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and International Trade



Ministère des Affaires étrangères  
et du Commerce international

# MULTILATERAL ELECTORAL DEVELOPMENT

*A COMPARATIVE REVIEW OF THE  
ELECTORAL DEVELOPMENT ACTIVITIES OF THE  
ORGANIZATION OF AMERICAN STATES,  
ORGANIZATION FOR SECURITY AND COOPERATION IN EUROPE,  
THE FRANCOPHONIE,  
THE COMMONWEALTH  
AND THE UNITED NATIONS*

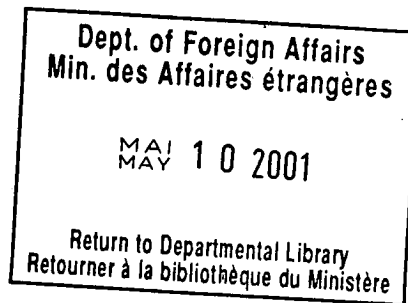
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# EXECUTIVE SUMMARY

The author was commissioned by the Canadian Department of Foreign Affairs and International Trade to conduct an independent review of electoral activities of five multilateral organizations to which Canada belongs - the Organization of American States, the Organization for Security and Cooperation in Europe, the Francophonie, and the Commonwealth, and the United Nations. Findings were drawn from 147 Canadian and international governmental, multilateral, non-governmental and academic sources, 45 interviews, and analysis of 79 electoral missions from 1994 until October 1997. Comparison was made in reference to objective criteria such as mission credibility, operations and impact, as well as the organizations' priorities and capacity for reform. The findings of the report reflect the views of the author and those he interviewed for the study, and do not necessarily reflect the views of the Government of Canada.

The report found that the Organization of American States generally does well on the ground with respect to electoral activities, and has built up significant credibility over the past decade. In a short period of time, it has gone from small, ad hoc observation missions to more systematic, comprehensive and objective electoral coverage. Greater emphasis must be placed, however, on long-term democratic institution-building, use of domestic observers, evaluation rigour, and cooperation with other international NGO groups. With a more sustainable and proactive approach, therefore, electoral assistance could be improved still further.

OSCE electoral activities - observation, assistance, supervision - have improved noticeably over the past several years in terms of operations, evaluative rigour, and objectivity; yet logistical problems and a narrow technical and short-term focus still present major problems. With respect to where and when the OSCE provides electoral assistance, there is also a sense that it is largely putting out fires with little strategic direction as to where and when it should observe or assist, and how it should tailor its missions to differing contexts. Accordingly, OSCE election and democratization work is adequate, but with very good potential for improvement in the area of long-term, democratic institution-building.

Francophonie electoral activities benefit from cultural and institutional similarities among the organization's very broad multilateral membership, a realistic and supportive approach to electoral and democratic development, and a body of knowledge and contacts acquired through five years of electoral support within member-countries. Serious problems with the scope, consistency, professionalism and credibility of election missions, however, are preventing the Secretariat from achieving its full electoral and democratic impact potential. As for the future, structural constraints and a weak learning ethic limit the likelihood of meaningful reform of Francophonie electoral activity in the short to medium-term.

Commonwealth missions provide very good logistics, professional observer support, and systematic and well-established operating procedures. Despite a well-developed comparative advantage in professionalism and rigour, however, Commonwealth electoral support still tends to be somewhat top-heavy and short-term. That is to say, while it can involve assertive and far-

reaching recommendations, these are often founded upon rather unpenetrating and short-term observations, accompanied by limited attention to democratic institution-building.

From 1994 to 1997, the United Nations has had a significant impact in the areas of electoral technical assistance, voter education, domestic observation, and through its ability to coordinate and encourage donor activities. Unfortunately, much of this recent focus seems to have been on saving money and avoiding controversy as ends in themselves, with less attention given to the ultimate goals of capacity-building and local needs. Given the United Nations' positive capacity for reform, however, the chances are good that the organization will eventually move towards more context-relevant and client-oriented electoral support.

Several general observations emerged from this study, reflected across electoral activities of each of the five multilateral organizations.

- More emphasis needs to be placed on long-term electoral observation.
- Technical electoral assistance must be augmented by deeper and more sustainable democratic-institution building.
- The focus must be brought further down into grass-roots civil society.
- In more stable emerging democracies, more attention should be given to developing the organizational and knowledge capacity of domestic election observers.
- Multilateral organizations must make greater efforts to cooperate with each other and with international and domestic NGOs in the areas of information sharing, expertise exchange and division of responsibility.
- Missions need more context-sensitive selection and composition criteria.

Without a doubt, electoral observation and assistance has made great advances since the pre-1989 days of infrequent, ad hoc and weak missions. Today, second generation electoral support displays more systematic and consistent criteria, better geographic and chronological coverage, and a willingness to stand up to government abuse and fraud. Be it the Francophonie in sub-saharan Africa, the OAS in Central America, the OSCE in the Balkans, the UN in the Middle East, or the Commonwealth in East Africa, however, the inadequate impact of this support and the reality that many states are moving beyond their first multi-party transitional election, demonstrates the *need for multilateral institutions to progress to a third generation of electoral development*. Such development involves a deeper and more cooperative emphasis on grass-roots civil society, long-term capacity-building, and local needs.



# INTRODUCTION

## 1. Purpose

The Peacebuilding and Human Security Division of the Canadian Department of Foreign Affairs and International Trade commissioned the author to conduct an independent review of the operation and impact of electoral activities of five multilateral organization to which Canada belongs - the Organization of American States, Organization for Security and Cooperation in Europe, the Francophonie, the Commonwealth, and the United Nations. The purpose of the report was to provide the Department with a basis for developing recommendations to these multilateral organizations on how they can improve their electoral support activities.

