level donor meeting that received reports from the daily technical coordination group. This group consisted of representatives from the UN, the United Nations Mission in Haiti (UNMIH), principal donors, and the Organization of American States (OAS). A key objective was to prevent technical problems from becoming excuses to delay the elections. Multiagency coordination and integrated planning promoted unified action.

Because Haiti had a history of electoral violence, the MNF and its replacement force, UNMIH, sought to create a climate free from fear and intimidation. They assisted the government in dismantling the Haitian Army (FAd'H), long an instrument of repression and violent regime change. The International Police Monitors and the UN Civilian Police (Civpol) supervised the creation of an Interim Security Force and its permanent replacement, the civilian Haitian Police Force (HNP). The UN Electoral Assistance Unit (UNEAU), with an in-country staff of five, plus twelve UN volunteers, provided technical assistance for the 1995 parliamentary elections. Only five experts remained for the presidential elections. The UN team worked under the general mandate of UN Resolution 940 but did not have a specific elections assistance mandate. Their lack of mandate produced disagreements about the team's role. The Haitian Provisional Electoral Council (CEP) wanted them to do less and the donors pressed them to do more.

UN Resolution 940 gave the UNMIH military a very specific role in electoral assistance: creating an environment conducive to the conduct of free and fair elections and the protection of electoral sites. When it became

clear that the electoral preparations were falling behind, the UNMIH became more active. It started providing extensive assistance and helped the CEP with planning, logistics, communications, and voter education.

The OAS conducted international observation as part of its ongoing UN/OAS International Civilian Mission for human-rights monitoring. The OAS provided continuous electoral observation through core staff located in every province, with approximately three hundred additional observers who came for both the parliamentary and presidential elections. Smaller bilateral and NGO monitoring missions joined them on election days. These included US Presidential Observer Delegations, International Republican Institute observers, and European delegations.

OAS monitoring provided an objective view of the highly politicized process. However, it followed a cautious approach. The international community urged the OAS to play a more active role in facilitating dialogue between the opposition parties and the electoral council.

Election costs escalated with changes in election dates and the Haitian use of the elections as an employment program. Direct election costs for the parliamentary elections were estimated at $10.2 million, and $8 million for the presidential elections. The government of Haiti's cash contribution was only 4 percent.

The Haitian elections were funded through an Electoral Trust Fund (ETF), managed by UNMIH, and by direct bilateral assistance. The United States provided $9.3 million to the $11.5 million ETF. France contributed $1.6 million and Japan, $600,000. Bilateral assistance covered additional election expenses: poll workers and political party poll watchers ($3.5 million from the European Union [EU]); voting kits and civic education materials ($2.5 million from Canada); and a computer expert ($25,000 from Mexico). The United States provided logistical support by making trucks, warehouses, and office space available to the CEP. The U.S. Department of Defense provided air transport for ballots from the California printer.

The United States also met the cost of OAS election observation ($3.7 million) and U.S. NGO electoral assistance ($6 million). Participating NGOs included the International Foundation for Electoral Systems (pollworker training and the procurement of ballots); the National Democratic Institute (voter education and political party assistance); the International Republican Institute (election observation); and the American Institute for Free Labor Development (voter education and labor union observation).

Although international pressure was critical in assuring that Haiti stick to the constitutionally mandated timetable, U.S. domestic politics complicated election assistance. With the 1996 U.S. presidential elections nearing, some Republicans sought to incorporate U.S. assistance in Haiti into their attack on the Clinton administration. Dissatisfied Haitian opposition leaders attempted to manipulate these partisan differences, but they were ultimately unsuccessful in gaining U.S. support for their boycott of the 1995

election results, as discussed below. Nonetheless, opposition actions triggered congressional hearings, restrictions on U.S. assistance to Haiti, and concurrent General Accounting Office (GAO) and USAID audits of U.S. elections assistance.

Elections and Results

A government decree created a Provisional Electoral Council to prepare for the 1995 elections. The CEP had nine members, three each from the executive, legislative, and judicial branches. (According to the 1987 Constitution, the Permanent Electoral Council had to await legislation forming local government units [ASECs], which begin the nominations process.)

The CEP quickly redrafted the 1990 Electoral Law, which Parliament ratified and Aristide issued by presidential decree. The law authorized the CEP to organize the elections, establish an administrative structure at the provincial (BED) and district (BEC) levels, and serve as the tribunal for electoral disputes. The CEP also served as a political filter, screening candidates for previous connections with the Duvalier regime; Article 291 of the Constitution prohibited Duvalier associates from standing for office for ten years.

Politics affected the composition and functioning of the CEP. Because of the tradition of electoral politics as a zero-sum game, all parties sought control over the electoral machinery—to assure success and provide patronage. Ideological and political affiliations deeply divided the CEP members; CEP President Anselme Remy led the pro-Lavalas bloc (dominated by the large Organization Politique Lavalas faction), which maintained a 5-4 majority. CEP members negotiated every position in the electoral administration, using up valuable preparation time and producing a nationwide electoral administration based on political or personal affiliations rather than technical qualifications.

Internal mistrust and divisions prevented the CEP from working as a unit and interfered with its ability to get the job done. The lack of a coherent management structure, with power concentrated in the president's office and staff working at cross-purposes, as well as poor communications with the provincial and district office, adversely affected the management of the June 1995 elections.

The CEP was late in ordering voter registration materials, eventually relying on MNF helicopters to transport material to registration sites so that some could open on 26 March as planned. Only 10 percent opened on time, forcing the CEP to extend the registration period. By the time registration closed on 3 June, more than 90 percent of voters had registered.

The opposition parties, so concerned with the political composition of the electoral administration, had made little headway on the selection of

candidates. When the time came for candidate registration, these parties were not ready. The CEP acquiesced to demands that the candidate registration period be extended. This pushed the election date back three weeks to 25 June. More than 11,000 candidates from twenty-three parties registered to compete for 2,200 seats (18 senators, 83 deputies, 399 mayors, and 1,695 local officials).

The process of candidate review was more political than legal, with some applications quietly vetoed by the president's office. CEP inaction in recruiting adequate legal staff made it impossible to review all applications; it initially rejected about 25 percent without any specific reason. Protests from rejected candidates produced reinstatement in most cases and the CEP eventually accepted 11,380 out of the 11,626 applicants.

The campaign for parliamentary elections itself proceeded smoothly. Most candidates promised reform without specifics. The better-organized parties used sound trucks and aired radio ads; most hung banners or painted graffiti on walls. The media covered the parliamentary campaign extensively with relatively balanced reporting, though there were some complaints of pro-OPL bias in state-run TV and radio.

Management problems and an apparent lack of political will continued to plague the CEP. In May, CEP President Remy announced the disappearance of 1.2 million voter registration cards, out of the 4.2 million printed. Although he later recanted, his declaration fueled partisan assertions of CEP irregularities. By mid-June, the CEP had yet to finalize the voter and candidate lists, order the additional 1.6 million ballots required as a result of extended voter registration, identify polling stations, or recruit and train poll workers. The UN's daily technical coordination group had already turned to crisis management, using UNMIH resources when necessary.

Election day, 25 June, was calm and peaceful; turnout was about 51 percent. Party poll watchers were present at almost every site. The CEP's chronic disorganization became very evident with the vote count. Instead of counting at the polling site, many poll workers carried unopened ballot boxes to the local BECs, which had both visible security (UNMIH) and working lights. None of the BECs were prepared for this contingency. At the Port-au-Prince BEC, for example, hundreds of poll workers simply dumped their ballot boxes; others emptied them on the sidewalk and began counting. Several observers felt the situation constituted massive fraud. The OAS, however, which had observers present throughout the night, reported no acts of fraud. It characterized the situation as chaotic, but not fraudulent.

Where there had been major irregularities and where losers had destroyed polling results, the CEP agreed to rerun races in late summer. Opposition parties, which had not done well in the 25 June elections, demanded rerun elections in many races, hoping to redo the entire election. The international community intervened to save the situation through

mediation, helping to address the opposition's major complaints. Aristide, for his part, acceded to welcome demands that he replace two CEP members, including the president.

The July changes in CEP leadership laid the foundation for greater professionalism. Under the new president, Pierre Michel Sajous, decisionmaking became less politicized and more technical. Power was decentralized and the members made an effort to make decisions by consensus. The new leaders isolated CEP "troublemakers" and reduced their power. With factionalism dissipated, the CEP presented a more unified front in addressing concerns and responding to criticism.

The new professionalism translated into better management and organization from the top down, throughout the entire electoral administration. Planning improved, polling sites were reorganized, poll-worker training increased, and delays were minimized. Working relationships with UN experts and the international community became less adversarial and more productive, with the CEP using technical assistance to enhance operations and prevent future crises.

These improvements notwithstanding, opposition parties continued to press their demands for two-thirds of the positions in the electoral administration and for a revocation of the entire June election. Their threat to boycott the elections received more attention in the United States than it did in Haiti, but it contributed to several high-level mediation missions. Despite these efforts, six opposition parties eventually boycotted the second-round parliamentary elections, while seven other non-PPL parties and the OPL continued to participate. It is notable that almost all of the candidates remained in the race despite the position of their parties. The few candidates who did join the boycott had little chance of winning based on their first-round results.

The CEP reran about 20 percent of the June elections on 13 August. Runoff elections were held on 17 September for eight senatorial and sixty-five deputy seats, and on 8 October for two other deputy seats. At the conclusion, the OAS and other international observers certified the election results as representing the will of the electorate. Of note, the Haitian Unit for Electoral Control and Surveillance (USCE), staffed by the parties with CEP concurrence, also monitored the rerun and runoff elections. It had been created prior to the June elections but was not operational at that time.

The pro-Lavalas coalition (predominantly the OPL) won the elections with an overwhelming majority, solidifying its control of localities and gaining the majority of seats in Parliament (see Table 5.1).

It is interesting that five new deputies represented boycotting parties; another three were women. The newly elected officials took office in October 1995, ending the nine-month legislative furlough.

Presidential elections were next on the CEP's agenda. The international community made it clear that it linked the timely transfer of presidential

Table 5.1 Results of the 1995 Parliamentary Elections

Party	Senate	Chamber of Deputies
OPL	17	66
Independents	8	5
Other parties	1	7
Total	26	78

power—by the February 1996 inauguration date—to the withdrawal of UNMIH. It reinforced this message at both the political and technical levels.

Political uncertainties repoliticized and divided the CEP, preventing it from fixing the election date. Aristide sent mixed signals, tacitly encouraging supporters to call for a three-year extension of his term while assuring the international community that he would hold elections and step down. Some members of the CEP wanted to respect the constitutional timetable, while others wanted to delay, perhaps linking the presidential election to the territorial (ASEC) elections. After crucial U.S. and UN interventions, the CEP chose 17 December 1995 for the election, well in advance of the 7 February inauguration date.

Further uncertainty and political violence ensued with the assassination of a Lavalas deputy, one of Aristide's cousins. Aristide's speech at the 11 November funeral set off widespread rioting in support of extending Aristide's term. Aristide subsequently convened a National Dialogue Conference that ended the violence, but did little to reduce the sense of uncertainty about the election. The conference platform recommended a three-year extension of Aristide's term. With one exception, all the boycotting parties refused to participate.

Despite these events, the presidential election schedule did not change. Fourteen candidates, ten representing political parties and four independents, applied and were accredited. The campaign began on 20 November, despite candidates' complaints that they had neither the time nor the money to conduct a proper campaign. The government of Haiti had promised to provide funds to each candidate, but reneged. The campaign was media-oriented as candidates took advantage of the free radio and TV airtime guaranteed by the 1995 Electoral Law. They also relied on banners, painted graffiti, and handbills. The campaign was generally free of violence.

The election was held on 17 December 1995. Election day proceeded rather smoothly. The poll workers had benefited from systematic training and experience—compliance with voting procedures climbed from 67 percent in August, to 80 percent in September, to 96 percent in December. The CEP facilitated this rise by learning from past problems—initiating a secure ballot box drop-off system at the BEDs and BECs, for example. It also

acted quickly to resolve new problems. When faced with inaccurate voter lists at some polling stations, the CEP accepted the validity of individual voter registration cards, allowing voters to vote at the sites printed on their cards. The OAS, other international observation missions, and a concurrent U.S. GAO audit all certified the elections.

Turnout, at 28 percent, was disappointing, particularly after the 51 percent recorded in June. Observers attributed the low turnout to several factors: voter fatigue from multiple rounds and reruns of local and parliamentary elections, the lack of charismatic candidates, and Aristide's countercampaign to maintain his incumbency. Aristide did not endorse Rene Preval's candidacy until two days before the election. Preval, from the OPL, won 88 percent of the vote, eliminating the need for a second round. The closest runners-up were Leon Jeune, an independent with 2.5 percent, and Victor Benoit, from KONACOM, a boycotting party, with 2.3 percent of the vote.

Democracy and Governance in the Postelection Era

Haiti's peaceful transition of power—through the successful execution of local, parliamentary, and presidential elections—contributed to the establishment of democracy. In this troubled land, longer-term predictions remain uncertain. Uneven party development, the lack of meaningful civil service reforms, elite discontent with the rigors of democracy, and public disenchantment with the lack of tangible results from the new system all threaten the consolidation of democratic gains made since the 1995 elections. This section examines some of the challenges ahead.

A successful demobilization effort facilitated reconstruction and reconciliation. Aristide had revoked the FAd'H commission in January 1995. The international community assisted the reintegration effort by establishing a job-training program for over 5,000 ex-FAd'H troops. Immediate demobilization caused a dramatic decrease in the number of human-rights complaints made against law enforcement organizations, reducing the prevalence of both extrajudicial killings and the disproportionate use of force. It also removed the most immediate threat to the democratic transition.

Aristide sought analogous reforms in the judicial branch. He advocated creating an independent judiciary and a civilian police force under the jurisdiction of the Ministry of Justice. Preval's administration submitted a judicial reform bill to Parliament. Despite these commitments and substantial international assistance, progress has been slow. Corruption continues to be endemic; low salaries, untrained and inadequate staff, and overburdened courts hobble the system. Many cases remain unresolved and those arrested can spend years in pretrial detention. The public perception that most crimes go unpunished provokes vigilante violence, with more than a

hundred cases reported in 1996. The creation of the Haitian National Police constituted the only real achievement in this sector, although charges of police brutality still occur. Trained and equipped by the international community, it reached its full complement of 5,000 in 1996. The international community has spent $100 million on the HNP, and it accounts for 10 percent of the government's budget.

Neither Aristide nor Preval has found it easy, either, to promote economic reform. The IMF demanded that Haiti undergo structural adjustment as a condition of its $300 million foreign aid package. Parliament was slow to ratify the reforms but, with donors providing 70 percent of the Haitian budget, had little real choice. Despite protests from many quarters, including former president Aristide, Preval has begun implementation of the unpopular reform program.

The 1987 Constitution encouraged a stronger Parliament as a check on the presidency; clearly Parliament's unwillingness to support the structural-adjustment package was one expression of this. With an eye toward increased power and professionalism, Parliament adopted new rules as part of its postelection reorganization. It sought to discharge its constitutionally mandated functions: lawmaking, oversight of the executive branch, and ratifying government policies and executive appointments. For the first time, Parliament initiated its own legislation, consulting with civil-society organizations in drafting laws.

The constitution also provided for an elaborate system of local government to counterbalance the power of the national government. In April 1996, Parliament finally passed the long-awaited law on territorial collectivities. The intention is to decentralize—shift the locus of government (and the polity) away from Port-au-Prince—and to reinforce the political functions of the localities. The territorial collectivities are elected at the commune (ASEC) level; indirect elections provide representatives for a hierarchy of assemblies at the provincial and national levels. The ASECs start the nomination process for all judges (except for the Supreme Court) and for the members of the Permanent Electoral Council.

Adherence to the rule of law has meant the expansion of the democratic base. Opposition boycotts, public criticism, and protests against economic reforms signify greater freedom of expression, freedom of association, and freedom of the press. During the Cedras regime, violence and intimidation often abridged the freedom of the press guaranteed in the 1987 constitution. Now, a more representative press expresses a wider range of opinions.

The human-rights situation has improved since the elections. After decades of regime-sponsored abuse and repression, human-rights organizations can now monitor human rights in Haiti without impediment. While president, Aristide established an independent Presidential Commission of Truth and Justice to investigate human-rights abuses. The nine-month

investigation classified the abuses and their magnitude. However, the commission report, issued in 1996, was not widely disseminated and the Ministry of Justice has not been able to follow up on either its allegations or its recommendations. The draft justice reform does provide for some compensation procedures.

The Lavalas Political Platform (PPL), a movement composed of regional groups, independents, and structured parties like the OPL, continues to grapple with its transformation into several separate entities and political parties. During the 1995 elections, the coalition preached unity through its slogan, "Everyone Around the Table." As fissures began to divide the coalition, tensions emerged between the OPL, whose current leader, Gerard Pierre-Charles, supports greater institutionalization and formal structure, and Aristide's supporters, who find themselves more comfortable with a traditional party organized around a charismatic leader.

Aristide's outspoken opposition to privatization and his subsequent decision to create a new political party, La Fanmi Lavalas, split the Lavalas movement. Registered in January 1997, La Fanmi sponsored candidates in the April 1997 elections. Although President Preval maintained his allegiance to and identification with the OPL, the addition of a new party divided the Lavalas coalition and the OPL government. OPL-La Fanmi divisions have impeded certain government functions; since January 1997, it has been difficult to reach a quorum in Parliament.

The transformation of traditional Haitian political parties, especially those outside the PPL, and the formation of a loyal opposition are necessary for further democratization. Most Haitian parties are not representative institutions. They are weak, unable to exact discipline or member loyalty. Instead, self-interest promotes coalitions around certain individuals, and allegiances shift when the opportunities arise. Parties with charismatic leaders, rather than established structures, are perceived as particularly successful in mobilizing the population. These tendencies continue to debilitate party development. Given this environment, many parliamentarians, both within the Lavalas movement and without, eschew party membership and identify themselves as independents. While this inclination frustrates institution building, it demonstrates the desire for more accountability and transparency.

This uncertain and tense political environment influenced the 1997 elections. After Parliament passed the territorial collectivity law in April 1996, the CEP began organizing elections for the ASECs and the one-third of the Senate up for reelection. The renewed politicization of the Sajous CEP, the result of internal divisions created by the OPL-La Fanmi split, prevented it from fixing a date. Preval dismissed the presiding members of the CEP and new members were appointed. Elections set for March 1997 eventually took place on 6 April 1997.

During preparations for these elections, old patterns reemerged in the

use of the electoral administration for patronage and political partisanship. The OPL accused the new CEP members of being pro–La Fanmi Lavalas, even though the OPL had appointed them. The boycott partners continued their boycott, charging the new CEP with preserving Lavalas control over the elections.

Turnout for the April 1997 election was estimated at a dismal 5 percent. Disillusionment with the government's inability to provide goods and services produced voter indifference. Insufficient civic education propelled general confusion about, and unfamiliarity with, the jobs of local government, ASECs, and Parliament, and thus contributed to the low turnout.

The OAS reported the elections as calm; the problems came with the vote count. The CEP tallied the votes without counting the blank votes, despite the 1995 law mandating their inclusion. The CEP's method favored La Fanmi Senate candidates because it gave some of them a majority in the first round, eliminating the need for a runoff. The OAS observers, the prime minister, and the OPL protested the procedure, causing the CEP to postpone the runoffs till June. When the CEP refused to correct the count, the OPL decided to boycott the runoffs, which Preval consequently canceled. The OPL's decision to join the boycott gave real weight to it. For its part, the CEP proceeded to publish the results of the ASEC elections in June, without government endorsement. Parliament immediately initiated an inquiry into their unauthorized release.

The April 1997 elections may yet have a significant effect on Haitian party politics and party development. While Parliament continues to debate the blank-vote issue, the first-round senate results indicate a La Fanmi win. If the count stands, it could influence the selection of a new prime minister. (OPL Prime Minister Rony Smarth resigned over privatization and election issues.) If these new La Fanmi senators join with defectors from the OPL, the balance of power within Parliament will change, possibly in favor of a La Fanmi prime minister, rather than one from the OPL. (Of course, the existence of so many independents makes prediction difficult.) Parliament rejected Preval's first nominee for prime minister, in part because of his pro-privatization position.

The parties that had boycotted the 1995 elections still refuse to engage the new system. Rather than accepting the results of the 1995 elections or participating in the 1997 elections, they continue to call for a national conference to negotiate power sharing. Their strategy of nonparticipation within the constitutional framework aggravates governmental paralysis. The Haitian democracy has not found a method of including these political losers.

The traditional economic elite, as well as the trade unions representing workers in state enterprises and the sundry political demagogues, all maintain their opposition to certain government policies and reforms, at times immobilizing both Parliament and the government. Their bitter opposition

to the economic reform measures, in particular, is indicative of the problems facing the government.

Public disenchantment, bred by the government's privatization policy and its inability to provide many basic services, has grown considerably. Although both Aristide and Preval publicly supported civil service reform, patronage and endemic corruption have made both the efficient provision of services and meaningful reform virtually impossible. Until recently, international donors and NGOs have stepped in to meet the most urgent public demands, establishing unsustainable, parallel systems of service delivery. However, much of this money is now blocked, setting the stage for a possible crisis.

Like other postconflict countries, Haiti remains a country in transition. With an annual per capita income of $260, it is the poorest country in the Western Hemisphere. Haitian society remains highly stratified by class and status. The predominantly urban, French-speaking elite has maintained its traditional economic power without making concessions to the fundamental changes wrought by postconflict elections, to reform, or to nation building.

Running on a platform that emphasized social justice and system change, candidates from the Lavalas political coalition have prevailed in Haiti's postconflict elections—in the 1995 presidential elections and in the 1996 parliamentary elections. They now hold majorities in both Parliament and in local government. The 1997 elections extended these gains to the newly created territorial assemblies. The Lavalas movement has undoubtedly transformed Haiti's political system. It has put the formerly excluded inside the system, facilitating the emergence of a politics of competency to compete with the politics of paternalism. Nevertheless, Haiti has yet to reconcile traditional economic and political forces with this transition.

Strategic and Technical Lessons Learned in Haiti

1. *Allow enough time for the rational implementation of the electoral calendar.* The CEP did not have enough time to establish itself as an institution and to organize parliamentary elections. It took more time than anticipated to create a nationwide institution employing 50,000 persons. Staffing decisions absorbed valuable preparation time, resulting in a very compressed schedule. Yet, setting an elections date is essential to keeping the process on track.

2. *To better support the political process, the donors needed to do the following.*

Keep assistance technical. By avoiding sensitive political issues and focusing on technical administration, electoral experts worked quietly to ensure that acceptable elections were held. UN and UNMIH experts made certain that the technical pieces were in place and that politicians

could not use implementation problems to delay or subvert the elections for purely political reasons.

Ensure that elections are competently administered. Opposition politicians with limited or nonexistent constituencies were able to use the CEP's disorganization as ammunition when challenging the legitimacy and credibility of the election results.

Ensure transparency of the process. The lack of transparency in the 1994 CEP fueled opposition suspicions of CEP bias and allowed electoral workers with political agendas to operate unhindered. The increased openness and transparency in the reformed CEP allowed observers and political parties to identify and challenge questionable actions. Transparency boosted the CEP's credibility and generated public interest and confidence in the elections.

Encourage Haitian ownership of elections. Donors were often more interested in the elections than the Haitian government. This had several consequences. The lack of government interest and support made the CEP almost completely dependent on the international community for financial assistance and moral support. The fact that government money was not involved produced a "so what" attitude toward spending and adherence to the timetable. Clearly, a more substantial financial stake by the Haitian government could have eliminated some of these problems and generated more concern for the process.

Coordinate all aspects of elections assistance and ensure that all donors speak with one voice. Donors could not afford mixed messages in the highly politicized atmosphere. The donors maintained unified positions and closely coordinated their assistance. The technical group met daily to guarantee coordination and integration of all of the assistance activities.

3. *Assist with the development of a good management system for the electoral administration.* Bad management and planning was a major cause of the problems in June 1995. Good planning would have alleviated the need for crisis management and preserved established time lines. The reformed CEP encouraged decentralization, allowing the operations division to manage the elections and the BEDs and BECs to make local-level decisions. These improved implementation. Donors also need to ensure that a good financial management and accounting system is established. The CEP's inability to meet a payroll created many problems, including chronic strikes and demonstrations.

4. *Avoid creating an unsustainable electoral administration.* Because of the Haitian treatment of elections as an employment program and the "so what" attitude toward donor funds, the Haitians developed an electoral administration far beyond their financial capabilities. A cost-effective system, appropriate to Haiti's limited financial means, should be developed.

5. *Demobilize traditional sources of armed resistance to democracy.* The early demobilization of the FAd'H removed the conventional military

threat to democratic development. The traditional elite and the military could no longer rely on force for regime change; they had to accept, and work within, the democratic system.

6. *Importance of external peacekeepers.* UNMIH peacekeepers created a secure environment, enabling Aristide to return and stay in power. The peacekeepers permitted the quick demobilization of the army and creation of a civilian police force. Their presence throughout the election cycle encouraged the peaceful transfer of power. The UNMIH's prolonged post-election presence permitted new institutions to take root and allowed new governments to operate, despite opposition.

6

Cambodia's Rocky Venture in Democracy

Frederick Z. Brown

Cambodia's Legacy: Social and Political Turmoil

An estimated 1 to 2 million Cambodians died during the Khmer Rouge period (April 1975–December 1978) from execution, starvation, or disease. Before the killing, the population had stood at about 7 million. In 1996, Cambodia's population, estimated at somewhat more than 10 million, was growing at a rate of about 3 percent a year. As a result of internal armed conflict since the 1960s, the population is at least 55 percent female, and rural households are headed predominantly by females. By 1995 the mean age was believed to be one of the youngest in Asia, owing to the birth explosion after the expulsion of the Khmer Rouge at the end of 1978.[1]

In 1962, 80 percent of the population were ethnic Khmer. The remaining 20 percent included Chinese, Vietnamese, Cham (an Islamic minority originating in Vietnam), and Khmer Loeu (tribal people of the highlands). By 1981, as a result of a Vietnamese exodus and the Khmer Rouge execution of large numbers of Cham and Chinese, ethnic Khmer accounted for about 90 percent of the population. With the return of former Vietnamese residents and new "settlers" during 1981–1991, and after a 1993 boost in the Cambodian economy, the informal Vietnamese population may now constitute 5 percent of the population. The presence of ethnic Vietnamese farmers in the eastern provinces and construction workers in Phnom Penh is one of most sensitive political issues in contemporary Cambodia.[2] Population density (150 persons per square mile) is sparse compared with that of Vietnam (544) or Thailand (287). Despite an agglomeration around Phnom Penh since the 1980s, Cambodia remains overwhelmingly an agrarian society, with 80 percent of the population living in villages and small towns.

Cambodia's fundamental problems are rooted in geography and in centuries of national and ethnic rivalry between Cambodians, Thais, Vietnamese, and Chinese. From the ninth through the fourteenth centuries,

the Khmer Empire fought the Siamese, the Cham, and then the Vietnamese to preserve its dominance. Then it collapsed. For three centuries Cambodia was picked apart by its neighbors until becoming a French colony in the mid-nineteenth century.

The Cold War became critical soon after the country's independence from France in 1955. Prince Norodom Sihanouk maneuvered Cambodia through the Indochina Wars of the 1950s and 1960s with minimum damage compared with the disasters that befell Vietnam and Laos. By 1970 the country's fragile neutrality was undermined by a widening Indochina war. In March 1970, Prince Sihanouk was deposed. The radical communist Khmer Rouge, then allied with North Vietnam, had solidified their grip on the countryside during the early 1970s. In 1975 they wrenched power from the U.S.–backed Lon Nol government.

The Khmer Rouge surpassed in scope the visions of the bloodiest of Maoist revolutionaries. Their rule lasted forty-two months and caused the deaths of one-fifth of Cambodia's 7 million people. To construct a "pure" Cambodian communism, the Khmer Rouge pursued a virulent anti-intellectual, antiurban campaign. They executed or worked to death doctors, lawyers, and merchants. Reports circulated of their dispatching, indiscriminately, anyone who wore (or appeared to have worn) eyeglasses—a possible indication of higher education.

Bent on stamping out any vestiges of Vietnamese influence, the Khmer Rouge slaughtered more than 5,000 Khmer communist cadres trained by Hanoi. The Khmer Rouge were determined to regain lands of the ancient Khmer Empire absorbed by the Vietnamese in the seventeenth and eighteenth centuries. Beginning in 1976, they staged cross-border raids, ravaging Vietnamese settlements in the Mekong Delta.

On 25 December 1978, Vietnam invaded Cambodia. The political vehicle for Vietnam's "liberation" of Cambodia was a "united front" made up of ethnic Cambodians living in South Vietnam, Vietnamese who had previously lived in Cambodia, and disaffected Khmer Rouge and other native Cambodians who had fled across the border into Vietnam to escape Khmer Rouge rule. Vietnam had organized, trained, and equipped the front for this contingency. The invasion removed the Khmer Rouge government and installed the People's Republic of Kampuchea, ushering in a new era in Indochina.

For the rest of Southeast Asia, the cause of the ensuing conflict was "irreversibility"—Vietnam's announced objective to create in Phnom Penh a regime that was Marxist-Leninist and responsive to Vietnam's political will. The Association of Southeast Asian Nations (ASEAN) and its international supporters refused to accept this fait accompli.

ASEAN encouraged two Cambodian factions exiled in eastern Thailand: the Khmer People's National Liberation Front (KPNLF) and the Unified National Front for an Independent, Neutral, Peaceful, and Cooperative Cambodia (Funcinpec). In 1979 they were joined by the

Khmer Rouge, who remained steadfastly communist. The KPNLF was republican; Funcinpec was monarchist and loyal to Sihanouk. From safe havens within Thailand and later in "liberated zones" inside Cambodia, these groups organized miniature armies that conducted a guerrilla insurgency against the People's Republic of Kamphuchea and the occupying Vietnamese army. The Khmer Rouge dominated this coalition, which was formalized in 1982 as the Coalition Government of Democratic Kampuchea. The coalition enjoyed support from ASEAN, China, and the United States. As the anti–Phnom Penh insurgency grew, Cambodia harbored simultaneously a civil war, a regional war, and a great power proxy war.

Politically, between the two communist factions (the deposed Khmer Rouge and the ruling Phnom Penh regime, backed by Vietnam) there was mortal enmity that became a major obstacle to resolution of the Cambodian conflict after 1979. Similarly, because of the outcome of the war in 1975, which had either forced them to flee or to endure the depredations of the Khmer Rouge, the noncommunist Cambodian resistance movement hated both the Khmer Rouge and the Phnom Penh regime, which was staffed largely by ex-Khmer Rouge.

Most Cambodians felt a deep hostility toward one or more of these principal actors responsible for Cambodia's plight. Nonetheless, given the society's Buddhist culture, which stressed a spirit of forgiveness, many in the large Cambodian peasantry were more prepared to make peace than were their political leaders. But in the pre-1991 era—and to the present day—the elites' basic recalcitrance and hunger for power have made national reconciliation extremely difficult.

All parties to the Cambodia conflict had at one time or another embraced the concept of an international solution. These rhetorical pledges were customarily made to gain tactical political advantage. As the first Paris International Conference on Cambodia was opening in midsummer 1989, the Berlin Wall fell and the unraveling of communism in Eastern Europe and the Soviet Union began.

The Soviet Bloc had been the main contributor to Vietnam's military capability and economic development and to the life-support system of the People's Republic of Kampuchea (renamed, in 1989, the State of Cambodia). In the context of a potential Cambodia settlement, the collapse of Eurocommunism had discernible implications. Moscow and Beijing modified their geopolitical priorities to downgrade the Cambodia issue. With accomplishment of their strategic objectives in sight, China, the United States, and ASEAN were ready to talk seriously about compromise. China, still smarting from the international outcry against Tiananmen Square, was seeking to normalize relations with the Soviet Union and several states in Southeast Asia, including Indonesia and Vietnam. Vietnam, nearly bankrupt and with domestic discontent mounting, was desperately attempting to promote normalization with China and the United States.

The Agreements on a Comprehensive Political Settlement of the Cambodia Conflict were signed in Paris on 23 October 1991.[3] The Khmer parties were swept along on the tide of the determination of the external powers—for their own political reasons—to remove the Cambodia conflict from center stage. Some of the issues thought to be critical before 1991 were obscured in late 1991. External events preoccupied the main players in the Cambodian peace process as momentum toward a political settlement mounted.

But the issues were not forgotten by the Cambodians. They returned to center stage with a vengeance in 1991–1993, especially during preparations for the May 1993 elections. The viability of the settlement was predicated on parties obeying both the spirit and the letter of the settlement. The Cambodian factions, however, too accustomed to having others fight their internecine battles, were never fully committed to the Paris agreements. The permanent five members of the UN Security Council (the United States, the Soviet Union, Britain, France, and China) did not choose to give the agreements the teeth necessary to force compliance.

International Electoral Assistance

The Paris agreements established the United Nations Transitional Authority in Cambodia (UNTAC) and armed it with the mandate set forth in the agreements. Yasushi Akashi, a former Japanese diplomat with extensive experience at the UN's New York headquarters, was appointed special representative to the UN Secretary-General to oversee UNTAC.

The agreements stipulated that a Supreme National Council would be "the unique legitimate body and source of authority in which, throughout the transitional period, the sovereignty, independence, and unity of Cambodia are enshrined."[4] The council consisted of twelve members, six from the incumbent Cambodian People's Party (CPP), which had been installed by the Vietnamese as the governing party to replace the Khmer Rouge, and two from each of the three resistance factions. The council was chaired by Prince Sihanouk, as a thirteenth member empowered to break deadlocks. When he was unwilling or unable to do so, this authority passed to the UN special representative.

The council delegated to the United Nations "all powers necessary" to ensure the implementation of the agreements. UNTAC followed some of the conventional guidelines of previous UN peacekeeping operations, yet contained a number of unique characteristics, in particular the nature of the Supreme National Council's powerful role. The national sovereignty of Cambodia was ceded temporarily to the United Nations through the mechanism of the council. UNTAC incorporated the traditional goals of monitor-

ing cease-fire agreements and adherence to border arrangements to prevent further conflict and to promote permanent dispute resolution.

To ensure a neutral political environment, UNTAC was supposed to exercise direct supervision over all "existing administrative structures" acting in the fields of finance, information, foreign affairs, national defense, and public security. This was the most difficult civil mandate to carry out and the one to which the framers of the Paris agreements had been most negligent in addressing realistically.

UNTAC was empowered to exercise a lesser degree of scrutiny over other components of the existing administrative structures; the criterion was whether such offices could have any influence on the outcome of the elections. In theory, UNTAC's operations were designed to unfold in a series of four phases after October 1991: preparatory (through May 1992), cantonment and demobilization (June–September 1992), electoral process (October 1992–April 1993), and postelection (May–October 1993).

When fully deployed in September 1992, eleven months after the signing of the Paris agreements, UNTAC's strength was 15,900 military personnel, 3,600 civilian policemen, and 2,500 international civilian personnel. Tens of thousands of locally recruited Cambodian staff were trained and worked with UNTAC international staff. The majority were involved in the electoral process. UNTAC consisted of seven components: military, electoral, human rights, civil administration, civilian police, repatriation, and rehabilitation. In addition, it had an information and education division, which reported directly to the special representative and which came to enjoy status equivalent with that of the other components.

The military component was charged with verification of the withdrawal from Cambodia and nonreturn of all categories of foreign forces and their arms and equipment. It supervised the cease-fire and related measures, including regroupment, cantonment, and disarming and demobilization of forces of the Cambodian parties. It was also responsible for monitoring the cessation of outside military assistance, locating and confiscating caches of weapons and military supplies throughout Cambodia, storing the arms and equipment of the cantoned and the demobilized military forces, and conducting mine clearance and mine awareness training programs. The military's overall objectives were to "stabilize the security situation and build confidence among the parties to the conflict."[5]

The agreements entrusted UNTAC with the organization and conduct of free, fair, and credible general elections in Cambodia—the essential element of the UN involvement on the ground. Among UNTAC's responsibilities were establishment of an electoral law, regulations to govern the electoral process, and an electoral code of conduct. The key operational aspects of the electoral component's responsibilities were registration of voters and political parties, civic education and training, compliance and complaints,

and the polling and vote-counting process itself. It was given the responsibility for "fostering an environment in which respect for human rights and fundamental freedoms would be ensured."[6]

The human-rights component provided human-rights education, general human-rights oversight in all "existing administrative structures," and investigation of alleged human-rights abuses.

Elections in a Time of Poisonous Politics

Khmer Rouge refusal to cooperate in the peace process began early in 1992. The UN special representative had kept the door ajar for the Khmer Rouge's political wing, the Party of Democratic Kampuchea, to join the electoral process at the last moment even though the party had failed to cooperate in the steps prescribed under the Paris agreements. The net result was that the Khmer Rouge, by their own actions, excluded themselves.

As the election campaign commenced in February 1993, the political and security climate was far from encouraging. There were threats and actual violence from the Khmer Rouge, harassment of noncommunist political parties by cadres of the Cambodian People's Party and the State of Cambodia, military skirmishes between the Khmer Rouge and state forces, strained relations between Thailand and UNTAC, uncertainty over Prince Sihanouk's future role, controversy over the Vietnamese presence, and doomsaying from foreign observers. UNTAC was unable to gain the cooperation of the Khmer Rouge or to curb the excesses of the Cambodian People's Party and forces of the State of Cambodia. The Khmer Rouge Party of Democratic Kampuchea confirmed rejection of the peace process with their formal departure from Phnom Penh on 13 April 1993.

Among the twenty registered parties, the strongest players who actually fielded candidates were (1) CPP, Hun Sen's Cambodian People's Party, including many ex-Khmer Rouge in the state apparatus; (2) Funcinpec, the United National Front for an Independent, Neutral, Peaceful, and Cooperative Cambodia, led by Sihanouk's son, Prince Norodom Ranariddh; and (3) KPNLF, the former Khmer People's National Liberation Front, which had split into two parties: BLDP, the Buddhist Liberal Democratic Party, led by Son Sann, and the Liberal Democratic Party, led by General Sak Satsakhan.

Campaign offices of the incumbent CPP were present in all the provinces and most villages; they were housed in existing state administrative offices. Attendance at CPP political meetings was mandatory for civil servants. Other political parties had to rent office space, or use their homes; permission to open offices was often difficult to obtain from officials of the State of Cambodia.

Most political parties expressed fear of retaliation at political meetings.

Their fears apparently were justified. Civilian police and other authorities received numerous complaints of political harassment by the government cadres. Funcinpec nonetheless managed to field a remarkably high number of provincial and district offices, while the BLDP was well represented in the western and northern provinces and in Phnom Penh.

Sihanouk, "father of all Khmers," remained above the fray in hopes of fabricating a national reconciliation. Throughout the UN-sponsored peace process from 1986 onward, Sihanouk had been viewed as the linchpin of a settlement, the only leader capable of managing Cambodia's poisonous politics. Many Cambodians still viewed him as the one leader who might, deus ex machina, impose tranquillity on the fractured Cambodian society.

True, certain of Sihanouk's traits and actions undermined his credibility as a leader. These included vacillation, contradictory statements, prolonged absences in Beijing and Pyongyang, and pledges to bring the Khmer Rouge into the new Cambodian government regardless of the election outcome. Still, most rural people retained a nostalgia for the past and equated the tranquillity and prosperity of those days to life under Sihanouk. It was a belief that aided Funcinpec immeasurably.