**The findings of the report reflect the views of the author, drawing on the views of those he interviewed for the study, and do not necessarily reflect the views of the Government of Canada.** The report is being distributed by the Department of Foreign Affairs and International Trade in the interests of promoting further discussion and analysis of the issues surrounding the electoral support activities of these five organizations. The Department would welcome comments on the findings of the report. Comments should be sent to:

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## 2. Sources

147 sources were used for the study, covering Canadian and non-Canadian, government and non-government, written and verbal, and first and second hand views. These include 45 interviews with Canadian election observers, officials from the Department of Foreign Affairs, the Canadian International Development Agency, Elections Canada, the five multilateral organizations and the U.S. Agency for International Development, and members of the NGO and academic communities. The review also looked at the multilateral electoral mission reports for most of the missions covered, as well as numerous communiques, reports, publications and articles from the above institutions. Accordingly, the conclusions from this study reflect both the expert opinions of those interviewed, as well as the empirical evidence from mission reports and other primary publications.

## 3. Definitions

Electoral observation generally refers to passive and impartial monitoring of the organization, conduct and context of a country's electoral process. Electoral assistance involves active and impartial support to a country's electoral process. It differs from observation in that



electoral experts work and interact closely with local officials and may provide advice. It also tends to be more long-term. Electoral supervision is a hybrid of the two in that mission personnel may provide advice but generally remain more detached from the electoral process. It is essentially observation with the right to make suggestions throughout the process. Electoral mediation refers to the work of a mission or individual whose role it is to resolve conflicts among political groups during the electoral process through diplomatic means. In this sense it is neutral yet proactive, and useful in environments where, although the process may be free and fair and technically competent, built up distrust among the protagonists may still jeopardize electoral outcomes. Finally, electoral activities, support or development refer generically to all four operations, be they comprised of international or domestic personnel, and may involve a combination of each.

#### 4. Scope

The review compared 79 electoral missions - 10 OAS, 14 United Nations, 28 OSCE, 14 Francophonie, and 13 Commonwealth - from roughly 1994 to October 1997. As the primary research for this report was completed by October 1997 and a first draft submitted at the end of December, the author has not attempted to factor into the report results of electoral missions that have taken place since the beginning of January 1998, or more recent changes in the structure and operating procedures of the organizations under review. This time-frame was chosen since it allowed for a sufficient four-year comparison while at the same time more fairly eliminating early 1990s missions which had not yet had enough time to learn from past mistakes. Due to either information shortages or the non-critical nature of an election, however, not every mission was looked at during the 1994-97 period. Nevertheless, for each organization, efforts were made to present a representative cross-section of missions based on: geographic distribution; problematic versus non-problematic contexts; transitional and non-transitional elections; large and small mission size; and observation, supervision, technical assistance and mediation mandates. The OSCE had significantly more missions studied by the review since it deployed roughly twice as many as the other organizations. It was decided not to limit these cases since their very number is instructive of the quality of the electoral support (see section on OSCE). Finally, not all missions covered receive the same attention due to variances in the availability of information, and the fact that some of the elections and missions were less routine (and therefore more informative) than others.

#### 5. Comparative Criteria

It is difficult to compare five organizations of such disparate histories, structures, priorities, geographic and functional coverage, and values. For this reason, one must be careful not to oversell the benefits of direct comparison. Despite these differences, however, all five do emphasize the role of electoral support as a key means to electoral and democratic development within their member-states. As such, while the independent variable (structural, financial, local factors etc.) may vary considerably and be hard to compare, the dependent variable is similar for all - provision of electoral support via one or more of observation, supervision, technical assistance or mediation. Moreover, there are concrete realities at stake.

It is of little solace to a rural candidate in Yemen that financial constraints prevented an international monitor from witnessing pre-campaign nomination intimidation early in the electoral process, or to a 23-year old electoral observer stranded along a deserted highway in Bosnia that is was endemic communication problems between headquarters and the field that prevented delivery of spare tires and radio batteries.

A fair yet responsible comparison must therefore balance the interests of the voter, candidate and the front-line electoral field worker with understanding for the unique circumstances surrounding election support for each of the five multilateral organizations. From this emerges a comparison that focuses on both international mission standards and broad organizational goals and constraints, both lateral comparison across the five and longitudinal measurement of the rate of reform within each organization. Objective criteria, organizational priorities, and learning are therefore all taken into consideration.

A final comparative consideration that must be made relates to the measurement of electoral and democratic impact. A key purpose of this study was to look not only at mission operations but also at whether they were actually making a difference. Unfortunately, however, it is difficult to directly measure the dependent effects of electoral assistance. This is because the relatively recent phenomenon of electoral support still provides an insufficient number of longitudinal and lateral case studies to examine, and does not permit a fair and thorough post-mission examination for behaviour changes. The impact of an election on democratic development cannot properly be measured without a good ten years of hind-sight, whereupon the pre- and post-election democratic trajectories can begin to be compared. More importantly, perhaps, how does one really know what would have happened had an observation mission not been present? Such counter-factual contemplation is difficult since successful electoral observation or assistance would presumably result in little change to the democratic trajectory. Infrequently can one say with certainty, therefore, that electoral support has had a lasting impact.

For this reason, and in the interest of fairness to the organizations, this report uses both direct and indirect standards for determining the comparative influence of multilateral electoral activities. Indirect criteria include: organization structures and operation, selectivity criteria, evaluation criteria and scope, mission structure and operation, credibility and resolve, and capacity for learning. The two direct criteria are impact on electoral process and impact on democratic development. All eight sub-categories have degrees of overlap with each other and are highly interdependent.

#### *Organizational structure and operations*

The constitution and constraints of the multilateral organization as a whole can have a strong impact upon the behaviour and impact of an electoral mission. This criterion therefore looks at the broad historical, international, financial and organizational advantages and disadvantages that the organization operates under, and their effect on field-level electoral activities.