The major issue in the May 1993 elections was power, pure and simple: who would govern? In their geographically small zones of control, mainly in enclaves near the Thai border, Funcinpec and KPNLF argued that they would bring foreign investment, economic development, and "good government" to Cambodia. By contrast, CPP candidates claimed that only the Cambodian People's Party and the existing regime could offer protection against the return of the Khmer Rouge. Realistically, none of the parties could have guaranteed peace or offered firm programs to rebuild Cambodia. The election embodied three emotional negatives: anti–Khmer Rouge sentiment, anti-CPP and antiregime sentiments, and anti-Vietnamese sentiment. There was one positive—a yearning for peace—and the United Nations' massive presence seemed to offer this chance.

Technically, the elections were among the most meticulously planned and the most expensive per capita ever held in Asia. Voting took place under a system of proportional representation within twenty-one provinces on the basis of lists of candidates put forward by political parties in each province. Thus, any party that obtained a modest share of the popular vote in a given province was assured of seats in the National Assembly. This worked in favor of the BLDP, for example, which obtained only 3.8 percent of the vote nationwide but received 10 seats in the National Assembly out of 120 (8.3 percent). Twenty parties registered slates of candidates. The voters did not cast their ballots for individual candidates but for the party slates. Party leaders were permitted to switch candidates for their prospective seats, and when the results of the election were known, they juggled their slates to seat their priority choices for the Assembly.

Each person eighteen years old and born in Cambodia or the child of a

person born in Cambodia was eligible to vote. In the August 1992 electoral law, for registration purposes the definition of a "Cambodian person" was refined so that any potential registrant who was born outside Cambodia had only to demonstrate that he or she had both a parent and a grandparent of the same bloodline born in Cambodia. The relatively liberal definition of eligibility based on location of birth rather than ethnicity caused an outcry from Cambodians of all political stripes. It enfranchised an undetermined number of ethnic Vietnamese and raised the specter of a cunning plot by Vietnam to control the election.

Despite these objections, UNTAC's voter registration effort was a resounding technical success. In all, 4,623,000 voters—95 percent of those eligible—were finally registered, with the thumbprint and photo of each filed and computerized in UNTAC headquarters.

The electoral component staff included UN volunteers stationed down to the district level in two hundred districts throughout most provinces during the registration and campaign periods, with the mission of training Cambodian polling officials. Each province had a senior UNTAC election chief under whom were UNTAC district electoral supervisors. Between provinces, there were significant disparities in the work load of the UNTAC officials. Kompong Cham had a population of 1,345,582 (703,000 registered voters) and eighteen seats in the National Assembly. In Mondulkiri the population was 21,449 (13,518 registered voters) with one seat at stake.

More than 1,400 fixed polling places were established. There were also a number of mobile polling stations to accommodate people in remote areas. Polls were staffed by 50,000 Cambodians trained by UNTAC's electoral component and supervised by UNTAC personnel, plus 1,000 international polling station officers brought in for two weeks to lend authority to the process. Care had been taken to ensure the secrecy of the individual voter's ballot, a critical aspect of the entire process. Voting, as mentioned, was by party slate. The name and symbol (such as a palm tree, portrait, or plow) of each slate were printed on the ballot. Voters simply checked the box next to the party symbol. Ballots from a given village were commingled with ballots from other villages at the province level to disguise how small localities voted and to minimize reprisals. Counting was done at the province center. Results were then sent to Phnom Penh along with the sealed ballot boxes. The validity of a voter's ballot could be challenged on various grounds at the polling place by rival parties. When that happened, the ballot became "tendered," and election personnel followed a procedure for verification of voter credentials through registration records.

The electoral component provided extensive educational programs for party officials, party members, and the general population on a wide range of subjects. The secret ballot was an important principle to ensure a "free and fair" election. Voter education accelerated in the month before the election. Despite rumors about special satellites that could peer down and see

who one voted for, or magic pens linked to computers, the concept of secret ballots was conveyed effectively to the populace. Foreign NGOs carried out democracy training programs at the province and district level to sensitize party cadres to the principles of democratic campaigning and election conduct.

More than 89 percent of eligible voters cast their ballots. They braved sporadic shelling, long walks, mine threats, and torrential downpours, demonstrating faith in the importance of their individual ballots. The presence of foreigners, many of whom had election experience in their own countries or in other UN-sponsored elections, assisted Cambodian officials and lent credibility to the process.

The results came as a shock to the incumbent Cambodian People's Party (see Table 6.1). With a total of 38.2 percent of the vote and fifty-one seats in the National Assembly, the CPP came in second to Funcinpec's 45.5 percent of the vote and fifty-eight seats. The Buddhist Liberal Democratic Party received ten seats, and the pro-Sihanoukist National Liberation Movement of Cambodia (Molinaka) Party, one. The results created yet another round of difficulties: bitter objections from the CPP about alleged UNTAC-inspired election fraud, a Sihanouk bid for the presidency, and a failed secessionist gambit.

Table 6.1 May 1993 Election Results

Party	Number of Seats	Percentage of Valid Votes Cast
National Front (Funcinpec)	58	45.5
Cambodian People's Party (CPP)	51	38.2
Buddhist Liberal Democratic Party (BLDP)	10	3.8
National Liberation Movement of Cambodia (Molinaka) Party	1	1.4
17 other parties	—	11.1

Sources: Phnom Penh Post, 18 June to 1 July 1993; *United Nations Focus,* "Cambodia Election Results," July 1993.

As it saw the tide turning, the CPP, which had expected to win, scrambled for a strategy. Officials of the party and of the State of Cambodia criticized UNTAC procedures. They pointed to defective seals on the ballot boxes, ineffective indelible ink to prevent double voting, and the provincial counting process itself. By day three of the voting (25 May) the CPP recognized that Funcinpec was running ahead and that the BLDP would also gain a sizable vote.

UNTAC posted the daily vote count province by province and refused the CPP's demands that this practice be stopped.[7] The CPP consequently

withdrew its poll watchers in the provinces and began a campaign to discredit the election process. It charged fraud, maladministration of voting procedures, and UNTAC bias in favor of the noncommunist parties. Party leaders demanded that UNTAC repeat the election in seven closely contested provinces. But the party could produce little evidence of irregularities, and UNTAC refused.

To the consternation of the international community, Sihanouk announced on 3 June 1993 that he had formed a new government made up of all factions, including the Khmer Rouge, and that he was assuming all executive powers. The United States, China, Australia, and Britain refused to endorse this move, which was in direct contravention of the entire Paris peace process.

On 10 June, a dissident group led by Prince Norodom Chakrapong (Norodom Ranariddh's half-brother) announced that eight eastern provinces bordering Vietnam would secede from the country. Funcinpec offices in several of these provinces were burned and party personnel assaulted. In retrospect, it is apparent that the secession was a ploy by Hun Sen to force Ranariddh into power sharing between Funcinpec and the CPP. The CPP was the instigator of this bald power play to negate the elections and usurp political control. Sihanouk may have been complicit at some point.

The gambit collapsed under the weight of general disapproval from UNTAC and the rest of the international community. On 15 June the leaders of the secessionist movement fled to Vietnam. It took strong pressure from the five permanent members of the Security Council and UNTAC itself to thwart the rogue effort, which threatened to return Cambodia to a state of civil war.

The old regime still controlled the military, the police, and civilian administration, and the CPP gained more positions in the interim government (formed in the summer of 1993) than were merited by the election. The reality was that Funcinpec had little choice but to acquiesce. The CPP was determined not to surrender power, power that Funcinpec was not in a position to accept. If the CPP had won, Funcinpec and the smaller parties would have contested and might even have started civil war anew; if Funcinpec had won outright the two-thirds majority, the regime would probably not have turned over control, nor would Funcinpec have had sufficient cadres with government experience to hold the reins of power.

In a report of 10 June 1993, the UN special representative declared the "freeness and fairness of the Cambodian elections." He rejected complaints from the CPP about fraud and impartiality and stated that the Cambodian parties must accept and respect the election results. He did, however, admit that the political environment had not been neutral and that the human-rights situation before the elections was appalling.

Why the Khmer Rouge did not do more to disrupt the election remains

an intriguing question. One view is that the leadership of the Party of Democratic Kampuchea (PDK) was disunited, or confused, and that the Khmer Rouge military commanders were granted discretion (or took it upon themselves) to act as they thought appropriate under local conditions. In August 1996 accounts surfaced of a severe rift between Ieng Sary, one of the founders of the Khmer Rouge, and military chief Ta Mok and the exiled Pol Pot. The revelations lend credence to the theory that a fundamental disagreement over Khmer Rouge strategy produced the ambiguous position the movement assumed during the UNTAC election.

Or perhaps the PDK deliberately instructed people under its influence to vote for Funcinpec as part of a countrywide deal with Ranariddh to defeat Hun Sen and the CPP. In a few PDK-controlled areas, such as Battambang where about 30,000 returnees from Thailand had resettled with the Khmer Rouge, people actually were allowed to leave their villages to vote. Another view is that the PDK was instructed to disrupt the election by force but that local commanders, sensing a backlash from the citizenry, refused to carry out the order. In the end, the PDK's official posture was that Cambodians should boycott the "illegal" election, and it seemed likely that some of the 11 percent of registered voters who did not vote may have honored these instructions.

Consequences for Democracy, Governance, and Reconciliation

The Paris agreements and their underpinning assumptions imposed severe limits on the Cambodia peace process. The agreements had helped the external powers, especially the five permanent Security Council members, reduce the volatility of the Cambodia problem regionally and to improve their bilateral relationships in a broader context. In this sense, the agreements were a clear success. The external powers turned a collective blind eye to several of the Cambodia problem's most intractable aspects. They judged that these problems could not be resolved at a UN conference table and perhaps rationalized that Cambodians were as much to blame for the tragic mess as outsiders. It is arguable that, pragmatically, the agreements may have been the least disadvantageous compromise under the international political conditions prevailing in 1991.

The question of how to handle the Khmer Rouge was blurred by the concept of "comprehensiveness." The positions of China, which demanded inclusion of the Khmer Rouge in a political settlement, and of the United States, which would not break with China on this key issue, probably made "comprehensiveness" imperative. By agreeing to elections, the Khmer Rouge were placed in a no-win situation. If they took part, they would commit political suicide. If they did not take part, they would become outlaws whom the new government could eventually wear down and destroy.

The Paris agreements placed a huge bet on the impact of the electoral process as a legitimizing mechanism. It was assumed, somewhat blithely, that international bilateral and multilateral economic assistance and NGO supporting programs for social change would follow legitimization and promote reconciliation between the CPP and the noncommunists. As of 1997, this reconciliation was far from complete.

In one sense, the Cambodian People's Party and the Khmer Rouge, the more powerful Cambodian signatories, saw the agreements as concessions to placate their external patrons rather than as binding contracts to be honored in practice. In Cambodia's political culture over the centuries, no tradition of compromise or reconciliation has existed between mortal enemies. The Cambodian People's Party in Phnom Penh and the Khmer Rouge in their guerrillas areas hoped they could turn specific provisions of the agreements to their advantage and ignore other provisions. For the noncommunist groups, the agreements were a perilous stride into the unknown. The noncommunists were weaker militarily and lacked a dedicated countrywide cadre system. Their survival depended on resources from expatriate Cambodians, on the promise of international economic aid after elections, and on Sihanouk's broad popular appeal.

Thus from the outset the realities of Cambodian political culture made genuine national reconciliation extremely problematic. The agreements were *not* an open invitation to the Khmer Rouge to return to power (as some critics charged). But the "comprehensiveness" imposed by the five permanent Security Council members surely carried the danger that the organization, presumed discipline, and determination of the Khmer Rouge might allow it to assume power again. It was a chance the United Nations chose to take. Perhaps it was the only reasonable chance.

After 1989, with the Cold War fading, the international community sought to wind down the conflict in a manner that satisfied Cambodia's immediate neighbors, that gave all political groups a chance at power sharing, and that legitimized the new government through free, fair, and open elections under international supervision. The requirements for "liberal democracy and pluralism" were spelled out in both the Paris agreements and the Cambodian constitution promulgated in September 1993, as were provisions for future elections. All other aspects of the Paris agreements and the immense UNTAC effort were subordinate to the central objective of achieving a legitimized government through elections. In the final analysis, the United Nations may have legitimized the process of selection more than it did the government that was eventually hammered out in 1993 on the anvil of power politics.

The Cambodian People's Party began its drive for political supremacy soon after the national elections. In the summer of 1993, Funcinpec and the CPP would join in a provisional interim government, and the newly elected Cambodian politicians would write a new constitution. This process,

together with the divvying up of ministerial posts and governorships, became a test of the uneasy "reconciliation" between the CPP and its non-communist competitors. The election results forced the parties to make a coalition government work in order to ensure their own survival. The implicit quid pro quo of the Paris agreements had been that the incumbent CPP would have a fair shot at political dominance if it would go along with the rules of the game for the life of UNTAC and through the initial election period. The regime and the CPP bought the deal; that they did not cooperate fully in allowing a level playing field ("neutral political environment") was shunted aside when Funcinpec won its surprise victory.

The Cambodian People's Party had expected to win that election by a clear majority. Similarly, UNTAC and the rest of the international community expected that the CPP would win a majority of seats in the National Assembly. It further expected that Hun Sen (the CPP's leader and the prime minister of the regimes named, successively, People's Republic of Kampuchea and State of Cambodia) would become the head of government.

The Cambodian people decided differently. That the Cambodian People's Party lost the election, and Hun Sen was obliged to become second prime minister to Funcinpec's Norodom Ranarridh, has shaped the course of Cambodian politics ever since. By 1996 it was clear that the CPP intended to cement its grip on political power by winning the 1998 elections and then exercise that power with minimal interference from Funcinpec and whatever other parties remain in the field.

What consequences did the UN peace process have for Cambodia's prospects for democratic governance? Concerning the future political system, the Paris agreements said only that Cambodia "will follow a system of liberal democracy, on the basis of pluralism," with provisions for periodic elections and universal suffrage. The agreements also prescribed that groups will have the opportunity to organize and participate in elections.

Unfortunately, the dual prime minister arrangement was tailored to conform to the personalities of Ranariddh and Hun Sen and the demands of the Funcinpec-CPP balance of power. This arrangement promoted long-term political instability. Under the constitution, the nagging question of royal succession was finessed by stipulating that a five-member "throne council" drawn from the National Assembly would select a new king in the event of the monarch's death. Given Sihanouk's frail health, the uncertainty of the succession is another potentially destabilizing factor.

Consequently, the pluralist political system and representative government codified in the 1993 constitution were not flourishing in July 1997, four years after Cambodia's first genuine national elections. In 1993 the National Assembly had been seen by many observers as the fundament of a nascent civil society. By 1997 it had been rendered all but powerless by a variety of factors: the CPP's dual tactic of intimidation and financial

co-optation of Assembly members, defections from Funcinpec, Ranariddh's weak leadership, venality and corruption by both Funcinpec and the CPP, and the slowness with which the Assembly has developed strength as an institution (perhaps not surprising, given the above).

The Cambodian People's Party under Hun Sen has increasingly dominated the coalition with Funcinpec. The CPP itself was far from united, and Hun Sen, with some justification, remained fearful of plots to unseat him. Funcinpec was splintered by criticism of Ranariddh and weakened by the controversial expulsion of former finance minister Sam Rainsy.

In October 1995, Funcinpec's secretary-general (and Cambodia's foreign minister), Prince Norodom Sirivudh, was accused of a plot to assassinate Hun Sen. He was then jailed and driven into exile—all despite the fact that Sirivudh is the half-brother of Norodom Sihanouk, who now carried the title of king. Sam Rainsy was allowed to return to Cambodia. He remained a vocal critic of the new Royal Cambodian Government, but his efforts to organize the Khmer Nation Party were hampered at every turn. The Buddhist Liberal Democratic Party, often allied with Funcinpec in the Assembly, also suffered leadership splits. Some members defected to the CPP, joined Funcinpec, or went over to Sam Rainsy.

Coalition power sharing was reflected in the original allocation of provincial governor and deputy positions so that Funcinpec officials could work in tandem with CPP appointees. These arrangements, however, did not result in any real power transfer to Funcinpec. Besides its continued control of the provincial government machinery, the CPP remained the only political organization with significant structure and cadres throughout the country. Whereas village chiefs used to be selected by the villagers themselves, the CPP installed the practice of appointing chiefs from above, another factor that has constrained the activities of Funcinpec and the Khmer Nation Party, which had grave difficulties in establishing their presence.

In Cambodia, organizations associated with the Buddhist church (and for the Cham population, Muslim organizations) had for centuries played important social roles in daily life, especially in the countryside. But with the exception of a handful of organizations such as the Red Cross, Cambodians were not familiar with nongovernmental civil organizations, or even their concept, when UNTAC arrived. The Paris agreements sparked interest in human rights, democratization, political pluralism, and other concepts of popular participation in the governance process. One of UNTAC's significant contributions was to provide an incubator for the creation of dozens of indigenous NGOs in Cambodia, many of which still operated in 1997. Two were especially important for the 1998 elections: the Coalition for Free and Fair Elections and the Committee for Free Elections. Until July 1997, both were engaged in various preelection citizen and party education and mobilization efforts.

The Coup of July 1997

On 5 July, 1997, the CPP initiated a series of events that either killed or drove into exile the political leadership and senior cadres of Funcinpec and the Khmer Nation Party. First Prime Minister Ranariddh and his family fled to Bangkok and thence to France. After sharp firefights and artillery exchanges in several parts of the capital city, Funcinpec's military commanders and most of their units in the Phnom Penh area were destroyed or forced to flee. A few military commanders defected and in several provinces units identified with Funcinpec were disarmed or persuaded to defect. The CPP sought out and either arrested or executed most of their opposition's most prominent figures. About twenty Funcinpec and BLDP members of the National Assembly and hundreds of their followers managed to flee to Thailand. Although some of Funcinpec's military forces still clung to positions along the Thai border in Siem Reap Province, by August Hun Sen had consolidated control of the government in his own hands and the CPP had in effect seized total power. As of September 1997, some 20,000 refugees from the northern provinces were housed in camps across the Thai border.

The coup came as no surprise to most observers who had been following Cambodian affairs since the 1993 elections and the formation of the precarious coalition government that emerged from it. The timing and tactics of the coup may have been uncertain, and the brutality and totality with which it was carried out were perhaps unexpected. And, yes, in the year or two after the elections there seemed to be grounds for believing that the precepts of the 1991 Paris agreements might be adequately honored by the coalition's two major parties.

Nevertheless, most Cambodia watchers recognized Hun Sen's seemingly manic compulsion to power. Signals pointing to a meltdown of the coalition government had been evident since the summer of 1996, when splits in the Khmer Rouge's leadership appeared and its military and political cadres began to fragment. The consequent competition between Funcinpec and the CPP for the allegiance of defecting Khmer Rouge leaders and the units they commanded was but one element in the deterioration of cooperation between the coalition parties and in the personal relationship between the two prime ministers.

The increasingly overbearing attitude of the CPP was another source of tension; intimidation of the opposition media, the hounding of Foreign Minister Sirivudh and Finance Minister Rainsy out of their jobs (including withdrawal of their parliamentary immunity) and then out of the country, and a general worsening of the human-rights picture—all were bad omens. In late 1995, the headquarters of the BLDP headquarters was attacked by a CPP-inspired grenade-throwing gang. In October 1996, Funcinpec itself was ruptured when eight members of Parliament rejected Ranariddh's

leadership and set up a rival faction under Foreign Minister Ung Huot, whom Hun Sen subsequently appointed as first prime minister. The BLDP subsequently split, with one faction aligning itself with the CPP. On 30 March 1997, a Khmer Nation Party rally in front of the National Assembly building was grenaded. Nineteen persons were killed, and Sam Rainsy barely escaped with his life.

From March 1997 on, cooperation between the coalition partners all but ceased. Hun Sen's verbal assaults on Funcinpec and Ranariddh personally (and also against the United States and other foreign countries that incurred the second prime minister's displeasure) became progressively more strident. The National Assembly, which many involved in the UN effort had hoped would promote political tolerance and respect for the rule of law, was rendered impotent and became (with the exception of a few brave souls) a rubber stamp for the CPP. The coalition government was in effect dead. After March 1997, even the most optimistic analysts saw little chance for political reconciliation and assumed that, probably sooner than later, violence again would shape the future politics of the country. This was the situation in July 1997.

Some analysts argued that Ranariddh's negotiations with the hard-core Khmer Rouge faction near the northern border town Anlong Veng in June and July 1997 gave Hun Sen a rationale for a preemptive strike. This view is questionable, given the crispness with which the coup and its subsequent roundup of CPP enemies were carried out. Everything indicated meticulous planning and careful allocation of security resources. Although Ranariddh's judgment can be questioned regarding the practical utility of his negotiations, given the implacable hostility between Hun Sen and the Anlong Veng faction, Hun Sen was just as eager to take advantage of the Khmer Rouge factionalism, and indeed frequently did so during 1995 and 1996. (The CPP's co-optation of the Ieng Sary faction in western Cambodia is a case in point.) Ranariddh's leadership of Funcinpec was often inept and corrupt. But these failings did not justify the trashing of the Paris agreements and the grievous damage to the country's tentative steps toward reconciliation, participatory governance, and the rule of law.

As of mid-September 1997, Hun Sen continued to consolidate his power within Cambodia. Externally, however, his regime has had several setbacks. First Prime Minister Ranariddh has led a worldwide campaign to annul the July coup. He has been joined by Sam Rainsy and Son Soubert under the banner of the Union of Cambodian Democrats. How to reintegrate the exiled leaders of Funcinpec, the BLDP, and the Khmer Nation Party into the Cambodian political system remains one of the key issues to be resolved. At its August meeting, ASEAN, while ushering in Laos and Myanmar, declined to accept Cambodia as the tenth member of the group. At the United Nations, the credentials committee rejected the applications of both Ranariddh's group and the delegation nominated by King Sihanouk,

preferring instead to leave the Cambodia seat vacant in the General Assembly. With the International Monetary Fund and the World Bank debating their next moves, the financial situation of the Phnom Penh government was becoming precarious. In sum, as of late September 1997, the final act of the Cambodia tragedy has yet to be played out.

Strategic and Technical Lessons

UNTAC had a broad mandate and the power of intrusion into Cambodia's sovereignty. In its scale, cost, and duration, it was without precedent in international peacekeeping, and today it is hard to imagine the UN undertaking a peace mission of similar proportions. Despite the 1997 coup and the political disruption that has ensued, there are some lessons to be learned (or relearned) regarding peacekeeping and nation building in postconflict societies.

The Importance of "Stability"

The UN peace process in Cambodia began in the mid-1980s when the Cold War still dominated global politics. Today's environment is quite different. Cambodia's chance for peace came because the external powers found it in their own national interests to settle their accounts through compromise rather than continued fighting—the game was no longer worth the candle. Today, stability (however defined) in Cambodia is the common denominator of all the external powers, including the United States. That reality must temper concerns about human rights and democratization with pragmatic recognition of the realities of Cambodian's autarkic political tendencies. For ASEAN, the cardinal rule has been noninterference in the internal affairs of member states. Nonetheless, ASEAN, immediately after the coup, postponed Cambodia's entry and is engaged in a process that will attempt to restore at least a semblance of the intent of the massive UN effort.

Lesson: One man's stability is another's bondage. Although Hun Sen's precipitate grab for power has complicated ASEAN's decision, when Cambodia enters the organization sometime in the future, there will be less concern about the nature of the regime than about its potential to disrupt regional stability.

The Necessity of Rapid Deployment and Implementation

The United Nations understood that a quick start to implementation was imperative to prevent deterioration of the military and political situation, yet the installation of UNTAC followed a leisurely pace. The long gap between the signing of the Paris agreements and the activation of UNTAC

resulted in the Khmer Rouge reappraising their agreement. They decided not to honor most of the key provisions (cantonment, access to their zone, participation in the election) and in effect to resist UNTAC's presence. Likewise, the State of Cambodia regime had time to reflect and decide against full compliance on other important provisions (neutral political environment, access to the five key ministries).

A vigorous, fully staffed UNTAC presence in December 1991 might have headed off this evolution of events. The fault here lies clearly with UN headquarters in New York, with regard to not only the decisionmaking process but also the inefficient nature of the UN bureaucracy.

Lesson: Once agreement on paper is reached, it must be confirmed rapidly and with vigor on the ground. And as the 1997 coup has shown, even then the peace may disintegrate over time.

Reforming the UN Administrative Culture

The United Nations' cumbersome administrative apparatus and ingrained bureaucratic procedures compounded the difficulty of getting UNTAC operational. Many UNTAC functions had to be administered either through the weak local administration (in which most functionaries spoke only Khmer) or through a makeshift temporary governance structure hastily set up by a small army of civil and military administrators and technicians who knew little or nothing about the society into which they were parachuted. Although English and French were UNTAC's official languages, dozens of other tongues were spoken by UNTAC's diverse contingents. The United Nations had difficulty recruiting suitable personnel for this complex nation building, particularly in middle and senior management positions.

Nowhere was this weakness more brazenly evident than in UNTAC's civilian police component, the largest single civilian element of the UN effort and by all accounts its most ineffective. This component was late deploying, and with the exception of one or two provinces it did little to protect indigenous human rights or ensure a neutral political environment. This failure was due in large measure to the inherent difficulty of the United Nations' having to recruit its law-enforcement personnel from the local constabularies of member nations with vastly different cultural backgrounds and legal systems.

Lesson: In a new peacekeeping era, the international community needs to rethink how future civilian police missions are to be accomplished (perhaps through a career international civilian police force) and to commit the resources to realize it.

Pinning Down the Details

Genuine participation of the Khmer Rouge was from the outset problematic. Other elements of the agreements that were ambiguous or unresolved at

the time of signing in October 1991 ignited periodically into brushfires that seemed to threaten the UN peacekeeping process. But the critical issues were the intentions of the Khmer Rouge regarding participation in the electoral process and their ability to disrupt the elections.

As they found UNTAC unprepared, step by step, to use force, the Khmer Rouge continued to resist access. This UNTAC failing can be attributed in part to an absence of political will at UN headquarters. It reflects in particular the attitude of the five permanent Security Council members, who were not inclined to risk a shooting war. The UN senior representative, Yasushi Akashi, understood the New York perspective and was intent on keeping the door open to participation by the Khmer Rouge's Party of Democratic Kampuchea in the elections, even at the last moment. The party continued to press and expand its complaint in rationalizing nonparticipation, thereby manipulating UNTAC's agenda.

In May 1992, the PDK opposed the UN Secretary-General's appeal for $600 million to rehabilitate the country, claiming it would be directed toward supporting the administrative structure of the rival Cambodian People's Party. The PDK refused to allow UNTAC officials to look at its financial ledgers. Since the PDK refused to cooperate with UNTAC with this financial supervision, any possibility for the faction to receive a portion of the forthcoming aid was eliminated. Nonetheless, the question of the CPP gaining an electoral advantage through rehabilitation projects gave UNTAC pause and, in effect, all but halted rehabilitation during its tenure. That deepened Cambodia's impoverishment.

The final bitter irony: The event that precipitated the 1997 coup may have been Ranariddh's negotiations with the hard-core remnants of the Khmer Rouge, the very leaders that made the key decisions in 1992 regarding the Party of Democratic Kampuchea's nonparticipation in the UN peace process. One could well argue that Pol Pot, never willing to compromise, in the end managed to postpone indefinitely, if not destroy, Cambodia's hope for national reconciliation.

Lesson: When the international community concludes a peace agreement involving longtime enemies, details of implementation must be pinned down and enforcement mechanisms put firmly in place. And they must be kept in place.

Coping with a Broken Cease-Fire

The cease-fire was violated by all the factions throughout the transition period, but most often and most seriously by the Khmer Rouge and the armed forces of the State of Cambodia. Duplicity and accusations were common from both sides, but by any measure the PDK's armed forces were responsible for most violations. Yet the armed conflicts that sprang up were not as flagrant as the worst-case scenarios predicted before UNTAC's arrival, and they did not prevent the election from going forward. The

UNTAC operation fell under Chapter VI of the UN Charter, in that the military forces were neutral and could fire only in self-defense, rather than Chapter VII, where force could be used to apply the UN mandate to uncooperative parties. Special Representative Akashi played a weak hand about as well as he could.

Lesson: First, only a peacekeeping force with strong and obvious military capabilities can in fact keep the peace. Second, peacekeeping forces cannot stay forever (Bosnia could test that rule).

Failure of Sequenced Phasing

UNTAC's mission was to be implemented in carefully sequenced phases. Phase II was not to begin until all aspects of phase I had been completed. This elaborate phasing never came to pass, in part because of UNTAC's delayed deployment. The many violations of the Paris agreements prohibited the planned flow of phases and came close to destroying the entire UN effort.

Yet, had the phases actually been carried out as planned, the UNTAC military component would, in all probability, have been far smaller by the time elections came about in May 1993. Consequently, the heavy logistical task of distributing and collecting ballot boxes and a mass of other election equipment (not to mention transporting thousands of foreign election officials and observers) could never have been handled so expeditiously. There would, moreover, have been far fewer troops in the distant provinces to provide election security. Thus, while the Paris agreements' presumptions of genuine national reconciliation may have been badly flawed, one result was the continued full presence of UNTAC's military forces, without which the national election might not have come off at all.

Lesson: A strict timetable for the deployment of peacekeeping forces, demilitarization, reintegration, and elections may not be feasible.

Persistence of Zero-Sum Politics

Can participatory governance be forced down the throat of a society with no experience in political toleration? Under UNTAC, Cambodia's political actors competed for power under rules that turned traditional Cambodian culture on its head. The concept of a "loyal opposition" is foreign to most Cambodians, as is the concept of participatory governance. Politics remains rooted in client-patron relationships based on money and personal security.

In Cambodia and elsewhere in postconflict societies of the developing world, politics remains largely a zero-sum game. Consequently, elections alone do not constitute the democratic process, and they certainly will *not* solve Cambodia's deep-seated sociopolitical problems, or those of any

other developing country. Elections, though, are an important step in political maturation; given the intense UNTAC experience, elections in Cambodia assume perhaps greater importance than in many similar situations around the world.

The manner in which Hun Sen and the Cambodian People's Party are going about preparations for the 1998 elections is the best case in point. With the genuine leaders of all opposition parties now in exile, the regime has installed replacement leaders of Funcinpec, the Khmer Nation Party, and BLDP in Cambodia, using personnel who seem likely to be compliant with the CPP's wishes.

Lesson: First, one election does not a democracy make. An election in a postconflict society does not by itself ensure a peaceful, stable transition. Second, just because the pro-democracy party wins that election does not mean it will compete successfully with the losing party in the governance process.

Recommendations

Importance of NGOs

Despite a zero-sum, politically intolerant climate, a significant number of Cambodians seemed to accept the basic concepts of the democratic process as embodied in the 1993 national elections. The surprise victory of Funcinpec demonstrated, if somewhat simplistically, the attractiveness of this process even to rural people living in rudimentary circumstances. One of the important legacies of UNTAC was the growth of Cambodian participation in human-rights organizations and NGOs involved in human rights and democratization. These groups now have links with the international community. Given the poor quality and limited delivery range of the government's social services, the implementation capabilities of NGOs have filled an important resource and communications gap.

During the 1980s, foreign NGOs were virtually the only link to international expertise and resources. After the Paris agreements, the NGO community expanded rapidly (to more than 140), especially as bilateral donor agencies sought out accountable executing organizations with the technical and administrative talent still lacking in the relevant government departments. NGOs seeking to promote democracy, human rights, and empowerment of women have raised the consciousness of an increasing number of Cambodians, and is an informal reconciliation movement. The indigenous NGOs are fragile elements of Cambodian society, and the political elites tend to see them still as threatening, rather than positive, forces. Nonetheless, these microscopic signs of a civil society may provide a foundation on which American and other international assistance programs can build. In

light of the events of July 1997, the continued existence of a vibrant NGO sector remains even more relevant.

Maintaining Bilateral Humanitarian Assistance

U.S. assistance should concentrate on supporting Cambodian nongovernmental organizations (UNTAC's most enduring legacy) and training of people in the government's legal system. Although the activities of human-rights, democratization, and certain other NGOs will be constrained in the current environment, over the longer term the NGO sector has the capacity to survive and eventually to expand. It will be necessary for Cambodian NGOs to adopt a lower profile in program activities and to conduct planning and coordination work with discretion. The NGOs have demonstrated the ability to calibrate their policies and specific activities, most of which are basically educational in nature, in a manner that need not be deemed threatening to whatever government is in power.

Keeping the Pressure On

Hun Sen views the next elections as a means of conferring legitimacy and primary, if not exclusive, power on his Cambodian People's Party. The critical questions are when, and under what conditions, who will be permitted to participate. Timing has become a critical factor. A series of complicated steps must be taken to plan and execute the electoral process. The government has requested the UN to coordinate "technical assistance," but Hun Sen has rejected categorically any major foreign observer role similar to that in the 1993 election.

Since the international community provides the essential resources (half the government's annual expenditures) for Cambodia's rebirth, the question of the community's leverage on this question thus becomes central. If elections are to have a chance at being representative of the will of the Cambodian people, international donors must maintain a blunt dialogue with the government and demand creation of conditions for a fair electoral process, including participation of exiled opposition leaders and close monitoring by international observers.

Supporting COFFEL and COMFREL

The Cambodian umbrella NGO committees COFFEL and COMFREL are expected to have significant coordinating roles in preparing for and conducting the elections. Whether they will be able to carry out this function is one of the litmus tests of the regime's commitment to free elections. The United States and other members of the international community with special capabilities in the democratic electoral process (Canada, Australia, and

France) should do what is possible to defend the position of these NGOs without jeopardizing their credibility with the government.

Ensuring Political Participation During and After the Elections

Several other issues are extremely important and must be resolved before international support for the election is confirmed, including the status of the exiled leaders of the Union of Cambodian Democrats, some of whom remain under criminal indictment. The international community should warn the CPP against denying the exiled Cambodian leadership full, safe, and legal participation in future elections.

The Importance of ASEAN

Exercising U.S. influence in the international financial institutions is of course one potentially powerful lever. Equally important over the long haul is coordination of U.S. policy with ASEAN. ASEAN's member states are Cambodia's immediate neighbors and have the greatest vested interest in Cambodia's stability. They do not want to see Cambodia become a center for international crime syndicates or a conduit for the international narcotics trade. ASEAN still intends to welcome Cambodia into its number. The United States has no choice but to work with and through ASEAN (as well as with Japan and the European countries) in pursuit of its Cambodia policy. American policymakers should bear in mind that although ASEAN was an architect of the Paris agreements, the majority of its individual member states have little use for democratic elections or some of the other principles embodied in the agreements.

Staying Involved

It is tempting to recommend that the United States not get involved in support for elections in a country in conflict unless (1) a detailed and firm peace agreement has been signed by the parties, (2) unless there are specific measures for enforcement of a cease-fire (and cantonment and disarmament), and (3) unless there is clear evidence of genuine national reconciliation once elections have been held and the peacekeepers have departed. Such ideal situations, however, will probably never exist. UNTAC scored some successes. But Cambodia remains a conflicted society where attempts to build participatory governance and to stimulate the economic development that must underpin viable political institutions are in their infancy.

All this said, painful questions must be asked about the utility of placing such great emphasis on elections as the key to furthering the goals of democratic governance in Cambodia. To what extent can the United States expect realistically to influence laws governing the conduct of the elections

and the status of the political parties? It may be possible to help exiled politicians from Funcinpec, the Khmer Nation Party, and the BLDP gain legal status in the electoral process, but how can their safety be assured indefinitely? It may be possible to persuade Hun Sen to stand down the village militias that have the ability to coerce the electorate. And it may be possible to remove the military establishment from the electoral process. But if the election laws do not meet our criteria, should we simply declare the rules unfair and withdraw whatever financial support we may have committed, or do we wait and see how the rules are applied? If the CPP sweeps the elections under a set of rules it has created, would the United States recognize the results if other members of the international community judge that the elections have been conducted in a "free, fair, and open" manner?

Notes

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1. *Phnom Penh Post,* in *Indochina Chronology,* p. 11.
2. Ibid. The RGC Ministry of Interior (July 1995) maintains very different ethnic minority figures. It lists only 95,597 Vietnamese, 203,991 Chams, 47,180 Chinese, and 19,819 Lao. The significant discrepancy here is in the Vietnamese figure, which the RCG wishes to keep low for political reasons.
3. United Nations, *Agreements on a Comprehensive Political Settlement.*
4. Ibid., Part I, Section III, Article 3.
5. Ibid., Part I, Section V, Article II.
6. Ibid., Part III, Article 16.
7. UNTAC's election experts were well aware of the utility of a "quick count" to forestall manipulation of the final count by a central authority. For example, a quick count had been used in the 1986 Philippines election, which resulted in the defeat of then-president Ferdinand Marcos.

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7

Elections and Democratization in Post-Mengistu Ethiopia

John W. Harbeson

The Ethiopian People's Revolutionary Democratic Front (EPRDF), an umbrella group of six rebel armies, overthrew the military dictatorship of Mengistu Haile Mariam in May 1991. Just over one year later, the interim EPRDF administration conducted regional elections that defined the future course of the Ethiopian political transition and the nature and extent of its democratic outcomes. This chapter argues that these June 1992 elections profoundly and adversely affected the course and outcomes of the Ethiopian political transition.[1] The reasons have to do not only with the election campaign and processes themselves but also with the flawed strategic planning and preparations for the elections.

This evaluation draws lessons from Ethiopia's election experience not only for Ethiopia but for societies elsewhere in Africa and beyond. The Ethiopian case melds important singular features with circumstances common to all war-torn societies. More than in many other cases, the issue in Ethiopia has been how to reconcile partners in a fragile coalition of victors on the course and conduct of the transition, more than how to achieve a modus vivendi between victors and a defeated government. At the same time, in Ethiopia as in other war-torn societies, initial elections following hostilities have had an important bearing on the future shape of the postwar polity. In the Ethiopia case, none but fringe elements will defend the vanquished Mengistu regime. However, among the government's most significant opponents are those who ardently defend national unity and a strong central government as upheld by Mengistu. They view such guiding principles as more in keeping with the historic working definition of the Ethiopian state than the new regime's vision of an ethnically decentralized, almost confederal postimperial state. At the same time, others alienated from the new regime believe it has betrayed the commitment to ethnic self-determination advanced by this vision.

Antecedents: Poverty, Imperialism, Authoritarianism

Embracing 55 million citizens, Ethiopia is one of the most populous countries in Africa. It is also one of the poorest countries in the world, having a per capita income of approximately U.S.$100.

Two decades after Mengistu and his colleagues ended the rule of Emperor Haile Selassie, ostensibly to liberate the people of Ethiopia from penury perpetuated by feudalism and autocracy, little has changed. Although the EPRDF government has recently reported encouraging rates of economic growth, these must be sustained and widespread before ordinary Ethiopians will begin to experience real improvements in their standard of living.

A Nation of Farmers and Herders

Ethiopia's economy is more agricultural than any other in the world, at 60 percent. Most Ethiopians scratch out a living by farming or herding, using the most rudimentary technology. The vast majority lives a day's walk or more from the nearest all-weather road.

Access to print and electronic media is concentrated in a few major cities, principally the capital, Addis Ababa. Access to educational and health facilities is among the most restricted in the world, and these two resources are similarly concentrated in the capital and a few other major cities. One of the few positive achievements of the Mengistu government (1974–1991) was some expansion in literacy levels and in school facilities, if not notably in the quality of education at any level.

Ethiopia is one of the oldest continuously functioning polities in the world, with historical roots dating back well into pre-Christian times. For much of its long history prior to 1974, Ethiopia was governed by monarchs presiding over a quasi-feudal socioeconomic structure. It is one of two countries in Africa that European countries failed to colonize fully, notwithstanding their diplomatic machinations to that end. (During World War II, Italy did occupy Ethiopia, as well as the now independent country of Eritrea.)