### *Selectivity Criteria*

Certain minimal conditions are necessary before an international electoral development mission can be deployed. There must be a minimal security environment, sufficient respect for individual and political rights, minimal local institutions to serve as conduit for electoral and democratic development processes (ie. a functioning government and civil society), sufficient local commitment to democratization, and sufficient local commitment to international assistance. Conversely, missions may not be needed where democratic development has suitably progressed. The question then is: to what extent do multilateral organizations properly accept or turn down invitations to observe and assist?

### *Evaluation Criteria and Scope*

The evaluation criteria section assesses a mission's assistance or observation standards against international electoral and human rights norms, international electoral techniques, as well as local needs, political and electoral systems and conceptions of democracy. Scope refers to the extent to which electoral support has sufficient chronological (entire electoral process plus capacity-building follow-up), geographical (urban and rural), functional (technical electoral, mediation, and broader democratic institution-building) and demographic (state and civil society) coverage.

### *Mission Structure and Operation*

This sub-category examines mission reaction time, leadership, personnel selection, training, logistics, the reporting system and cooperation with international and domestic groups. It also looks at the relevance of mission structure and operation to the local context.

### *Credibility and Resolve*

Credibility refers to the level of trust that the international community and local authorities and population place in the effectiveness and impartiality of expertise and evaluation capabilities of a particular electoral mission. Resolve is a component of credibility in that current resolve can lead to future credibility. It asks the question: to what extent has the mission been critical of irregularities or fraud, or conversely, gone the extra distance to serve as an active mediation tool for conflict resolution?

### *Impact on Electoral Process*

A mission's direct impact on the electoral process can be evaluated several ways. Has there been electoral reform since the start of the mission? Was the election a success (high candidate and voter participation, candidate representativeness, respect for results, free and fair, good logistics, democratic winners, will of majority, due regard for minorities)? Was there improvement over past elections and improvement in subsequent elections? Were there specific examples where the mission contributed to electoral reform or a successful election through

assistance, deterrence, negotiation or presence? Finally, was there evidence that the mission led to a significant and pacific reversal of undemocratic electoral results?

### *Impact on Democratic Development*

To what extent has electoral assistance led to greater security, political stability and protection of individual and political rights, and to the development of civil society? This is much more difficult to demonstrate than electoral process impact, however.

### *Capacity for Learning*

In order to measure the potential for future improvement in electoral activity operation and impact, this final sub-category looks at two factors. First, it examines the organization's past record of positive electoral assistance reform. Second, it looks for current signs of learning capacity such as post-mission de-briefings, self-evaluation conferences, open-minded organizational leadership and modest bureaucracy.

## **6. Organization of the Study**

The study is organized into three overlapping though relatively self-contained sections. The two-page *Executive Summary* provides a synopsis of the entire report. The next section on *Comparative Findings* provides a more comparative focus. It summarizes the observations and conclusions of the report and then proceeds to compare each of the five organizations in terms of rankings by sub-category, comparative advantage, and recommendations. Finally, a full *Electoral Activities Review* is presented for each multilateral organization, including background, descriptions of individual missions, observations, conclusions and recommendations.

## **7. About the Author**

Taylor Wentges serves as a Policy Advisor in the Peacebuilding and Human Security Division of the Department of Foreign Affairs and International Trade. In a personal capacity he observed elections in the Philippines (1992) and El Salvador (1994), and worked as a consultant for the OAS Unit for the Promotion of Democracy in 1994. He then served as an Electoral Specialist with the joint OAS-UN International Civil Mission to Haiti for the 1995 Haitian legislative elections. Mr. Wentges returned to University in September 1995 to undertake a Ph.D. in Political Science at the University of Toronto with a specialty in United Nations peacekeeping and democratic development. During the 1993 Canadian federal election he served as a deputy returning officer in Trinity-Spadina Riding; and then in the 1997 elections in Trinity-Spadina, trained all deputy returning officers, served as Assistant Automation Coordinator and was election day head logistics and information supervisor. Articles of his have appeared in Canadian Foreign Policy, Lester B. Pearson Peacekeeping Centre publications, The Toronto Star, and International Peacekeeping. He has travelled and researched extensively throughout Southeast and East Asia, Central America, and the Caribbean.

## 8. Acknowledgements

The author is especially grateful to Mr. Michael Small, Director of the Peacebuilding and Human Security Division in the Canadian Department of Foreign Affairs and International Trade, and Mr. Geoffrey Weir, Deputy Director (Peacebuilding and Democratic Development, Elections) in the same Division, for their efforts in reviewing the various drafts and providing valuable guidance, comments and insight. In a process of extensive consultations, many useful suggestions were also provided by concerned divisions within the Department and from Canadian Missions Abroad. Appreciation must also be extended to Hugh Adsett, Gabrielle Constant, Janet Boyer and Ginette Saucier for their assistance and advice, and for the support from Solange Goulet and the rest of the Peacebuilding and Human Security Division. Above all, the author wishes to thank all those who gave of their time to be interviewed for this project. Responsibility for any errors in fact, interpretation or methodology, however, rests solely with the author.



# COMPARATIVE FINDINGS

## I. OVERVIEW

### *Organization of American States*

The organizational and normative make-up of the OAS brings a number of advantages and disadvantages to OAS electoral activities. Advantages include: the promotion and consolidation of representative democracy enshrined in its Charter; similar culture, language, history and political systems among member-states; and a very strong knowledge base of the technical and contextual processes surrounding Latin American elections. Serious structural problems exist, however. First, a severe shortage of resources and the absence of a permanent source of funding for missions put significant strain on the ability of the OAS to rapidly react to an invitation, and affects the degree of technical assistance that can be provided. Other constraints to a more proactive and efficient OAS include short preparation times from late observation invitations, overall organizational bureaucratic lethargy, a principle of non-intervention entrenched in the Charter, and the convention that Permanent Council decisions are taken by consensus. The latter two factors in particular contribute to sluggish decision-making and member-state micro-management in Democracy Unit programming. Finally, the Unit for the Promotion of Democracy is overstretched and understaffed.