Ethnic, Cultural, and Religious Diversity

Indeed, Ethiopia itself was an African empire. Perhaps three-quarters of its present land area and a substantial majority of its population were incorporated into Ethiopia by the conquests of Emperor Menelik II (1886–1913). Consequently, Ethiopia has been a land of enormous cultural diversity, much of it only partly examined by anthropologists.[2]

Superimposed on this cultural diversity has been religious diversity: Ethiopian Orthodox Christianity, the now disestablished official religion of the Ethiopian emperors, claims the adherence of perhaps 40 percent of the

population. A large proportion—possibly a majority—of the population confesses Islam, particularly in the regions brought into the empire by Menelik's conquests. The vast majority of Ethiopian Muslims have been of the politically and religiously moderate Sunni persuasion. Today, though, the government worries about the possible incursion of Islamic fundamentalist influences from Sudan and Somalia.

The government of Prime Minister Meles Zenawi is conducting a comprehensive census, the first of its kind in more than a generation. Consequently, detailed current demographic as well as socioeconomic data are in short supply. What is available should be used with caution. With that caveat, the Oromo people, who live mainly in the east and south, are probably the most numerous at perhaps 30 percent of the population. The culturally and politically dominant Amhara make up about 20 percent. The Tigre, concentrated north of the Amhara, account for 10 percent. All are principally agriculturists or pastoralists.

Since the mid-1800s, ethnic groups have intermingled more than in most other sub-Saharan countries.[3] This is despite the garrisoning of predominantly Amharan armies on the lands conquered by Menelik and the forced resettlement, under Mengistu, of Tigreans and other northern Ethiopians in these same regions. Long-distance markets have brought together peoples as diverse as the Christian, agricultural Tigre, and the seminomadic, nominally Islamic Afar at the Mekele market in the north.

During Haile Selassie's reign, some voluntary migration brought peoples from overpopulated, agriculturally marginal lands in Tigre to more promising regions in southern Ethiopia. Agricultural workers from highland Ethiopia manned commercial agricultural enterprises located in the lowland homelands of the Afar and other pastoral peoples. And non-Amharic peoples, notably among the Oromo communities, have acquired the language, religion, and culture of the Amhara, assimilating and identifying themselves with this elite ruling community.[4]

However, the Amhara, and to some extent the Tigre and other peoples, retain political and socioeconomic predominance over other ethnic communities, most of which were brought into the empire by Menelik's conquests. The Tigre predominate in the present ruling coalition and are generally considered to have been part of the ruling coalition in modern times. But many Tigreans felt themselves to be junior partners in the coalition who have something in common with the peoples conquered by Menelik. These underlying ethnopolitical realities have become more visible and explicit since the imperial era. Mengistu exploited ethnic divisions in waging unrelenting war against the Eritrean People's Liberation Front. He sharpened those divisions by his forced resettlements.[5] And the current government has given ethnicity still greater salience in attempting to design a postimperial state that replaces historical ethnic domination with ethnic self-reliance and interethnic equality.

Defining Ethiopia

Conflict in Ethiopia in modern times essentially has been over the definition of Ethiopia itself. Four interrelated issues dominate this conflict. The first issue is whether and on what terms a pan-ethnic Ethiopian nation has emerged and survived within the empire created by the conquests of Menelik II. Though never technically part of Mengistu's empire, Eritrea has brought this issue to a contemporary focus. After World War II, the United Nations sanctioned a federation of Eritrea with Ethiopia. But Haile Selassie had a different vision. Employing his estimable skills in patrimonial personal rule, the emperor succeeded in abrogating that arrangement in favor of Eritrea's full incorporation into Ethiopia—part of his general strategy of achieving increased centralization.

In taking this measure, the emperor unraveled a compromise between Eritrean independence and incorporation that loosely conformed to a historical basis of the Ethiopian polity. The compromise was a tacit one, involving de jure centralized authority in the person of the emperor and substantial de facto allowance of decentralization, affording substantial day-to-day self-determination for regionally based potentates. The result of the unraveling was the birth of the Eritrean liberation movement, which three decades later won its independence on the battlefield, against the armies of Mengistu Haile Mariam.

The second issue was the viability and acceptability of the underlying socioeconomic foundations of the imperial political order. Haile Selassie allowed his government to ignore and attempt to cover up a devastating famine concentrated in the Tigre and Wollo regions in 1972 and 1973. Brought to the world's attention by a BBC television documentary, the famine and the cover-up ignited a torrent of international outrage. These events also engendered revulsion in progressive Ethiopian groups, both civilian and military. Such groups decried the failure of the government not only to deal with the famine but also to curb inflation, alleviate endemic poverty, and outfit ordinary soldiers—all as civil servants helped themselves to substantial salary increases.

A wave of demonstrations and strikes over these grievances early in 1974 forced the emperor's cabinet to resign, an event unprecedented in the country's political history. Rather than quell the protests, the resignations emboldened the demonstrators and strikers to attack the foundations of the emperor's regime itself: autocratic rule resting on inegalitarian, quasi-feudal socioeconomic systems unacceptable in a continent engulfed by populist nationalism, African socialism, and one-party democracy.

The third and fourth issues were whether and how to democratize and how to effect a political transition resulting in the fashioning of at least minimal working consensus on the foregoing issues. The 1974 protests took on the dimensions of a genuine grass-roots revolution, especially in

urban areas. They were animated less by African socialism and one-party democracy than by the ideals of Western-style liberalism: individual civil, political, and property rights, and democracy. As they did so, a 120-man council of military officers formed to assume leadership of the revolution, with apparent tacit popular consent. The committee was impelled by issues of economic development and by concern over the integrity of the nation (it proclaimed the goal of "Ethiopian First"). It was particularly concerned about unresolved tension with secessionist Eritrea and with irredentist Somalia over the future of the Somali-inhabited Ogaden region of southeastern Ethiopia.

The Derg (Amharic for "committee"), as the military council was known, supervised the dismantling of the emperor's government, culminating in his removal from power in September 1974, and the installation of a "transitional" administration pledged to eradicate the quasi-feudal socioeconomic foundations of the old regimes of the emperor before overseeing a return to civilian rule. But over the next four years, the Derg metastasized into Mengistu's military dictatorship. That transformation resulted from a continual bitter, violent conflict over the issues principally of (1) negotiated versus military solutions to the Eritrean conflict, and (2) immediate versus deferred civilian rule—both within the Derg itself and between the Derg and civilian groups that had led and supported the popular uprising. Mengistu's violent insistence on the latter course in each case prevailed.

At the same time, Mengistu attempted to convert profound socioeconomic reforms—notably rural and urban land reforms—prompted initially by a spirit of democratic socialism and local-level self-determination, leading into experiments in Soviet-style collectivization and statist "development."[6] Perhaps ideologically inspired initially, this metamorphosis became a means to more immediate military imperatives: Somalia's military démarche to reclaim the Ogaden in 1977, which required major Soviet military assistance to rebuff, and the growing costs of sustaining the military campaign against increasingly effective liberation armies during the 1980s.[7] The Mengistu regime's militarization of "economic development" in the service of the increasingly costly, demoralizing, and unsuccessful Eritrean campaign was a major contributor to the emergence of the EPRDF and its ultimately successful effort to unite most of the country behind the overthrow of Mengistu in 1991.

The Transitional Pacts

The victory of the EPRDF and its allies precipitated the country's present political transition, in which the 1992 regional elections have proved to be *the* defining event to date. Two agreements defined the course the transition was supposed to take. On the eve of the EPRDF's victory, its representa-

tives met in London with the residual legatees of Mengistu (who by then had flown to exile in Zimbabwe) under the auspices of then U.S. assistant secretary of state Herman Cohen.

At that conference, Cohen chose to bless the inevitable (the EPRDF's victory) in the interest of preventing bloodshed when the capital fell. Claiming to have been invited to the meeting by Cohen, an ethnopolitical group called the Oromo Liberation Front was bitterly disappointed to be told the EPRDF's military predominance on the ground took precedence over a coalition conquest that would establish a foundation for coalition transitional governance. At the same time, he signaled to the EPRDF it would enjoy continued U.S. support only on condition that it undertook to democratize Ethiopia. "No democracy, no cooperation" was his message.

The second pact took place in July 1991 between the victorious EPRDF and its coalition partners. Most notable among these was the Oromo Liberation Front, which purports to represent a family of peoples in southern Ethiopia who together may constitute a plurality of the country's population. Certainly the front represents at least a plurality of those people brought into the empire by Menelik's conquests. EPRDF hastily formed other "parties" to "represent" peoples in regions outside its own core base. These "parties," often identified as people's democratic organizations, were to function as satellite parties of the EPRDF in the forthcoming regional elections. Their participation burnished the appearance of the conference, and the pact it produced, as multiparty achievements.

In point of fact, however, the parties were to function as auxiliaries of the EPRDF, facilitating its emergence of a de facto single-party transitional and posttransitional regime. Formation of the Oromo People's Democratic Organization prior to the end of the war contributed powerfully to what has proved to be an irreconcilable fissure between the EPRDF government and the Oromo Liberation Front.

At the same time, cadres of Mengistu's Workers Party of Ethiopia were excluded. Parties that had warred with the EPRDF during the military campaign, as well as with Mengistu in the early years of his regime, were excluded. Prominent Amhara attended as individuals, though the major party formed to represent Amharic interests came into being only after the conference. Thus, the communities of the culturally and, formerly, politically dominant Amhara lacked an organized voice at this crucial conference to press their prevalent opposition to the EPRDF's vision of an ethnically decentralized, confederal, postimperial Ethiopia.

This Addis Ababa conference produced the Transition Charter, which was to guide political developments for precisely two and a half years—that is, until January 1994. The charter reconstituted the participants as a transitional government. That government was organized as a Council of Representatives in which all the political movements were represented roughly in accord with the estimated size of their essentially ethnically

defined constituencies. The interim head of state was to be Meles Zenawi, the military and political leader of the EPRDF. He and his administration were to be answerable in general but largely unspecified ways to the Council of Representatives.

The Transition Charter committed the country to radically decentralized, regionally based government and to a full range of basic human rights. It specified a transition of fixed duration beginning with a stipulation that elections for local and regional councils "shall be held within three months of the establishment of the Transitional Government, wherever local conditions allow." In addition, the charter provided for elections for a constituent assembly to ratify the draft constitution establishing the new Ethiopian state and providing for national parliamentary elections. The latter were to be held at the conclusion of the transition.

Fractured Consensus, Flawed Elections, and a Failed Transition

The eleven months between the Addis Ababa conference and the June 1992 regional election witnessed the fracturing of the multimovement consensus (expressed in the Transition Charter) over three intertwined issues. They were (1) implementation of the ethnic-based self-determination the charter had proclaimed, (2) encampment of movement armies, and (3) election preparations.

Ethnic Regionalism

In November 1991 the EPRDF issued a map portraying administrative regions dramatically reconfigured along ethnic lines. The new map was highly controversial for conflicting reasons. Amharic communities objected strenuously to the plan as a blueprint for the Balkanization of Ethiopia. They resented being obliged to emphasize their Amhara identity at the expense of their Ethiopian identity, conveniently glossing over their political dominance under the emperors. The Oromo Liberation Front, for its part, remained skeptical that the EPRDF was genuine in its commitment to ethnic self-determination. In some ways, its skepticism became self-fulfilling.

Little noted at the time were the long-term implications of the EPRDF's new administrative map on prospects for multiparty democracy at the national level. The EPRDF marked off administrative regions to coincide generally with established spheres for the ethnically defined politico-military movements that overthrew Mengistu. In so doing, the EPRDF in effect reinforced a preexisting barrier to nationally based competitive political parties. The redrawing discouraged existing ethnically defined movements from transforming themselves into national political parties for the purposes of (1) reaching across ethnic lines to build national coalitions and

(2) developing issues along lines that crosscut ethnic divisions. Conversely, the EPRDF encouraged all politico-military movements, including the EPRDF itself, to remain as is—that is, what they had been on the battlefield.

Encampment and Security Forces

The encampment of movement armies obliged all the politico-military movements to address an issue the Transition Charter failed to address. That issue was the restoration of civil order, on which the successful conduct of the regional elections depended. With the collapse of the Mengistu regime, the country was left without a politically neutral civilian police force. In its place were only the armed forces of the politico-military movements, notably the EPRDF and the Oromo Liberation Front. Thousands of soldiers from Mengistu's fallen armies were at loose ends, and the country was awash in weapons easily accessible to anyone with a little money. The charter contained no language on the formation of a civilian police force or on creating either an ethnically integrated police force or army. The Council of Representatives issued two proclamations to deal with the security problem.

Proclamation 9 of 1992 provided for the creation of police and security forces "armed with the participation of the people residing in the locality." Especially important, the proclamation directed that "the State Defense Army and the armed personnel of organizations shall be confined to proper camps and shall be barred from day-to-day police and administrative activities." The proclamation stipulated, however, that "*except those assigned on regular duty*, other members of the State Defense Force shall . . . be kept in military camps allocated to them" (emphasis added). In February 1992 the EPRDF and the Oromo Liberation Front recognized the need to strengthen cooperation under the provisions of Proclamation 9. In the most important provision, the parties agreed to the "garrisoning [of] *all* armies as soon as possible in accordance with the decisions of the Council of Representatives with the necessary guarantees" (emphasis added).

Thus, the two documents directly conflicted with each other. While the joint declaration decreed the encampment of *all* armies, implicitly including the EPRDF, Proclamation 9 created an exception for certain units of the State Defense Force ("except those assigned on regular duty").

Meanwhile, Proclamation 8 gave the State Defense Force the power to define and bring under control any "major subversion . . . endangering the charter." Neither proclamation defined a distinction between civilian police and State Defense Force functions. That omission in effect left the EPRDF army to take on both roles. These legal ambiguities over the encampment of armies and formation of security forces fueled bitter misunderstandings that were to help prompt the Oromo Liberation front and other movements

to withdraw from the regional elections. Their withdrawals foreshadowed what has become the enduring estrangement of the EPRDF from its former Transition Charter partners and from the processes and outcomes of the transition as a whole.

Election Preparations and Outcome

In preparation for the elections, the EPRDF acted decisively to define its Transition Charter partners, notably the Oromo Liberation Front, and other politico-military movements as electoral opponents. The EPRDF had defined the elections in ethnic terms by redrawing the country's regional boundaries. It had placed its army in a preferred position relative to the forces of the other movements. Now the EPRDF intensified a strategy of creating auxiliary ethnically defined political organizations to compete with its erstwhile collaborators, a strategy it had begun in the later stages of the military campaign.

A prime example was the EPRDF's formation in 1990 of the Oromo People's Democratic Organization. Created as a means of extending the EPRDF's military position in the countryside, the Oromo People's Democratic Organization was employed by the EPRDF as an electoral organization to rival the Oromo Liberation Front in elections as it had on the battlefield. Similar people's democratic organizations were established in other ethnically defined regions. The Oromo People's Democratic Organization and other people's democratic organizations were to enjoy the organizational, military, and financial muscle of the EPRDF in this electoral competition, creating gross inequality in the political arena commensurate with preexisting inequalities on the battlefield.

Electoral Institutions and Processes

The National Election Commission came into being in December 1991. It was composed of ten members of the Council of Representatives, representing the major political groups within the council. The commission oversaw all aspects of the 1992 elections. The EPRDF issued Proclamations 9 and 11, establishing the legal and institutional framework for the elections. The commission then issued a comprehensive set of rules for implementing these proclamations.

Setting Up an Elections Infrastructure

Proclamation 9 established the administration foundations for the election: provisional administrations at regional, *wereda* (district), and *kebele* (precinct or ward) levels that were to function pending the formation of

permanent governmental organs at each of these levels. It established guidelines for the (1) disbanding and disarming of the remnants of Mengistu's armies, (2) registration and encampment of armies attached to political movements represented in the Council of Representatives, (3) creation of police and security forces at regional levels, and (4) arrest of those refusing to surrender arms or be encamped. Members of the provisional administrations were to be elected in accordance with the directives of electoral executive committees composed of representatives of "concerned organizations" and members of "neutral" organizations.

Proclamation 11 of 8 February 1992 established the electoral structures and regulations for the regional and wereda levels. This proclamation instituted electoral commissions at the regional, zonal, wereda, and kebele levels under the National Election Commission. Along with the National Election Commission itself, these bodies were to be accountable to the Council of Representatives. The council defined (1) the powers and duties of these commissions, (2) the eligibility requirements for candidates and voters, (3) procedures for voter registration, (4) procedures for candidate nominations, and (5) campaigning guidelines.

Proclamation 11 also specified voter eligibility: eighteen years of age, Ethiopian citizenship, and two years' residency in the constituency where the citizen expected to vote, "except where he had left that constituency as a result of political persecution, or to engage in an armed struggle against the previous regime, or to study or work elsewhere." Barred from voting were former members of the Mengistu regime's pseudocivilian party (the Workers Party of Ethiopia) and any member of the "security or of the armed forces who has not undergone the reeducation process of the Rehabilitation Commission," in addition to those serving sentences or certified as insane. A key provision of the voting registration procedure was the requirement that citizens state their "nation/nationality"—that is, their ethnicity.

Proclamation 11 ordained similar qualifications for candidacy. However, it added more restrictive "positive" qualifications: (1) threshold age of twenty-one, (2) ability to "communicate in the language of the nation/nationality in which he seeks to become a candidate," and (3) residency in the constituency for five years. Candidates were required to obtain 500 signatures for wereda-level candidacies and 1,000 for regional candidacies. These were subsequently reduced dramatically to 350 and 50, respectively, in the middle of the campaign. Originally, candidates were to be required to register thirty days in advance, but observers reported that this requirement in effect vanished with candidacies being accepted right up to election day, at least in some areas. A similar fate thus befell the requirement that candidacies be publicly confirmed through the media twenty days in advance of the election and the provision for appeal of rejected candidacies at least ten days before the election.

Logistical Difficulties

The first stage of the election process was the holding of "snap elections" in about 450 of 600 weredas at the kebele level. There, public meetings were to be held to elect representatives of the two major political forces to administer elections at that level. From the kebele committees, similarly composed wereda committees were to be elected and, from the wereda committees, regional ones. Opposition parties complained loudly that the EPRDF took advantage of obvious logistical difficulties, compounded by attempted hasty implementation, to establish its dominance at the kebele and wereda levels in ways that grossly violated the provisions of its own Proclamation 11. There were charges, however, that the Oromo Liberation Front behaved similarly in the areas it controlled.

No complete national voter register was ever compiled for the 1992 regional elections. Logistical difficulties, in addition to alleged and confirmed incidents of EPRDF intimidation, would have rendered any complete registry of doubtful legitimacy. Voter registration books were late arriving in many places, and the instructions were often lacking. Election officials experienced difficulties in determining which individuals associated with Mengistu's security forces or his Workers Party of Ethiopia had been rehabilitated and were therefore eligible to vote. Observers noted many instances of EPRDF intimidation of voters suspected of affiliation with the Oromo Liberation Front.

In some communities, women lacked cultural encouragement to vote, though there was little evidence that electoral officials did anything but encourage women's participation. In some areas hardest hit by fighting, however, the percentage of women voters was much higher than that of men. Voters identifying themselves as "Ethiopian" rather than by their ethnic affiliation were denied registration, whether because of honest but legalistic election officials' interpretations or because of an unwritten policy to exclude those ignorant of, or opposed to, the EPRDF's vision of ethnic federalism.

A much later voter registration effort, conducted by the National Election Board (successor to the National Election Commission under revised electoral legislation) produced a total registration of 13,462,256 people within 503 parliamentary constituencies.[8]

EPRDF Irregularities and Intimidation

The impartiality and competence of the electoral committees at kebele and wereda levels were severely undermined by irregularities during the snap elections: the suspected EPRDF affiliations of "independent" members, instances of EPRDF harassment of voters and dominance of the public meetings, and opposition party withdrawal in the face of alleged EPRDF

intimidation. In areas where kebele elections could not be held or the elections were thrown out for process violations, committees were assembled in an ad hoc fashion. Nominally they were elected by voters without regard to party balance as stipulated by the regulations, but reportedly they were often simply installed by the EPRDF. In some areas, electoral committees formed so late that they were in effect nonfunctional.

Screening of candidates with respect to Proclamation 11 criteria proved impossible in many regions, not least because the requirement for candidate certification well in advance of the elections all but collapsed in some areas. The same confusion regarding interpretation of Proclamation 11 strictures with respect to Mengistu-era personnel that tarnished voter registration also afflicted candidate registration. No formal list of candidates was ever assembled, meaning that the legality of the candidate rosters under Proclamation 11 guidelines remained highly suspect and unverifiable. Observers recorded numerous instances where prospective candidates were challenged on trumped-up charges and denied permission to register as candidates.[9]

To its credit, the National Election Board relied on locally manufactured pouches rather than convention wood or metal ballot boxes. Observers reported the pervasive presence of campaign propaganda in the vicinity of polling places. They noted the intimidating presence of EPRDF security forces in and near voting places in several regions, thus raising questions about the significance of turnout figures.[10] In some areas, out of confusion and insecurity concerning the voting process, voters were seen entering the ballot booth in groups and filling out their ballot cards after collective discussion.[11] Observers noted scattered instances of unauthorized handling of ballot cards. Allocation of symbols to parties and candidates was a subject of great controversy between the EPRDF and opposition parties over the impartiality of the distribution process.

Many errors occurred in marking ballot cards. These included signing between two candidate symbols, switching wereda and regional ballot cards, and returning ballot cards unmarked out of confusion over how to use them. Balloting was impeded by long lines and lengthy delays, lack of adequate election materials for the electoral committees, and use of Amharic in areas where other languages predominated. In the spirit of the EPRDF's vision of the postimperial Ethiopian state, additional money and more time might have enabled the National Election Commission to have these materials translated at least into major local languages. Although there were few serious complaints about postelection handling of the ballot boxes, procedures for transmitting them to central locations were extremely loose. That opened up the entire process to potentially unchecked corruption.

The EPRDF created a Police Force Organization Commission to put together a politically neutral police force to guard the electoral processes.

This force was not fully operational in all regions on election day. But EPRDF troops were present during and preceding election day, often in clear violation of hard-won encampment accords, overshadowing the effects of this initiative. Voters and candidates, especially of opposition parties, were intimidated by their presence.

Six factors contributed to these tragically flawed elections: (1) the major logistical difficulties of mounting an election in such a large country with minimal transportation and communications infrastructure; (2) the unavailability of sufficient lead time to complete electoral preparations and processes effectively; (3) insufficient progress in demilitarizing the countryside *prior* to the beginning of electoral activity; (4) insufficient transformation of all militarized movements into civilian political parties *prior* to the beginning of electoral processes; (5) insufficient civic education for voters and local election officials alike concerning election regulations and processes; and (6) failure of the political organizations to reach consensus on rules of political competition to undergird those laid down formally in election proclamations and regulations.

Aftermath

The EPRDF capitalized on what international observers were to describe as a less than free and fair electoral process in order to enhance its de facto political hegemony. That drove the Oromo Liberation Front to decamp its armies and mount a short, futile military challenge to the EPRDF. Despite the efforts of former president Jimmy Carter and others, the EPRDF and the opposition parties have never reconciled their differences since these elections. During the remainder of the transition, most opposition parties resigned or were expelled from the Council of Representatives. Incensed by perceived departures from the principles of the Transition Charter and the shattering of the interparty consensus upon which it was constructed, the opposition parties have attacked the legitimacy of the whole transition. All efforts to reconcile the parties have proven fruitless, including those of Jimmy Carter.

Perpetuating One-Party Rule

Thus, the lasting outcome of these elections was the de facto single-party state that continues today. That is notwithstanding (1) the EPRDF's formal completion of the transitional process through revision of the electoral laws based on the experience of the 1992 elections, (2) the election of a constituent assembly and its ratification of the newly drafted constitution in 1994 and 1995, and (3) the holding of elections to the new parliament in June 1995. These legal foundations of a democratic state have carried only

limited significance, however, because they rest not on the foundations of multiparty consensus but only on the military and political hegemony of the EPRDF.

Moreover, civil society in Ethiopia is in a weak position to hold the EPRDF government democratically accountable. Churches have shown little inclination to play the kind of active role they have in Kenya, South Africa, and Latin America. Trade unions have remained quiescent and have failed to establish their independence of the government. The post-Mengistu era has spawned numerous private media, but they have been afflicted by intense internal rivalries largely rooted in alleged or real association of their leaders with either the Mengistu or the EPRDF regimes. Not surprisingly, therefore, the EPRDF government's human-rights record, while much superior to that of the old order, has been mediocre at best.

International Electoral Assistance

The flawed nature of Ethiopia's 1992 elections prevailed even though all parties appeared to welcome international assistance in support of elections that would be free and fair. Former president Jimmy Carter was instrumental in putting President Meles in touch with the National Democratic Institute. In November 1991, the institute sent a three-person team to Ethiopia to outline the requirements for free and fair elections and a strategy for mounting successful regional elections as well as areas of possible international assistance. Specifically, the parties appeared to welcome the prospect of a substantial team of international observers to monitor the elections.[12]

Twenty bilateral donors plus the United Nations and the Organization of African Unity (OAU) contributed just over $5 million to the National Election Commission in direct cash contributions, in-kind contributions, and support for teams of international election monitors.[13] USAID/ Ethiopia's midterm evaluation of its Democracy and Governance Project estimated agency contributions to the June 1992 elections at $1.375 million.[14] USAID project obligations for the 1992 elections, plus $500,000 for postelection civic education, represented 50 percent of funds for the Five Year Democracy and Governance project prior to its amendment and enlargement in 1995.

The key international assistance component was the provision of foreign observers. Of 240 observers from twenty countries and the Organization of African Unity and the United Nations, the United States provided the largest number (75), followed distantly by the United Nations (24), and the OAU and Germany (18 each). Though most of the observers were from abroad, ninety-five were local residents. Other assistance included vehicles, tents, radios, computers, rations, cash contributions of $2.12 million from nine countries, and staff to the Joint International Observer Group that coordinated external electoral assistance.

The Joint International Observer Group provided coordination of donor assistance to the Ethiopia election effort. It consisted of twenty-three donors and eight international organizations. Within that group twelve donors plus the United Nations Development Programme (UNDP) and the OAU constituted what was known as the Restricted Donor's Group. It met at least every three weeks, headed by the Canadian high commissioner. These groups supported the Donor Contact Working Group, which met several times each week. Chaired by the U.K. high commissioner, the group included, in addition, the United States, Sweden, and the UNDP resident representative. The Donor Contact Working Group directed the work of the joint observer group secretariat headed by the U.K. deputy chief of mission.

Unrealized Objectives

Observers generally judged the regional elections to have been significantly less than free and fair and to have fallen considerably short of the goal of instituting political competition according to the precepts of democracy and the rule of law.[15] In the eyes of the international observers as well as opposition parties, the EPRDF failed to establish a clear but difficult distinction between its obligatory role as an above-the-fray guardian of the embryonic multiparty democratic election process and its role as the dominant participant in it. Credible evidence of widespread intimidation of voters, candidates, and parties marred the entire electoral process. Although some of these allegations applied to the Oromo Liberation Front within the limited areas its cadres controlled, by far the bulk of these allegations, and of the credible evidence of intimidation, applied to the EPRDF.

Observers were divided as to the causes and implications of these flaws. The mildest criticism of the process attributed the flaws principally to the daunting array of logistical difficulties involved in conducting elections in a poor, war-torn country. Observers noted that post-Mengistu Ethiopia was still a freer, more democratic place than it had been under the old order. The harshest critics viewed the flaws as reflecting the EPRDF's determination to win at all costs, perpetuating the same northern-based imperialism that the EPRDF claimed to be eradicating. Intermediate between those positions were those who faulted the EPRDF for allowing these flaws to occur but stopped short of impugning its motives. In a separate statement for its sixteen observers, the Heinrich Boll Foundation of Germany concluded that the results of the election in the areas they observed "should not be taken as a free and fair reflection of the democratic will of the people."[16]

Reflecting on the 1992 elections, the National Democratic Institute concluded that they "did not achieve their proclaimed objectives," which included (1) competitive participation; (2) overcoming logistical obstacles to viable elections, the failure to do so resulting in a "seriously impaired

. . . electoral process"; (3) moderation of ethnic differences; and (4) "education of a majority of the population regarding the nature of genuine, multi-party elections."[17]

Simply put, however, international assistance made it possible for Ethiopia to conduct the 1992 regional elections. The most visible aspect of this assistance was provision of the legions of international observers. This was key to confirming the legitimacy or illegitimacy of the processes in the eyes of the EPRDF, opposition parties, the donors themselves, and perhaps to some extent Ethiopian voters as well. In principle, Ethiopia could have conducted the election in some fashion without the observers. But given the country's endemic poverty and its general postwar disarray, Ethiopia would have been hard pressed to mount the election process without the ballots, radios, vehicles, computers, and the direct financial and staff support that the donors supplied.

Lessons and Recommendations

1. *Take the time to do the elections right.*

The 1992 regional elections in Ethiopia were postponed once but should have been delayed still further. The Meles regime understandably resisted diplomatic entreaties for a second postponement on the grounds that the approaching rainy season would soon make it impossible to conduct the elections. But in retrospect it would have been better to have postponed the elections until after the rainy season. The encampment accords between the EPRDF and at least the Oromo Liberation Front were too fragile and insecure to permit organizing properly for the elections in many areas of the country. But those areas were the very ones where the legitimizing, conflict-resolving properties of elections were most needed. Consequently, the preparatory steps were conducted haphazardly or not at all in the most important areas. Whether or not the EPRDF welcomed, hid behind, or even engineered continuing instability in order to strengthen its position, the circumstances on the ground made it possible for the EPRDF to do so and created the *perception* it had done so.

2. *Use the carrot of substantial electoral assistance to leverage agreement from at least all the major politico-military movements on a realistic schedule for carrying out electoral preparations.*

In the elections of 1992, it is not clear that the donor countries themselves had realistic assessments of what was required when they entered into negotiations with the EPRDF administration on electoral assistance. It is fairly evident that both the EPRDF and its opponents lacked a realistic

appreciation of the difficulties electoral preparations would involve. Donor-financed experts should work jointly with the contending parties to appraise these requirements to arrive at a consensus on realistic electoral plans. In these negotiations, issues and points of contention can be anticipated and resolved in advance.

3. ***Although they should be largely sequential rather than simultaneous processes, war repair and election preparations should be linked in policy planning and implementation.***

Demobilization and encampment of troops should be linked not only to employment-generated programs and reforms but to political participation as well. Troops should see demobilization as a means to both civilian employment and real political involvement. It is especially important for the armies of rival political movements to make the transition from military to peaceful civic competition. The greater the success in helping combatants make this transition, the greater the prospects for secure peace and successful democratic consolidation. Such planning should also include training of a neutral police force of sufficient size, one that integrates individuals from all major armies.

4. ***Consider whether particular circumstances indicate the wisdom of conducting initial multiparty elections later rather than earlier in the democratization process.***

In certain war-torn societies, the delay of elections to a later date may be beneficial for democratization. In Ethiopia, the eleven-month period between convening of the Transition Charter conference and the regional elections was insufficient for demobilizing the armies and reintegrating them into civilian life. It was similarly insufficient to convert armies into political parties, to fashion a multiparty agreement on the rules of political competition, to overcome the logistical and organizational obstacles to achieving free and fair elections, and to craft a Transition Charter that would guide the parties comprehensively and realistically through the complexities of simultaneous state reconstruction and democratization.

5. ***The greater the importance to the United States of peace and free and fair elections in a given country, the more the United States should be prepared to monitor the process and exercise leverage to prevent and penalize violations of peace agreement and agreed-on electoral plans.***

This recommendation is far easier to articulate than to implement. And there is an underlying conundrum. It is that the more U.S. interests are involved, the greater the stakes in the United States' attempting to impose

sanctions for violations of peace and electoral agreements; conversely, the less important the country involved, the less the justification for the effort involved to impose sanctions. Nor is it a simple matter to suspend or cancel elements of assistance once the flow of resources has begun, even assuming that the United States (alone or in concert with other donors) can identify leverage adequate to sanction effectively.

Nevertheless, a pattern of abuses on the part of all parties in the 1992 Ethiopian elections, but particularly by the EPRDF, took place throughout the campaign preceding the elections themselves. Although it is possible that greater abuses were prevented by whatever diplomatic representations may have occurred, to all appearances these representations were ineffective in preventing abuses of election processes to which substantial donor resources had been committed. One possible sanction might include extra "level playing field" assistance to nonoffending parties. Depending on the importance ruling and opposition parties place on international certification of elections as free and fair, withholding international observers might be one effective sanction that could be imposed late in the run-up to election day.

6. *An essential step in the transition from war to peaceful electoral competition in war-torn societies is the conversion of politico-military movements to genuine political parties.*

The major participants in the elections had made at best incomplete transitions from politically driven armed forces to electorally centered political parties. Free and fair elections cannot proceed to the extent the competing organizations conduct the campaigns as though they were armies at war. The objectives, the organizational structures, the behavior, and the strategy and tactics of politico-military movements—all these need refashioning to effect such transitions.

7. *Parties need to conduct successful negotiations and reach agreement among themselves on what represents free and fair electoral competition.*

Implicit in this recommendation is the proposition that what is "free and fair" is not simply a matter of applying internationally defined standards but of gaining agreement among competing parties themselves on the meaning of the term. Supplementary provisions or some modifications of these international standards may be appropriate in the circumstances of individual countries. Quite apart from inadequacies in the Ethiopian legislation at the time, and the problems caused by insufficient implementation of encampment agreements, the ruling and opposition parties in the 1992

Ethiopian elections never really engaged each other—let alone reached agreement—on what they meant by free and fair electoral practice. This lack of communication contributed to the pattern of events leading to elections that fractured irretrievably the interparty consensus achieved with the Transition Charter.

8. Devote more emphasis to nongovernmental civic education.

Under the circumstances, there was little alternative to primarily official civic education centered on the elections. No one would claim that it was sufficient in either quantity or quality, or that heavy reliance on officially sponsored civic education is adequate or appropriate. If the sequencing and timing of elections within the framework of overall democratization had been adjusted as suggested above, more time and opportunity would have been available to build civil-society capacity to conduct civic education, with external assistance as needed.

9. Use existing media capacity for elections.

Realistically, media capacity in the early stages of democratization, especially in war-torn societies, is a given for the short to medium term. Whatever capacity exists, public or private, electronic or print, should be utilized to strengthen civic awareness and enable the parties and candidates to project their messages. But it is probably unrealistic to think that often very limited capacity, notably in Ethiopia, can be strengthened in time to be of increased value to initial elections. That is true even if the elections are held later in the democratization process, as recommended.

10. Emphasize electoral administration as a career.

It is wholly understandable, particularly when time is short and resources are finite, that the emphasis of electoral assistance should be on a particular electoral event. However, to the extent possible, there should be greater emphasis on helping host countries develop career paths in electoral administration. Although volunteers are indispensable and, properly, they predominate in numbers, it does appear that there may be benefits in placing greater emphasis on training of a cadre of electoral professionals for such tasks as maintaining and computerizing electoral records, training volunteer electoral officials, maintaining registration records, organizing registration campaigns, managing electoral financial resources, organizing and operating election appeals processes, providing electoral legal advice, and managing election logistics.

Notes

1. My thanks and appreciation to Terry Lyons of the Brookings Institution for his careful and helpful comments on an earlier draft of this chapter. Remaining errors of fact and interpretation are mine alone.

2. The present regime tends to use the term "nationalities" to describe ethnic communities. To avoid confusion, the term "ethnic communities" is used in this chapter, while "nationality" is reserved for the degree of pan-ethnic political identity that exists within Ethiopia's currently recognized international boundaries. This choice of terms is not intended as a downgrading of ethnic communities' desires or eligibility for political self-determination.

3. Between 1775 and 1851, the writ of the central government virtually disappeared for reasons that are beyond the scope of this chapter. Emperor Tewodros (1851–1869) restored central government authority. He and his successors—Johannes (1869–1883), Menelik (1886–1913), and Haile Selassie (1930–1974)—expanded and consolidated the empire and began to graft elements of socioeconomic and political modernization onto quasi-feudal socioeconomic structures and traditional autocratic rule.

4. This is not to suggest that the Amhara or other ethnic communities were homogeneous. Among the Amhara, for example, Gojjami, Shoan, and Welo Amhara have remained conscious of their distinct political and cultural identities.

5. A 1987 "constitution" issued by the Mengistu government purported to offer Ethiopian peoples a measure of ethnic-based self-determination, but the clause existed on paper only.

6. While Mengistu evidently impressed the Brezhnev government with his Marxist-Leninist zeal, there is some anecdotal evidence to suggest that his Soviet advisors counseled him to pursue this experiment more cautiously than he did.

7. The Somali war crystallized a unique Cold War "do-si-do," with Somalia evicting the Soviet Union as its military patron, which then became the patron of Ethiopia, and Ethiopia dismissing the United States, for more than twenty years its principal source of military and economic assistance; the United States then gravitated to support of Somalia against Soviet-supported Ethiopia.

8. USAID, *Evaluation Report,* quoting NEBE sources.

9. NDI, *An Evaluation of the June 21, 1992 Elections,* p. 29.

10. Ibid., pp. 32–33.

11. African-American Institute, *Final Report of the African-American Institute,* p. 11.

12. NDI, *Election Trip Report.*

13. Ibid. The table compiled in this study is included as Appendix B. This conflicts with USAID/Ethiopia's Democracy and Governance Project's midterm evaluation figures. The project reports contributions to total U.S.$3.45 million from five sources, including USAID. The midterm evaluation's calculations are also included in Appendix B, *Evaluation Report.*

14. This figure appears to conflict directly with the National Democratic Institute's estimate of $850,000.

15. Yet the international community generally appeared to be prepared to continue working with the government to effect a democratic transition. Specifically, USAID continued its Democracy and Governance Project without reconsidering funding after the 1992 elections, despite the outcome.

16. Statement incorporated as Appendix IV of NDI, *An Evaluation of the June 21, 1992 Elections,* p. 108.

17. Ibid., p. 4.

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Angola's Failed Elections

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On 29 and 30 September 1992, Angolan voters took part in multiparty presidential and legislative elections for the first time in their history. Rather than furthering democratization, these elections led to the abrupt closure of the peace process, precipitating renewed conflict. While the voting was orderly, and the United Nations accepted the results as being untainted by major fraud and irregularities, the elections must be considered a failure.

Only the two parties that had fought with each other since 1975 in the Angolan civil war, the governing Movimento Popular de Libertação de Angola (MPLA) and the Uniao Nacional para a Independencia Total de Angola (UNITA), won a substantial number of votes. When early returns indicated that UNITA had lost both the legislative and presidential contests, the party declared the elections fraudulent and refused to accept the results, dismissing the verdict of international observers as irrelevant. Pulling its soldiers out of the newly formed national army, UNITA prepared for war again. Despite intensive mediation efforts by UN Special Representative Margaret Anstee and by high-level officials from the three countries that had helped negotiate the 1991 peace agreement and monitored the transition process (United States, Soviet Union/Russia, and Portugal), Angola slipped back into full-fledged civil war by the end of October. As a result, the second round of the presidential elections—necessary because no candidates had won an absolute majority of the vote—was never held.

A new peace settlement was finally signed in Lusaka, Zambia, by the MPLA and UNITA in November 1994. Known as the Lusaka Protocol, the agreement consists of a series of annexes to the Peace Accord signed on 31 May 1991. The 1992 elections were held according to modalities established in the 1991 agreement.

This chapter seeks to draw lessons from the 1992 debacle. Such lessons are relevant to Angola, which is once again facing an uncertain transition from war to peace and hopefully to democracy. They are also

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relevant to other countries seeking to hold elections in the immediate aftermath of a civil war, while peace remains fragile.