Nevertheless, the Organization of American States generally does well on the ground with respect to electoral activities, and has built up significant credibility over the past decade. In a short period of time, it has gone from small, ad hoc observation missions to more systematic, comprehensive and objective electoral coverage. Greater emphasis must be placed, however, on long-term democratic institution-building, contextual factors, use of domestic observers, evaluation rigour, and cooperation with other international NGO groups. With a more sustainable and proactive approach, therefore, electoral assistance could be improved still further.

It would be wrong to assume that the success of democratic development in Latin America means that electoral activities should be de-emphasized. Since transitional elections still must take place in Haiti and Cuba, and democratic reversals are very likely, even though attention must now be focused comprehensively on the long-term, OAS expertise in observation and electoral technical assistance must not be allowed to atrophy. As the OAS moves on to more comprehensive democratic institution-building, electoral assistance and observation capacity can be maintained through work with domestic groups, and through lateral knowledge transfer to other multilateral organizations. Were funds available, the OSCE, for example, could surely benefit from the longer OAS electoral experience, as the OAS could from the OSCE's expertise in conflict prevention mechanisms.

*Organization for Security and Cooperation in Europe*

Although the OSCE should be commended for well-developed democratic and human norms, and a strong commitment to conflict resolution and democratic development throughout Europe, OSCE electoral missions operate under very serious financial and structural constraints that prevent them from attaining their full logistics, communications and rapid reaction potential. In particular, the effects of an overly de-centralized and confusing headquarters structure, full consensus decision-making and a lack of properly trained staff have been especially noticeable with the Bosnia-Herzegovina missions.

With respect to where and when it provides electoral assistance, there is a sense that the OSCE is largely putting out fires with little strategic direction as to where and when it should observe or assist, and how it should tailor its missions to differing contexts. It has, nevertheless, developed relatively methodical electoral evaluation and assistance criteria, as well as a systematic observation process that includes advance evaluations, long and short-term observers, and briefings and debriefings. Within electoral contexts, however, much more emphasis is still needed on long-term, sustainable democratic institution-building that goes beyond the strictly technical aspects of elections. There has been an inconsistent record in terms of electoral mission credibility and resolve, with the OSCE prior to 1996 lending to the legitimacy to the election of several repressive governments in Central Asia and the Caucasus (Azerbaijan, Kazakhstan, Armenia, Belarus), yet more recently coming down more strongly against electoral violations in Albania and the Federal Republic of Yugoslavia (FRY). The same can be said for overall electoral and democratic impact, with less influence in Eastern Europe and Central Asia, yet substantive results in Bosnia (stability), Albania (democratization) and the Yugoslav Republic (fraud deterrence). With respect to learning, the OSCE has made significant advancements since 1994 in the areas of operational logistics, consistency of electoral methodology and evaluation criteria, and perhaps also in the objectivity and assertiveness of observation mission reports.

Despite a solid self-evaluative norm and impressive learning, presently, the OSCE cannot properly maintain its electoral commitments. Firstly, it simply does not have the financial, manpower and logistical capability to react to so many monitoring requests, as well as conduct such a mammoth operation as is taking place in Bosnia. Secondly, while many Eastern European countries are now moving past their first and second post-Cold War election and are in need of broader, more sophisticated, varied, and longer term democratic assistance, the OSCE has just now only mastered electoral observation and is struggling in the Balkans with the more evolved activity of technical electoral assistance. To put this in general terms, the OSCE is conducting electoral activity in Central Asia, the Balkans and Eastern Europe, despite the fact that Central Asian states are often not ready for such activity, the Balkans is ready yet presents daunting logistical problems, and Eastern Europe has largely graduated past the type of electoral support the OSCE can provide.

With respect to electoral work, therefore, the Organization for Security and Cooperation in Europe should have three main priorities: 1) Develop better mission design and selection



criteria commensurate with its broader goals; 2) Enhance its logistical and communications capacity; and 3) Place greater emphasis on long-term democratic institution-building.

### *The Francophonie*

The chief advantage of the Agence de la Francophonie (ACCT) missions is that they come with the backing of a 49-member organization of mostly sovereign states that share strong links of French language, culture, heritage and political and legal systems. This lends credibility of numbers and knowledge to electoral conclusions within Francophonie states. ACCT electoral activities further benefit from the presence of a strong cultural norm of long-term member support, as well as five years of networking and experience within members' political and electoral institutions. However, as with other multilateral organizations, the presence of so many sovereign states leads to watered down resolve and deployment delays as the ACCT may not observe or provide assistance unless invited to do so by a member-state. This is further compounded by cohesion problems as Francophonie members have few geographic or collective security links and a limited agreement on democratic or human rights norms. An association based largely on language and culture, therefore, must tolerate membership with very disparate political systems (Canada, Niger, Rwanda, Vietnam) and degrees of democracy and development, making logistical arrangements and political decisions more problematic. In turn, this may bend the realistic problem-solving approach into an organizational predisposition towards stability over genuine democracy. Any attempt at reform would therefore have to address these difficult conditions under which ACCT electoral support must operate.

With respect to election missions themselves, the Francophonie generally is observing and providing assistance where it should be doing so, but needs stricter conflict-of-interest guidelines and a policy on when to accept late observation invitations. Once the decision is made to accept an invitation, however, actual observation unfortunately lasts for only several days and often is limited to the capital. Moreover, technical assistance tends to be confined to monetary and in-kind support with little post-electoral follow-up and contribution to broader democratic institution-building. While late invitation and funding difficulties are part of the problem, for an organization that prides itself on realistic, long-term electoral development, greater effort must be placed on instilling a longer-term ethic with its electoral observation activities.

The Francophonie currently is uncomfortable with the use of evaluation forms and criteria, preferring verbal debriefings and case-by-case considerations to universal standards. Although the Francophonie should be commended for its emphasis on contextual understanding, the excessive ad hoc nature of ACCT electoral support leaves missions vulnerable to improper bilateral, local and patronage influences. Election activity also suffers from inadequate planning, logistics and debriefing procedures. Improved operational mechanisms would lead to better rapid reaction, broader geographic and chronological coverage, a higher profile for the ACCT in-country, and greater impact through information-sharing. The problems noted above have created serious credibility problems for the Francophonie, and diminished confidence in its ability to make accurate, resolute and sustainable electoral evaluations and assistance.

Of those interviewed, few generalized that the Francophonie had made a noticeable impact on the efficiency and credibility of electoral systems within the Francophonie. With respect to specific missions, however, there is strong evidence to show that the Francophonie did play an important role in the Comoros in 1996 by providing a great deal of hands-on technical advice to the electoral authorities and by serving in a useful conflict resolution role among the political parties. It is instructive to note that this mission enjoyed sound and professional leadership and remained in-country for about twice as long as the average ACCT mission. In Burkina Faso, electoral involvement reportedly had a moderating influence on the tone of the electoral process. There has been little direct evidence of Francophonie impact on more fundamental and long-term democratic development through its membership.

In sum, Francophonie electoral activities benefit from cultural and institutional similarities among its very broad multilateral membership, a realistic and supportive approach to electoral and democratic development, and a body of knowledge and contacts acquired through five years of electoral support within member-countries. Serious problems with the scope, consistency, professionalism and credibility of election missions, however, are preventing the ACCT from achieving its full electoral and democratic impact potential. As for the future, structural constraints and a weak learning ethic limit the likelihood of meaningful reform of Francophonie electoral activity in the short to medium-term.

### *The Commonwealth*

Commonwealth electoral activities benefit from a moral authority derived from the large number of member-democracies, Harare Declaration human rights and democracy principles, and assertive high-level actions against Rhodesia, Apartheid South Africa and present-day Nigeria. Moreover, a shared sense of history, language, and political and legal structures gives the Commonwealth a significant advantage when providing electoral support to its own members. These advantages are frustrated, however, by the perception that the Organization tends to be too London-focused, the restriction that it can react only when called upon to do so by a member state, Secretariat leadership that tends to be too cautious and tentative, and a striking manpower and financial imbalance within the Secretariat away from democratic and electoral development.

At the mission level, the Commonwealth has shown good judgement in deciding where and when to assist and observe, with attention generally given to non-routine contexts such as transitional elections (South Africa, Tanzania, Sierra Leone, Malawi, Cameroon), fragile democracies (Bangladesh, Pakistan, Ghana) and confidence-building elections (St. Kitts and Nevis and Papua New Guinea). Invitations to clearly undemocratic elections such as Zambia 1996 and the Gambia 1997 have been turned down. In terms of operational capacity, Commonwealth missions provide very good logistics, professional observer support, and rigorous and well-established procedures. However, electoral activities tend to be too pre-packaged with insufficient attention to contextual and civil society components of an election, limited geographic and chronological scope, and sparse attention to long-term democratic follow-up to its observations. Greater regard should also be given to the selection of observers. To their credit, Commonwealth observers bring much eminence, life experience and geographic

diversity to the mission, but since they are largely drawn from the formal institutional roles - MPs, diplomats, government ministers, electoral commissioners - they carry inadequate understanding of, and contacts with, informal or grassroots civil society, and have a tendency to err on the side of governments.

Having said this, the Commonwealth should be commended for its resolve to be critical of the Gambia 1996 and Cameroon 1997 legislative elections, and its decision to provide more extended governmental recommendations following the Pakistan 1997 and Papua New Guinea 1997 elections. The extended mandate provisions were not used in Cameroon to address the deeper causes of electoral irregularities, however, suggesting perhaps that the Organization may still be hesitant to use this new tool. Finally, the degree to which the Commonwealth has made a difference in the electoral and democratic development field is hotly contested - some feeling it has made little difference, some believing it has had a significant impact. Looking at specific missions, however, there is direct evidence to suggest that missions have brought electoral improvements to South Africa, Ghana, the Gambia, Pakistan, Bangladesh and Papua New Guinea, and contributed to long-term democratic benefits to Pakistan.

In sum, despite a well-developed comparative advantage in professionalism and rigour, Commonwealth election missions still tend to be somewhat top-heavy and flat-footed. That is to say, while they can involve assertive, innovative and far-reaching recommendations, these often remain founded upon rather unpenetrating and short-term observations, accompanied by limited attention to democratic institution-building. Commonwealth learning capacity, therefore, can best be described as uncertain.

Several considerations were raised by those interviewed for this study concerning the future of the Commonwealth's role in elections. First, if the Commonwealth is to maintain and improve upon its electoral activities, resources need to be augmented on the political side of the organization. Second, while the Commonwealth may have been more influential to electoral and democratic reform in the developing world during the early post-Cold War years up to the South Africa election in 1994, since then a proliferation of multilateral and NGO electoral involvement has significantly reduced the Commonwealth's electoral market share and comparative advantage. This post-South Africa increase in competition makes it all the more necessary for the Commonwealth to focus on what it can do best in the field of electoral-democratic development. Finally, concerns were raised by some of those interviewed for this study that recent attempts by Africa to chart its own course (Uganda, DR Congo, ECOMOG, larger role for OAU) have affected to an extent the significance of Commonwealth electoral missions. A tension clearly exists between the potential professionalism and unity benefits of a London-focused organization and the advantages that come with more decentralized diversity. There have been suggestions, for Africa at least, that perhaps a larger electoral role needs to be born by the OAU, the UN and domestic observers and NGOs.