Historical Sketch

Angola, a Portuguese territory since the sixteenth century, was not fully colonized until the end of the nineteenth century and experienced little economic development until oil was discovered in the 1960s. It then underwent a period of rapid growth and industrialization, just as the liberation struggle began. War first broke out in Angola in 1961 and it still ongoing. Consequently, despite its oil wealth, the country remains extremely underdeveloped.

Two movements originally spearheaded the liberation effort, the MPLA and the Frente Nacional de Libertação de Angola (FNLA). The MPLA was an urban-oriented movement, and drew much of its support from the better-educated stratum of the population, including many *mestiços*, from urban workers and from the Mbundu population. The FNLA's support base was among the Bakongo of Northern Angola. In 1966, a third movement, UNITA, was formed. Led by Jonas Savimbi, UNITA drew its support predominantly from the Ovimbundu population of the southern part of the country. Relations between the three movements remained extremely difficult through the liberation struggle.

In 1974, a military coup d'état in Portugal brought to power radical military officers who immediately started preparing all colonies for independence in 1975. Despite Portuguese efforts to negotiate an agreement among the three Angolan movements, civil war broke out even before independence day.

The MPLA, which controlled the cities, established itself as the new government, winning widespread diplomatic recognition, although not from the United States. The FNLA faded from the picture. UNITA, with support from South Africa and the United States, grew into a strong, armed opposition movement. The civil war lasted until a peace agreement was signed on 31 May 1991. The 1992 elections were intended to seal that agreement and set the country on the path to democracy.

External support complicated the Angolan civil war, contributing to its duration and to the level of fighting. Because the MPLA, a Marxist-oriented movement, began receiving Soviet and Cuban support before independence, the United States and South Africa regarded it with suspicion. This concern increased when Cuban troops intervened in Angola on the side of the MPLA and Soviet aid increased at independence.

South Africa feared that the MPLA-governed Angola would allow the South West Africa People's Organization (SWAPO) to mount operations against Namibia from its territory, offer safe haven to the African National

Congress (ANC), and facilitate a Soviet subversion of southern Africa. Consequently, South Africa threw its support behind UNITA, providing arms and repeatedly sending military units to conduct operations on Angolan territory. The United States started backing UNITA around the time of independence, but aid was suspended from 1976 to 1985 as a result of congressional action (the Clark Amendment). Support for UNITA resumed after the Reagan administration singled out Savimbi as a freedom fighter, to be supported in UNITA's war against a communist regime, and Congress repealed the Clark Amendment.

In December 1988, Angola, Cuba, and South Africa reached an agreement with the help of the United States and the Soviet Union. Under the terms of the agreement, Cuba withdrew its troops from Angola and South Africa granted Namibia its independence in March 1990.

The 1988 agreement removed the international character of the Angolan conflict without bringing it to an end. Enmity continued between the MPLA and UNITA, owing more to their leaders' ambitions than to the ideological differences between the two movements. It took more than two years of negotiations before the MPLA and UNITA signed the peace agreement (known as the Bicesse Agreement) in May 1991. The United States, the Soviet Union, and Portugal acted as facilitators and later monitored the implementation of the agreement. After the break-up of the Soviet Union, Russia took its place as monitor.

The Social and Economic Context

The 1992 elections took place in an extremely unfavorable social and economic context. The Angolan population is poor and largely illiterate. The UNDP 1993 Human Development Report ranked Angola 126th out of 173 developing countries in terms of per capita GNP, and 160th on a Human Development Index measuring real purchasing power, health, and education. There is no stable middle class. The country has not known a sustained period of peace since the beginning of the anti-Portuguese uprising in 1961.

Angolans have had no experience with democratic government, either before or after independence. The political leadership was not irrevocably committed to a democratic transition or even to peace, but driven to accept both by a stalemate, which proved to be temporary. Finally, Angola has had no history as a functioning unified state, having been divided and at war since independence. At the time of the elections, therefore, Angola faced not only the problem of building democracy, but also that of building a state and developing a national consciousness.

The latter task was made more difficult by the ethnic diversity of the population and above all by the politicization of ethnicity. The largest and

politically most important ethnic groups are the Ovimbundu (about 37 percent), the Mbundu (about 23 percent), and the Bakongo (about 14 percent).[1] During the war for independence, the different political movements in the country developed strong ethnic affiliations. The 1992 election results, however, indicated that ethnicity was not the only factor determining voting, or perhaps not even the dominant factor. For example, the FNLA, historically a movement drawing its support from the Bakongo population, received less than 2.5 percent of the total vote in the legislative elections, while the Mbundu MPLA received 53.7 percent. Nevertheless, regional patterns remain, with UNITA having stronger support among the Ovimbundu of the southern part of the country.

The extreme poverty of Angola, a country rich in oil and diamonds and endowed with adequate agricultural land, is the result of its colonial legacy, the civil war, and the socialist policies enacted by the MPLA after independence. At the time of the 1992 elections, the government was in theory committed to economic reform. Indeed, plans to liberalize the economy—reducing centralization, giving more autonomy to plant managers, and allowing private entrepreneurs to operate—have been discussed, and adopted on paper, since 1986. Implementation has lagged, however. The failure to liberalize the economy created an additional obstacle to a democratic transition: the party winning the elections would acquire control not only over the government, but over the country's economy as well.

The Political Context

The 1992 Angolan elections took place in the context of a very imperfect and unstable peace. The Bicesse Agreement was concluded with great difficulty, and only because a stalemate of sorts had been reached between the two sides, with the MPLA having proven its superiority over UNITA troops in conventional warfare, while the latter maintained the capacity to conduct very effective and disruptive commando operations.

The Bicesse Agreement called for an immediate cease-fire; the quartering of the MPLA and UNITA armies at assembly points within sixty days of the cease-fire; the demobilization of the troops; the formation of a new army of 40,000, drawn in equal numbers from the MPLA and UNITA; and the holding of multiparty elections between September and November of 1992. The implementation of the agreement was to be monitored by a Joint Verification and Monitoring Commission (JVMC) composed of representatives of the MPLA government and UNITA, with representatives from the United States, the Soviet Union, and Portugal acting as observers. The United Nations was given particular responsibility for the demobilization of military personnel and the supervision of the police force. However, the role of the United Nations was to be much more limited than in the

Namibian transition, in part because of the refusal of the Angolan government to allow a massive UN presence—seen by the MPLA as a violation of sovereignty—on Angolan territory.

The agreement was very sketchy when it came to the elections and the political transition. It simply established that elections would be held for a president and a national assembly, the latter according to the principle of proportional representation, between 1 September and 30 November 1992—the date represented a compromise between the MPLA's original demand for a four-year transition and UNITA's insistence on one year. In the meantime, the administration of the country would remain in the hands of the MPLA government, the authority of which would be extended also to the areas previously controlled by UNITA. The Angolan government would continue controlling the police force as well. The two parties also agreed to respect the fundamental principles of democracy—freedom of speech, association, and access to media, and freedom to organize and campaign over the entire territory for all political parties. The principles were stated in general terms, however, and no mechanisms were put in place to continue negotiations to deepen the agreement. Democracy was expected to emerge from a formal electoral process despite the fact that the country was barely at peace.

The overall supervision of the peace agreement, in both its military and political aspects, was entrusted to a Joint Political-Military Commission (JPMC). Like the JVMC, it was composed of representatives of the government and UNITA, with the United States, the Soviet Union, and Portugal acting as observers. The Joint Political-Military Commission also supervised the Joint Verification and Monitoring Commission.

The provisions of the Bicesse Agreement led to the failure of the Angolan elections. In the absence of prolonged negotiations about the principles to be respected by any future government, and of mechanisms to allow the two parties to start working together to govern the country, the elections took on a winner-take-all quality. One event would determine which of two movements that had fought each other for twenty years would control not only the government but the country's economy as well. Only a wholehearted commitment to democracy on the part of the leadership of the two movements might have made such sudden transition successful. Neither side had exhibited any democratic inclinations in twenty years. The process was thus flawed from the beginning, with far too much depending on the elections.

From the Bicesse Agreement to the Elections

In the sixteen months between the signing of the Bicesse Agreement and election day, the Angolan parties and the international monitors had to

carry out an enormous number of tasks: on the military side, the encampment and demobilization of the rival armies (the MPLA's Forças Populares de Libertação de Angola and UNITA's Forças de Libertação de Angola) and the formation of a new army; on the political side, the approval of constitutional amendments, a law on political parties, an election law, the organization of electoral commissions, voter registration, registration of candidates, the setting up of polling stations and training of personnel for them, and the distribution of ballots and other materials on time for election day. All this was to be done in a country with a tenuous cease-fire, deep suspicions among the major political parties, destroyed infrastructure, and no election experience. It was more than could be accomplished in such a short period of time and under such conditions. The result was a very unsuccessful demobilization process, on the military side, and a successful completion of the technical steps necessary for holding an election—but no political reconciliation—on the political side.

International actors did a remarkable job in solving the logistical and technical problems encountered in organizing the elections. Where the problems were political rather than technical, however—the willingness of the MPLA and UNITA to demobilize and to accept the outcome of a democratic process—the international community could not deliver a solution. The lack of continuing negotiations between the two sides to consolidate the shaky peace and develop a consensus about the political system doomed the elections to failure.

Demobilization

Demobilization of troops by UNITA and the MPLA lagged far behind schedule and was never completed. By June 1992, ten months after the process was supposed to be concluded, an estimated 85 percent of UNITA forces and 37 percent of MPLA forces were still encamped, according the United Nations.[2] But when encampment formally ended in September, the United Nations concluded that about 80 percent of the government troops had been demobilized, but a much smaller percentage of UNITA guerrillas. The figures are uncertain, but the resumption of fighting proved that there were massive violations. The MPLA shifted 10,000 to 20,000 of its elite troops into a "riot police" force, taking advantage of a provision in the peace agreement that gave the government control over the police. UNITA also kept heavy weapons and an estimated 25,000 or more troops in the bush.[3] In the end, UNITA was more successful than the MPLA in maintaining its forces intact. When fighting resumed in October 1992, UNITA was able to establish its control immediately over much of the country, while the MPLA needed several months to reorganize before it could regain lost territory.

The formation of the new Armed Forces of Angola (FAA) never took place except on paper. The Bicesse Agreement called for the formation of a

new 40,000-member FAA recruited from volunteers from both FAPLA and FALA. By September, only a few hundred officers had been trained and commissioned in the FAA. Nevertheless, President Eduardo Dos Santos and Jonas Savimbi signed on 26 September the official abolition of the two armies and the launching of the FAA. The international community went along with the fiction.

United Nations Angola Verification Mission (UNAVEM II) monitors were aware of the problems, but they had neither the personnel nor the mandate to intervene. UNAVEM II was grossly understaffed, with only 350 military and 126 civilian police observers—by comparison, the UN mission that supervised the Namibian elections had mobilized 7,000 people in a country with only one-tenth the population of Angola.[4] In March 1992, the mandate of UNAVEM II was enlarged to include the monitoring and verifying of the electoral process, from voter registration to the elections. Although the personnel were increased somewhat, UNAVEM II remained understaffed.

Election Preparation

The 1992 elections were the first ever held in Angola. Preparation for elections thus had to begin with constitutional amendments to make competition permissible, the formation of electoral institutions, and the adoption of new laws. All these tasks were carried out under great time pressure in order to meet the September 1992 deadline. As a result, issues were not discussed and negotiated sufficiently among the political parties. Whether the institutions chosen were also faulty is a matter of contention—there is no agreement about what would be the "right" institutions for a country like Angola. But it is clear that the parties had very little faith in the fairness of the process and that they were not willing to live with the outcome.

The Angolan constitution was first amended in April 1991 to abolish the single-party system, thus opening the way for the Bicesse Agreement, and was further revised in August, just a month before the elections took place. It provided for a unitary presidential system, putting all power—including that of guiding economic development under a system of public, private, cooperative, and family property (Articles 9 and 10)—in the hands of the central government. Administrative decentralization and devolution were not to prejudice "governmental and administrative unity of action" (Article 54 e). The president was elected for a five-year term at universal suffrage; if no candidate obtained the absolute majority of votes in the first round of elections, a second round would be held among the top two candidates. The president appointed the prime minister and the cabinet and had the right to disband the parliament and to call for new elections.

The National Assembly was elected for a four-year term on the basis of proportional representation. Each province was represented by five

members, elected from provincial lists, but the majority of the members were elected from national lists.

To an outside observer, the system appears quite ill-suited for a country emerging from a protracted period of conflict. It put great power in the hands of the president, thus voiding to a large extent the power-sharing effect of the principle of proportional representation in the parliament. Both major parties, however, wanted a powerful presidency. They were centralized, hierarchical organizations, led by strong men convinced that they were going to win the elections, and thus interested in making that presidency powerful.

Election preparations started very slowly. A preelectoral assessment prepared by the International Foundation for Electoral Systems (IFES) in March of 1992 stated that "it could not be said that electoral preparations by the Government of Angola were evident."[5] In late May, a preassessment mission jointly conducted by the National Democratic Institute for International Affairs (NDI) and the International Republican Institute (IRI) concluded that "the prospects for conducting meaningful elections as scheduled for September 29 and 30, 1992, are dubious."[6] Nevertheless, the process continued. In practice, the elections were organized not in eighteen months, as envisaged by the Bicesse Agreement, but in five.

The Election Law was approved on 28 April 1992. On 9 May the National Election Council (CNE) was set up. It included government officials and judges, a number of experts, and representatives of all registered political parties. The Provincial Electoral Councils and the Municipal Electoral Councils had a similar composition. On paper, the CNE and the lower-level councils appeared fairly balanced institutions, giving representation to all political parties. However, the councils were relatively weak, and did not become arenas where the grievances of political parties and candidates could be discussed and negotiated, and consensus about democracy consolidated. The goal of the major parties remained to win power and sideline the rival organization, not to work toward an outcome with which all parties could live.

Voter registration started on 20 May and was extended to 10 August, leading to the registration of about 4.8 million individuals, a figure the UN estimated to represent 91 percent of potential voters. But population estimates were both uncertain and politically loaded: the population of Cuando Cubango, a Savimbi stronghold, was estimated to be 178,000 by the provincial governor and 549,000 by UNITA.[7] As a result, in some regions well over 100 percent of the estimated potential voters registered (198 percent in Cuando Cubango); in other regions, there appeared to be only 60 percent.[8]

The registration of candidates took place in mid-August. Eighteen parties registered lists for the parliamentary elections, and thirteen presented candidates for the presidential elections.

The election campaign during September was relatively peaceful. Reported incidents of violence remained few and were contained and solved at the local level. However, the atmosphere was tense. Both major parties were still armed, and freedom of movement was limited in many parts of the country, especially those controlled by UNITA. The poor conditions of the infrastructure and the widespread dissemination of land mines further limited the freedom of movement for all parties. Except for UNITA and the MPLA, furthermore, the parties did not have the funding to mount anything resembling a nationwide campaign.

Political parties participating in the elections did not have equal access to the media. The MPLA controlled the only daily in the country, *Jornal de Angola*. During the election period, UNITA published the weekly *Terra Angolana*, which was printed in Portugal and flown into Angola. Other political parties did not have regular publications.

The one television channel was government controlled, but television only reached half the provinces, and even there the number of TV sets was very small.

Both the MPLA and UNITA controlled radio stations. The MPLA had four channels, broadcasting in Portuguese and several African languages. UNITA had its own "Voice of the Resistance of the Black Cockerel" (VORGAN).

During the formal election campaign, all political parties were allotted ten minutes on TV and twenty minutes on radio daily. So limited were the resources of some parties, however, that they could not even use all the allotted time on a regular basis.[9]

In conclusion, there was no free access to the media for all political parties. TV and print media only reached a small percentage of the population, while both the MPLA and UNITA had access to radio. It is highly doubtful that the Angolan public depended on the media to formulate their opinions of UNITA and the MPLA, but it is possible that lack of access to media, together with lack of resources, doomed the new parties to oblivion.

The Elections

The elections were held on 29 and 30 September as scheduled, despite incomplete demobilization, mounting indications that the MPLA would win, and alarming statements by Savimbi that he would not accept an electoral defeat because it could only be the result of massive fraud by the MPLA. In retrospect, it is clear that it was highly dangerous to allow the elections to take place under such circumstances. But the date of the elections had been negotiated as part of the peace accord, and there were no agreed-upon benchmarks to be met before elections could take place, or any mechanism for postponing them. The international community, still

inexperienced with postconflict elections, chose to believe that a positive outcome was possible and pressed ahead with the preparations. The Angolan parties also wanted the elections to take place as scheduled, but it was international assistance that made the elections possible.

The voting took place at 5,579 polling stations. Over 90 percent of registered voters participated in the elections, the first ever in Angola. It is likely that most voters were familiar enough with the MPLA and UNITA to make an informed choice, but probably did not know enough about the new parties to consider other options. The mechanics of the voting, however, were new to the voters, and illiteracy further complicated the problem of recognizing the correct party symbols and marking the right place on the ballot. The ballot papers themselves were visually confusing. These problems led to over 10 percent of the ballots being declared initially blank or spoiled. While ballots were later reexamined and more were accepted, the problem contributed to the confusion and to accusations of fraud.

According to observers, the voting itself was uneventful.[10] They recorded minor procedural violations, but no gross irregularities. Most monitored polling stations opened on time and were correctly staffed and equipped. There were no visible signs of voter intimidation. Few voters were turned away because their registration cards were deemed fake or otherwise invalid.

International observers were few, visited a limited number of polling stations, and stayed only briefly at each. Their conclusions were given added credence, however, by the presence of representatives of rival political parties at all polling stations. Indeed, there were no complaints of vote tampering until the counting started.

Votes were first counted at each polling station by election officials and in the presence of party delegates. Observers found this process very slow, in part as a result of the many spoiled ballots. The ballots and a tabulation of results were then delivered to the provincial election office, where new delays ensued as spoiled ballots were reexamined amidst much confusion. Results were eventually sent to Luanda, but the process was delayed and results were not released for over two weeks. The long delay did nothing to assuage fears that election results were being manipulated by the CNE and the government. Furthermore, by the time the results were officially announced, the country had moved back toward war.

Election Outcome

The official election results were finally released on 17 October 1992 by the National Election Council. They indicated that President Dos Santos had received 49.57 percent of the vote and Savimbi 40.07 percent, with no other candidates receiving more than about 2 percent of the vote. Since Dos

Santos had narrowly missed receiving the absolute majority of the vote, a run-off was supposed to take place between him and Savimbi.

In the legislative elections, the MPLA received 53.74 percent of the vote and UNITA 34.10 percent, with no other party receiving more than 2.5 percent. Savimbi and UNITA had more support in the central highlands and the south, the MPLA and Dos Santos in the rest of the country. The vote was not strictly ethnic, however. Bakongo voters, for example, showed no interest in supporting the FNLA.

UNITA Rejects the Results

UNITA refused to accept early results indicating the probability of an MPLA victory. On 3 October, broadcasting on the UNITA-controlled radio station VORGAN, Savimbi declared that UNITA was winning both presidential and legislative elections in all provinces, that claims to the contrary were fraudulent, and that the judgment of the international observers was irrelevant.[11] UNITA allegations about electoral fraud by the MPLA escalated from then on, with some other parties joining in.

The United Nations, the United States, and other Western governments accepted the election results. Margaret Anstee, the UN Secretary-General's special representative to Angola, certified that "with all deficiencies taken into account, the elections held on 29 and 30 September can be considered to have been generally free and fair."[12] She acknowledged that there had been some irregularities during the voting, but dismissed them as the result of error rather than fraud, concluding that they did not affect election results. A more detailed internal report of 16 October was more critical of the elections, but still did not talk of fraud. The United Nations' conclusion about the fairness of the published results was based in part on its own vote count in a supposedly representative sample of 166 polling stations; on the basis of that count, UN officials had predicted nationwide returns in the presidential elections remarkably close to the official final count.[13]

Angola Returns to War

By the time the official results were announced and the UN had certified the elections as reasonably free and fair, Angola was slipping back into war. UNITA officers withdrew from the new joint army, and Savimbi retreated to Huambo. Despite frantic efforts by UN officials and U.S. diplomats, resumption of the conflict could not be avoided. UNITA, which had kept its army more intact, scored impressive victories in the first few months. The MPLA then rallied, and a new stalemate was reached, leading to new negotiations and the signing of the Lusaka Protocol in November 1994.

Evaluating International Assistance

There could not have been elections in Angola without international assistance. The United Nations, the United States, and about ten other Western donors provided financing and solved technical and logistical problems Angolans did not have the resources to surmount in 1992.

The United States was closely involved in the entire process. In FY 1992, it provided $5.2 million in electoral assistance.

The IFES, the NDI, and the IRI, with the latter two working jointly, implemented programs in Angola. IFES and NDI/IRI also carried out pre-election assessments—some of their conclusions were cited earlier. NDI/IRI implemented a political-party training and civic-education project. IFES developed and distributed voter information literature, financed and trained six teams of Angolan voter awareness trainers who reached about 30,000 people before the elections, and fielded thirty-nine international election observers. As part of this project, IFES also distributed 350,000 voter education booklets and 30,000 posters teaching the mechanics of voting.[14]

The United States' main contribution to the election and demobilization process, however, consisted of logistical support. U.S. transport planes and personnel flew demobilized soldiers back to their home regions in August and September and helped in the distribution of election material.

The United Nations' involvement was substantial, with UNAVEM II and UNDP taking most responsibility. But UNAVEM II was a weak mission that could not ensure the success of the demobilization program, nor could it authorize a postponement of elections until the demobilization had taken place.

Coordination of donors' efforts was undertaken by UNDP and was satisfactory, except for the monitoring of the voting, where the 400 UN observers and the additional 400 sent by various NGOs acted independently of one another. However, the delegations by and large concurred with the UN evaluation that the elections were reasonably free and fair.

Despite all these efforts and the success of specific components of the electoral process, the outcome of the elections was disastrous. Ultimately, the responsibility for the debacle rests with UNITA, which refused to accept defeat. But the international community cannot escape all responsibility: without international support, there would have been no elections in Angola in 1992.

Learning the Lessons of Angola

The failure of the Angolan elections can be explained by two sets of factors: the unfavorable socioeconomic and political conditions discussed

earlier, and the process followed in organizing the elections. The socioeconomic and political context could not be manipulated easily, especially in the short run; the only decision that could be made was whether to attempt elections despite the unfavorable circumstances or to postpone them until a much later time. The process, however, was open to manipulation. The following discussion will thus center on the process itself.

Rethinking the Process

The process that failed in the Angolan elections can be summed up in the following ways:

1. The peace agreement. The Bicesse Agreement was very narrowly focused, dealt mostly with military issues, and glossed over basic political problems. This is not a criticism of the agreement per se. With fighting still raging in the country, it was urgent to bring about a cease-fire and the beginning of demobilization. But many more issues needed to be negotiated before meaningful elections could take place—transitional mechanisms, possible power-sharing agreements, and basic principles that any future government should respect.

2. A very short transition period, during which by necessity only the most basic, technical steps in demobilizing the two armies and organizing the elections could be carried out. The length of the transition period was the result of a compromise, rather than of an assessment of how much time was really needed to maximize the success of the transition. The international community needs to take a firmer stand on a realistic timetable, particularly in those situations when elections could not be held without international help.

3. A sudden closure of the process through elections. Under the circumstances, the elections marked a sudden closure of the transition process opened by the Bicesse Agreement. One party won, the other lost. One would govern, the other would not. The parity that existed during the transition, when UNITA and the MPLA were represented equally in the JPMC and JVMC and at the negotiating table, was suddenly destroyed.

Representatives of the Western community naturally did not think of elections as a closure. In a functioning democracy, policymaking is a never-ending process of negotiating and reaching compromises. Thus, elections in Angola were perceived as a means to transfer this process of negotiating from nonelected leaders to elected representatives of political parties. But this Western perception of elections was not that of UNITA, and probably not that of the MPLA either. Savimbi returned to war because, in his eyes, the elections closed the political contest for power and he decided to return to a military contest—where he maintained considerable strength.

4. Absence of any escape clause. The peace agreement made no

provision for what would happen if serious difficulties arose during implementation. The JPMC and the JVMC, together with UNAVEM II, were supposed to check on implementation, but there were no provisions to slow down or stop the process if major problems arose.

The central lesson from the failure of this process is the need to avoid sudden closure of the transition. Steps that would have helped include:

Continuing negotiations after the initial agreement. An example of such ongoing negotiations was offered by South Africa, where the elections were preceded by a long period of talks during which the major parties reached compromise on a number of important issues, including power sharing, constitutional principles both sides pledged to respect, the fate of civil servants, and control over the government-owned radio and television stations. By the time the elections were held, therefore, a frame was in place that gave the minority parties some guarantee that the winning party did not have total discretion to impose its views.

The purpose of such continuing negotiations is to limit the power of the party that will eventually win the elections, give the losing parties a stake in a system they have helped fashion, and teach the parties that it is possible for them to work together. Such negotiations can fail—but if parties cannot negotiate a compromise on such issues, elections become a meaningless exercise, because the likelihood that the parties will abide by the results is virtually nonexistent.

Transitional mechanisms. Since continuing negotiations require time, and thus a much longer transition period, mechanisms needed to be set up to allow UNITA to have a greater role in running the country, to help the two parties learn to cooperate in governing even before the elections, and at the same time to start transferring power away from the MPLA, thus initiating the process of separating government and party.

Such transitional mechanisms did not necessarily have to go as far as the establishment of a full-fledged government of national unity—the MPLA and UNITA were still too far apart in 1991 to cooperate successfully in such a government. Joint committees to oversee particularly sensitive governmental functions, including police activity, might have been a better starting point. Participation in transitional institutions would also have provided a valuable training opportunity for UNITA, a guerrilla movement that had no experience in governing a country and would undoubtedly have benefited from early exposure to the problems of administration.

A slower transition process of course entails greater expenditure for the international community than a swift and successful one. However, it is probably much less costly in the long run than a swift transition that fails and requires new negotiations and a new transition. Suffice it to point out that UNAVEM II remained in Angola in 1996 and that at some point the international community will again be called upon to shoulder the considerable costs of transitional elections.

Escape clauses. The danger of a transition that moves forward inexorably toward elections no matter what happens is clear. UNITA and the MPLA had no incentive to demobilize quickly. Indeed, the more they procrastinated, the more likely they were to still be well armed at the time of elections.

International pressure to move forward. Escape clauses can stall a process indefinitely—this is happening at present, with Angola seemingly caught in a no war–no peace–no progress transitional limbo. Continuing international assistance to the transition should be made conditional on progress being made, with the benchmarks of progress—and the penalties for not adhering to agreements—being negotiated in advance.

It is of course impossible to know whether the two sides would have been willing to compromise on such a transition process. But the mediators had significant leverage, in that the Angolans themselves were not in a position to organize elections without international assistance. This might have allowed the mediators to push for a different type of compromise, concerning not just time, but process as well.

Dealing with Security Issues

Two crucial factors leading to the failure of the Angolan elections were the failure to demobilize the conflicting armies completely and, even more important, the breaking of the existing stalemate that resulted from the partial demobilization.

Demobilization started slowly and took much longer than expected. This appears to be the case in all countries. The first lesson is that much more time needs to be allowed for demobilization than is normally done.

Furthermore, the Bicesse Agreement provided both sides with ready-made excuses to cheat on demobilization. It gave the MPLA control over the police force, and the party took advantage of it by transforming its best troops into a heavily armed and very political "riot police." The agreement also gave UNITA the right to provide armed protection for its candidates throughout the country, and this became an excuse for UNITA to infiltrate armed groups everywhere.

This outcome underlines the necessity of clearly separating the security functions of the police from the politically less sensitive crime control functions, and to provide joint control by the parties where sensitive issues are concerned. In this area, transitional institutions are essential.

Demobilization was not only partial, it was uneven. By the time elections were held, UNITA had a much more intact army than the MPLA. This reopened for UNITA the possibility of a military victory. Under such conditions, there was no incentive for UNITA to accept an election loss. The important lesson is that demobilization cannot be allowed to break a

military stalemate, and that if this happens, elections must be postponed until the balance is reestablished.

The Constitutional Model

One lesson commonly derived from the Angolan debacle concerns the dangers of winner-take-all constitutional models and the advisability of power-sharing systems. Such a conclusion needs elaboration, because any kind of political system has both advantages and shortcomings, and because the impact of specific political systems is greatly affected by the distribution of votes. First, no democratic system is winner-take-all, although all might become such if one party wins an overwhelming victory. Some political systems entail more power sharing—federal systems create more centers of power, and parliamentary systems enhance the role of all political parties in parliament. But federalism can be unjustifiably costly and cumbersome for small countries or countries with small populations, and it can enhance separatism under some circumstances. Parliamentary systems based on proportional representation can be hopelessly unstable.

While the Angolan constitution created a rather centralized system that did not lend itself well to power sharing, it is doubtful that another constitutional model would have led to a different outcome given the elections results. A federal system would probably not have greatly enhanced the power of UNITA—the party only carried four out of eighteen provinces. Proportional representation did not prevent the MPLA from winning an absolute majority in the parliament—thus in a parliamentary system the MPLA would have controlled the executive just as strongly as in a presidential system. Finally, while it is not known whether the two parties might have been prevailed upon to negotiate a power-sharing agreement in 1992, attempts to reach an agreement guaranteeing a role for Savimbi—a power-sharing formula of sorts—undertaken after 1994 have not been particularly successful.

The potential impact of different political systems needs to be weighed carefully in postconflict elections, and the rival parties need to be encouraged to choose institutions that allow the broadest possible representation and encourage the formation of coalition governments. But constitutional engineering cannot make up for the problems created by leadership, personalities, and lack of political will to accept democracy.

Technical Issues

Some problems arose in Angola concerning the training of election officials, the handling of spoiled ballots, and the presence of international observers. These were not issues that caused the elections to fail, but they will need to be addressed in the future.

Election officials in Angola were insufficiently trained to count the vote, resulting in delays and confusion. Observers concurred that this was the weakest part of the election process. Future training programs should pay more attention to this aspect of the process.

Clear guidelines are needed concerning the handling of improperly marked ballots—a problem likely to arise regularly in countries with high levels of illiteracy. Lack of clarity led to delays, controversy, and much recounting, opening the way to allegation of irregularities. Guidelines need to be issued well in advance of the elections and be known to all parties and observers. Finally, international observers left prematurely, before the vote was counted. If observers are needed, they are needed during the vote count as well.

The Role of Technical Assistance

Technical assistance was spectacularly successful, conjuring technically sound elections out of an impossible situation. But these elections precipitated a return to war.

Technical electoral assistance can be politically dangerous. The know-how and experience of specialized organizations and the availability of modern communications and air transport can overcome logistical obstacles, but they cannot overcome political obstacles. Criteria need to be developed concerning minimum political preconditions that must exist before technical assistance should be considered.

Elections and Democracy in Angola

Elections, everybody admits, do not a democracy make. Yet, policymakers have become convinced in the last few years that elections are a crucial step toward democratic transformation that must be taken as early as possible. The prescribed sequence of events for war-torn countries is now the following: a cease-fire, followed by a peace agreement, followed by demobilization of combatants, followed by elections at the earliest possible date. Demobilization of combatants is considered very important, but it is invariably squeezed into the shortest possible time frame so that the country can get to the crucial turning point, the multiparty elections. Once such elections have been held, it is claimed, the process of democratic consolidations will take place over a prolonged period of time.

Experts recognize that transitional elections are bound to be imperfect, especially in war-torn countries. Even flawed elections, however, are seen as a positive step: they provide the country with electoral institutions and laws; they give the citizens their first experience with the democratic process; and they often stimulate the emergence of an independent press

and of democracy-promoting NGOs. This legacy, it is assumed, will improve the quality of future elections.

Events in Angola belie these assumptions. The 1992 elections were not a step in the right direction. On the contrary, they were a considerable setback. Their major legacy is the memory of renewed warfare and increased human misery. The country is now afraid of elections. Five years after the debacle, the topic of future elections is carefully avoided by the international community and Angolans alike—there is a tacit agreement that the argument should not be broached for a long time to come.

Far from constituting a valuable first experience with democracy, the 1992 elections traumatized the country. They taught the population that elections can lead to greater violence; that they are a less effective source of power than weapons; and that the people's choice is ultimately meaningless because leaders do not respect it. The elections also increased rather than decreased the distrust among political parties.

To be sure, the elections of 1992 have left behind some of the laws and mechanisms needed for the functioning of a democratic system. The constitution is formally democratic, there are laws to regulate the registration of political parties and the formation of an election commission, and there is a system for registering voters. Some of these laws and mechanisms might be retained in the future, although this is by no means a foregone conclusion. Even if they were, it would not compensate for the fact that, even after elections, power in Angola still comes from the barrel of a gun.

While it is easy to reach the conclusion that the Angolan elections failed, leaving no positive legacy, it is much more difficult to know whether another approach to the transition could have steered the country safely away from civil war and toward greater democracy. A much longer period of negotiation about the future political system, the slow building of power-sharing mechanisms, and an attempt to decrease the distrust among the parties through cooperation on practical tasks might have avoided the resumption of hostilities—but, again, it might not. Nevertheless, the complete failure of the Angolan elections suggests that it is worth trying other approaches to transition in war-torn countries.

Notes

1. Somerville, *Angola*, p. xvii.
2. World Bank, *Demobilization,* p. 26.
3. Ibid., p. 23.
4. Ibid., p. 41.
5. Rial, Culkin, and Siqueira, *Angola,* p. 5.
6. NDI and IRI, "Angola Briefing Paper," p. 1.
7. Smith, *Assessment,* p. 4.
8. IFES Observation Mission, "Angola Elections," Table 6.

9. Ibid., p. 16.
10. This section on the voting is based on IFES and UNAVEM II reports.
11. IFES Observation Mission, "Angola Elections," p. 48.
12. United Nations, *Further Report,* p. 6.
13. Ibid., p. 4.
14. IFES Observation Mission, "Angola Elections," pp. 11–12.

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9

Mozambique's Vote for Democratic Governance

J. Michael Turner, Sue Nelson, and Kimberly Mahling-Clark

A Land Touched by Regional Conflicts

One of the world's poorest countries, Mozambique emerged in October 1992 from a sixteen-year civil war. The war displaced 4 million Mozambicans and caused 1.7 million more to flee to neighboring countries. War ravaged Mozambique's infrastructure and economy, leaving the country divided and in ruins. Elections in 1994, supervised by a United Nations peacekeeping operation, capped a two-year transition from war to peace. Run in close conjunction with the international community, the elections laid the groundwork for long-term democratic development.

Mozambique's history was defined by Portuguese colonization, regional competition in southern Africa, and internal competition for power. Vasco da Gama discovered Mozambique for Europe in 1498. Portugal colonized it in 1505 but exercised control over the full territory only in the latter part of the nineteenth century. A century later, independence movements swept across Africa. Beginning in the 1960s, the movements led to the formation of new states in much of west and east Africa. Southern Africa was in turmoil. In Mozambique, independence movements formed and merged in 1962, becoming the anti-Portuguese Front for the Liberation of Mozambique (Frelimo). A 1974 military coup in Portugal overthrew that country's government. The successor government granted Mozambique independence in 1975. Frelimo assumed the reins and established a one-party Marxist state.

Events elsewhere in southern Africa also affected Mozambique. Rhodesia's white minority government had rebelled against British rule and was itself fighting a black rebellion. Sympathetic to the black insurgents, the Frelimo government granted the Zimbabwe African National Union refuge. Rhodesia countered by assisting in the formal consolidation of the dissident Mozambican National Resistance (Renamo) to target bases of the Zimbabwe Africa National Union in Mozambique. When white minority

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rule ended in 1980 and Rhodesia became Zimbabwe, the government of South Africa took over responsibility for Renamo. Its foreign-policy objective was to destabilize black-led governments on its borders and discourage them from supporting the African National Congress (ANC). Founded in 1912, the ANC is South Africa's oldest multiracial political organization. For a period it was led by Nelson Mandela, whose life sentence for sabotage in 1964 sent the ANC leadership into exile. (Mandela was freed in 1990 and became president in 1994.) In 1984, the South African government agreed to stop supplying Renamo in exchange for the ANC's closing its office in the Mozambican capital, Maputo.

In Mozambique, Renamo had more popular support than its origins would suggest. Frelimo's policies to undermine traditional authorities and church leaders, as well as its forced "villagization," alienated many rural Mozambicans. Renamo's early leadership came from dissatisfied or expelled Frelimo Party or military leaders.

The civil war between Renamo and the Frelimo government was at its bloodiest in 1984–1986. In that period Renamo made significant advances in the central provinces, splitting the country into government-occupied and rebel-occupied territories. However, auspicious changes were already under way, laying the groundwork for peace. In 1984 Mozambique joined the International Monetary Fund (IMF) and the World Bank, becoming more involved in the capital economy of the West. In 1987 the government began an economic stabilization program supported by the IMF.

Changes were also under way on the political front. In 1989 the Frelimo Party congress formally rejected Marxism. The next year the government adopted a new constitution ending Frelimo's one-party monopoly and allowing multiparty elections. In late 1990, peace negotiations between Frelimo and Renamo began in Rome under the auspices of a Catholic lay organization.

By then, external involvement in the conflict had tapered off, leaving the warring parties less and less able to fight a war. The government was no longer receiving military assistance from the Soviet Union, and the South African government was no longer interested in pursuing a foreign policy of destabilization. Renamo attacks had destroyed the government's economic and social infrastructure and left the country almost completely dependent on external assistance. Renamo had also succeeded in controlling a large portion of the countryside, cutting off Frelimo towns and provinces.

Drought in the early 1990s caused widespread crop failure and massive population movements as starving people moved to government-controlled areas for international relief. Renamo was unable to feed its soldiers, who had been subsisting on food they took from farmers. In this atmosphere of desperation, both sides recognized a decisive military victory was impossible and concentrated their efforts on the peace negotiations under way.

The General Peace Agreement was signed 4 October 1992, in Rome. The accords established the principles and methods for achieving peace. They included a cease-fire, demobilization of both armies, and formation of a new unified army before national elections would be held one year later. Also provided for was UN verification and monitoring of the political, military, electoral, and humanitarian portions of the accords. To accomplish this, the UN created the United Nations Operations in Mozambique. This peacekeeping operation was headed by a special representative of the Secretary-General. It included 1,086 UN civilian police and 4,000 armed troops. The UN also headed most of the commissions created by the accords to implement the process. Among them was the important Commission for Supervision and Control, which oversaw implementation of the peace agreement.

As part of the Frelimo move toward political liberalization, the 1990 constitution permitted opposition parties and multiparty elections. Elections were incorporated in the accords as an integral part of the peace process. The one-year timetable, though, proved unrealistic. Elections were ultimately held two years later.

Several practical issues caused the delay, including the amount of time required to draft and adopt an electoral law politically acceptable to both Renamo and Frelimo. Time was needed as well to create an election structure that could not only balance the two factions' competing political interests but also effectively implement national elections in a war-torn country with no history of competitive elections. Political will was also an issue. Throughout the process, both sides created deliberate delays and roadblocks. The UN Secretary-General had to intervene personally to effect an agreement on the electoral law. Demobilization did not take place until unhappy troops mutinied, forcing the process to proceed.

Hanging over the process was the specter of Angola's failed elections. Angola's 1992 elections were considered a technical success but a political failure, because the losing party refused to accept the results and resumed the seventeen-year civil war. No one wanted an Angolan end to the peace process. Overwhelmingly, Mozambicans wanted peace.

International Electoral Assistance

Donors provided a comprehensive package of political, financial, and technical support for the electoral process. They helped establish an institutional framework and administration to ensure that political conditions favored success. Political parties received technical and financial assistance so that they could organize and compete in the elections. Nationwide voter education programs promoted understanding and involvement. International and domestic monitoring ensured adequate verification of the process. This

comprehensive, integrated assistance was essential for credible, free, and fair elections and for final acceptance of the results by the two parties.