*United Nations*

With the resources that the United Nations can draw upon, it is difficult for other international multilateral organizations to compete with its breadth of expertise, experience, and contacts. Unfortunately, however, with the recent proliferation of ethnic violence, peacekeeping failures in Bosnia, Somalia and Rwanda, a renewed focus on UN inefficiency and waste, and member-state domestic emphases on deficit reduction, the organization's radius of action has been severely restricted. Together with the national trend to move beyond early post-Cold War transitional elections, these limitations contributed to a mid-1990s UN electoral policy shift towards stricter mission selectivity, smaller, more cost-effective observer coordination and technical missions, and sovereignty sensitive capacity-building. With at least five UN headquarters agencies directly involved in electoral assistance, field work is also constrained by the traditional bureaucratic problems of agency overlap, miscommunication, and implementation delays.

The United Nations should be commended for making a strong effort to be more selective where it assists. It is not unusual for a request to be turned down due to inadequate lead-time from a late invitation or inappropriate electoral context. However, many feel that the organization is still too automatic in its mission acceptance, and needs to articulate stricter selectivity criteria. Despite the comparative advantage in experience and expertise, recent observation coordination and technical assistance missions have also been criticized for an over-emphasis on the mechanical and technical, with insufficient attention to long-term capacity-building at the management level and sensitivity to local democratic variations. Moreover, although missions have decreased in size and budget considerably, observation coordination missions are still plagued with serious communications and logistical problems due to corresponding increases in field-level de-centralization. Credibility and resolve have become less of a direct problem for the UN since it has moved away from fraud deterrence and into a technical assistance and observation coordination role. However, this is still indirectly problematic since the final reports of the collective observer group membership tend to have lowest common denominator conclusions that can implicate the United Nations if they ignore obvious electoral irregularities.

In terms of electoral impact from the mid-1990s on, the organization has had a strong effect in the areas of voter education, domestic observation in Mexico, and through its ability to coordinate and encourage donor activities. With respect to observation coordination, there have been some successes, but recent missions to Algeria and Liberia have raised questions due to narrow scope and problematic logistics and communications. The long-term effects of technical assistance to electoral authorities also remains an open question. Beyond the direct electoral influence of UN missions, confidence-building and developmental activities in Eritrea and Malawi have likely had a sustainable influence, while Mexico and South Africa missions contributed to a deeper sense of democracy through support for national observers and civil society. Finally, while the democratic impact of the United Nations assistance in Eastern Slavonia, Croatia is open for debate, electoral organization may have served as a valuable conflict resolution tool - giving greater legitimacy to democratic leaders, and promoting peaceful

inter-ethnic contact. In the majority of electoral assistance cases, however, the extent that the United Nations has fostered sustainable democratic development remains uncertain.

With the recent reform package of the Secretary-General, and the recent commitment to smaller, more cost-effective observation and coordination missions and sustainable technical assistance, the United Nations has demonstrated an impressive capacity for self-reform. Unfortunately, however, much of the new focus seems to have been on saving money and respect for sovereignty as ends in themselves, and less attention given to sustainable capacity-building except as a means to cost-cutting and non-intervention.

### *General*

Several general observations emerged from this study, reflected across electoral activities of each of the five multilateral organizations.

- First, more emphasis needs to be placed on long-term electoral observation. As many countries move into their second or third post-Cold War multi-party election, irregularities and fraud are becoming more sophisticated and are moving away from election day to the earlier campaign and nomination periods and later to count and tabulation phases.
- Second, mechanical technical electoral assistance must be augmented by deeper and more sustainable democratic-institution building. It is not enough to simply provide electoral authorities with computers or tell them how to conduct a registration process. Officials at all levels must experience learning by doing, not learning by watching, and electoral institution-building should be complemented by human rights monitoring, police development, governance training and judicial and legislative reform.
- Third, the focus must be brought further down into the grass-roots civil society. For a sustainable democracy, assistance to the press, political parties, community groups, trade unions and local governments are just as important as more formal institutional support.
- Fourth, there is a need to shift the emphasis away from supply-side concerns for cost-effectiveness and rigid universal criteria towards more demand-side local needs. A movement is emerging, especially in Africa, that recognizes the importance of local realities and conceptions of democracy, and promotes domestically designed and implemented electoral and democratic development programs.
- Fifth, fiscal and structural constraints do exist for multilateral organizations, however. For that reason, such bodies must make greater efforts to cooperate with each other and with international and domestic NGOs in the areas of information sharing, expertise exchange and division of responsibility.

- Sixth, in sovereignty-sensitive or more stable emerging democracies, more resources and attention should be given to developing the organizational and knowledge capacity of domestic election observers.
- Seventh, all five multilateral organizations need to generate more context-sensitive mission selection and composition criteria. Presently, there is too much automatic acceptance of mission invitations without proper consideration of the consequences, and too little tailoring of support to specific contexts.

### *Third Generation Electoral Development*

Without a doubt, electoral observation and assistance has made great advances since the pre-1989 days of infrequent, ad hoc and weak missions. First, with the end of Soviet-American tensions and the relaxation of the sovereignty principle, electoral observation was incorporated into broader post-conflict, multi-functional peacebuilding, and was complemented by new electoral roles such as technical assistance, supervision, mediation and even control. Second, this proliferation of electoral missions precipitated the use of systematic and uniform observation principles, criteria, and methods. Third, there were more comprehensive missions in terms of amount of time devoted to the process, numbers of observers and geographic coverage. In short, today, multilateral electoral support is better organized, is more consistent, and has more clout - but still tends to lack sufficient depth. That is to say, electoral activities often still favour the short-term, the technical, and are pre-occupied with the formal sectors of society.

Be it the Francophonie in sub-saharan Africa, the OAS in Central America, the OSCE in the Balkans, the UN in the Middle East, or the Commonwealth in East Africa, mounting evidence of inadequate impact of this electoral support and the reality that many states are moving beyond their first multi-party transitional election, demonstrates the need for multilateral institutions to progress to a third generation of electoral development. Such development involves a deeper and more cooperative emphasis on grass-roots civil society, long-term capacity-building, and local needs.