With the assistance of the United Nations Development Programme (UNDP), the government prepared an initial elections budget of $76 million. Donors saw this as too expensive, but once implementation began, it became clear that the pervasive mistrust between Renamo and the Frelimo government required expensive security provisions and elaborate administrative structures. The total cost of election administration was $64.5 million, of which $59.1 million was provided by seventeen donors. All election-related costs—including civil-society voter education programs, political party trust funds, and poll watching—probably approached $90 million. Donors funded all of the election costs except for the government-funded electoral workers and the recurrent costs for the electoral administration. Escalating costs that required donor funding were an issue throughout the process.

The international community worked to maximize Mozambican involvement and ownership of the elections process. To implement the elections, however, Mozambicans needed assistance. The UNDP created an umbrella project that provided technical assistance to the Technical Secretariat for Election Administration and an electoral trust fund to channel international resources to the electoral operations. Although UNDP personnel were originally recruited to advise and train secretariat officials, they ended up doing much of the day-to-day implementation work. Renamo and Frelimo, moreover, saw them as a means to ensure balance and neutrality. By election day, sixteen technical advisers aided by forty-three UN volunteers were working with the secretariat at the national and provincial levels.

Assistance from the international community was also geared toward maintaining the political momentum for peace and elections. The Commission for Supervision and Control, chaired by the UN special representative, Aldo Ajello, included major international donors. The commission ensured international oversight and provided political support to the process. Its aggressive diplomacy was essential to keeping Renamo in the process, avoiding another slip in the elections date, and ensuring acceptance of the results by both factions. These issues preoccupied donors, who met weekly to discuss their financial and technical assistance at Aid for Democracy Group meetings. These meetings, chaired by UNDP, coordinated donor funding for the elections and tracked both the electoral budget and election progress.

The international community used donor resources as leverage to ensure continued Renamo and Frelimo participation. In May 1993, fourteen donors contributed $18 million to establish the UN Trust Fund for the Implementation of the Peace Process in Mozambique (called the Renamo

Trust Fund). The purpose was to help Renamo transform into a political party and to balance Frelimo's access to public resources for elections. Renamo had to believe it could compete in the elections; otherwise, donors feared, it would return to using force.[1]

A similar fund, the Trust Fund for Assistance to Registered Parties in Mozambique, was created in July 1994 for the eighteen unarmed opposition parties, which had not participated in the civil war. This $3 million fund was used to strengthen the organization of the other parties so that they could compete in the elections more effectively.

The Electoral Division of the United Nations Operations in Mozambique (UNOMOZ) monitored the electoral process with representatives in every province. Their mandate included verifying the impartiality of the National Elections Commission and election administration; ensuring access of political parties to the media; monitoring the level of freedom of the parties to organize, travel, and campaign; and implementing the electoral process, to include computing the results. The 150 international staff (100 of whom were UN volunteers) grew to 2,350 to observe the voting. Initially, 1,200 international election observers were planned, most of whom could have been recruited from within Mozambique and the UN civilian force. In the end, though, political concerns that the international observation effort be meaningful and visible caused UNOMOZ to increase the number from member states, the European Union, and locally recruited expatriates.

The elections, however, were a Mozambican process, and UNOMOZ's electoral actions were limited to process monitoring. Both the peace accords and the electoral law limited verification of voter registration and voting to national observers from political parties. To ensure that enough poll watchers were present during the voting and counting so that the results could not be challenged by either Renamo or Frelimo, the international community developed and helped carry out a nationwide poll-watching program.

This successful program was a good example of the close donor coordination that existed throughout the process. The UNOMOZ Electoral Division developed the plan, and USAID financed its execution through the International Organization for Migration (for logistics) and CARE International and the International Republican Institute (for training). With only two weeks' notice, the International Organization for Migration, which was also carrying out the demobilization reintegration program, used its nationwide network to transport 30,000 poll watchers from nineteen parties to regional training sessions. It also paid them and transported them to the polls on voting days. As a result of this assistance, at least four trained monitors from different political parties were present at every polling station nationwide for all three days of voting.[2]

Conduct of the Elections

The National Elections Commission was formally established in January 1994 to implement the elections. It was given a broad range of powers and responsibilities by both the peace accords and the electoral law. These included ensuring the freedom and transparency of the elections, registering party coalitions, adjudicating complaints, and validating and declaring the results. Its primary limitations were that none of its decisions could contradict provisions in the peace accords and that all decisions had to be made by consensus.

The commission was autonomous and independent. However, it was politically balanced, with members divided among Frelimo, Renamo, and the unarmed opposition parties. It was the formula for determining the commission's political balance that held up agreement on the government-drafted electoral law for almost a year. Ultimately, the UN Secretary-General intervened to resolve the matter. The balance ended up with ten Frelimo, seven Renamo, and three unarmed opposition members, and one president selected by the commission. The members unanimously selected as their president Brazão Mazula, a Mozambican scholar without party affiliation. Two vice-presidents were chosen, one each from Renamo and Frelimo.

The deep mistrust between the two parties also required that the Technical Secretariat for Election Administration be politically balanced, even though it was for technical administration. Its twenty-five members were divided among the parties, with a director general appointed by the Mozambican president. It too had two vice-presidents, one each from Renamo and Frelimo.

Both institutions had three layers of organization: national, provincial, and district. Their political balance was repeated at each level, making the electoral apparatus excessively heavy. Decisionmaking in both institutions was slow and politicized. The election administration alone had 2,600 officials and 8,000 registrars.

Party affiliation permeated commission actions and decisions. But the endless debates and the need to reach consensus transformed the election commission from a group of inexperienced partisan politicians into an institution, working together toward a shared electoral goal. The most important factor in the ability of the commission to produce results was the presence of the commission president. His leadership and neutrality kept the process on track. However, the commission's legalistic approach and its strict application of the rules it developed were too inflexible for conditions in Mozambique.

The Technical Secretariat for Election Administration did not experience the same transformation the National Elections Commission did. By the end of the process, the secretariat was far more politicized than the commission. It also suffered from a lack of professional experience, poor

management, and frequent absences, owing in part to low government salaries. This lack of institutional capacity created many avoidable problems, including strikes by electoral workers for back pay. Consequently, elections required more active participation of UNDP technical experts and lower-level election administration staff.[3]

In this context, and without vehicles or operating funds for registrars, voter registration started as scheduled on June 1. The country was still physically divided between Frelimo and Renamo affiliations. UN troops and civilian police were stationed in major cities and along the vital railways, but they were not initially used to ensure that other areas were accessible. This made opening offices for the commission and the secretariat in Renamo areas difficult, inasmuch as electoral and registration workers were hesitant to enter Renamo zones without armed escorts. Once armed UN peacekeepers reached these areas, however, workers were able to enter and work freely. Because of the delays getting into Renamo areas, and the high number of refugees and demobilized soldiers returning to their home areas for planting, registration was extended from 15 August to 2 September. Although the extension forced a reduction in the number of days for the political campaign, it enabled an additional 363,000 voters to be registered. A total of 6.3 million voters were registered, representing 81 percent of the adult population, estimated at 7.8 million.[4]

In all, voter registration was considered a success. It provided needed credibility for the electoral process, increasing the confidence of both international donors and Mozambicans in the prospects for free and fair elections.

Given Mozambique's high illiteracy rate (67 percent) and the lack of previous experience with democratic, multiparty elections, voter education preoccupied the Technical Secretariat and the international community. With assistance from UNDP advisers and the American-based National Democratic Institute (NDI), the Technical Secretariat conducted a comprehensive voter education program to increase knowledge and build trust in the elections. An NDI study found that peace (along with food), not elections, was the most important issue for Mozambicans. Consequently, voter education campaigns, including those conducted by churches and other civil-society organizations, linked elections with peace. With the country polarized between Renamo and Frelimo, voter education also emphasized that elections would provide choices and that the vote was secret.

Twelve candidates ran for president, and fourteen parties and coalitions competed for the national assembly, called the Assembly of the Republic. Most of the parties signed a code of conduct that laid out the rules for a fair and nonviolent election campaign. UNOMOZ arranged several signings of the same code of conduct at the provincial and district level. The multiple signings ensured that the concept of fair play reached beyond the capital.

The campaign ran from 22 September to 24 October. Most campaigns

consisted of public rallies and the distribution of party T-shirts and posters, although both Joaquim Chissano (the incumbent) and Afonso Dhlakama (the resistance challenger) went on national tours. The campaign period was generally peaceful, though a number of rock-throwing and poster-ripping incidents disrupted Renamo rallies. UNOMOZ received only twenty-nine complaints during the campaign. None of the incidents reported was serious enough to disrupt the process.

The electoral law guaranteed equal access to the state media, with free radio and television time for candidates. But Renamo and the unarmed parties lacked the experience to take full advantage of these opportunities. As the sitting president, Chissano used the media skillfully, turning official events into prime-time campaign coverage. The state-run press was noticeably pro-Frelimo and criticized the resistance for alleged violations of the peace accords. For its part, Renamo established its own magazine and radio station, which it used to criticize the Frelimo government.

Despite frequent press reports of accusations by the political parties of electoral malfeasance, no official complaints were made to either the elections commission or UNOMOZ on the media campaign.

Members of Frelimo, as the party in power, had access to government resources, both human and material. Candidates used those resources extensively for their campaigns. According to a U.S. State Department report, they also used government powers to coerce campaign contributions from local businessmen. The need to create a more level playing field was one of the major reasons for creation of the trust funds for Renamo and other registered parties.

The month before the elections, tensions increased. Electoral workers threatened to strike over salaries. The Renamo presidential candidate, Dhlakama, accused Frelimo of planning massive electoral fraud. He announced he would not accept the results if he lost several key provinces. Dhlakama's statement raised the already high level of political tensions and mistrust within the National Elections Commission and Technical Secretariat. The Association of Demobilized Soldiers threatened to disrupt the elections unless they received money. Hostage taking increased. The police demanded extra pay for guarding the polling sites and ballot boxes. Private security services proliferated. Directly violating the peace agreement, the government transferred a significant number of arms and men from the military to the police.[5] All these issues raised concerns of an Angolan-style end to the electoral process.

To keep the process from deteriorating further, the UN Secretary-General announced that the essential conditions for the holding of free and fair elections were met. The Security Council said it would endorse the results if UNOMOZ declared the elections free and fair. This was supported by a communiqué from a summit meeting of the leaders of the former so-called frontline states (Angola, Botswana, Lesotho, Malawi, Mozambique,

Namibia, South Africa, Tanzania, Zambia, and Zimbabwe), who said they would take appropriate and timely action if the situation demanded.

Elections were scheduled for 27–28 October 1994. To get the elections in before the rainy season had required a very compressed timetable and extensive reliance on costly helicopter transport. However, the preparations were completed, most ballots delivered, the poll workers trained, and the international observers deployed when, on 26 October, Renamo announced it was withdrawing. It claimed fraud. The announcement created tremendous uncertainty about the elections and the peace process.

The National Elections Commission unanimously rejected Renamo's claim, demonstrating the extent of its institutional transformation. International groups put strong pressure on Renamo to rejoin the process. The UN Security Council appealed directly to Dhlakama, as did the presidents of South Africa and Zimbabwe.[6] The Secretary-General of the United Nations announced that the elections would go ahead as planned. After the Commission for Supervision and Control provided a written guarantee that it would closely monitor the elections, and an additional $1 million incentive was added to the Renamo Trust Fund, early on 28 October Renamo agreed to continue with the process.

Despite Renamo's boycott, turnout on the first day was high. The notoriously poor nature of Mozambique's communications actually helped. It prevented most voters from knowing about Renamo's action. With the exception of a few urban areas, Renamo poll watchers and electoral workers showed up to work even if they had heard about the boycott. The threatened disruptions by demobilized soldiers never materialized, and voting was quiet and peaceful. A third day was added to the voting to make up for the day Renamo lost through its boycott, but it was not really needed. In all, 87 percent of the registered voters cast ballots, with 60–70 percent voting on the first day.[7]

Observers noted the dedication and professionalism of the 52,000 poll workers, who closely and impartially followed procedures. The atmosphere was open and free. The indelible ink called for in the election law to eliminate the possibility of someone voting twice was applied correctly, and voters proudly displayed their inked fingers. Ballot boxes were sealed at the end of each day and verified at the start of the next. In some cases, national observers slept with the ballot boxes. The police, who had received an elections pay supplement from the government and who were observed by almost a thousand UN civilian police officers, guarded the polling sites and ballot materials without problems.

Votes were counted at the end of the third day. The primary problem resulted from a directive from the National Elections Commission that only marks made inside the candidate check-off box be accepted as valid votes. Marks placed outside the box, even if obviously intended for a certain candidate, were invalid. Discussions between counters and monitors over what

constituted a valid ballot had only a minor effect on the outcome, but they slowed down the counting and tally process at both the table and national levels.

Although individual polling-site results were posted outside each site as mandated by the electoral law, the release of official results was very slow. Donors exerted pressure, but the elections commission delayed releasing partial results until 7 November. Renamo and Frelimo representatives of both the secretariat and the elections commission insisted on double-checking totals with tally sheets. That required a time-consuming nationwide collection of materials and multiple recounting of over 250,000 contested and null ballots. Renamo delayed certifying the final tally sheet for another ten days. But when the National Elections Commission finally announced the official results on 19 November, they were accepted by all.

Election Outcome

The system devised by Renamo and Frelimo ensured adequate representation for themselves but limited opportunities for the other parties. The proportional system for the national assembly election required a 5 percent national threshold. This meant that parties needed 5 percent of the national vote to win a seat even if they were competing in only one province.

Joaquim Chissano, the Frelimo incumbent, won the presidential elections with 53 percent of the vote. The Renamo candidate, Afonso Dhlakama, received 33 percent of the vote. Renamo won 38 percent (112 seats) of the legislative seats against 44 percent for Frelimo (129 seats) and 5 percent for a small third-party coalition, the Democratic Union (9 seats). Renamo won a solid majority in five out of Mozambique's ten provinces, including the two most populous provinces, Zambézia and Nampula. All were areas where the resistance had been active in the civil war. Frelimo won the south and the two northernmost provinces, the party's traditional strongholds. Though the regional pattern was striking, no indications surfaced of ethnically motivated voting. Speculation was widespread that the Democratic Union's gains resulted from the party's placement on the *legislative* ballot corresponding to Chissano's position on the *presidential* ballot.

Although Renamo complained of fraud and discrimination throughout the process (with the deliberate intent, some believe, of discrediting the entire process), the party agreed to abide by the results.[8] It claimed credit for forcing the first democratic multiparty elections and for bringing democracy to Mozambique. The government-owned newspaper, *Diário de Moçambique,* remarked that the elections had begun Renamo's transformation from an armed struggle movement into a "full-fledged political party."[9]

Frelimo also accepted the results, relieving concerns of the international community that the party might reject them. Hard-liners within the Frelimo central committee, who had thought they were unbeatable both militarily and politically, accused Chissano of giving away the country to Renamo.[10] Before the elections, both Renamo and Frelimo had rejected calls for the creation of a government of national unity. As a gesture toward reconciliation, though, Chissano offered to create a position for Dhlakama within the government with special status "as a necessary innovation to be introduced into the political customs and practices of the country."[11] Dhlakama refused.

The international community accepted that the electoral process was marred by procedural problems (most caused by logistical difficulties or lack of training) but found no major irregularities that would have affected the outcome of the vote. The UNOMOZ tally was close to the official results, and the United Nations declared the elections free and fair.

Consequences for Democracy, Governance, and Reconciliation

The elections transformed the country from a one-party state to a democratically elected multiparty government with broad-based legitimacy. It ended sixteen years of brutal civil war and turned the warring factions from settling disputes by force to battling with words. Human-rights abuses stemming from the civil conflict ended. Basic freedoms, included in the 1990 constitution but never protected, were tested in the political campaign, even in the state-owned media. Opposition parties were able to organize, register, and compete in the elections without interference. And for the first time, the people were able to change their government by democratic means, voting freely and without intimidation.

The elections were significant for the legitimacy they bestowed on Mozambique's political system. The issue of governmental legitimacy and popular acceptance of Frelimo's rule had been one of the major problems addressed during the two-year peace negotiations. Renamo, and other elements of the national opposition, demanded a process that would give legitimacy to a national administration. The peace accords provided Renamo with recognition as a political party. At the same time, they occasioned Renamo's acceptance of the authority of the Frelimo government. But it was the democratic multiparty elections that cemented true legitimacy for both sides.

Frelimo's victory in the national assembly served to continue the tensions between that party and Renamo. Rejecting the idea of a government of national unity, Frelimo argued that it was abiding by the election results, which gave it control of both the executive and legislative branches. Renamo demanded the authority to nominate governors in the provinces it

had won, but the idea was rejected by Frelimo. The victors asserted the right to nominate all provincial governors.

The recent history of the Assembly of the Republic is a barometer of a slowly developing democratic culture. For example, an unpromising inaugural session that ended in a deadlock over the selection process for the president of the assembly has, over time, evolved into an increasing ability of all three parties to negotiate and debate. That initial deadlock proved that old tactics designed to guarantee party loyalty and dominate the legislative branch needed to be revised within the context of multiparty democracy.

For the political opposition, it was clear that simply to abandon the institution to the majority party was also ineffective in constructing democratic institutions. If such institutions were to develop, it would be necessary to engage the party in power, to discuss, debate, and make alliances so that the legislative branch could function.

In its first year of activity, the multiparty legislature slowly sought its own institutional voice and personality. In the assembly's decision to reject the decentralization proposed by the executive, alliances were formed between members of the opposition and majority parties. Displaying an ability to compromise and bargain, the legislators began to put national interests before party labels. Regional interests and geographic identities began to emerge and rival party identification. Legislators from Zambézia province, for example, are increasingly advocating legislation seen to be favorable to their home turf on a bipartisan or nonpartisan basis.[12]

The legislature appears to be the branch of government most directly affected by Mozambique's recent democratization. Many newly elected Frelimo members, like some recent ministerial appointments, brought with them significant technocratic skills and experience. These technocrats are more likely to assume conciliatory positions toward like-minded opposition members than are the hard-liners who orchestrated Frelimo's socialist past.

For Renamo, the minority position within the assembly created new opportunities, but with certain unexpected consequences for the party. The Renamo legislators have a specific professional identity and purpose that differentiates them from the rest of the party leadership. That Renamo's leader, Dhlakama, is not in the assembly has contributed to a growing independence among Renamo legislators. They at times express personal positions on issues that do not always mirror the position of the party leadership.

This trend of self-assurance among certain members of the assembly is particularly important, given a constitutional tradition that placed substantial authority in the executive. The new changes in the legislature are salubrious signs of institutional development and maturity.

Political life in Mozambique after the transition continues to be characterized by a process dominated by Frelimo and Renamo. Renamo's leadership within the opposition remains unchallenged. No serious movement

toward unification has risen among the smaller parties. The small Democratic Union coalition in the assembly, and the various Mozambican opposition parties that were unable to elect members to the legislature, exist precariously. They operate in an environment in which discourse and debate are the privilege of political parties with access to financial resources. The parties not represented in the assembly briefly attempted to form a political union. Its purpose was to monitor parliamentary debate and use the media to propose alternative strategies. But charges of misuse of contributions by certain members undercut the coalition's image and efficacy.

Internal dissension and charges of financial improprieties within certain parties have not enhanced the public image of Mozambique's political opposition. The opposition has advocated early local elections as a means to challenge the government for political space and influence. Such elections, the opposition hopes, would also encourage new international support from donors interested in supporting a more inclusive environment for Mozambican political parties.

In its most significant action, the assembly achieved consensus during 1996–1997 between the ruling party and the opposition in the constitutional definition of the local community, or *autarquia*. This consensus enabled it to amend the 1990 constitution and significantly modify the 1994 municipalities law, which in its original form had formalized and legalized the concept of the municipality.[13] It also enabled the assembly to debate and approve a package of electoral legislation for the municipal elections scheduled for June 1998. However, the new local election legislation has aroused opposition, as many of the selected sites appear to favor Frelimo and to ignore opposition strongholds in Mozambique's many rural zones. The date for the municipal elections has also been a subject of protest, as the initial date of late-December 1997 proposed by the government was widely believed to favor the party in power. In addition, the thirty-three new *autarquias* lack a sufficient tax base or administrative infrastructure, making them dependent upon financing and support from the central government. Hence, the Mozambican municipal structure has been organized around a flawed deconcentration of central authority, rather than a devolution of power to popularly elected local-level governments.

After considerable debate and active lobbying by civil-society organizations, the assembly passed government land law in 1997. The new legislation has made significant reforms in land tenure and leasing arrangements. It has strengthened women's rights by stressing the equality of women and men with respect to land titles and by removing references to customary law on the ground that "traditional practice discriminates against women." It has also maintained the right of local communities to be consulted by the government before issuing land titles, and has provided a greater role for traditional authorities in the process of leasing local lands.[14]

The technical capacity of the country's electoral institutions, seriously

tested during the 1994 elections, has not received significant attention or support since the 1994 elections. The follow-on Technical Secretariat, established in April 1995, has not sought to keep the voter registration lists up-to-date by registering new voters. Provincial registries and documentation have been sitting in a warehouse in Maputo. Reports circulate about the pilfering and disappearance of vehicles and office equipment belonging to the secretariat. The lamentable state of document preservation and storage has led USAID and UNDP to renew technical assistance to the secretariat. They seek to preserve the valuable registries and documentation required for the upcoming municipal elections.

It is unfortunate that the enthusiasm generated in 1994 and the willingness of election officials and political party monitors to continue working for better governance and democratization have not been better tapped and utilized by government. International donors and national civil-society institutions alike acknowledge the need for extensive civic-education programs. This human-resource capacity represents a large financial and material investment and should not be allowed to dissipate. Rebuilding civic-education programs from ground zero will prove very costly.

Debate has flurried over the role of traditional authorities in the democratization process. Mozambique's constitution does not mention them, yet they play legitimate and important roles in local governance and conflict resolution. The current disjuncture between traditional authority and modern political power is complicated by historical fact. Portuguese colonial leaders long used traditional authorities to organize labor forces and collect taxes, yet they often supported leaders put forward by different groups. Unfortunately, the colonialists did not understand the difference and gave labor-collection and tax-collection assignments to these illegitimate rulers, who developed their own brand of legitimacy, backed up by colonial authority. While the people know their local rulers, there can be situations of multiple claimants to the title "traditional authority."

The Ministry of State Administration, with international assistance, is conducting research in an attempt to clarify this murky and controversial topic. New municipal legislation that redefines the role of traditional authorities within an effectively decentralized municipal administration is currently being studied by the national assembly. A national conference on traditional authorities was held in April 1997. Democratization is also hampered by weaknesses in Mozambique's judiciary system. The country's systemic problems of poverty, illiteracy, and inadequate educational opportunities have led to a civil service in which the majority of workers have not completed a secondary-school education, an institutional profile that also characterizes the judiciary. Inadequately trained judges, prosecutors, and law clerks, together with a financially strapped Ministry of Justice (often unable to provide copies of new legislation and laws to the country's mag-

istrates), has come to mean that rule of law in Mozambique is at best a precarious concept.

Strengthening civil society involves an independent press and electronic media. At the time the peace agreement was signed, in 1992, the sole example of a regular, independent news outlet within the country was *Mediafax*, a daily faxed news sheet. But the liberalization called for by the accords signaled an important development: newspapers, news magazines, and radio outlets began springing up throughout Mozambique. Created by some of the government's foremost former official journalists, the new media use the greater freedom provided under the 1990 constitution and subsequent legislation to express opinions and ideas as well as to report facts. Though the independent media are nascent and fragile, they were strengthened somewhat by the 1994 multiparty campaign and new electoral process. Covering these phenomena created new demands on and opportunities for the country's news outlets.

Some members of the country's independent media are now contemplating other media ventures, in an attempt to broaden the scope and reach of the media. Carlos Cardoso, a cofounder of *Mediafax*, currently is editing a new daily faxsheet entitled *Metical*, also the name of the national currency. In his recent writings, Cardoso has featured the ideas and models of the Peruvian developmental theorist and political economist Hernando de Soto. As a believer in the economic and democratizing potential of the small entrepreneur championed by de Soto, Cardoso has initiated a Maputo-based registry for microentrepreneurs.

Observers of the independent media in Mozambique have at times commented on the heavy hand of the national and government-administered Council of Journalists. There have been indications that the council has attempted to influence coverage of certain stories, sometimes related to the independent media's coverage of the assembly. The independent weekly *Demos* has been under significant government pressure for publishing articles on a proposed high-level government shake-up of officials. Its accuracy in reporting the intragovernmental dispute within the ruling party was a major source of the newspaper's problems with the government. The desire to expand independent media in Mozambique has also led another *Mediafax* and *Savana* cofounder, Fernando Lima, to develop plans for an independent radio station. Lima is negotiating with USAID/Mozambique for institutional support while attempting simultaneously to secure additional funding from other members of the international donor community interested in promoting a strong independent media. The international donor community has also supported such provincial newspapers as *MEGAJORNAL*, an interprovincial weekly published in Manica province.[15]

Increased freedom of expression has enabled the country's emergent civil-society organizations to criticize government more directly, put

forward alternative policies and policy options, and advocate for their interests. As the country's premier human-rights organization, the Mozambican Human Rights League (LDH) has become an example of this new awareness on the part of civil society. In 1996, the league received a total of 556 complaints of human-rights violations.[16]

Through the LDH's actions and public campaigning, the 1996 arrest, torture, and death in prison of an innocent suspect resulted in the trial and conviction of the responsible police officers. The resolution of this recent case has set a precedent in human-rights protection in Mozambique. Both the league and newer human-rights organizations have decentralized their activities to work more directly in provincial capitals (i.e., Beira, Sofala, and Nampula), as well as peri-urban areas such as the Machaze district near Maputo. In the latter, for example, a human-rights group directed by the jurist Leonore Joaquim has worked for the interests of market women and other semiurban workers.[17]

In examining Mozambique's reconciliation process, we find that successful implementation of the peace accords rested on three linked activities: demobilization, formation of an integrated army, and the holding of democratic, multiparty presidential and legislative elections. Demobilization and resettlement of ex-combatants occurred only after many delays. The international community, witness to the ongoing tragedy in Angola, insisted that demobilization occur before elections. Given Mozambique's dependence on foreign aid, the role played by donors in securing full demobilization before the elections was a prominent factor.

Establishing reintegration programs for ex-combatants was problematic, but it ultimately did occur. The international community provided four limited programs for the demobilized soldiers: the Reintegration Support Scheme (a small monthly stipend over two years), the Information and Referral Service, the Provincial Fund (for small projects or microenterprise), and the Occupational Skills Development Program. The programs had a positive effect, but the crucial factor in the ex-soldier's reintegration seems to have been simply the passage of time.

Repatriation of refugees and of the internally displaced proceeded with alacrity after the accords were signed. Data from the U.S. Committee for Refugees indicate there were 1.7 million refugees in neighboring countries at the end of 1992. The number fell to 1.3 million by the end of 1993, and 325,000 by the end of 1994. All indications are that all refugees who want to return to Mozambique have in fact done so. The UN High Commission for Refugees ended its repatriation and reintegration program in July 1996, considering its job completed.

As with combatant reintegration, refugee reintegration programs helped contribute to peace by helping rebuild a rural economy shattered by war. Reintegration programs for ex-combatants, refugees, and internally displaced persons helped rebuild communities and reestablish economic

activity. Rebuilding the economy is a major factor in maintaining peace over the long term as much as successful elections did in the short term.

Lessons Learned

1. *The reconciliation process can take longer than expected.* In post-crisis situations, the government needs to allow enough time for former warring factions to make necessary compromises, but it should ensure that the process does not go on indefinitely. Creating a mutually acceptable framework for peace and elections in Mozambique, and building a climate that enabled the former belligerents to accept the results of a free and fair election, took longer than expected. The peace agreement took two years to negotiate. The elections took a year longer than the timetable agreed on in the peace accords because both parties argued over the political composition of the National Elections Commission and Technical Secretariat for Election Administration. But the result was a politically acceptable and viable legal framework suited to Mozambique's polarized politics.

Without external pressure, however, the peace process could have dragged on indefinitely. A devastating drought forced both sides to a cease-fire and to complete the peace accords. Personal intervention by the UN Secretary-General and active diplomacy by the international community were required to end the deadlocks over demobilization and the electoral law.

The government should allow enough time for refugees and displaced persons to return home before voter registration and elections take place. After the 1992 cease-fire, small numbers of refugees and the internally displaced started returning. As the cease-fire held into 1994, they returned in greater numbers. The one-year delay in elections, and holding the elections at the end of the dry season, meant that most refugees and displaced persons were home in time to register. Because voters were required to vote where they registered, holding registration *after* the large population movements were over avoided disenfranchising significant portions of the electorate.

2. *Transition elections are more likely to succeed if the following criteria are met.*

They are part of a comprehensive peace plan. The elections in Mozambique were part of a comprehensive peace agreement, UN peacekeeping operation, and international assistance program. Demobilization, reintegration of former combatants, humanitarian assistance, and active monitoring by the international community created the conditions for successful elections.

The peace plan includes agreement on the most contentious issues. It was important that most of the potentially controversial points, such as

demobilization, were addressed *during* the peace accords, rather than after. This limited the number of unresolved critical issues that would surface during implementation. Once implementation began and large sums of money were provided, the international community acquired a vested interest in the success of the elections. Sensing this, the two parties would have been less likely to adopt intransigent negotiating positions.

They are perceived as legitimate by the main signatories to the peace accords. The peace agreement, which mandated the elections, was deemed legitimate by the two warring factions and was used as the basis to resolve all disputes. None of the issues already resolved in the accords were reopened. That kept the process on a forward track. The electoral law and institutions adopted were also seen as legitimate. This ultimately resulted in the acceptance of the election results and in broad-based legitimacy for the newly elected government.

Demobilization is completed before elections are held. The army was demobilized and a new united army created before the elections took place. This contributed to the one-year delay in the elections but forced both sides to complete the process and abide by the election results. Reintegration assistance to ex-combatants eased their transition into civilian life and reduced the potential for electoral losers to use unhappy and unemployed ex-combatants to destabilize the postelection period.

Closed areas are opened as soon as possible. Access to Renamo-controlled territory was difficult, and Frelimo election workers were afraid to enter some areas. Although access improved over time, an earlier opening of closed areas through the deployment of UNOMOZ troops and UN civilian police could have reduced delays and implementation problems.

3. *The politically acceptable system increased the likelihood of a successful election, but it had the following drawbacks.*

It was inefficient and gave rise to significant costs. The electoral mechanism developed in Mozambique led to elections accepted as free and fair, but it was extremely cumbersome and expensive. Having two separate but parallel electoral institutions (the Elections Commission and the Technical Secretariat) doubled the costs of administering the elections and slowed decisionmaking and implementation. In addition, the extensive security features required to make the process politically acceptable (such as watermarked ballot paper and photo registration cards) were expensive.

It politicized the technical administration. By requiring political balance not only at the policymaking level (the National Elections Commission) but also at all technical level (the Technical Secretariat), the system politicized routine electoral administration. Given the depth of mistrust, a depoliticized election administration for these transition elections would have been difficult to obtain. However, a depoliticized election administration would have simplified implementation and could have provided a better foundation for a permanent electoral administration.

It resulted in a rigid interpretation of the electoral law and inflexible instructions. All decisions taken by the National Elections Commission and the Technical Secretariat were the result of heated discussions and political compromise. In order for implementation not to deviate from their political agreement, specific directives were issued that did not allow for local problem solving. The election commission directive that the only valid mark on a ballot was one made within the small check-off box for each candidate created many problems. Counters ended up nullifying ballots where voter intentions were clear even though their mark missed the box.

It excluded civil society. The National Elections Commission and the Technical Secretariat were made up of political party representatives, although the commission president was independent. Domestic election monitoring was also limited to parties. This partisan makeup ensured acceptance of the results, but it eliminated the participation of civil society from all aspects of the elections except for voter education gained in service by poll workers on an individual basis. Outside of politically affiliated organizations, probably only religious organizations had the capacity and interest to undertake a significant poll-watching effort. However, they could serve as monitors only if they worked through a political party.

4. *A neutral presence is important in a highly polarized political environment.* Neutral organizations and individuals played important mediation, facilitation, and monitoring roles throughout the process, from the initial negotiations of the peace agreement through to the announcement of the official results.

The presence of the UNOMOZ electoral division and its willingness to investigate any complaint, regardless of its plausibility, ensured transparency and built confidence in the process. Renamo and Frelimo both used the UNDP technical experts within the Technical Secretariat as neutral buffers throughout election preparations. Continued monitoring by the international community, and the international community's funding of the more expensive security measures, reassured participants that the process was not being manipulated by the other side.

The nonpartisan president of the National Elections Commission and his balanced mediation between Renamo and Frelimo helped transform the commission into an institutional body, able to reach consensus on even the most difficult issues. His dedication to the holding of free and fair elections kept the commission and the electoral process on track.

5. *International assistance was essential. The elections would not have happened without the support of the international community, whose performance suggests the following criteria.*

Assistance should be comprehensive and coordinated. The international community provided an integrated package of political, technical, humanitarian, and electoral assistance. This was critical to ensuring that all

aspects of the peace accords were carried out. Elections were treated not as a separate event but as an integral part of the peace process. UN supervision and coordination of peace accord monitoring allowed for rapid and integrated action by the international community. In addition, the coordination of election donors through the Aid for Democracy Group meetings ensured that funding gaps were covered and that donors presented a united front when necessary.

Donors have to remain committed until the end. As the election process dragged on longer than expected, costs escalated. Without continuing donor commitments to cover the prolonged costs of the peacekeeping operations (estimated at $1 million a day) and the additional election costs, the elections would not have taken place. In addition, unforeseen events required rapid donor commitments. The Renamo boycott required the addition of a third day of voting, increasing the costs of poll workers' and poll watchers' salaries by more than $1 million. Donor flexibility and willingness to cover these unexpected expenditures were crucial.

Donor resources create leverage. Mozambique's reliance on donor funding provided the international community with leverage to make sure the process succeeded. In addition, the Renamo Trust Fund not only enabled Renamo to participate as a political party but also served as a financial incentive for the party to join and then stay in the process.

International technical assistance can safeguard implementation of free and fair elections. The election administration was polarized and, at times, paralyzed by its political composition. The presence of international technical experts, and their willingness to get more involved, ensured that the administration continued to carry out the elections. Their presence and active participation also limited the possibilities for systemic fraud.

Postelection assistance was required to preserve the investment made in the electoral system and structures. Despite the peacemaking objective of these elections, the international community should have taken better measures to ensure the sustainability of their investments. The equipment, voter registration rolls, and the institutional knowledge needed to be preserved for the follow-on Technical Secretariat and future elections. This is being done now through a renewal of technical assistance to the secretariat, but immediate action following the elections could have saved time, money, and effort. The international community also needed to build on the most successful voter education programs from the elections to turn them into the longer-term nationwide civic-education programs needed for democratic development.

6. *Peacekeeping elections are expensive.* The Mozambican elections were very expensive. Some of the inflated costs, such as the heavy reliance on costly helicopter transport, were avoidable. But many of the other expensive features were required to satisfy the pervasive mistrust.

Whenever possible, the use of existing structures is recommended. The

national monitoring program was developed and implemented quickly and for minimal costs, using the assistance structures already in place from the nationwide demobilization program.

International observation costs could have also been kept to a minimum by relying on resources available within Mozambique, such as the expatriates and civilian police. However, political concerns that the international observation be visible required the addition of more costly outside observers.

Financial incentives were used extensively throughout the process. They were expensive, but they kept Renamo in the process. They also ensured that 50,000 political party monitors showed up on election day (20,000 more than expected) to provide the critical national verification of the result. The incentives created a momentum and ensured that the process, once started, kept going through to completion.

The Technical Secretariat did not have adequate financial systems in place to manage election financing. Delays in funds reaching registrars and poll workers caused many avoidable problems. Technical assistance to the secretariat should have included help in establishing better management and financial systems. UNDP also needed to keep closer control over the use of its trust funds by the secretariat, especially at the provincial level.

7. *The electoral system allowed for adequate representation by the major parties, but the national-level threshold in effect eliminated the smaller parties.* The 5 percent threshold eliminated all of the unarmed opposition parties, except for the Democratic Union's coalition, whose win was accidental. A threshold based on provincial votes, rather than national votes, would have provided more opportunities for regionally based opposition parties to win seats in the national assembly.

8. *Do not underestimate the voters.* The international community was concerned that the voters would not understand the elections or know how to vote. And during voting there were indeed a few bewildered elderly persons. Most voters, however, understood not only how to cast a ballot, but also the political dynamics between the warring factions. They voted according to what they perceived to be their best interests.

Voters wanted peace, and elections were seen as a means to that end. To make sure each side received something from the elections, most citizens split their vote between Renamo and Frelimo, voting one party for president and the other for the assembly. This forced a degree of power sharing into the winner-take-all system constructed between Renamo and Frelimo in the peace accords. After the elections, the Frelimo majority dominated the Renamo minority in the assembly, and Renamo was unable to appoint a single governor despite the party's win in five provinces. But by ensuring that Renamo won a strong minority, the voters placed the party within the constitutional framework, rather than keeping it outside.

9. *Multiparty elections in former one-party states require political*

party assistance. Mozambique lacked viable opposition parties. At the signing of the peace accords, Renamo was an armed guerrilla movement, and the unarmed opposition parties were based on individuals without party structures or members. Donors provided resources so that these forces could organize and compete. Without the Renamo Trust Fund, Renamo could not have competed in the elections. Renamo was transformed from a politico-military group to a political party capable of undertaking a national electoral campaign and then serving in the assembly. This transformation was key to the success of the peace process.

The unarmed opposition parties, however, tended to play a spoiler role. Their trust fund, which provided equal amounts to all parties regardless of size or credibility, discouraged the coalition building required to reach the 5 percent threshold.

Multiparty democratic elections are not part of the political culture of Mozambique. The 1994 elections were about peace, not democracy. Continued efforts toward democratization, including national civic-education programs, will be required.

10. *Transition elections are only a first step toward democratic development.* Elections as part of a peacekeeping operation can be a means to complete the transition from war to peace. This is a difficult endeavor, however.

In the case of Mozambique, the two warring factions had to come to mutually acceptable agreements, accept the election results, and not return to war. The process was not open and participatory, however, in that the unarmed opposition parties were allowed to compete, but had no role in designing or executing the election process and were not a real factor. Civil society was excluded from monitoring the elections. The parties reserved the right to challenge the election results for themselves.

Nevertheless, elections laid the groundwork for democratic development. Opposition parties registered and competed. Poll workers and monitors were trained. The poll-watching program gave political parties a core of trainers and nationwide monitors that could be the basis for true party development. Civil society undertook voter education programs and now know that elections can bring peaceful change.

But the legal and institutional framework for these peacekeeping elections was transitional. With a democratically elected government now in place, appropriate and permanent legislative and institutional bodies must now be developed to continue the move toward genuine democratic development.

Notes

1. United Nations, *Trust Fund Work Sheets,* p. 1.
2. International Organization for Migration, *Electoral Project,* p. 1.

3. UNDP, *Assistance to the Electoral Process,* p. 9.
4. Ibid., p. 25.
5. Ibid., p. 171.
6. Interview with John Sund, South African Ambassador, by Sue Nelson, 18 November 1994, Maputo, Mozambique.
7. UNDP, *Assistance to the Electoral Process,* p. 21.
8. Interview with A. Adegbala, UNOMOZ Electoral Division, by Sue Nelson, 25 August 1996, Phnom Penh, Cambodia.
9. *Mozambique Today,* p. 1.
10. Interview with John Sund.
11. United Nations, *The United Nations and Mozambique*, p. 65.
12. J. Michael Turner's discussion with Zambézia Frelimo and Renamo assembly members, 18 June 1996, Quelimane, Zambézia.
13. "Mozambique: Local Government Elections to Cost $20 Million"; telephone interview with Thomas Johnson, USAID-Mozambique, 26 June 1997; e-mail from Luisa Capelao, USAID-Mozambique, 30 June 1997.
14. AWEPA, *Mozambique Peace Process Bulletin.*
15. Telephone interview with Thomas Johnson, USAID/Mozambique, 26 June 1997, and author's final evaluation of the African-American Institute NGO Democratic Development Program Cooperative Agreement, October 1997.
16. "Human Rights in Mozambique."
17. Telephone interview with Thomas Johnson, USAID/Mozambique, 29 June 1997.

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10

Peace and Elections in Liberia

Terrence Lyons

On Christmas Eve 1989, an armed incursion led by the National Patriotic Front of Liberia (NPFL) entered Liberia from Côte d'Ivoire with the intention of overthrowing the authoritarian and ineffective government of Samuel Doe. The ensuing conflict was characterized by such violent brutality that the state collapsed and social structures were distorted beyond recognition. Between 1990 and 1997, one-tenth of the prewar population of 2.5 million died, one-third fled as refugees, and nearly all of the rest were displaced at one time or another. In response to the destabilizing threat the conflict represented, the Economic Community of West African States (ECOWAS) created the ECOWAS Cease-Fire Monitoring Group (ECOMOG) and intervened in August 1990 with military force in an effort to end the conflict. In August 1996 the latest of thirteen peace agreements was signed in Abuja, Nigeria. These agreements called for a rapid transition ending in elections.

On election day, 19 July 1997, the Liberian people turned out in high numbers and voted overwhelmingly for Charles Taylor, the former factional leader, to be their president. After seven years of brutal internecine civil war, Taylor's National Patriotic Party (NPP) won by a landslide, capturing both the presidency and legislature with 75 percent of the vote. The Unity Party, led by former United Nations official Ellen Johnson Sirleaf, came in a distant second with less than 10 percent of the total. Voting was peaceful, orderly, and watched by a large number of party poll watchers, domestic observer groups, and international observers. This chapter describes the difficult peace process in Liberia and unsuccessful efforts to use elections to implement earlier agreements to end the war, the planning and conduct of the 1997 elections, the role of the international community, and the implications of the election for conflict management and democratization.

Civil Conflict and Regional Peacekeeping in Liberia

Liberia's unique political history was shaped by the quasi-colonial nature of its relationship as a state settled in the nineteenth century by freed slaves from the southern United States. U.S. influence remained strong in the twentieth century as major U.S. companies opened massive rubber estates and the United States made use of military facilities and a Voice of America relay station near Monrovia. Until 1980, an Americo-Liberian oligarchy exercised control through the True Whig Party. On 12 April 1980, a group of noncommissioned officers led by M.Sgt. Samuel Doe seized power. Over time, Doe's regime came to rely increasingly on the military, dominated by his Krahn ethnic brethren. In 1985, an election in which the counting of the ballots was marked by large-scale fraud took place. In the aftermath, a failed coup by Gen. Thomas Quiwonkpa led to massive reprisals against the Gio and Mano peoples in Nimba County.[1] In 1989, an insurgent force known as the National Patriotic Front of Liberia led by Charles Taylor, a former official in Doe's regime, entered Nimba County and advanced rapidly through the population that was hostile to Doe.

As the NPFL advanced, the Armed Forces of Liberia (AFL) unleashed further terror against Gios and Manos, pushing them into the NPFL camp. The NPFL advanced to the outskirts of Monrovia by July 1990. Chaos in the capital—with widespread looting, ethnic killings, and, in one particularly brutal incident, the murder of 600 displaced persons under Red Cross protection in a Lutheran church by the AFL—convinced Liberia's neighbors in ECOWAS to act. The operation, led by ECOMOG, began and largely remained a Nigerian initiative.

According to its mandate, ECOMOG's purpose was "keeping the peace, restoring law and order and ensuring that the cease-fire is respected."[2] This mandate never matched the situation on the ground, where there was no cease-fire, and ECOMOG was forced to adopt a peace enforcement mission. Taylor rejected the ECOWAS peace initiative, arguing that it favored Doe. On 30 August 1990, just days after ECOMOG initiated the intervention, ECOWAS-sponsored talks in Banjul, The Gambia, selected Dr. Amos Sawyer to head an Interim Government of National Unity (IGNU). ECOMOG began a military campaign that succeeded in driving Taylor back from Monrovia. In November 1990, a cease-fire signed in Bamako, Mali, created a situation of uneasy peace with Monrovia governed by IGNU and protected by ECOMOG, while the rest of the country was controlled by Charles Taylor.

ECOWAS's Standing Mediation Committee held five meetings between June and October 1991, though with little success. Each of these meetings called for a cease-fire and demobilization and a short transitional period culminating in elections. None was implemented.[3] Taylor resisted turning NPFL weapons over to ECOMOG, armed clashes continued in many parts of Liberia, and NPFL incursions into Sierra Leone further inter-

nationalized the war. New factions arose, such as the United Liberation Movement of Liberia for Democracy (ULIMO), with the backing of the Sierra Leone government. The NPFL used the talks to gain breathing space to rearm and relaunch attacks designed to win unilaterally. Ruling 95 percent of Liberia from its capital in Gbarnga, the NPFL used its own currency and its own radio network, and engaged in international trade in diamonds, gold, rubber, and timber.

Convinced that the outcome of the war would be determined by military force, the NPFL launched Operation Octopus, a major offensive to seize Monrovia and destroy ULIMO in October 1992. It shelled Monrovia and nearly captured the capital. ECOMOG responded with a fierce counterattack that included heavy artillery and fighter-bombers attacking residential neighborhoods where NPFL forces were dug in. ECOMOG fought alongside AFL and ULIMO units in open alliance. Despite the military success by ECOMOG, the large-scale destruction created new splits within West Africa and caused new factions to develop among Liberians, greatly complicating the peacemaking process.

The United Nations added a new set of actors to this increasingly complicated mix by appointing a special representative, Trevor Gordon-Somers, and establishing a small but symbolic UN Observer Mission in Liberia (UNOMIL) in September 1993. The NPFL began to lose ground, and ECOMOG imposed economic sanctions and seized the port of Buchanan, denying it access to markets. UN-sponsored meetings in Geneva led to an agreement signed in Cotonou, Benin, in July 1993. This agreement called for the encampment of warring factions under the supervision of ECOMOG and UNOMIL; a five-member Council of State nominated by the NPFL, ULIMO, and the interim government; and elections scheduled after a seven-month period of transitional rule. After a series of squabbles and delays, the Liberian National Transitional Government (LNTG) was finally sworn in on 7 March 1994.

ECOMOG was expanded and made less Nigerian-dominated by the addition of some 1,500 troops from Tanzania and Uganda, a step intended to reassure the NPFL, who refused to disarm to ECOMOG. Despite these new actors from outside the immediate region, deployment was slow, and command and control murky; disarmament never developed momentum, and soon the East African forces came under attack and withdrew. Elections once scheduled for September 1994 had to be canceled.

New factions such as the Liberian Peace Council led by George Boley arose and older factions began to break up under the pressure of the fighting and as opportunistic leaders realized that the way to get a voice in government was to head their own faction. ULIMO broke into two factions: ULIMO-J, led by Roosevelt Johnson and supported by many Krahn, and ULIMO-K, an ethnic Mandingo group led by Alhaji Kromah. Fighting between these two factions broke into open warfare in late 1993. In July 1994, tensions within the NPFL broke into the open as a dissident faction

tried to take over the movement and violence erupted around Gbarnga. New waves of fighting and displacement erupted while the formation of the transitional government stalled. A further series of negotiations resulted in yet another council with seats reserved for the various factional leaders, including the new factions that had arisen since the seats were divided in Cotonou.

The Abuja Peace Process

Arguments over the composition and membership of the latest council of state got nowhere until a meeting between Taylor and Nigerian head of state Sani Abacha in Abuja in June 1995. Under pressure from an increasingly impatient ECOWAS, an agreement was signed on 1 September 1995. Under the Abuja I Accords, a revamped six-member Council of State was created that included the top leaders of the ruling factions and three civilians. According to one analyst, "Abuja basically offered the warlords the spoils of office in a desperate attempt to buy peace by giving them a stake in keeping it."[4] Following the agreement, Taylor and some of his troops entered Monrovia to join the new government. The Abuja I Accords called for disarmament by January 1996 and elections by August 1996. As with previous efforts, however, the combination of factional leaders maneuvering for advantage and the slow pace at which international donors and ECOMOG put programs in place made such deadlines unreachable.

Violations of the cease-fire and attacks on humanitarian relief continued. Violence reached new heights when another round of vicious urban fighting erupted in Monrovia in April 1996 between the NPFL and a small but well-trained and well-armed force (drawn from ULIMO-J, AFL, and Liberia Peace Council) under the leadership of Roosevelt Johnson. The ensuing battle "collapsed into a murderous farce" that destroyed the city and ended hopes that Liberia could hold an election anytime soon.[5] ECOMOG seemed powerless or unwilling to contain the violence and widescale looting. West African leaders organized a new round of talks in Accra, Ghana, and established a new cease-fire in May.

ECOWAS foreign ministers in the Committee of Nine met for a new round of talks in Abuja, Nigeria, in August 1996. The major factional leaders all attended and signed the agreement. Abuja II reaffirmed the Abuja I framework but extended the timetable for implementation by nine months. Under Abuja II, disarmament was to begin in November 1996 and elections were scheduled for May 1997. Following the Abuja meetings, a cease-fire was declared on 20 August 1996 and Ruth Perry (Africa's first female head of state) became the new chair of the Council of State.

Abuja II, like its predecessor, called for a factionally based Council of State that served as the interim government for a relatively short transition

period during which disarmament would be conducted and that would conclude with elections. ECOMOG increased its forces to approximately 11,000 in anticipation of its role in implementing the Abuja Accords. Under new, more assertive leadership, ECOMOG eventually deployed its troops at forty-eight locations in every region of the country. The U.S. and Dutch governments provided needed logistical support to ECOMOG, particularly in the form of communications equipment, trucks, helicopters, and transport maintenance, giving ECOMOG the ability to respond quickly to any contingency.[6]

In contrast with the previous pattern of implementing peace agreements, ECOMOG demonstrated new seriousness. Although disarmament began slowly in November 1996, it picked up momentum toward the end of January 1997, and the deadline for handing in weapons was extended for ten days until 9 February. ECOMOG collected large quantities of weapons and for the first time in years guns were not visible on the streets except in the hands of the peacekeepers. Throughout the spring, ECOMOG regularly announced that it had found new arms caches and in March 1997 detained Alhaji Kromah, the former head of ULIMO-K, after large quantities of heavy weapons were discovered in his home.

While many arms were collected, demobilization in terms of breaking the command and control over fighters was pro forma. Due to scarce resources and poor planning, demobilization was reduced to a twelve-hour process whereby ex-combatants simply turned in a weapon, were registered, and then were left on their own. The United Nations Development Programme (UNDP) and the U.S. Agency for International Development (USAID) created some programs to engage ex-combatants in public works such as road repair, but these were not long-term employment programs and few social reintegration packages were developed.

On 28 February 1997, faction leaders who wished to run for office resigned from the Council of State as required in the Abuja Accords. Several converted their militias into political parties. Charles Taylor transformed his National Patriotic Front of Liberia into the National Patriotic Party; Alhaji Kromah similarly turned his ULIMO-K into the All Liberia Coalition Party (ALCOP); and George Boley became the standard-bearer for President Doe's former party, the National Democratic Party of Liberia (NDPL).

In addition to these former factions, a number of previously established political parties began organizing for the upcoming campaign. In January 1997 the major civilian parties founded an Alliance of Political Parties and promised to work together to provide a clear choice to the Liberian voter. The alliance held a contentious convention in March and nominated Cletus Wortoson of the Liberian Action Party (LAP) as its presidential candidate. The alliance, however, soon crumbled. The Unity Party (UP) left the

alliance and nominated Ellen Johnson Sirleaf as its candidate. Sirleaf, an official with the UNDP in New York, emerged as the leading contender to challenge Taylor and his NPP.

Taylor's NPP had an enormous financial and organizational advantage, building on the structures developed during the war and the resources controlled as a result of the conflict. In particular, Taylor maintained control over the government's shortwave radio station, which he seized during the war. This radio station was the only medium accessible to large areas of the countryside for years leading up to the election.

Following a United Nations technical survey mission, ECOWAS and the United Nations called for a Special Election Package that would provide the framework for what was explicitly an extra-constitutional election.[7] In February, ECOWAS decided that as a result of the massive displacement during the civil war, the old system of single-member majoritarian constituencies was impossible. It therefore proposed a proportional system with a single national constituency for the legislature, while maintaining a majoritarian presidency. This decision allowed Liberia to defer the difficult process of conducting a census and redistricting, but was never understood by many Liberians.

In addition, ECOWAS decided that the estimated 800,000 Liberians in refugee camps would have to return in order to vote. This decision, while effectively disenfranchising large numbers of Liberians, was widely supported within Liberia, where fears of manipulation made most wary of voting in refugee camps. The lack of resources and infrastructure, however, limited the number of refugees who could return to vote.

Despite the challenges of conducting the election in an environment disrupted by conflict, ECOWAS and international technical advisers tried to design an electoral system that resembled the prewar pattern as closely as possible. The new government would have a president and vice-president elected on a single ticket. In the event that no candidate won a majority of the votes, a runoff would be held. As before, legislative authority would be vested in a Congress comprising a House of Representatives and a Senate. The House of Representatives would include sixty-four members and the Senate would consist of twenty-six seats, two for each of the thirteen counties. Liberians across the political spectrum supported the decision to model the new government on the institutions included in the 1986 constitution.

The Independent Elections Commission (IECOM) finally was constituted on 2 April, nearly a month behind schedule. It consisted of three members nominated by the factional leaders, and one each selected by women, youth, unions, and civilian political parties. In addition, ECOWAS, the Organization of African Unity, and the United Nations each named a nonvoting international commissioner. The commission represented as broad a range of Liberian political interests as any organization in the coun-

try, but the lack of time and resources combined with inexperience hindered its work.

While the broad components of the electoral system to be used in the special election had been announced, critical details were lacking. Political parties did not know the rules relating to deadlines for party registration, the rules governing party lists, or a number of other legal requirements that affected their campaigns. The process of debating and drafting the Special Elections Law took place largely between the IECOM and ECOWAS and did not involve Liberian political parties or civic organizations in a serious or systematic manner.

Even the question of the term of office of the government chosen in the special election remained unclear during April and May. Some suggested a term shorter than the six years provided for in the prewar constitution, but little public debate took place. Other issues that had been hotly debated in other states undergoing similar transitions remained largely unmentioned. Postelection power sharing or the need to negotiate the composition of the new Armed Forces of Liberia, for example, received little attention. Political leaders preferred to allow the election to settle such contentious issues.

Soon after induction, the IECOM began to signal that it could not meet the 30 May 1997 deadline for elections. The inability or unwillingness of the Council of State to provide funds for the IECOM to cover salaries continually stalled the process. Rivalry and misunderstandings between international donors and ECOWAS complicated assistance. On 23 April IECOM suspended the deadlines for party conventions, party lists, and the start of the thirty-day campaign period. Most of the political parties asked ECOWAS to consider an extension of the electoral schedule. An Inter-Party Working Group of eleven registered political parties (but not Taylor's NPP) supported rescheduling to October 1997. The UN Secretary-General expressed his concerns that the election timetable was too tight and that a joint coordination mechanism was needed with ECOWAS to take decisions under the Chapter 8 peacekeeping operation.[8] International donors indicated that they could not financially support the process until the legal framework for the election was finalized and made public.

The NPP and ECOWAS, however, continued to keep up the pressure for adhering to the 30 May deadline included in the Abuja Accords. The NPP warned that it would not feel bound by any provisions of the Abuja Accords if the election date was changed. Several ECOMOG troop-contributing states threatened to withdraw their forces immediately if the election was postponed. These powerful pressures on IECOM made planning and thoughtful consideration of the requirements of a credible process difficult.

The debate over the timing of the election in Liberia revolved around whether 30 May or sometime during the summer or at the latest October

was the most appropriate, and largely related to the technical requirements of registration and access to the countryside during the rainy season. While many urged a delay of several months, few argued for a longer transition of several years to allow for repatriation of refugees, effective demobilization of combatants, and a rebuilding of secure communities. ECOWAS made it clear that it would never accept such a lengthy transition, and the broader international community had demonstrated an increasing lack of interest in Liberia over the previous seven years. The interim Council of State was not functional and Liberia lacked basic government services. The structures established by the Abuja Accords could not hold for long, and a rapid conclusion to the transition, either through an election or another political breakdown and resurgence of violence, seemed unavoidable.

On 16 May, after meeting with ECOWAS chairman Sani Abacha, the political parties accepted a decision to postpone until 19 July, despite their earlier public demand for a postponement until October. The 19 July date left only fifty-six days for preparations, a very tight schedule given the state of planning and the logistical challenges facing the commission. A basic voting system with simple registration and procedures was designed to make the timetable possible. Little time was available for voter education or to conduct training of election officials. Most observers believed that the abbreviated timetable favored the NPP, the party with the best organization and the most resources.

The thirty-day campaign period began on 16 June, and a number of candidates held rallies in different parts of the country. Sirleaf and Taylor both opened their campaigns in Nimba County, suggesting a direct competition for key constituencies. Sirleaf's rally was disrupted by violence that left several injured. The ECOMOG commander called the political parties together for a meeting on 24 June and threatened to respond with force against anyone initiating political violence. Two former commanders in Taylor's NPFL were held by ECOMOG as a result of the violence at the Unity Party rally. In the end, intimidation did not prevent the major candidates from campaigning in the countryside to the extent that time, money, and logistics permitted.

As the campaign unfolded, it became apparent that Sirleaf posed the strongest challenge to Taylor, with the remaining parties having the potential to force a runoff if no candidate won more than 50 percent in the first round. Both candidates spoke of reconciliation, reconstruction, and economic revival. As one Western reporter characterized the choice for Liberia's voters, "Should they support a warrior who has the power to make the result stick? Or should they opt for a civilian, and run the risk that the defeated warlords will go back to the bush and restart the war?"[9] Taylor campaigned extensively throughout the country, using his resources to lease a helicopter to reach areas in the southeast cut off by the rainy season. Sirleaf's campaign had more modest funds but held a number of rallies in

the populous region around Monrovia and in Grand Bassa, Margibi, Bong, and Nimba Counties. Both Taylor and Sirleaf held rallies near each other in Monrovia on 17 July, the final day of campaigning, without violence.

Organizing the Election

The Liberian government had extremely limited resources to conduct the election, and getting even token payments out of the factionally divided Council of State was difficult. A diverse range of international donors supported the process and demonstrated the capacity of international assistance to support the conduct of elections under extremely adverse circumstances. USAID provided funding to the International Foundation for Election Systems (IFES) for technical assistance and for the purchase of election commodities (ballot papers, forms, ink, and so forth). IFES also managed sub-grants from USAID to the Carter Center and the Friends of Liberia to conduct observation missions; to the Refugee Policy Group to do an assessment on participation of refugees, returnees, and displaced persons in the election; and to the Fondation Hirondelle to establish Star Radio, an independent shortwave station. The National Democratic Institute received USAID funding to do civic education and to assist the Liberian Election Observers Network (LEON), a coalition of fifteen domestic organizations that fielded approximately 1,200 observers on election day; and the International Republican Institute conducted training workshops for political-party poll watchers. The European Union provided funding for civic education, payments to election workers, technical assistance, and logistical support, as well as fielding an observation mission.

The United Nations played multiple roles in the Liberian transition. UNOMIL had a mixed mandate and was seen as an experiment in Chapter 8 peacekeeping whereby a regional organization, in this case ECOWAS, took the lead. Following its mandate to observe the disarmament process, its next mandate was to observe and certify the election in conjunction with ECOWAS. UNOMIL placed thirty-four civilian midterm observers into the sixteen field stations initially established for its military observers. The civilian and military observers deployed as teams during the preelection period and played an important role in collecting information on demographics and possible locations for registration and polling sites.

UNOMIL's secondary mandate included providing limited logistical support to the IECOM, but as the election date approached, UNOMIL diverted its resources to support the county magistrates' preparation for registration and voting. UNOMIL's transportation and communication network was the only means for many regional election workers to move around and to transmit and receive information. Some worried that UNOMIL's intensive involvement in facilitating the work of the elections

commission would interfere with its ability to observe and certify the results.

ECOWAS insisted on playing the lead role in managing the election, arguing that they had earned that right by shouldering the difficult burden of peacekeeping over the previous seven years. As a result, it often was difficult for international donors to provide assistance and, particularly, technical advice to the elections commission. ECOWAS and the Nigerians in particular seemed to fear that the West was trying to "steal" the credit for the election. Suspicions and tensions relating to Nigeria's contentious relations with the international community in general complicated cooperation with relation to Liberia. Nigerian foreign minister and ECOWAS envoy Chief Tom Ikimi stated that the 19 July elections were "ECOWAS elections" and that international donors should provide funding but not interfere. In May, for example, the IECOM would not provide IFES or the European Union with the draft Special Elections Package, making assistance in designing training materials or registration forms impossible. The budget remained uncertain and contentious, with ECOWAS, IECOM, and the international donors often having different understandings of commitments.

In the period prior to voter registration, the IECOM struggled through a number of crises related to the hiring of election officials, the deployment of magistrates, and a very rapid training period for registration and polling officials. The onset of the rainy season made large areas of the southeast inaccessible by road, along with large parts of upper and lower Lofa County. Basic demographic data was guesswork, few voters had documentation to prove their age or nationality, and many of the old registration and polling sites had been destroyed during the war. Despite numerous snags, the process kept moving along, building up momentum as time went on.

Registration began on 24 June in a disorganized manner. A brief extension until 3 July, however, succeeded in providing the overwhelming majority of Liberians a reasonable opportunity to register.[10] Some alleged that underaged people were registering and that registration cards were available for sale, but no one presented evidence for a credible case for large-scale, organized fraud. ECOMOG provided security at each registration site. While training of registration workers had been hurried, they seemed to understand the process, demonstrating enormous dedication despite the delayed payment of their salaries. According to IECOM, a total of 751,430 people registered to vote. Fewer voters registered in Monrovia and the Montserrado Country area than expected, and a late upsurge in registration in Taylor's strongholds in Bong and Nimba Counties raised some concerns regarding the registration list. It was alleged that non-Liberians had been brought in from Guinea to register. Insufficient registration materials in parts of upper Lofa County prevented some residents from registering.

International observers, particularly UNOMIL, visited most registration sites, but fewer party agents were present. The U.S.–based International Republican Institute conducted party agent training, but most parties lacked the resources necessary to deploy nationwide. Only the NPP was sufficiently organized and financed to mount an observation of the registration process. Complications and confusion over credentials for party agents further limited their observation of the registration process. In any event, very few prospective voters were challenged at registration and those rejected were usually disqualified on the basis of being underage.

The IECOM and its international advisers learned a number of lessons from the difficult registration period, and concerted efforts to improve coordination and logistical plans were made. In particular, a logistics working group that brought together IECOM, the United Nations, IFES, the European Union, and ECOMOG worked effectively to manage the deployment of materials for election day. In addition, the decision to deploy all election-day materials through Roberts International Airport made movement easier. Coordination at the working level among IECOM, ECOMOG, and the international community went well.

The 19 July 1997 Special Elections

In the days immediately prior to the election, both Taylor and Sirleaf acted as if they expected to win, and many observers predicted that neither would gain a majority on the first round, making a runoff necessary. Voters turned out in large numbers, with an estimated 85 percent of the registered voting. Nearly every polling station opened approximately on time and nearly all had sufficient voting materials. Most voters cast their ballots early in the day, with large numbers already in line when the polls opened. Most polling sites had multiple-party poll watchers, as well as local observers organized by LEON and the Liberian Council of Churches. International and local observers and party poll watchers reported an extremely orderly process with only minor problems that did not affect the results.

ECOMOG provided security in nearly every polling station. In a significant number of cases, the lack of voter education and the high rate of illiteracy resulted in voters needing considerable guidance in the polling place, raising some questions of undue influence. A number of international observers were uncomfortable with the direct involvement of ECOMOG soldiers in the administration of the polling places.[11] In general, however, observers concluded that their assistance was designed to speed up the process, not to alter the outcome.

Approximately five hundred international observers watched the election and generally commended the process. UNOMIL, which had thirty-four civilian electoral observers deployed at sixteen sites throughout the

country conducting medium-term observation, added approximately two hundred short-term observers on election day. The Carter Center fielded forty observers, led by former president Jimmy Carter, Nicephore Soglo, the former president of Benin and former chair of ECOWAS, and former U.S. senator Paul Simon. The Carter Center group concluded that the election represented a very important step forward for Liberia.[12] The Friends of Liberia, a U.S.–based NGO that included many former Peace Corps volunteers who had served in Liberia, fielded thirty-four observers and concluded that "despite problems, this process was free, fair and transparent."[13] The European Union's fifty-four-person delegation, and the Organization of African Unity (who fielded a team of fifteen and coordinated its activities with twenty women from Femmes Afrique Solidarite, an African NGO), similarly concluded that the elections were free and fair. UNOMIL and ECOWAS issued a joint certification that "declared that the electoral process . . . . was free, fair, and credible."[14] LEON, the Liberian domestic observing group, made a positive preliminary statement as well.

According to official results, Charles Ghankay Taylor won the presidency with more than 75.3 percent of the vote, followed by Ellen Johnson Sirleaf with 9.6 percent. In the Senate, the National Patriotic Party won twenty-one seats, the Unity Party three seats, and the All Liberian Coalition Party two seats. In the House of Representatives, the NPP won forty-nine seats, UP won seven, ALCOP three, the Alliance of Political Parties two, the United People's Party two, and the Liberian People's Party, one (see Table 10.1).[15]

On 2 August 1997, Charles Taylor was sworn in as president of Liberia. Eight West African heads of state attended the ceremony, including Sani Abacha of Nigeria and Henri Konan Bedie of Côte d'Ivoire. Taylor promised to establish a human-rights and reconciliation commission and emphasized his intention to govern as the president of all Liberians. NPP members dominated Taylor's cabinet, but he also included several former rivals in relatively minor posts.

Understanding the Results

A number of different factors contributed to the NPP's overwhelming victory in the 1997 Liberian election.[16] The party had an enormous advantage over its rivals in terms of organizational capacity. Nearly every town in Liberia and every constituency in Monrovia had an NPP office, and the country was covered in Taylor signs, bumper stickers, and T-shirts. It also had greater resources than its competitors. In a country with few vehicles, the party brought in Land Rovers, buses, motorcycles, and loudspeaker trucks, and leased a helicopter. It controlled the formerly state-owned shortwave radio station and thereby dominated the airwaves through which most

Table 10.1 Percentage Summary of Results

County	PPP	NRP	FDP	LINU	UP	ALCOP	NPP	Alliance	RAP	PDPL	UPP	NDPL	UPP
Bomi	0.8	0.3	0.4	0.5	4.0	4.7	86.4	0.9	0.4	0.2	0.4	0.4	0.6
Bong	0.2	0.1	0.1	0.1	1.0	1.9	95.7	0.4	0.2	0.0	0.1	0.1	0.2
Grand Bassa	0.4	0.1	0.2	0.1	2.1	1.0	92.2	0.7	0.3	0.1	2.3	0.1	0.4
Cape Mount	0.8	7.4	0.7	0.4	7.5	3.6	74.0	2.8	0.7	0.2	0.5	0.7	0.8
Grand Gedeh	0.7	0.3	0.3	0.1	1.7	1.0	55.0	3.4	0.3	0.5	0.7	35.1	0.8
Grand Kru	0.7	0.3	0.4	0.5	2.5	0.7	72.3	2.0	0.7	9.0	1.2	0.2	9.6
Lofa	0.6	0.4	0.4	5.5	2.7	17.2	69.3	1.8	0.7	0.2	0.4	0.2	0.5
Margibi	0.1	0.2	0.2	0.4	4.0	1.2	92.0	0.5	0.2	0.1	0.9	0.1	0.1
Maryland	0.5	0.2	0.3	0.2	2.0	1.3	94.1	0.5	0.3	0.1	0.1	0.1	0.4
Montserrado	0.4	0.5	0.5	1.4	21.9	4.5	55.2	4.7	0.3	1.0	5.1	1.5	3.0
Nimba	0.0	0.0	0.0	0.0	0.4	1.9	96.5	0.8	0.1	0.0	0.1	0.0	0.1
Rivercess	0.6	0.2	0.4	0.4	4.9	0.9	78.3	1.2	0.9	0.3	10.8	0.2	0.7
Sinoe	0.4	0.3	0.7	0.3	14.4	1.1	50.1	8.0	0.7	0.4	8.9	3.8	10.8
Total	0.3	0.5	0.3	1.1	9.6	4.0	75.3	2.6	0.3	0.6	2.5	1.3	1.6

Notes: PPP = Progressive People's Party (Cheapoo, standard bearer); NRP = National Reformation Party (Sheriff); FDP = Free Democratic Party (Gbollie); LINU = Liberian National Union (Moniba); UP = Unity Party (Johnson-Sirleaf); ALCOP = All Liberian Coalition Party (Kromah); NPP = National Patriotic Party (Taylor); Alliance = Alliance of Political Parties (Wortoson); RAP = Reformation Alliance Party (Fahnbulleh); PDPL = People's Democratic Party of Liberia (Washington); UPP = United People's Party (Matthews); NDPL = National Democratic Party of Liberia (Boley); LPP = Liberian People's Party (Tipoteh).

Liberians outside of Monrovia received their news. The NPP distributed rice to prospective voters and used patronage extensively to demonstrate its capacity to provide needed resources. While the code of conduct adopted as part of the Special Elections Package placed limits on campaign spending, the lack of enforcement mechanisms allowed the party to spend freely. No attempts were made to force Taylor to give up resources seized during the war, such as the state-owned radio, prior to the campaign.

Taylor campaigned widely and his rallies matched political speeches with popular entertainment, including music, dance, fashion shows, and games. After so many years of grim warfare, Taylor's campaign offered excitement and a return to the normal pleasures of the past. Taylor was a master of highly public generosity and won publicity for paying to fly Liberia's national soccer team to the African Nations Cup tournament, funding the Charles Ghankay Taylor Educational and Humanitarian Relief Foundation, and donating ambulances to the John F. Kennedy Hospital in Monrovia. In his speeches, Taylor promised new programs to address the full range of social needs. His populist message resonated with many of Liberia's poor, who regarded Sirleaf as the candidate of the educated elite. In some parts of Liberia, Taylor was a popular figure who was remembered for defending their communities against attacks from rival militias and maintaining order in his zone of military occupation during the war.

While financial and organizational advantages were critically important, they also were well known to competing political parties and to international donors months before the election. Furthermore, these advantages were least important in populous Montserrado County (the area around Monrovia), where easy transportation, FM radio, and a wide variety of newspapers were available. Taylor won Montserrado County with 55 percent of the vote to Sirleaf's 22 percent, suggesting that far more than the resource imbalance explained the landslide.

Memories of seven years of brutal conflict and the consequent fear of further bloodshed clearly shaped how voters viewed the election and the choices available to them. The issue of peace dominated the July 1997 election, and most voters seemed determined to use their franchise to maximize the chances of stability. Many Liberians believed that if Taylor lost the election, the country would return to war. Taylor's rivals pointed out his violent past during the campaign but could not propose credible actions to contain him if he challenged the results. With ineffective demobilization and weak measures to prevent a spoiler from challenging the results, Liberian voters risked conflict if Taylor did not win the election.[17]

In addition, many Liberians wanted a strong leader capable of maintaining order and containing the forces of rival factions. Seven years of weak interim governments composed of multiple factional leaders convinced many Liberians that only a unified government could keep the

peace, and Taylor was perceived as the candidate most likely to bring strong government. A number of voters said they did not care who won so long as a single president ruled the country again and the period of interim government ended. Despite his participation in the Council of State, Taylor effectively ran as a challenger against the incumbent government and blamed it for Liberia's economic and social problems.

In contrast to Taylor's well-organized campaign, the civilian opposition candidates ran very poor races. Squabbling among civilian candidates, some of whom were associated with failed governments of the past, did not elicit confidence from voters looking for strong leadership. The acrimonious collapse of the Alliance of Political Parties discredited a number of political figures and their associated parties. The Unity Party had great difficulty convincing nervous voters that if Sirleaf won she would be able to contain renewed attacks from Taylor or other defeated factions. In an election dominated by the voters' search for security, the perception that Sirleaf could not withstand an attack from a losing faction made it very difficult for her to win substantial support.

Two issues relating to the electoral system in Liberia also played a part in the overwhelming size of Taylor's margin. The quick timetable may have favored the candidate with the best organization. The opposition had insufficient time to get its message out and inform the voters of their choice. Second, the decision endorsed by all political parties in the May summit in Abuja to have a single ballot may have favored Taylor by denying voters the chance to vote for Taylor for president on one ballot and balance that vote by selecting an alternative slate from a different party for the legislature.

Reflections on the Elections in Liberia

The 19 July 1997 elections in Liberia represented an impressive demonstration of the Liberian people's desire for peace. Large numbers turned out to register, stood patiently in long lines in order to vote, and waited calmly for IECOM to announce official results. Relatively minor problems during the campaign period, registration process, and on election day did not alter the overall results.

For elections to be fully meaningful, however, they must allow voters a significant choice. In the 1997 Special Elections in Liberia, many voters understood their choice to be that between Taylor or war, clearly an unenviable range of options. Given the legacy of the recent conflict and the pervasive fear that Taylor would return to war if not elected, many Liberians made a calculated choice that they hoped would more likely promote peace and stability. One Liberian said, "He [Taylor] killed my father but I'll vote

for him. He started all this and he's going to fix it."[18] While a significant number of voters identified with Taylor and his populist message and patronage, many seemed cautious, war-weary, and determined to use their votes to appease the powerful ex-factional leader.

The Special Elections ratified and made more legitimate the alignment of power created by seven years of war. How Taylor's power was made legitimate, however, was important. Taylor won international, regional, and local acceptance for his government through a process of elections, not through a unilateral military victory or a negotiated agreement between regional powers and factional leaders. In order to win the election, Taylor converted his military organization into an effective mass-mobilizing political party, replacing guns with patronage and roadblocks with rallies. The speed of this conversion and the ineffective demobilization process, however, leaves in place doubts about the democratic character or durability of Taylor's organizational base.

The electoral process also allowed Liberians to play their roles as voters, not as powerless displaced people within a military occupied zone. As a result, the Liberian people won a greater standing to assert their rights as citizens directly responsible for legitimizing Taylor's power. The new order provides an opportunity for rival groups to play their roles as opposition parties within a legal framework rather than as defeated factions without rights. In addition, the election and return to constitutional rule placed legal limits around the new regime's power. The extent to which the new administration will adhere to constitutional constraints and pay attention to the voters who brought them to power, however, remains open. Furthermore, the Liberian constitution concentrates power in the office of the presidency and gives the new government a six-year term in office before it must formally face the voters again.

While an election following a period of conflict may be insufficient to reverse military power on the ground, the process of voting may allow the people to express their insistence that power must be made legitimate through popular participation. Taylor could not be defeated, but he also could not rule with broad political authority until voting took place and the Liberian people had an opportunity to have a voice.

In a number of ways, the election resembled a referendum on peace with Taylor perceived as the candidate most capable of preventing a return to war. The domination of the future government by a single party, however, will raise concerns among many Liberians that the war ended not in a broad-based government of reconciliation but with an exclusive victory for a warring party. While the behavior of Taylor's administration remains to be seen, warnings from comparative postconflict cases and from Taylor's past behavior suggest that constitutional constraints on power and the ability of voters to hold their leaders accountable often are not sufficient.

Furthermore, for sustainable democracy to take root, future elections will need to be held in a context where voters have sufficient security and information to have a broader range of choice. If the July 1997 elections usher in an era of stability, the Abuja peace process will have succeeded in putting in place a formula to end the Liberian civil war. Any assessment on whether they served as the beginning of a democratic era will have to wait until future elections in which voters are given a choice among viable candidates rather than a choice between war and peace.

Notes

1. Lawyers Committee for Human Rights, *Liberia: A Promise Betrayed.*
2. "ECOWAS Standing Mediation Committee," p. 74.
3. The texts of these agreements along with background and analysis are included in Armon and Carl, eds., *Accord: The Liberian Peace Process.*
4. Adebajo, "Dog Days in Monrovia," pp. 622–23.
5. "Liberia: Out of Control," p. 1.
6. The United States provided $40 million in nonlethal assistance to ECOMOG. See USAID, *Liberia—Complex Emergency.*
7. United Nations, *Twenty-First Progress Report of the Secretary-General,* para. 21.
8. United Nations, *Twenty-Third Progress Report of the Secretary-General,* para. 7.
9. "Liberia: Wooing Warriors," p. 40. See also Susman, "Liberia Race."
10. "Voter's Registration Starts, But...."
11. The Carter Center preliminary report noted that "in addition to providing security, some ECOMOG troops were involved in the conduct of the elections. In the future, it is important that the military's exclusive role should be to provide security, leaving the conduct of the elections to civilian election administrators." The Carter Center, *Liberian Special Elections.*
12. Ibid.
13. Friends of Liberia, "Preliminary Statement of Findings."
14. "Joint Certification Statement."
15. In a complicated and poorly understood process, seats in the Senate and House of Representatives were "assigned" to geographic constituencies despite the fact that the election was conducted on the basis of a single, national constituency. The NPP, as the leading party, selected the seats it wished to fill, leaving the other parties with little choice. Two parties initially refused to name their legislators as a result.
16. For an assessment by an international observer, see Lange, "In Liberia," p. C4.
17. On managing the spoiler problem, see Stedman, "Negotiation and Mediation," pp. 369–71.
18. Chiahemen, "Liberians Vote." A number of Western journalists noted similar language. Another voter is quoted as saying "Charles Taylor spoiled this country, so he's the best man to fix it." See McNeil, "Under the World's Eye." Yet another is quoted as saying "He killed my mother, and he killed my father and I don't care—I love Charles Ghankay Taylor." See McNeil, "Early Returns."

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11

Participation of Refugees in Postconflict Elections

Dennis Gallagher and Anna Schowengerdt

One of the most contentious and challenging issues in many postconflict elections today is the participation of often sizable refugee populations. Because of these populations' absence from the country of origin (the country convening elections), efforts to enfranchise them present considerable logistical, technical, and political problems, and in some cases jeopardize the successful conduct of elections and the progress toward peace.

The recent cases of Liberia and Bosnia have illuminated a number of gaps in policy and practice regarding the issue of refugees in elections. Given that refugees have been a prominent and usually complicating factor in many postconflict elections for more than a decade, there is a surprising dearth of literature and documented experience on the obstacles, options, and, most important, the implications of refugee enfranchisement. There is little clarity among international organizations in either the humanitarian or the election fields as to whose mandate it is to advocate, facilitate, and evaluate the electoral participation of refugees. Moreover, there is even less consensus on the question of what priority ought to be assigned to the issue at the policymaking and operational levels. And last, there are no standards or guidelines on how best to address the issue of refugees in elections. Decisions on the conditions under which refugees may exercise their franchise in a postconflict election are consequently made in the heat of the moment, without an adequate understanding of their benefits, drawbacks, or ramifications for the refugees, as well as for the elections themselves.