To achieve such Third Generation depth the following is suggested:

- Develop a typology of elections so as to better decide the needs and mandate of potential multilateral electoral missions. Elections could be differentiated according to causes of electoral problems, the electoral system, governmental level of election, degree of electoral development, stability of the peace process, threat of electoral fraud, and need for electoral mediation. This could hopefully lead to better resource management, and better differentiation of peacebuilding missions.
- Related to this, develop a typology of electoral missions reflecting the following dimensions: 1.) extent of observation, technical assistance, supervision or mediation required; 2.) bilateral vs multilateral vs NGO-leadership; 3.) international vs domestic personnel; 4.) qualifications of mission personnel; 5.) concurrent peacebuilding activities

such as security, policing, institution-building, socio-economic development etc.; and 6.) geographical and chronological coverage and stages of a mission.

- Link the two. For example, in a transitional electoral context defined by high official and public desire for genuine elections and democracy and for international aid (Haiti 1995), electoral support could emphasize extensive technical assistance by international professionals, a modest observation effort, and concurrent broad and long-term peacebuilding undertakings. With an election, however, that suffers less from absence of electoral experience or ability, but more from an incumbent regime determined to remaining in power through electoral fraud or manipulation (Federal Republic of Yugoslavia 1997, Kenya 1997), a high profile electoral observation mission coupled with the threat or promise of international sanctions or inducements is perhaps the better route to go.

Where the problem is less electoral-democratic development or government good faith, but more lingering or newly created distrust among the political parties in a post-transitional period (Dominican Republic 1994/96, Papua New Guinea 1997, Mali 1997, Guyana 1997), any international mission should include a strong mediation component equipped with highly respected and diplomatic mission leadership, and be prepared to stay on the ground indefinitely. Moreover, every effort should be made to involve domestic personnel in observation and mediation efforts.

Finally, in post-transitional societies where party distrust is coupled with a strong sense of national sovereignty, electoral observation led by domestic (Mexico 1994) or international non-governmental organizations (Jamaica 1997) has shown positive results.

## II. RANKINGS

This section uses a five point scale (weak, needs improvement, fair, good, very good) to compare how each organization performed within the various sub-categories. It should also be emphasized that these results reflect both comparison against absolute criteria as well as against the performance of other multi-national organizations.

### By Organization

#### 1. Organization of American States

Organizational Structure	Needs Improvement
Mission Selectivity Criteria	Fair
Evaluation and Scope	Good

Operations	Good
Credibility and Resolve	Good
Impact	Good
Potential	Very Good

## 2. Organization for Security and Cooperation in Europe

Organizational Structure	Needs Improvement
Mission Selectivity Criteria	Weak
Evaluation and Scope	Fair
Operations	Fair
Credibility and Resolve	Fair
Impact	Fair
Potential	Very Good

## 3. The Francophonie

Organizational Structure	Needs improvement
Mission Selectivity Criteria	Good
Evaluation and Scope	Weak
Operations	Weak
Credibility and Resolve	Needs improvement
Impact	Needs improvement
Potential	Needs improvement

## 4. The Commonwealth

Organizational Structure	Fair
Mission Selectivity Criteria	Very Good
Evaluation and Scope	Weak
Operations	Very Good
Credibility and Resolve	Fair
Impact	Fair
Potential	Fair (uncertain)

## 5. United Nations

Organizational Structure	Needs improvement
Mission Selectivity Criteria	Good
Evaluation and Scope	Needs Improvement
Operations	Fair
Credibility and Resolve	Good
Impact	Good
Potential	Very good



**By Sub-category****Organizational Structure**

OAS	Needs improvement
OSCE	Needs improvement
The Francophonie	Needs improvement
The Commonwealth	Fair
UN	Needs improvement

**Mission Selectivity Criteria**

OAS	Fair
OSCE	Poor
The Francophonie	Good
The Commonwealth	Very Good
UN	Good

**Evaluation and Scope**

OAS	Good
OSCE	Fair
The Francophonie	Weak
The Commonwealth	Weak
UN	Needs improvement

**Operations**

OAS	Good
OSCE	Fair
The Francophonie	Weak
The Commonwealth	Very Good
UN	Fair

**Credibility and Resolve**

OAS	Good
OSCE	Fair
The Francophonie	Needs improvement
The Commonwealth	Fair
UN	Good

**Impact**

OAS	Good
OSCE	Fair
The Francophonie	Needs improvement
The Commonwealth	Fair
UN	Good

**Potential**

OAS	Very Good
OSCE	Very Good
The Francophonie	Needs improvement
The Commonwealth	Fair (uncertain)
UN	Very Good

**III. RECOMMENDATIONS FOR THE MULTILATERAL ORGANIZATIONS**

Based on the recommendations of those interviewed, as well as an examination of policies, structures and electoral missions of the five organizations, general and specific recommendations are suggested for improving the electoral and democratic development impact of multilateral election support.

**Organization of American States**

- Develop comprehensive mission selectivity criteria that take into account the nature of the elections and the purpose of the observation.
- Develop comprehensive observer guidelines that achieve a proper balance between universal criteria and contextual considerations.
- Look into the prospects of more division of labour with relevant NGOs, while at the same time maintaining the integrity and weight of OAS report conclusions.
- In less critical elections, delegate more observation responsibility to domestic observer groups.
- Maintain electoral observation capability, but complement this with greater efforts towards long-term democratic institution-building.
- Improve the quality of heads of mission, and professionalize the observer recruitment procedures.
- Increase the length of observation missions.
- Increase the thematic scope of observation missions to include more political and human rights considerations.