This chapter examines the issue of the participation of refugees in elections within the broader context of postconflict reconstruction, recovery, and peace. Experience from eight recent elections—Angola, Bosnia, Cambodia, Eritrea, Liberia, Mozambique, Namibia, and Sierra Leone—highlights some of the merits and shortcomings of the two most common approaches to refugee enfranchisement: repatriation prior to elections, and electoral activities for refugees in asylum (see Table 11.1). All of these elections took place as part of larger peace processes. In some cases, such

Table 11.1 Elections Among Refugee Populations

Country	Date	Estimated Number of Refugees at Signing of Peace Accord	Refugees as Percentage of Estimated Total Population[a]	Extent and Conditions of Refugee Participation
Angola	Sept. 29–30, 1992	350,000	3.5	Limited spontaneous repatriation
Bosnia	Sept. 1996	1.2 million	27	Elections in asylum
Cambodia	May 23–28, 1993	360,000	4	Full organized repatriation[b]
Eritrea	April 23–25, 1993	900,000	28	Referendum in asylum
Liberia	July 19, 1997	750,000	25	Limited spontaneous and facilitated repatriation
Mozambique	Oct. 27–29, 1994	1.7 million	10	Full organized repatriation[b]
Namibia	Nov. 7–11, 1989	41,000	27	Full organized repatriation[b]
Sierra Leone	Feb. 26–27, March 15, 1996	360,000	8	Limited spontaneous repatriation

Sources: United Nations High Commission for Refugees, U.S. Committee for Refugees, World Bank, and the Organization for Security and Cooperation in Europe.

Notes: a. In some cases, the only available baseline population data are prewar.

b. Most organized repatriations spawn significant spontaneous movement as well. This type of spontaneous return is promoted and prompted by UNHCR's organized repatriation activities, and therefore differs from the truly self-instigated spontaneous return occurring in other cases.

as Bosnia, Eritrea, and Cambodia, refugee participation was estimated to be very high, while in others, such as Liberia and Sierra Leone, it was negligible. Although the Eritrean case is technically not an election, but rather a referendum on independence (in which the electorate voted either "yes" or "no"), it has been included in this analysis because it is one of the rare examples of elections held in asylum for large refugee populations.

Refugees and Elections: The Connection and the Conundrum

The goals of democratic elections in a postconflict situation differ from "typical" elections in stable societies. One of the more important outcomes of a transitional or reconciliation election is the former warring parties'

consensual acceptance of democratic processes as the means by which political power shall henceforth be assigned. As López-Pintor explains, "Routine elections in stable democracies are held to change the government according to a preestablished constitutional agenda. Reconciliation elections are aimed primarily at incorporating into a democratic political system political antagonists who related to each other by the use of sheer force prior to the election."[1] Another vital role of elections in such contexts is to be a step in reuniting a divided society through the common process of choosing a national body of leadership. Reports from such profound events as the South African elections and the Eritrean referendum indicate the healing effect the act of voting can have on a population emerging from years of violent conflict,[2] and the phrase "from bullets to ballots" alludes to the transformative intention of most transitional elections.

These two fundamental purposes of transitional elections—to achieve consensus on the process of gaining political power and to promote reconciliation through collectively allocating that power—necessarily imply broad-based participation. In fact, such elections require it in order to claim de facto legitimacy among the contenders as well as the general electorate. The fullest possible participation is obviously desirable and theoretically inherent in all democratic elections, but in postconflict contexts broad participation is particularly important. Transitional elections "can implant the idea of democratic contestation in the countries lacking such traditions and give impetus to efforts to build a society based on a rule of law and respect for human rights";[3] therefore, large-scale participation in the process installs these concepts at the grass-roots level.

Moreover, the participation of certain subpopulations within the general electorate is especially valuable in postconflict situations. As a means of redressing discrimination and targeted violence and of promoting reconciliation, transitional elections benefit from the involvement of those groups that have been most victimized by the conflict. Depending on the history and nature of the conflict, these groups may include entire ethnicities that have been persecuted, or even "cleansed," as in the recent case of the former Yugoslavia; alternately, they may be limited to the intellectual elite, the rural poor, or supporters of a certain political group or ideology. Often these groups comprise a large portion of the total population. In order to fulfill the functions of conflict resolution attributed to it, as described above, a transitional election needs both broad-based and targeted participation, so that the resultant government can claim a basis of popular representation and so the society can have confidence in the electoral process as a part of the effort toward peace.

In contemporary civil crises and humanitarian emergencies, the people who are most affected are often forced to flee their homes and seek asylum from a foreign government. The term "refugee" has evolved over the past forty years with wider recognition of the causes of forced displacement;

millions of individuals today claim refugee status under the 1951 United Nations Convention relating to the Status of Refugees, which defines a refugee as person who,

> owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable, or owing to such fear, is unwilling to avail himself of the protection of that country, or who, not having a nationality and being outside the country of his former habitual residence as a result of such events is unable or, owing to such fear, is unwilling to return to it.[4]

Millions more individuals are considered refugees under the broader definition applied by the Organization of African Unity (OAU) in 1969: "Every person who, owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country of origin or nationality, is compelled to leave his place of habitual residence on order to seek refuge in another place outside his country of origin or nationality" is a refugee.[5] The global refugee community thus includes those whose political or religious persuasions are perceived as a threat to institutionalized power structures, those whose ethnic or national identity is targeted in societies with deep social cleavages, and those whose personal security, economic livelihood, and access to basic survival necessities are jeopardized by complex humanitarian emergencies.

Paradoxically, then, those individuals and groups who have been most victimized or affected by civil conflicts—and whose participation in elections that promote reconciliation and a democratic political tradition is particularly important—are very often refugees outside of the country convening elections.

This conjunction poses a serious dilemma to those who are authoring peace accords and orchestrating elections. In principle, and if the elections are to enjoy the fullest participation of the citizenry, refugees should have the same opportunity to exercise their franchise as residents. But as several recent assessments have demonstrated, conditions and limitations are placed on their participation by virtue of their absence from their country of nationality.[6] A myriad of questions thus arises: Do refugees have a fundamental human right to participate in their country of origin's electoral processes? If so, what limitations (of logistical or technical necessity, for example) can be appropriately placed on their exercise of that right in the context of postconflict elections? How can electoral activities be best provided to large absentee populations who are often in remote locations and also in the territory of another country's sovereign jurisdiction?

With regard to the first question, Article 25 of the International Covenant on Civil and Political Rights (1966) considers political participation a fundamental human right. It states that "every citizen shall have the

right and opportunity, without unreasonable restrictions: (a) to take part in the conduct of public affairs directly or through freely chosen representatives; [and] (b) to vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage." Refugees have not in any way relinquished their citizenship by seeking asylum, but rather cannot avail themselves of the protection of their country of origin because current conditions therein pose a threat to either their lives or livelihood. As citizens, therefore, they have a right to participate in the electoral processes of their country. It could also be argued, following on the earlier discussion of refugees as a population most affected by conflict, that they have an intense vested interest in creating a new political environment in which those threats would no longer compel them to remain in exile. Their participation in postconflict elections, then, seems particularly vital not only to the fairness of the electoral process but also to the resolution of the circumstances forcing their displacement.

While the individual and collective rights and needs of refugees to vote in reconciliation elections are evident on paper, their ability to do so is conditioned by many other—and often competing—factors and interests within the broader peace process. For example, the fact that refugees are, by definition, under international protection necessarily draws host governments into decisions about electoral provisions for refugees. The national interests of these governments may obstruct or condition refugee participation, and have done so in several of the cases examined here. There are no consistent policies or practices guiding host government positions on the issue of foreign electoral activities on their soil. Some governments—such as those hosting Liberian and Cambodian refugees—refused to allow electoral activities of the home country on their territories, thereby compelling refugees to repatriate if they wished to vote; others, such as those hosting Bosnians and Eritreans, actively promoted, funded, and conducted electoral activities in asylum in cooperation with the respective electoral commissions, thereby allowing refugees to remain under international protection while exercising their franchise. However, the common thread running through all of these examples is that host governments overwhelmingly viewed transitional elections in the country of origin as the vehicle for the return of refugees. Quite simply, the elections coincided with mounting host fatigue and provided an internationally acceptable excuse to send refugees home.

The frequent dilemma of tight electoral schedules in postconflict situations also increases in complexity and inconvenience when a large population of potential voters is located beyond the borders of the country's sovereignty. Efforts to enfranchise refugees either inside or outside the country of origin place further strain on already replete electoral schedules, resulting in extended registration periods and delayed timelines in all of the cases examined here. More important from a human-rights perspective, tight

electoral schedules place pressure on refugees to repatriate before the security and living conditions inside their home country are conducive to it. This was a primary concern in the 1997 Liberian elections and contributed to the poor rate of participation of Liberian refugees. While it is doubtful that logistical obstacles could have been overcome or the political momentum sustained with a lengthy postponement of the Liberian elections, it is likely that much greater numbers of refugees would have returned home either with UN assistance or on their own had the elections been postponed. The one-year delay of Mozambique's elections, for example, contributed to greater refugee enfranchisement and reduced the risk of refugees returning to dangerous circumstances at home.[7]

The convergence of logistical, financial, and time constraints and host and donor government interests leads to two typical approaches to refugee enfranchisement. The technical benefits and drawbacks to these approaches are discussed below.

Approaches to Refugee Participation

The two standard approaches to enfranchising large refugee populations are elections-in-asylum and repatriation. The former option is rare, for the mostly political reasons discussed above. The latter option can take several forms, including UN-organized, spontaneous, and facilitated return. In terms of extending the franchise to the maximum number of refugees, elections-in-asylum and organized repatriation offer the highest chance of success, because the international community's intervention creates a secure and sustaining environment auspicious to electoral participation. In cases where such an environment was not available, and refugees had to return with little or no support from the international community, the estimated extent of participation was much lower.

But neither approach is an easy one for the electoral commissions, technical agencies, and refugee assistance organizations involved in postconflict transitions. The refugees' absence from the country holding elections has necessarily put financial, material, and time pressures on already overburdened electoral budgets and schedules regardless of which approach is taken. This section will identify some of the technical benefits and drawbacks of each option as experienced in the eight elections cases studied in this chapter.

Voter Information and Education

Refugees have often been isolated from conflict and postconflict events in their country of origin for several years—in some cases, for several decades. Depending on their location of settlement relative to the country

of origin, and to cities in the country of asylum, they may have greater or lesser access to the international media than their compatriots inside their home country. But as a means of ensuring equal opportunity to exercise their franchise, refugees ought to have the same exposure to voter information and education that residents receive in-country.

Cambodia and Mozambique undertook widespread voter education campaigns as a part of the election process. No voter information and education programs were conducted in the Cambodian or Mozambican refugee camps, but in both cases most refugees had returned to their country of origin through United Nations High Commission for Refugees (UNHCR) aid in promoting and organizing repatriation before the start of such programs. Repatriation statistics from Mozambique suggest that between 60 and 80 percent of the population had left their countries of asylum by the time the civic-education campaign started in May 1994.[8] But the 20 to 40 percent of Mozambican refugees and the tens of thousands of Cambodians still in asylum during their respective education campaigns were at an informational disadvantage compared with the nondisplaced. Also, hundreds of thousands of refugees were in transit during the height of education campaigns in both countries. The United Nations Transitional Authority in Cambodia (UNTAC) and UNHCR provided voter education material at the transit centers inside Cambodia, thereby "catching" a number of returnees on their way home.[9] Due to the high illiteracy rates in both countries, voter education campaigns relied heavily on word of mouth and informal means of information dissemination.[10] Ironically, this may have benefited returnees who were not present at the time formal programs were conducted.

As organized repatriation was not a planned element of the electoral process and election activities were not to be held in asylum, refugee voters from Angola, Liberia, and Sierra Leone had very limited access to voter information and education. All Sierra Leonean and Liberian voters—residents and refugees alike—had minimal access to such material during their respective elections.[11] Unfortunately, this important component was a casualty of the logistical and time constraints complicating the entire peace process in both countries. Nevertheless, in the case of Liberia at least, residents had somewhat greater access to voter information and education than refugees because the host governments surrounding Liberia had banned dissemination on their soil. The only sources of information available to most refugees—the British Broadcasting Corporation, Radio Liberia International, and informal word of mouth—provided general information on basic electoral procedures and the electoral schedule. Radio Liberia International, owned by former warlord and presidential candidate Charles Taylor and the only Liberian station with shortwave capabilities to reach the refugee camps, additionally provided very comprehensive coverage of the platforms and merits of Taylor, who won the presidency in a landslide victory. Clandestine political campaigning also occurred on a limited basis.

But the official prohibition on campaigning and lack of access to impartial and educational radio broadcasts within the host countries impeded the refugees' knowledge of candidates, party platforms, and civic responsibility. Those who were able to return, however, claimed that the voter registration process itself served as an information source, as returnees were informed about voting procedures while registering.

Some Liberian refugees said that they would have been more inclined to return to Liberia to vote had they been better educated on the elections, although logistical and financial factors thwarted their return.[12] If this sentiment pervades the larger refugee community, then the host governments' expressed agenda to accelerate repatriation through prohibiting electoral activities may have backfired.

The Bosnian case shows that when refugees have full access to voter information and education in asylum, they may actually be better informed than those in their own country. Bosnian refugees abroad often had access to the entire Western press, while voters inside Bosnia could sometimes only access radio and television run by those in power. In most cases (Yugoslavia and Croatia excluded), host countries did not have a specific political interest that they were pressing on the refugee populations, so the refugees were less subjected to nationalist propaganda than residents in the former Yugoslavia. Still, in many cases, the language barrier prevented many refugees from utilizing the Western media.

In Croatia, however, the refugees' access to voter information, education, and campaign activities was constrained. The Memorandum of Understanding (MOU) between the Refugee Election Steering Group (RESG, an ad hoc creation designed to run the elections abroad) and Croatia[13] stipulates that Bosnian political parties are not allowed to campaign on Croatian soil.[14] Furthermore, because the material sent from Vienna was in both the Croatian and Serbian languages, it was agreed in the MOU that "only small brochures will be used for advertising the registration, in order not to provoke other nationalities."[15]

Organized information to refugees abroad came in two basic forms. The first type, produced by the Organization for Security and Cooperation in Europe (OSCE) and disseminated by the RESG, included instructions on how to register and vote and information on basic political party platforms. The process was not a smooth one. "Many of these . . . materials, once prepared in Sarajevo, could not be delivered to RESG or country representatives in an efficient and timely manner. This problem was maddening for programme staff at all levels."[16] Governments, other international organizations, and NGOs in some ways filled the gap:

> Many governments chose to implement information campaigns irrespective of the delayed OSCE materials, planning around their own mechanisms and budgets. Some produced local television and radio spots; others

> produced posters and brochures or spoke directly to Bosnian citizen groups. Still other governments enlisted national NGOs or BiH citizen groups to co-promote the programme.[17]

Enthusiasm for setting up these programs varied by country. It is possible to distinguish again, however, between most host governments and those of the Federal Republic of Yugoslavia (FRY) and Croatia. Information was fairer and more impartial outside the former Yugoslavia.

As with the Bosnian case, host government cooperation and initiative were also critical for the successful education of voters in Sudan's Eritrean refugee camps. The Sudanese government allowed audiovisual teams to travel throughout the country, playing videocassettes in the Tigrinya and Arabic languages to disseminate voter information and education to Eritreans. The Eritrean Referendum Commission could also use Sudanese mass media—especially radio stations—to communicate elections-related information during the electoral period.[18]

Finally, it should be noted that in Cambodia, Mozambique, and Liberia, it was found that "other issues such as food, health, accommodation, security, jobs, and citizenship status are far more important to the returnees than voting."[19] One election specialist who served with UNTAC in Cambodia suggests that voter information and education "needs to be tied to whatever communication system is used and tied to food or whatever other priorities the refugees might have."[20]

Voter Registration

The registration of voters poses tremendous difficulties for election commissions and technical advisors working in postconflict situations. The lack of accurate population statistics confounds efforts to estimate numbers of potential voters, and the massive internal and external displacement accompanying civil war makes any prewar estimate of precinct sizes irrelevant. Voter registration therefore often serves the dual purpose of validating an individual's claim to have the right to vote and validating that person's citizenship by virtue of that claim.

In comparing the six cases in which refugees had to return to their countries of origin to participate in elections, several trends and potential lessons emerge. First, in Angola, Cambodia, Mozambique, Liberia, Namibia, and Sierra Leone, large portions of the displaced population either had lost their formal identity documents proving their citizenship when they fled their homes, or never had such documents in the first place. A provision in the electoral codes allowing for "social documentation"—the attestation of one or more other persons in support of the applicant's right to register—enabled undocumented refugees and returnees to be registered in the above cases and is common practice in situations of mass

displacement. Other more creative forms of identifying potential voters included the suggestion that, if a Cambodian refugee woman's right to register upon return to Cambodia was questioned, she should wrap a sarong around her waist and run for several meters. If the sarong stayed on, then she was definitely Khmer, as Vietnamese women did not know how to wrap one correctly and it would come loose and fall off.

Second, the lack of documentation among refugees and other displaced persons causes the comparative value of voter registration cards to increase significantly. In the eyes of many Liberian refugees, possession of a registration card indicated participation in the elections, whether or not the registrant actually voted. The claim to have done so, however, may have proved useful in claiming the rights of citizenship upon return to Liberia. The card also served as a de facto identification document and may currently be valuable in gaining employment, claiming property rights, and facilitating other steps of reintegration.[21]

Third, for the six cases in which refugee voters had to return to their country of origin, registration was the first activity for which they had to be present in the country; therefore, the registration period represented a benchmark around which to plan either organized, spontaneous, or facilitated repatriation. In each case, the registration period had to be extended beyond the originally scheduled time frame. In Angola, Cambodia, and Mozambique, the main reasons for the extensions were the slower-than-expected ex-combatant reintegration process and refugee repatriation. In the remaining three cases, returnees played a more minor role in extending the registration schedule. In Sierra Leone, the delay in deciding whether refugees could register in asylum—not the registration period itself—caused the disenfranchisement of most of the refugee population; the National Provisional Ruling Council did not determine that refugees could register in the refugee camps of Guinea and Liberia until three days before election day, and by then it was too late.[22] However, it is clear that voter registration schedules rarely conform to repatriation schedules, and experience from these elections suggests that electoral commissions need to take into account the pace of repatriation when scheduling voter registration activities.

But a major drawback of the repatriation prerequisite, ironically, is that voter registration schedules are usually flexible enough to adapt to these unforeseen delays. If the repatriation of hundreds of thousands of people is delayed for a time, the voter registration process may likely be prolonged. And if this occurs, then the rest of the election is likewise constricted and this may interrupt the momentum of the peace process. As Robinson points out with regard to Cambodia, "A decision by UNHCR to slow down or even halt repatriation could have a dealt a crippling blow to the credibility, even viability, of the elections and the UN mission itself."[23]

This nearly occurred in the Namibian case. The UNHCR delayed its

repatriation operation for more than two months because the discriminatory laws affecting Namibia's citizens remained intact. This action prompted the signing of Proclamation 13, providing amnesty for exiles returning to Namibia through designated entry points, and Proclamation 14, which provided for the repeal of discriminatory laws, such as the mandatory conscription of Namibians into the South African Army.[24] Upon enactment of these proclamations, the repatriation of Namibian refugees promptly resumed.

The Cambodian registration process was also jeopardized by the slower-than-expected repatriation of Cambodians from Thailand, although this was by no means a conscious decision on the part of UNHCR. As the already extended registration process in Cambodia drew to a close, between 40,000 and 60,000 refugees remained in asylum waiting to be repatriated. The United Nations realized that the remaining refugees would not be able to register when they arrived in Cambodia, so the UNTAC Electoral Component improvised a solution on the ground.[25] UNTAC and the Thai government agreed that registration teams would enter the refugee camps and complete most of the registration process there. But to adhere to the electoral law's stipulation against foreign registration, UNTAC did not give refugees their registration cards until they were on Cambodian soil.[26] The experiment worked, and nearly all of the remaining eligible refugees were registered.

Some controversy exists over the wisdom and efficiency of this action. A UN preelectoral assessment in 1991 had concluded that

> given the delicate electoral situation with respect to voter eligibility even within Cambodia, it is not recommended that either the registration process or the voting process should be carried outside of Cambodia. . . . To provide for administrative electoral facilities outside of Cambodia would probably raise difficult political questions and would involve complex and costly demands on the UN to establish electoral offices around the world and to determine provincial allocation of non-resident voters, to name only a few difficulties.[27]

But one former member of UNTAC's Electoral Component disagrees, saying that voter registration and education should have occurred in the refugee camps and polling should have taken place in Cambodia. He argues that "full repatriation before an election is highly unlikely and . . . anything short of camp-based registration would lead to disenfranchisement of refugees. The last minute administrative arrangements put in place in Cambodia proved costly and I believe a properly coordinated registration process could have been put in place within the camps without it[s] costing the earth."[28]

In Eritrea and Bosnia, this process was accomplished, and on a considerably larger scale than that needed in the Cambodian camps. The Eritrean Referendum Commission placed a representative in each asylum country

(of which there were over forty) to coordinate electoral activities there, and developed a dual-documentation process by which applicants applied for official identity cards as well as voter registration cards. The identity cards were issued by the provisional government, and UNHCR refugee ID cards were not accepted as proof of citizenship, despite insistence by some political groups that they should be.[29]

In the Bosnian case, registration for out-of-country voting was done almost entirely by mail. Coordination offices established in seventeen countries served as principal sources for information about the registration process. These offices were set up through a series of MOUs between RESG and major host governments. These agreements varied by country. Germany, for example, set up and funded an office that included fifteen personal computers, seven phone lines (including prerecorded messages that provided information on registration procedures), and mechanisms for distributing registration material to participating Bosnian refugees.[30] In the United States, a grant was provided by the U.S. Department of State to the League of Women Voters Education Fund to facilitate absentee voting for Bosnian refugees. The league set up an office and a toll-free phone number for information.[31] In the United Kingdom, organizers worked through a number of refugee agencies to provide information on the registration process.[32]

The principal criteria for registering Bosnian refugees, as for registering all voters, was the 1991 census. However, the census alone proved inadequate: first, it was based on data from prepartition Yugoslavia that did not indicate a person's citizenship in a particular republic; second, persons who had been away from their homes when the census was taken were not included on it; and third, the conversion of the census to a computer database left some names unreadable. The result was that "a significant number of potential registrants were not on the census, and RESG representatives had to find other means for certifying eligibility."[33]

Other difficulties that arose in the Bosnian process were the registration forms themselves. They had been designed for in-country use and contained questions that were not applicable for out-of-country voters. Finally, the use of special registration forms, called Form II, enabled displaced citizens to vote in municipalities in which they intended to live in the future. The Form II option encouraged widespread manipulation in Republika Srpska and FRY: in several "targeted municipalities," the Organization for Security and Cooperation in Europe (OSCE) found "a clear plan to ensure that Form II votes were sufficient to outweigh the potential Bosniac and Croat vote in the municipality."[34]

Polling

The actual act of voting was generally less controversial than the registration process in the cases examined here. Most of the obstacles and "glitch-

es" that surface on voting day had usually been ironed out during the registration period. However, the cases reveal different approaches to the location of polling activities for refugees, and these will be briefly examined.

In Liberia and Mozambique, electors voted in the same stations in which they registered. The Mozambican electoral committee and the United Nations Operation in Mozambique found that establishing a "residence-registration-future voting place" linkage for each voter "created the conditions for tight planning and control of the whole electoral process."[35] Likewise, election officials in Liberia decided that by requiring voters to cast ballots in their original registration center, they would not need to distribute the entire country's registration list to all of the polling stations for the exhibition and voting periods. But this arrangement may not be as effective in situations of large-scale population movement. In Mozambique, for example, many returnees were in transit during the registration process; hence, they were likely required to remain in the place they registered until the date of the elections. Mozambique's registration period ended on 2 September 1994 and the three-day polling period began on 27 October, so even the latest registrants had to wait nearly two months. In Liberia, the electoral commission and international technical advisors kept a short interval between registration and polling, so that the latest returning refugees and relocating internally displaced persons (IDPs) only had to wait about a week.[36]

In Cambodia, returnees were requested to vote in the same place they registered, but a tendered (absentee) ballot provision was incorporated into the electoral law for the benefit of returnees and relocating IDPs, and for expatriates who had been required to register in Cambodia but could cast ballots in some UN facilities abroad.[37] The process of delivering and recording the tendered ballots decreased the potential for fraud, which often discouraged absentee balloting in such circumstances.

Although most Bosnian refugees voted by mail in the national elections, refugees in Croatia, Hungary, Macedonia, and Turkey had the opportunity to vote at polling stations in the country of asylum. These stations were usually funded and administrated by the host countries. In FRY, Austria, Belgium, Canada, Denmark, Finland, France, Germany, Ireland, Italy, Luxembourg, the Netherlands, Norway, Slovenia, Sweden, Switzerland, the United Kingdom, and the United States, however, Bosnian voting took place exclusively by mail.

Finally, in both Bosnia and Eritrea some refugee voters who had registered in asylum were allowed to vote in their country of origin. Bosnian refugees who wanted to vote in a "future municipality"—a municipality different from their locality of origin but to which they intend to relocate upon return to Bosnia—through the Form II option described above were required by electoral law to return to Bosnia to vote. FRY therefore planned several bus convoys for refugees who had registered to vote in municipalities considered to be "key" areas by the FRY government. Because the

convoys were organized by the host government itself, the issue of refugee status apparently did not pose the legal complications encountered in other elections, such as those in Liberia. Refugees did not risk losing their refugee status by voluntarily leaving their country of asylum, casting their ballots, and returning to asylum on the FRY buses.

Similarly, the Referendum Commission of Eritrea took extra measures to enfranchise "the several thousands of Eritreans who had returned home because they had vowed to cast their first votes in their country and for whom a special polling station was established in Asmara."[38]

As indicated above, the technicalities of refugee voting in most elections do not seem to be as problematic as other technical mechanisms, namely, registration. But it should be noted here that in the Liberian case at least, widespread refugee disenfranchisement may have consequences for the refugees' eventual reintegration process as well as their repatriation. A number of Liberian refugees expressed the concern that by not voting, they will be perceived as not supporting the government in power and, more important, not taking responsibility for rebuilding postwar Liberia.[39] International aid workers and informants from the refugee community suggest that this may in fact be the case: the disenfranchised refugee population may not be as invested in the peace process or in the elected government. This perceived and actual alienation from the peace process in Liberia may affect reintegration—one of the critical components of a complete and sustainable voluntary repatriation.

Conclusion

This analysis has identified some of the benefits and drawbacks of two approaches to enfranchising refugees—namely, elections-in-asylum and repatriation. Several lessons can be drawn.

The first lesson is that both approaches are achievable and effective in certain circumstances. With regard to the former approach, it is clear that the confluence of host country interests, administrative and financial limitations, and the broader priorities of a peace process do not often facilitate the conduct of elections-in-asylum. However, it appears to be the most appropriate option in situations where the agency mandated to protect and assist refugees—UNHCR—is not confident enough in the home country's security situation to organize a safe and voluntary repatriation. Elections-in-asylum are achievable when the broader international community, including donor countries and expatriate constituencies with political influence in their host countries, sees refugee participation as an essential ingredient in transitional elections, is willing to commit funds and administrative structures to the asylum-based electoral activities, and is willing and able to pressure host governments to allow such activities in their territories. The

international community's degree of investment enabled external elections for large refugee populations in Bosnia and Eritrea, and weakened the possibility in Liberia and Angola.

The latter approach, repatriation, is clearly the more popular for a variety of reasons. From a logistical standpoint, it is far easier and less expensive to conduct electoral activities in one country than in several. From an administrative standpoint, establishing repatriation as a prerequisite for electoral participation transfers the burden of refugee enfranchisement from electoral commissions to the agencies responsible for refugees, or to the refugees themselves. And from a political standpoint, elections pose an opportunity to accelerate the return of refugees, and furthermore, repatriation for elections is easier to negotiate with the host governments than elections-in-asylum—the latter requiring delicate considerations of territorial sovereignty and national security. Repatriation does enfranchise refugees in some cases, such as Cambodia, Mozambique, and Namibia, but only when the security situation and degree of international mobilization benefit a comprehensive and sustainable repatriation operation.

The major drawbacks of repatriation are: (1) the schedules of repatriation and elections rarely agree, thus jeopardizing both processes; and (2) if the security situation and degree of international intervention are not conducive to safe and permanent return, then the safety of the refugees wishing to vote will be compromised, their ability to access electoral activities in the country of origin will be limited, and the elections will therefore risk accusations of discrimination against those ethnic or political groups less able to take part in the elections.

A second lesson is that despite the numerous transitional elections taking place in countries where refugee outflows have been a major consequence of conflict, the linkage between forced displacement and postconflict democratic process has been largely ignored at all levels in both fields. This dearth of attention is particularly surprising given that refugees as a general population are possibly the most visible symbols of war and natural disaster in the eyes of the international community. Their protection and assistance absorb billions of dollars a year and are commonly leveraged as one of the noblest facets of humanitarianism. Yet their active role in elections, which represent a symbolic as well as actual end to civil conflicts, is not nearly as entrenched in international policy. In several cases, refugees were disenfranchised because the specific policies and mechanisms needed by a displaced electorate were not in place in either the country of asylum or the country of origin. In cases where refugee enfranchisement has failed, decisionmakers had either openly or tacitly determined that the challenges to facilitating refugee participation were insurmountable. It is true that a number of logistical, technical, and political obstacles complicate refugee participation; such obstacles accompany both the elections-in-asylum approach and the repatriation approach. But even if refugee participation is

difficult, that difficulty does not abrogate the refugees' right to participate in elections. The issue of refugees in elections is a serious one, and needs to be viewed with the intention to overcome these obstacles.

Nor does that difficulty abrogate the consequent benefits of refugee participation for the refugees as well as for the electoral process. As products of conflict and gross humanitarian violations, refugees, by classic definition, are seen as having a political identity. Refugee populations, or influential segments within them, can be very politically astute; equally important, they can be perceived by political parties and candidates as such, thus creating fertile ground for manipulation and fraud. But regardless of their political activity, they have a vested interest in creating conditions conducive to their return home. Observations from Bosnia, Cambodia, Mozambique, Liberia, and Namibia indicate that the connection between refugees' electoral participation and a resolution to their displacement has been made at the individual level.[40] As transitional or "reconciliation" elections are intended in part to reverse the psychological and social damage of ethnic cleansing or war trauma, it stands to reason that the participation of refugees should be a key objective of the process.

Furthermore, although postconflict elections require cooperation and compromise among a variety of often competing interests, it must be admitted that refugee disenfranchisement does in fact influence the extent to which elections can be considered free and fair. And although there are no known examples of refugee populations rejecting governments that they had no role in electing, it could certainly happen if the refugee community had an influential, politically charged element within it, or if the refugees had the backing of a host government or another disenchanted group within the larger electorate. The potentially devastating effect this could have on the entire peace process, as well as on regional dynamics, merits more serious attention to the issue of refugees in elections.

A third lesson to be learned is that the link between elections and repatriation is important to both the electoral process and to the international community's obligation to protect and assist refugees. As such, it is a critical aspect of broader peace processes and needs to be taken more seriously at the policy level. Leadership within the international community is needed to identify the priority that needs to be ascribed to this issue and to facilitate informed dialogue among the various actors in a peace process. Currently, no governmental, intergovernmental, or nongovernmental agency has the responsibility or mandate to perform this function. UNHCR in particular needs to develop a clear policy on its role in refugee enfranchisement. While it is true that different electoral contexts call for different responses on the part of UNHCR, the gap in advocacy on behalf of refugees' right and need to vote transcends specific situations. The converging political interests and on-the-ground conditions in each context, however, demand serious and creative consideration by UNHCR as to how

it might best facilitate the participation of refugees within that context. The option of facilitated repatriation, as opposed to organized or completely unassisted repatriation, has been experimented with in the Liberian case, with a degree of success. This option may become more common as UNHCR begins to consider its role in giving refugees a chance to exercise their right to vote.

It is clear that considerably more investigation is needed on the benefits and drawbacks of different approaches to refugee enfranchisement. For example, alternative approaches, such as border-point polling, have not been implemented on any significant level and have not been examined in this study. The development of policy guidelines and consensus on the priority of this issue would enable the international community to be better prepared for future elections involving refugees. Furthermore, technical capacities in the refugee assistance and elections sectors need to be built in order to determine the applicability of policy guidelines to particular situations and to implement them accordingly. Individuals with expertise in the issue of refugees in elections should be involved in the planning and conduct of elections so as to better incorporate refugee enfranchisement strategies into electoral processes and to ensure their effective implementation.

Notes

1. López-Pintor, "Reconciliation Elections," p. 55.
2. *South Africa: Between Yesterday and Tomorrow*. See also, Referendum Commissioner of Eritrea, *Referendum '93.*
3. USAID, *From Bullets to Ballots,* p. 32.
4. United Nations, *Convention Relating to the Status of Refugees.*
5. OAU, *Convention Governing the Specific Aspects of Refugee Problems in Africa.*
6. See, for example, Refugee Policy Group, *Participation of Refugees and Internally Displaced Persons* and *Refugees in Elections.* See also, OSCE/RESG, *The Relationship Between Large-Scale Forced Migration.*
7. USAID, *From Bullets to Ballots,* p. 16.
8. Republic of Mozambique, Bureau for Refugees, *Estatistica Dos Repatriados.*
9. Frank Vassallo, Australian Electoral Commission (formerly of UNTAC), personal communication, September 1997.
10. United Nations, *Report of the United Nations Survey Mission.* See also, United Nations, *Elections in the Peace Process in Mozambique.*
11. African-American Institute, *Sierra Leone.*
12. Refugee Policy Group, *Refugees in Elections,* p. 12.
13. OSCE/RESG, Memorandum of Understanding between Government of Croatia and RESG.
14. The problem with this arrangement was that HDZ, the dominant Bosnian Croat political party, was also the dominant party in Croatia. It could therefore campaign within the limits of the agreement, while other parties could not.
15. The question of language was an important one. Though Croatian,

Serbian, and Bosnian are essentially the same language, nationalists had taken to maximizing the differences between them.

16. OSCE/RESG, *RESG Final Report on Bosnia and Herzegovina.*

17. Ibid.

18. Amare Tekle (formerly of the Eritrean Referendum Commission), personal communication, October 1997.

19. Frank Vassallo, personal communication, September 1997. This sentiment was echoed by the Refugee Policy Group in its three reports on refugees in the Liberian elections, and by the National Democratic Institute for International Affairs in Mozambique (as referenced in USAID, *From Bullets to Ballots*).

20. Chedomir Flego, Australian Electoral Commission (formerly of UNTAC), personal communication, September 1997.

21. Refugee Policy Group, *Refugees in Elections.*

22. Riley, "The 1996 Presidential and Parliamentary Elections in Sierra Leone."

23. Robinson, *Something Like Home Again,* p. 63.

24. NDI, *Democratic Elections in Namibia.*

25. United Nations, *Third Progress Report.*

26. United Nations, *Fourth Progress Report.*

27. United Nations, *Report of the United Nations Survey Mission.*

28. Frank Vassallo, personal communication.

29. Amare Tekle, personal communication.

30. OSCE/RESG, Memorandum of Understanding between RESG and the German Ministry of Foreign Affairs.

31. OSCE/RESG, Memorandum of Understanding between U.S. Department of State and RESG.

32. OSCE/RESG, Memorandum of Understanding between United Kingdom Bosnia Elections Coordination Office and RESG.

33. OSCE/RESG, *The Relationship Between Large-Scale Forced Migration.*

34. Ibid., p. 39.

35. United Nations, *Elections in the Peace Process in Mozambique,* p. 10.

36. Denise Dauphinais, International Foundation for Election Systems, personal communication, September 1997.

37. UNTAC, *United Nations Electoral Law for Cambodia.*

38. Referendum Commissioner of Eritrea, *Referendum '93,* p. 69.

39. Refugee Policy Group, *Refugees in Elections,* p. 23.

40. For example, UNHCR's September 1997 publication, *UNHCR in Cambodia: A Model for Success,* reports that "when they cast their votes, the returnees all expressed the same wish: never again to follow the path of exile."

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12

After the Elections: Consequences for Democratization

Krishna Kumar

The case studies presented in this volume have examined the consequences of elections for subsequent democratization in the individual countries.[1] This chapter attempts to further explore this important topic by presenting a comparative analysis of democratization in the case study countries. For this purpose, we have also used data and information available from sources not cited in the case studies.

The chapter examines the consequences of elections for democratization by posing and answering five interrelated and even overlapping questions: (1) Were the political parties and leaders that won elections able to form governments, and if so, did these government survive over time? (2) Did the democratic institutions—free press, political parties, and civil society—that were created to facilitate democratic contestation continue to exist, and were they further consolidated in the postelection era? (3) Was a sustainable electoral infrastructure created during the elections and further developed in the postelection period, thereby creating an indigenous capacity to hold free and fair elections? (4) Did the civil and political-rights situation remain satisfactory after the elections? And (5) did elections contribute to political reconciliation? It is assumed that the answers to these questions can give a reasonable indication of the possible effects of post-conflict elections on the growth of democracy in these countries.

The concept of democratization, as used here, refers to the process through which countries develop institutions, behavior patterns, and a political culture that contain the exercise of power within the limits established by representative institutions and the rule of law. Thus democratization is more than holding competitive elections, even on a regular basis.[2] It also involves establishing and strengthening a constitution that enshrines civil and political rights, a free press and electronic media that contribute to information sharing and shaping of public opinion, civil-society organizations that articulate the interests and aspirations of different groups, and an independent judiciary. Above all, democratization also involves a gradual

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internalization by the populace of a set of beliefs, values, and norms that promote political tolerance, compromise, and mutual accommodation. Democratization is thus a long, multidimensional process requiring the establishment of new institutions and acceptance of a pluralistic political culture.[3]

In postconflict societies, the democratization and reconciliation processes are intertwined. In fact, reconciliation can be viewed as an integral part of democratization over a long time horizon. Reconciliation in countries emerging from civil war does not imply either an absence of conflict or elimination of the causes of conflict, both of which are likely to remain utopian ideals. Rather, it is the transformation of violent conflicts into nonviolent ones; it means a universal commitment to capture political power through ballots and not by bullets.

Before proceeding further, two general observations need to be made. First, postconflict elections are only one part of a complex set of factors and conditions that affect the democratization process in a war-torn society. These include the nature and scope of the peace accord, existing political structures, social and cultural traditions, the nature of the political leadership, and the interests and involvement of outside powers. There is no way to isolate the effects of postconflict elections from those of other factors and conditions in a policy-oriented evaluation study. Second, democratization, especially in the conditions of war-torn societies, is a long-term process, beset with ups and downs, progress and breakdowns. The countries that seem to be making visible progress at present may turn into failures, and vice versa.

Installation and Functioning of the Elected Governments

Prior to the elections, there were genuine apprehensions in practically all the countries about the transfer of power to the elected parties. Outside observers were concerned that in the climate of deep mutual distrust, losing parties might not concede defeat, and restart the war. Such concerns were not totally unjustified. The typical reaction of the defeated parties was to charge widespread irregularities and fraud, thereby implying that they were not bound by the results. However, under international pressure, they grudgingly accepted the voters' verdict. The only exception was UNITA in Angola, which refused to abide by the results and resumed military operations.

Once the contesting parties accepted the results, the transfer of power did not pose a major problem. Only in two countries—Cambodia and Nicaragua—did the ruling parties demonstrate some hesitation, if not resistance to the transfer. In Cambodia, the Cambodian People's Party was reluctant to give up its hold on the government, but a compromise formula

was evolved making it a junior partner in the new coalition government. The compromise held until 1997. In Nicaragua, President Carter persuaded the Sandinistas to relinquish power. However, President-Elect Chamorro made concessions to her adversaries: she signed a protocol of transition and appointed a Sandinista as head of the armed forces to oversee the reorganization of the military, alleviating the Sandinistas' security concerns.

Even more significantly, the elected governments (and their democratically elected successors) have survived under heavy odds. The sole exception is Cambodia, where Second Prime Minister Hun Sen staged a coup ousting First Prime Minister Ranariddh, dealing a major blow to the prospect of democracy.

The governments that came into power have behaved in a relatively democratic manner; at least, they have been less autocratic than their predecessors. In fact, the overall record of governments in El Salvador, Haiti, Mozambique, and Nicaragua has been quite encouraging. The situation in Ethiopia, though not entirely satisfactory, has slightly improved over the past two years.[4] On the other hand, the conditions in Angola and Cambodia have deteriorated. Although they are certainly not worse than before the peace process, they give little ground for optimism. Elections in Liberia are too recent to allow any conclusions as to their ultimate effect.

There are also indications that the legislative bodies in the case study countries are gradually becoming more active and slightly more independent of the executive. In El Salvador, Haiti, Mozambique, and Nicaragua, the parliamentarians have begun to assert their independence, resulting in an open discussion of government policies and performance on the floor of the parliament. USAID assistance has led to the improved functioning of parliamentary subcommittees, formal and informal training of parliamentarians and their senior staff, and even establishment of additional support services.[5] Although such assistance has not changed the relative balance of power between the legislature and the executive branch, it has certainly given the former resources to demand greater accountability from the latter.

But the installation of elected governments has not necessarily contributed to good governance. Although the administrative structures shattered by civil war have been largely rebuilt in Cambodia, El Salvador, Ethiopia, and Mozambique, they have not necessarily been reformed. The plans for major reforms, when proposed, have encountered universal resistance.[6] Therefore only limited, piecemeal reforms to increase transparency, accountability, and efficiency have been made, with varying levels of success. Corruption, patronage systems, and gross inefficiencies remain rampant in almost every country. The public confidence in the governments' ability to introduce reforms tends to be low.[7]

Thus the answer to the first question is a "qualified yes": in all the countries, democratically elected governments were installed and have managed to survive, with one exception.

Creating and Strengthening Democratic Institutions

As indicated in the first chapter, a number of democratic institutions were created in the case study countries to facilitate free and fair elections. Three of them deserve special mention here.

Political Parties

First, the preparation for and conduct of elections aided in the evolution of political parties in most of the countries. The authoritarian ruling parties had no alternative but to be more open and participatory. For example, the Sandinistas in Nicaragua, the CPP in Cambodia, and Frelimo in Mozambique tried to broaden their bases. All were forced to accept a measure of democratic pluralism and underwent organizational transformation to adjust themselves to the new realities.

More important, politico-military movements such as the FMLN in El Salvador, the Patriotic National Front in Liberia, and Renamo in Mozambique transformed themselves into political parties. In general, such movements appeared more willing to do so when they saw no realistic hope of a military victory. But when politico-military movements entertained the hope they could use their military power, as was the case with UNITA in Angola, and eventually with the CPP in Cambodia, they were not willing to solely become political parties. In Ethiopia, the political evolution of the EPRDF into a political party remained ambiguous: having won the war, the organization could become a political party while retaining its army under the guise of a national army.

The international community provided some financial assistance to resource-starved existing, as well as newly formed, political parties to enable them to contend in elections. It also gave them technical assistance to build their capacity to select candidates, organize election campaigns, and monitor election outcomes. In Mozambique, for example, two trust funds were established: an $18 million fund to help Renamo, the principal opposition group, and a $3 million fund to help other small, registered political parties. Access to these funds not only aided the organizational transformation of these parties but also provided additional inducement for them to participate in elections. In all cases, political parties have gained experience in political organization and competitive elections. Many donor agencies have continued such assistance in the postelection era.

However, democratic party building is proving to be a slow process. In all the countries, political parties are organized around personalities, narrow political interests, and tribal and ethic loyalties. They are largely urban based and lack a cadre of workers to mobilize people. Consequently, overall progress has been limited and uneven. Furthermore, many of the parties

organized to compete in the elections made a poor showing and virtually ceased functioning.

Mass Media

Practically, none of the case study countries had an independent press during the violent conflict. Whatever newspapers and periodicals that existed were either owned or censored by the government. As freedom of the press is an essential prerequisite for elections, the governments were forced to abolish press censorship and permit the emergence of independent or party-controlled newspapers and periodicals prior to elections.

Freedom of the press has largely survived in the postelection period. All of the three Central American countries continue to have a vibrant independent press. The independent press is also getting stronger in Mozambique. Before the coup of July 1997, Cambodians enjoyed a relatively free press, at least in comparison with their ASEAN neighbors. However, intimidation, harassment, and extralegal sanctions on critical newspapers and journals are not necessarily concerns of the past. In Ethiopia, for example, the government routinely arrests reporters and editors as a warning. The situation is worse in Angola, where censorship was imposed after the renewal of civil war.

Because of high illiteracy, transportation bottlenecks, and the high cost of newsprint and printing machinery (which are often imported), the printed media reach mostly urban populations. By contrast, radio broadcasts reach even the remote corners of a country because of the easy availability of transistor radios. In rural areas of Africa and Asia, the radio is generally the only source of political news. Elections have helped achieve an expansion, if limited, of radio and television to political parties and political discourse.

During election campaigns, state-owned radio and television stations provided time to various political parties to articulate their ideology and programs. In this way, the monopoly of the ruling party on electronic media was undermined, though not eliminated. Taking Nicaragua as an example, political parties were given access to Channel 2, the state-owned television station. Such access was undoubtedly a significant development in a country where publicly owned electronic media had been largely an instrument of political propaganda and manipulation for the ruling clique. Moreover, many restrictions on privately owned radio and television stations were relaxed, enabling them to contract freely with political parties. During elections, each radio station in Nicaragua was obligated to guarantee each party a minimum of three minutes a day. Privately-owned television and/or radio stations now exist in El Salvador, Ethiopia, Mozambique, and Nicaragua.

Since the elections, many international donor agencies have provided

technical assistance to help make the print and electronic media more professional, exposing them to the norms of freedom and objectivity. Such assistance has consisted of training and visits to foreign countries for journalists, and donation of equipment to newspapers and radio and television stations. The assistance has been generally modest—and there is not much enthusiasm among the donor agencies for it.

Nongovernmental Organizations

Several factors have contributed to the growth of voluntary nongovernmental organizations that seek to influence public policies. This political opening has enabled many groups to organize themselves. Many NGOs such as trade unions, business organizations, student federations, and women's organizations, which were under the tutelage of the government, were able to free themselves. Some government-controlled organizations have even split off in countries such as Cambodia, Mozambique, and Angola, resulting in the formation of new associations. In addition, macroeconomic reforms have created additional space for the growth and functioning of NGOs in the economic arena. Finally, NGOs committed to the promotion of human rights, political liberalization, and the rule of law have been established.

Democracy promotion NGOs in particular have received technical and financial assistance from USAID and other donor agencies during and after the elections. Many collaborated with international organizations in providing civic education and voter training during the elections. Such collaboration gave them valuable experience and expertise.

Cambodia, for example, saw a remarkable growth of democracy-promoting NGOs, partly because of the support of overseas Cambodians. These Cambodians had moved to Western countries during the civil war, internalizing democratic values and norms, which they then wanted to implant into Cambodian society. Two human-rights organizations, Ad Hoc and Lichado, had a combined membership of more than 100,000 as of 1997.[8] While the fate of these organizations is uncertain in the short run, their mass base of support must be considered valuable social capital that could help rebuild a democratic Cambodia in the future.

Cambodia is not unique. Human-rights organizations have emerged in every case study country. Political freedom, an independent press, and continual contacts with international human-rights organizations have led to heightened concern with human rights, benefiting local organizations. For example, in Nicaragua, two human-rights organizations, the Permanent Commission on Human Rights (Comisión Permanente de Derechos Humanos) and the Nicaraguan Association for Human Rights (Asociación Nicaragüense para Derechos Humanos) have grown professionally and are collaborating more closely with international organizations.[9]

There are indications that the emphasis of many donor agencies and

international organizations on gender parity has indirectly strengthened the position of NGOs working for women's rights. In Mozambique, for example, several organizations such as the Organization for Mozambican Women, Women, Law and Development, the Women Lawyers Association, and the Rural Women's Association were involved in the voter education and political mobilization of women.

Democracy-promoting NGOs remain fragile, however. Many have little grass-roots support and tend to operate only at the national level. Others remain dependent on the international community for financial assistance, with little prospect of becoming self-sufficient. Still others have lost their initial enthusiasm as outside support waned. Despite these problems, the emergence of these NGOs has been a major step in the institutionalization of democracy. As public awareness rises and economic growth takes place, they may be able to diversify their sources of funding and carve a niche for themselves.

Thus, the three major institutions created for the elections have survived and even grown in most of the countries. But the progress has been quite uneven and many challenges lie ahead. The answer to the second question: a "qualified yes."

Building an Electoral Infrastructure

Elections also helped to build or strengthen the institutional infrastructure for elections in practically all countries. In most of the countries, new legislation was passed or the old drastically revised to permit democratic contestation. Such legislation was usually crafted with the assistance of international experts. It covered requirements of registration of voters, candidates, and parties; the role of election commission and administration; voting systems; and general election procedures. While the electoral law was generally designed for the sole purpose of administering postconflict elections, it also served as a reference point for future elections.

The establishment of autonomous and semiautonomous national election commissions was a major innovation in Angola, Cambodia, Ethiopia, and Mozambique. In El Salvador and Nicaragua, the Supreme Electoral Councils also acquired additional resources and expertise; following the Latin American model, they were accepted as the fourth branch of the government. Further postelection reforms were made in the operations of election commissions in El Salvador, Ethiopia, and Nicaragua.

Voter registries had to be developed in all countries, most often ex nihilo or in place of severely deficient ones, as in El Salvador and Nicaragua. A few countries, such as El Salvador, Ethiopia, and Nicaragua, took steps to improve and update their voter registries after the initial elections. Most countries did nothing, with the result that voter registries are

again defective and outdated. In Mozambique, for example, a major new voter's registration exercise must be undertaken in preparation for the local elections in 1998. Much information has been lost in most countries.

The elections have also contributed to building some technical expertise in most of the countries. Thousands of election workers received training in voter registration, managing polling booths, and counting ballots in each country. For example, the UN Transitional Authority in Cambodia trained more than 50,000 Cambodians as election officials. These people constitute a good resource for future elections. Unfortunately, little has been done in Cambodia and the three African countries to provide election officials with additional training or to keep them involved in ongoing programs for the promotion of democracy. In fact, in these countries there has been little contact with trained personnel.

Finally, the postconflict elections exposed the population to the nature of democratic contestation. The civic and voter education programs were the first systematic attempts in the history of the African countries and Cambodia to explain the nature of democratic engagement to voters. The turnout rates in sample countries have been unusually high, indicating the populations' yearning for peace, as well as an interest in change. The defeat of the Sandinistas in Nicaragua and the CPP in Cambodia demonstrated in the most concrete sense, at least in the short run, the truth that in democracies, ballots can be more powerful than bullets.

Although the overall effects of postconflict elections seem to be positive in building infrastructure, these effects could have been more significant had the international community paid greater attention to sustainability. Because the international community had to work within a very stringent, if not impossible time frame, it heavily relied on outside experts and imported equipment and commodities. Consequently, the resource-starved countries were hardly in a position to sustain them. To some extent, this problem was solved by the generous international assistance to continue building electoral infrastructures in the countries after the elections.[10]

Thus the answer to the third question about electoral infrastructure is only "partly yes": Many countries could develop indigenous capabilities to hold elections, not due to the postconflict elections alone but as a result of assistance provided by the international donor community after the elections.

Improvements in Political and Civil Rights

Political and civil rights are undoubtedly a good barometer of democracy. A continual improvement in political and civil rights signals successful democratization, and vice versa. Table 12.1 gives time series data annually

Table 12.1 Freedom House Freedom Index (Combined Political and Civil Liberty)

Country	1988–1989	1989–1990	1990–1991	1991–1992	1992–1993	1993–1994	1994–1995	1995–1996
Nicaragua Feb. 1990	P 5 C 4	P 5 C 5	P 3 C 3	P 3 C 3	P 4 C 3	P 4 C 5	P 4 C 5	P 4 C 4
Ethiopia June 1992	P 6 C 7	P 7 C 7	P 7 C 7	P 6 C 5	P 6 C 4	P 6 C 5	P 6 C 5	P 4 C 5
Angola Sept. 1992	P 7 C 7	P 7 C 7	P 7 C 7	P 6 C 5	P 6 C 6	P 7 C 7	P 7 C 7	P 6 C 6
Cambodia May 1993	P 7 C 7	P 7 C 7	P 7 C 7	P 6 C 6	P 6 C 6	P 4 C 5	P 4 C 5	P 6 C 6
El Salvador March–April 1994	P 3 C 3	P 3 C 4	P 3 C 4	P 3 C 4	P 3 C 3	P 3 C 3	P 3 C 3	P 3 C 3
Mozambique October 1994	P 6 C 7	P 6 C 7	P 6 C 6	P 6 C 4	P 6 C 4	P 6 C 5	P 3 C 5	P 3 C 4
Haiti Dec. 1990, June–Nov. 1995	P 7 C 5	P 7 C 5	P 4 C 4	P 7 C 7	P 7 C 7	P 7 C 7	P 5 C 5	P 5 C 5
Liberia July 1997	P 5 C 5	P 6 C 5	P 6 C 5	P 7 C 6	P 7 C 6	P 6 C 6	P 7 C 6	P 7 C 6

Notes: P = Political Rights, C = Civil Liberties; 1 = Most Free, 7 = Least Free.
Date of first free elections listed in country cells.
Shaded cells = years of elections.
Source: Freedom House, *Freedom in the World* series, 1992–1996, Washington, D.C.: Freedom House, 1992–1997.

gathered by Freedom House for political and civil rights for the case study countries.

In interpreting the data, it should be kept in mind that the year of the election (or that preceding it) was generally the time when civil and political rights were granted to the people by transition governments, as well as the political parties, that were keen to demonstrate their democratic credentials. There was also a visible, mitigating presence of the international community. Consequently, the countries scored favorably on the political and civil-rights ratings.

If we treat the year of election as the benchmark, Table 12.1 shows that the political and civil-rights situation remained the same or even improved in El Salvador, Ethiopia, and Mozambique. In Nicaragua, the situation worsened but later improved again, while in Angola and Cambodia the situation improved and then worsened. No data are available at this point about Haiti or Liberia.

There are a few country-specific explanations. Even before the elections, El Salvador started making significant reforms in its internal security apparatus, which was largely responsible for human-rights violations. This, along with the co-optation of the warring parties into the political system, explains the improvement. The situation has not been different in Mozambique, where demobilization and reintegration proceeded quite well and the main opposition party has actively participated in the political system. In Ethiopia, after the electoral victory, the EPRDF started consolidating its hold on power with little concern for civil and political rights, but once it felt secure, it began permitting limited political freedom.

Despite her good intentions, President Chamorro's government in Nicaragua was ineffective, and could not control extremists—Contras and Sandinistas—in a worsening economic situation. The situation is slightly better now. Cambodia was making good progress until the mid-1990s, when rivalry between the two prime ministers came into the open, and Hun Sen started consolidating his power without regard for civil and political rights. The renewal of war in Angola immediately after the elections closed the limited opening of the previous months.

Overall, the political and human-rights situation has been encouraging in a majority of the case study countries. There was often a slight deterioration after the elections, but once the regimes consolidated their positions, the situation began to improve. The answer to the fourth question, then, is a "qualified yes."

Elections and the Reconciliation Process

In the aftermath of postconflict elections, three countries (El Salvador, Mozambique, and Nicaragua) have made significant progress toward

reconciliation. The former warring groups have been more or less integrated into the emerging pluralistic democratic system and continue to follow democratic means to capture political power. In the two Central American countries, several factors contributed to this successful outcome. They include exposure, though limited, to democracy; absence of deep ethnic or geographic cleavages; genuine commitment to the peace process; and the positive influence of and pressure from other states. In Mozambique, successful demobilization and reintegration of armies, heavy dependence on foreign assistance, war fatigue, and discontinuation of outside support to rebels appeared to be major contributing factors.

In Angola, fighting erupted immediately after the voting. Having lost the election, UNITA tried to capture power through military victory. As it had managed to keep its fighting force largely intact despite initial demobilization, it was able to mount a large-scale, though ultimately unsuccessful, offensive against the government. However, as UNITA still controls rich mining areas, it is in a position to prolong civil war. Unlike Angola, Ethiopia enjoys relative peace but without reconciliation. The intransigence of the ruling party and the opposition's boycott of the elections have undermined both democratization and reconciliation.

The case of Cambodia is more complex. The Khmer Rouge, which refused to participate in the elections, remained committed to a violent overthrow of the government. Gradually, though, the organization became marginalized because of internal strife and defections. However, there now exists an open violent conflict between the supporters of the two prime ministers. In Haiti, the military that directly or indirectly ruled the country before the return of Aristide has been successfully demobilized, thereby reducing the threat of civil war. However, it is not clear if the powerful economic and political interests that supported military rule are reconciled to their present situation. It is too early to say anything conclusive about Liberia.

Thus the case study countries have made progress in reconciling former enemies and in containing violent conflicts. The main exceptions are Angola and Cambodia, where the future remains uncertain. The last question therefore can be answered in the affirmative.

In conclusion, it can be said that elections have generally made a positive, though modest, contribution toward democratization in an overwhelming number of countries. They have helped to install democratically elected governments that have survived; created space for the emergence of democratic institutions, which remain fragile but can grow under favorable conditions; and facilitated development of a rudimentary electoral infrastructure in many countries. The political and civil-rights records of these countries has been encouraging, with one or two exceptions. Most countries have undoubtedly made some progress in political reconciliation.

Such a positive assessment should not obscure the challenges that face

these societies. The nascent democratic institutions remain extremely weak; the commitment of the political elites to democracy appears at best dubious; and the ability of the new governments to meet the challenges of economic and social reconstruction is questionable. In many countries, one already sees signs of disillusionment with the established political system, partly because of the unrealistic expectations generated during their respective peace accords. Therefore, it is too early to predict whether democratization will continue in the majority of the case study countries.

Notes

1. This chapter is an expanded version of Chapter 4, Kumar and Ottaway, *From Bullets to Ballets*. The author is grateful to Marina Ottaway and Robin Silver for their comments and suggestions.

2. There is a considerable literature that discusses the role of elections in democratization. See, for example, Karl, "Imposing Consent"; Lowenthal, *Exporting Democracy;* Carothers, *In the Name of Democracy;* Ottaway, "From Political Opening"; and Linz and Stepan, *Problems of Democratic Consolidation.*

3. Linz and Stepan, in *Problems of Democratic Consolidation,* have made a distinction between democratic transition and consolidation.

4. This assessment is based on USAID/Ethiopia's Annual Results Review and Resource Request, unpublished documents, 1997.

5. This description is based on the review of USAID internal documents. For example, Results Review and Resource Request (1997) notes: "The Mission has promoted the professionalization of the National Assembly. Our efforts have helped the legislature become more transparent, accountable and efficient. USAID and the Inter-American Development Bank have worked to secure the Assembly's commitment to continue modernization efforts."

6. Haiti provides a good example; the entire privatization program has made little headway despite the stated commitment of the government.

7. See, for example, a survey undertaken by Development Associates, *Political Values in Haiti.*

8. See, for example, Brown, *USAID's Assistance for Elections.*

9. USAID has provided assistance to these two organizations. See, Results Review and Resource Request for Nicaragua, unpublished documents, 1997.

10. It is interesting to note that seven out of eight countries have received some form of assistance to rebuild electoral infrastructure after the elections. The only exception is Liberia, where the elections were held in July 1997—and therefore it is premature to think of such assistance.

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13

General Conclusions and Priorities for Policy Research

Krishna Kumar and Marina Ottaway

This chapter is divided into two sections. The first section presents some general conclusions on the problems of postconflict elections and their possible solutions derived from the experience of the case study countries. It also suggests a few areas for further policy-oriented research. The second section raises the more fundamental issue as to whether immediate elections are the right mechanism to strengthen peace and promote democracy in war-torn societies.

Improving Election Assistance

International Electoral Assistance Is Essential

The case studies indicate that without substantial international assistance, elections would not have materialized in Angola, Cambodia, Haiti, Liberia, and Mozambique, and they would have been less credible in El Salvador and Nicaragua. The Ethiopian elections, which saw the lowest level of international involvement, were also the least credible of the postconflict elections covered in this volume.

The international community provided three types of assistance in all cases. First, it provided financial assistance for planning and holding elections. Second, and equally important, was technical assistance, which the countries desperately needed because of lack of experience and expertise. Finally, the international community provided political assistance in restructuring political parties and strengthening organizations of civil society; at the same time, it enhanced the integrity of the electoral process and the credibility of its outcome by deploying international monitors.

In a climate of deep mutual distrust and antagonism, the international presence helped prevent gross irregularities and widespread fraud. It strengthened the legitimacy of nascent democratic groups and provided a

reasonable assessment of the situation to others in the international community. However, in countries where one of the major parties lacked the will to abide by election results, international monitoring was ineffective (as in Angola) or even served to lend legitimacy to noncompetitive elections (as in Ethiopia).

In addition to direct assistance, the international community played another vital though less visible role. Diplomats, donor agency staff, and technical experts constantly mediated between major contestants, exerted subtle and not-so-subtle pressure for ensuring "free and fair" elections, and in many cases persuaded major contestants to accept the voters' verdict. For example, without intense international pressure, it is doubtful the Sandinistas in Nicaragua or the CPP in Cambodia would have accepted the election outcome. Diplomatic intervention was as essential as direct assistance.

Participation of Refugees in Elections

The participation of refugees in postconflict elections is important not only to make the elections representative but also to promote political reconciliation. Refugees are often the worst victims of civil wars, and therefore their active participation in elections tends to strengthen the peace process. However, the experience of many recent postconflict elections shows that refugees' enfranchisement poses considerable logistical, technical, and political problems that are not easy to resolve. These problems pertain to voter registration, access to programs for voter education, and finally to voting. Consequently, the level of refugees' participation has varied considerably: while it was very high in Bosnia, Eritrea, and Cambodia, it has been negligible in Sierra Leone and Liberia. Further research is needed to review the effectiveness of the different approaches to refugees' enfranchisement—repatriation prior to elections, border-point voting, or election activities in asylum countries; to identify problems that hinder the participation of refugees in elections; and to develop institutional guidelines for the international community.

Strategies to Mitigate the Divisive Effects of Elections

In the absence of a tradition of democratic contestation, elections in the aftermath of civil war can be highly divisive. In practically all case study countries, political parties appealed to parochial loyalties to gain votes. Appeals to ethnic identities were successfully made in the three African countries. In Cambodia, opposition parties openly talked of domination by the Vietnamese minority. Political leaders and parties often advanced unfounded charges against one another in the two Central American coun-

tries. There is little doubt that in many instances elections left a bitter legacy, aggravating existing tensions and cleavages.

The experiences of several countries discussed here point to three measures that can reduce the divisive effects of political contestation. First, the experience of Nicaragua and Mozambique suggests that constant discussions, consultations, and negotiations among representatives of the rival parties during the planning and conduct of elections tend to promote a better understanding and appreciation of the opponent's perspective and can resolve many differences. Negotiations on elections' rules and practices are particularly important to reinforce commitment to elections and acceptance of their results by all parties. Postelection power sharing is another issue that should be the object of preelection negotiations. Finally, whenever possible, parties should be encouraged to enter into discussions concerning longer-term policy issues.

Second, developing and enforcing a comprehensive code of conduct produces positive results. The process of formulating such a code involves a sustained dialogue among rival political leaders, resulting in a broad consensus on complex and controversial issues that may surface later. Moreover, a code prevents isolated noncompliance of electoral regulations from developing into a major political issue. Finally, and most important, it imposes much-needed self-discipline and restraint on the behavior of political activists.

Third, civic and voter education programs, when efficiently and effectively organized before elections, can help create a positive atmosphere.

More research is necessary to identify strategies to prevent and control the divisive effects of political contestation in postconflict societies. The historical and contemporary experience of elections in ethnically and politically fragmented societies needs to be studied systematically to examine the relative strengths and weaknesses of strategies that have been used or proposed to control the divisive effects of the elections.

Adequate Time and Flexibility

In Angola, Cambodia, Ethiopia, Haiti, Liberia, and Mozambique, the original timetable for holding elections was based on unrealistic assumptions. The planners underestimated the roadblocks created by deficient transportation and communication systems, the limited administrative capacity of the government, and the lack of political will of the leaders, as well as the difficulties in donor coordination. Political leaders often harbored serious reservations about elections and did not hesitate to create obstacles to gain advantages.

The case studies suggest that stringent time frames had many adverse consequences. First, demobilization could not be completed in several

countries. Second, voter education programs often could not be implemented effectively. For example, NGOs engaged in voter education in Angola, Ethiopia, Liberia, and Mozambique found it difficult to print necessary literature, train trainers, and reach out to voters in remote areas within the stipulated time. In some cases, civic education could not be initiated at all. Third, limited time contributed to a lack of attention to sustainability issues. Experts were under more pressure to meet deadlines than to build institutions and infrastructures that could be used in the future. Fourth, stringent time frames inflated the overall cost of elections by forcing reliance on air transport. Finally, the postponement of elections made necessary by unrealistic schedules created further confusion and misunderstandings.

Although stringent time schedules are counterproductive, flexibility must not become an excuse for inaction, lest the momentum of the transition be lost. A longer timetable needs to include target dates for the completion of specific tasks, and pressure must be brought to bear on the parties to move forward.

High Cost of Postconflict Elections

The cost of elections has been exceptionally high, given the widespread poverty and paucity of resources in case study countries. The total price tag for postconflict elections ranged from $40 million to hundreds of millions of dollars in Cambodia and Bosnia. Questions have been raised about the wisdom of expending such enormous sums of money on a single event. In the zero-sum game of international assistance, the funds for elections come at the expense of other activities that promote development and democracy. Moreover, it is doubtful that in an environment of ever-shrinking budgets for international assistance, considerable resources will be forthcoming for promoting reconciliation elections in the future. Finally, such expensive, externally financed elections set unrealistic expectations for the future, when each country will have to find a way of financing its own elections on a regular basis.

The experience of the case study countries points to a few measures that can reduce the overall costs of elections. First, as suggested earlier, the pressure to organize elections within a very limited time frame often results in wasted resources; thus, a reasonable and flexible time frame can result in considerable economies. Second, election procedures should be designed in line with the country's financial capacity in order to better ensure that subsequent elections can realistically be carried out. Third, greater use of local manpower and expertise can save resources, as the cost of hiring expatriate staff and consultants usually consumes a major share of international assistance. When indigenous experts are not available, donors can try recruiting them from neighboring countries. And fourth, better donor coordination

and, if possible, a division of labor among major donors is needed. For example, instead of many countries and organizations sending their own "observers" to monitor an election, a few may, by common agreement, be entrusted with the responsibility.

More research is needed comparing the cost of different approaches to the logistical and administrative problems of elections, in order to identify those that can reduce overall costs without sacrificing efficiency and effectiveness.

Revisiting the Concept of "Free and Fair" Elections

Most international observer missions have become increasingly sophisticated in evaluating elections, issuing nuance reports that assess both progress made and continuing problems, and take into consideration the perceptions of the major parties and the general population. However, both the political pressures under which the international organizations and foreign governments operate and the reporting by the media often give the impression that elections are simply judged as "free and fair" or "not free and fair." Such assessments have little discriminatory value. El Salvador and Nicaragua, for example, maintained reasonably high election standards, but there were serious misgivings among international observers about the freeness and fairness of elections in Ethiopia. The remaining countries fell between these two extremes. Yet, all these elections were labeled "free and fair" by the international community and the press. This is not a problem that can be solved by more research. Rather, the problem is one of instilling more professional attitudes among election observers, and of communicating more clearly to the media, and to the public in general, how elections are being judged and what constitutes an acceptable election under the conditions prevailing in the specific country.

Long-Term Strategic Interventions for Democracy Promotion

Elections are only one step toward democratization, an essential though not sufficient condition. The experience of the countries studied indicates that other conditions are necessary in addition to the holding of elections for the process of democratization to continue: a continuing process of reconciliation among the former warring parties, reforms in security forces, rebuilding of law enforcement agencies and the judiciary, observance of human rights, strengthening of civil society, and, above all, rapid economic development to alleviate poverty and unemployment. While international agencies are increasingly aware of the importance of these measures, the funds committed to follow-up measures are usually less generous than those devoted to conducting the elections. Nevertheless, USAID made considerable investments in democracy-promoting activities in El Salvador,

Cambodia, Ethiopia, Haiti, Mozambique, and Nicaragua. Most of these investments have yielded encouraging results.

Rethinking Elections

Some of the case studies tend to indicate that early elections, however carefully designed and implemented, do not contribute to the consolidation of peace and democracy in the conditions of war-torn societies. Elections failed to resolve the conflict in Angola. The future of democracy appears dim in Cambodia. The elections in Liberia brought to power a warlord who is hardly known for his commitment to democracy. The problem is not the elections themselves, however: one of the most striking findings of these case studies is that the international community has the ability to organize elections under even the most difficult conditions. The problem lies in the political, social, and economic milieu of the countries shattered by war, which have little or no traditions for democratic contestation. The case studies suggest the need to explore two questions: What conditions must exist before elections are held? And, what can be done to consolidate peace and promote democracy if elections do not appear advisable in the immediate future?

Preconditions for Postconflict Elections

The experience of the case study countries, as well as of other recent war-torn societies, indicates that the success of elections requires both technical and political preconditions. International assistance can make up, to some extent, for the missing preconditions, but this can be extremely costly. Poor conditions do not necessarily make it impossible to hold elections, but they greatly reduce the chances for lasting results. The following preconditions appear to be crucial to the success of postconflict elections:

- The existence of a state capable of performing the essential functions expected of it. To some extent, international assistance can make up for the weakness of the state, as happened in Cambodia, Liberia, and Mozambique, although such assistance is extremely costly. If the very existence of the state is in doubt, as is the case with many failed states (such as Bosnia, Burundi, Rwanda, Somalia, and probably the Democratic Republic of the Congo), international assistance probably cannot fill the gap, and elections cannot bring political stability or resolve conflicts.
- A working consensus among the former warring parties about national boundaries, the structure and functioning of the government, and relations between national and subnational units. A degree of disagreement on issues other than national boundaries exists in all healthy democracies.

However, if there is no working consensus on the essential outlines of a system of government, it is unlikely the losers will accept election results. A party favoring a loose confederal system is unlikely to accept the electoral victory of one favoring a highly centralized system. If the parties cannot reach such basic consensus, international assistance cannot fill the gap. If they are to work, international attempts to promote systems of government entailing a degree of power sharing—from proportional representation to full-fledged governments of national unity—require a working consensus.

• A demonstrable political commitment on the part of the major conflicting parties to carry out the agreed-upon peace accord or pact. Such a commitment was not visible for UNITA in Angola, the Khmer Rouge and even the CPP in Cambodia, or the EPRDF in Ethiopia. This lack of commitment contributed to a less-than-satisfactory outcome to the electoral process. In theory, the international community could make up for the lack of commitment by creating strong peace-enforcing mechanisms. The cost of such undertakings, however, makes such solutions unlikely.

• Significant progress toward demobilization and reintegration of ex-combatants. In highly polarized societies, progress in this area is necessary to ensure that the losing party will not be able to resume military hostilities in the face of an electoral defeat. Here, too, strong international peace-enforcing mechanisms could be a substitute in theory, but probably not in practice.

Interim Alternatives to Early Elections

In countries where preconditions for elections are not met and elections thus entail a high risk of failure, functional alternatives to elections need to be considered. Such functional alternatives would need to satisfy a number of requirements:

1. Entail less risk of return to conflict or consolidation of authoritarian regimes than early elections held under unfavorable conditions.
2. Help consolidate the peace agreement and create an interim mechanism for governing the country until elections are held.
3. Be sufficiently low-cost to be sustainable. For this reason, the possibility of a de facto international trusteeship will not be discussed here.
4. Have as the end point the holding of free and fair competitive elections. The time required to get to elections will undoubtedly vary from country to country.

The cases studied offer some indications of measures that could serve as interim alternatives to early elections. For example, they indicate that the

countries with the most-successful elections were also the ones in which a continuing process of negotiations took place between the original peace agreement and the elections. Such ongoing negotiations helped solve specific problems, such as consolidating the peace agreement and helping develop consensus on basic issues. And they helped the parties learn to work with one another before the elections. This suggests that one functional alternative to early elections may be to continue negotiations on a broader range of issues than those reached in the peace agreement.

The example of Angola is relevant here. After the failure of the 1992 elections and the return to war, new negotiations tried to address the problems overlooked the first time. As a result, the provisions of the 1991 Peace Accord were supplemented after lengthy negotiations by the 1994 Lusaka Protocol. Negotiations are continuing in 1997. The attempted second Angola transition cannot be considered a success either, because a final settlement has not been reached. But even a stalled transition is preferable to a return to war, and 1994–1997 has been a better period for Angola than 1992–1994.

South Africa offers another example of the importance of lengthy negotiations in a successful transition under unfavorable circumstances. South Africa took four years to get to its postconflict elections. There were three functional alternatives to early elections. The first were the all-party negotiations, which brought about agreement on a new constitution and on the necessity to form a government of national reconciliation. The second was establishment of peace committees. And the third was creation of "transitional executive councils" to supervise certain governmental functions.

These measures helped consolidate peace. They lent a degree of legitimacy to the existing government that allowed it to continue administering the country until elections could be undertaken with the agreement of all parties. And they opened the way for further democratization. By the time the elections were held, widespread consensus had been achieved on the rules of the political game. More important, a culture of bargaining had been created. But circumstances vary from country to country. Efforts to consolidate peace and generate a consensus that will eventually allow elections will have to be adapted to each country's most urgent needs. South Africa does not offer a blueprint other countries can replicate, but simply points to the importance of protracted negotiations and substantial agreement on a number of crucial issues before elections are held.

Much work is required here to examine critically the feasibility of interim alternatives to national elections in those countries that lack rudimentary conditions to hold democratic contestation. Such alternatives may include coalition governments of conflicting parties, governments of technical experts, or even an administration under the auspices of the regional powers, all of which could pursue a course of rapid political and economic

liberalization and create conditions for political competition. Such studies need to take into consideration the political and financial costs to the country involved and to the international community of such lengthy transitions and compare them not only with the price of successful early elections, but with the cost of failure as well.

Acronyms

AFL	Armed Forces of Liberia
AL	Liberal Alliance
ALCOP	All Liberia Coalition Party
ANC	African National Congress
ARENA	Nationalist Republican Alliance (El Salvador)
ASEAN	Association of Southeast Asian Nations
BLDP	Buddhist Liberal Democratic Party
CAPEL	Center for Electoral Assistance and Promotion
CD	Convergencia Democrática
CEP	Haitian Provisional Electoral Council
Civpol	United Nations Civilian Police
CNE	National Election Council (Angola)
COPAZ	National Commission for the Consolidation of Peace
CPP	Cambodian People's Party
CSE	Supreme Electoral Council (Nicaragua)
DUA	domestic use agriculture
ECOMOG	ECOWAS Cease-Fire Monitoring Group
ECOWAS	Economic Community of West African States
ETF	Electoral Trust Fund
EPRDF	Ethiopian People's Revolutionary Democratic Front
ET	Ética y Transparencia
EU	European Union
EXA	export agriculture
FAA	Armed Forces of Angola
FAd'H	Haitian Army
FMLN	Farabundo Martí National Liberation Front
FNLA	Frente Nacional de Libertação de Angola
FRY	Federal Republic of Yugoslavia
FSLN	Sandinista National Liberation Front
Frelimo	Front for the Liberation of Mozambique

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Funcinpec	Unified National Front for an Independent, Neutral, Peaceful, and Cooperative Cambodia
GOH	government of Haiti
HNP	Haitian Police Force
IDPs	internally displaced persons
IECOM	Independent Elections Commission (Liberia)
IFES	International Foundation for Electoral Systems
IGNU	Interim Government of National Unity (Liberia)
IMF	International Monetary Fund
IRI	International Republican Institute
JPMC	Joint Political-Military Commission
JVMC	Joint Verification and Monitoring Commission
KPNLF	Khmer People's National Liberation Front
LAP	Liberian Action Party
LASA	Latin American Studies Association
LDH	Mozambican Human Rights League
LEON	Liberian Election Observers Network
LNTG	Liberian National Transitional Government
LPC	Liberian Peace Council
MNF	multinational force
MOU	Memorandum of Understanding (Croatia)
MPLA	Movimento Popular de Libertação de Angola
NDI	National Democratic Institute for International Affairs
NDPL	National Democratic Party of Liberia
NPFL	National Patriotic Front of Liberia
NPP	National Patriotic Party (Liberia)
NSC	National Security Council
OAS	Organization of American States
OAU	Organization of African Unity
ONUSAL	United Nations Mission to El Salvador
OSCE	Organization for Security and Cooperation in Europe
PCN	National Conciliation Party (El Salvador)
PDC	Christian Democratic Party (El Salvador)
PDK	Party of Democratic Kampuchea
PPL	Lavalas Political Platform
Renamo	Mozambican National Resistance
RESG	Refugee Election Steering Group (Croatia)
SWAPO	South West Africa People's Organization
ULIMO	United Liberation Movement of Liberia for Democracy (ULIMO-J and ULIMO-K are factions of ULIMO)
UN	United Nations
UNAVEM II	United Nations Angola Verification Mission
UNDP	United Nations Development Programme
UNEAU	United Nations Electoral Assistance Unit

UNHCR	United Nations High Commission for Refugees
UNITA	Uniao Nacional para a Independencia Total de Angola
UNMIH	United Nations Mission in Haiti
UNO	Opposition National Union
UNOMIL	United Nations Observer Mission in Liberia
UNOMOZ	United Nations Operations in Mozambique
UNTAC	United Nations Transitional Authority in Cambodia
USCE	Haitian Unit for Electoral Control and Surveillance
USAID	United States Agency for International Development
VORGAN	"Voice of the Resistance of the Black Cockerel" (Angola)

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About the Book

In the post–Cold War era of the 1990s, intrastate conflict is on the wane and negotiated peace accords are more frequent. An integral, almost universal, aspect of this negotiated resolution of conflict has been the provision for "free and fair" elections. This volume focuses on the planning, organization, conduct, and execution of such postconflict elections. It examines the critical roles played by international donors in offering technical, financial, and, often, moral assistance; and it evaluates the longer-term outcomes of postconflict elections, particularly their impact on political and social reconciliation.

The introductory chapters provide a background and conceptual framework that helps to guide the reader through eight case studies selected from diverse geographical regions and authored by experts in the field. Each presents a detailed account of postconflict elections in that society; fidelity to one conceptual and structural framework facilitates comparative analysis. The editor concludes by discussing the consequences of these elections for democratization and identifies several general conclusions and priorities for policy research.

Policymakers and practitioners involved in providing technical assistance to war-torn societies, academics and graduate students, as well as political leaders in similar settings, will find these essays thought provoking, substantive, and useful in their respective professions.

Krishna Kumar is senior social scientist with the U.S. Agency for International Development. His recent publications include *Rebuilding Societies After Civil War: Critical Roles for International Assistance.*

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"This unique and valuable collection contributes to our understanding of the functions and impact of elections on transitional polities and the broader process of rebuilding political systems in war-torn societies. It should be required reading for both academics and practitioners concerned with what is intended to be the early stage of democratization and the final stage of conflict resolution, but which may be neither." —Joel D. Barkan, University of Iowa

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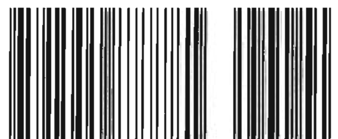
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