- Provide a greater separation of electoral observation activities from technical assistance activities, perhaps placing observation responsibility with the Secretary General and assistance activities in the Unit for the Promotion of Democracy.
- Look into the possibility of short-term personnel exchanges between the OAS and other regional organizations such as the OSCE or OAU.
- In short, more emphasis should be placed on longer missions, non-technical observation criteria, comprehensive democratic development, NGO partnerships, evaluation rigour, and the quality of mission personnel.

### **Organization for Security and Cooperation in Europe**

- Develop clear and comprehensive guidelines as to when an electoral mission is deployed and how it is constituted.
- Improve long-term planning and coordination.
- Liaise, coordinate and possibly conduct short-term personnel exchanges with other international organizations such as the OAS that have already acquired significant electoral assistance and long-term democratic institution-building expertise.
- Increase and professionalize electoral and logistical staff, and establish a more central electoral coordinating body.
- Identify country-specific problem areas for electoral focus.
- Provide more long-term electoral coverage.
- Give more attention to non-technical electoral matters such as political context, opposition parties, the media, political institutions, rule of law and informal sectors.
- Delegate more responsibility to domestic officials and observer groups.
- Provide more rational integration of OSCE components (ie. Office for Democratic Institutions and Human Rights, Parliamentary Assembly, Secretariat, Chairman-in-Office).
- Establish strategic long-term OSCE priorities.
- In short, more emphasis should be placed on professionalization and rationalization of electoral assistance, long-term sustainability, and strategic prioritizing.

### **The Francophonie**

- Emphasize longer term electoral observation.
- Utilize broader geographic in-country coverage during electoral observation.
- Develop more consistent electoral observation and assistance criteria. Utilize a number of published general electoral and democratic guidelines, as well as country-specific guidelines.
- Establish conflict-of-interest and invitation time-frame guidelines for electoral observation.

- Develop a stronger professional ethic within the ACCT Secretariat.
- Place more emphasis on selecting high quality mission leadership
- Provide more emphasis on democratic institution-building follow-up activities.
- Shift the overall emphasis away from electoral observation to electoral-democratic development.
- Develop stronger cooperative arrangements with the Commonwealth, UN and OAU, as well as with international and local NGOs.
- Hold regular post-mission self-evaluation sessions, and ensure that they include non-ACCT participants.
- Implement the Dakar Seminar's recommendations. (see Chapter on Francophonie, Capacity for Learning section).

With respect to the broader structural environment:

- Maintain the long-term cooperative and supportive ethic.
- Place greater emphasis on electoral expertise in selecting secretariat and mission personnel.
- In terms of Africa, place greater emphasis on locally designed and led initiatives - both in terms of the state as well as civil society.
- In short, more emphasis should be placed on long-term democratic institution-building, local needs, professionalism, observation consistency, cooperation with NGOs and other multilateral organizations, and self-evaluation.

### **The Commonwealth**

- Emphasize longer-term observation with more time spent away from hotel briefings.
- Delay writing of the final observation report until after the announcement of election results. A preliminary report may precede this.
- Use more eminent persons from informal and grassroots sectors of civil society as electoral observers.
- Develop more context-driven observation criteria that takes into consideration both formal and informal sectors.
- Emphasize greater use of extended mandates in electoral recommendations.
- Provide more attention to post-observation long-term democratic development.
- Resources need to be shifted away from socio-economic programs towards the political side of the organization. and then augmented.
- Come to agreement on the Commonwealth's strategic direction.
- In short, more emphasis should be placed on long-term democratic institution-building, grass-roots civil society, context-driven observation criteria, and overall Commonwealth strategic prioritizing.

## United Nations

- Place greater emphasis on long-term sustainable, capacity-building.
- Develop stricter mission selectivity criteria.
- Give more attention to locally-designed and implemented initiatives.
- Let decisions on which electoral assistance tools are to be used (peacekeeping, technical assistance, verification, coordination etc.) be dictated less by supply-side costs and reactions to past experience, and more by demand-side local needs and contexts.
- As such, develop a strategic framework where a general set of electoral assistance tools can be matched to a set of domestic situations.
- Emphasize greater rationalization and integration of electoral agencies at HQ level.
- Become more information-based.
- Appoint a director to the Electoral Assistance Division, and re-evaluate staffing needs.
- Continue to develop partnerships with regional organizations and NGOs such as the International Foundation for Electoral Systems (IFES) and the International Institute for Democracy and Electoral Assistance (IDEA).
- Continue to focus on national observers in non-transitional, and more stable emerging democracies.
- Continue to serve as a facilitator for donor coordination.
  
- In short, more emphasis should be placed on sustainability, local needs, Headquarters rationalization, donor coordination and domestic observer facilitation.



# ORGANIZATION OF AMERICAN STATES

## ELECTORAL ACTIVITIES REVIEW

### 1. SUMMARY

The organizational and normative make-up of the OAS brings a number of advantages and disadvantages to OAS electoral activities. Advantages include: the promotion and consolidation of representative democracy enshrined in its Charter; similar culture, language, history and political systems among member-states; and a very strong knowledge base of the technical and contextual processes surrounding Latin American elections.

Serious structural problems exist, however. First, a severe shortage of resources and the absence of a permanent source of funding for missions puts significant strain on the ability of the OAS to rapidly react to an invitation, and affects the degree of technical assistance that can be provided. Other constraints to a more proactive and efficient OAS include short preparation times from late observation invitations, overall organizational bureaucratic lethargy, a principle of non-intervention entrenched in the Charter, and the convention that Permanent Council decisions are taken by consensus. The latter two factors in particular contribute to sluggish decision-making and member-state micro-management in Democracy Unit programming. Finally, the Unit for the Promotion of Democracy is overstretched and understaffed.

Nevertheless, the Organization of American States generally does well on the ground with respect to electoral activities, and has built up significant credibility over the past decade. In a short period of time, it has gone from small, ad hoc observation missions to more systematic, comprehensive and objective electoral coverage. Greater emphasis must be placed, however, on long-term democratic institution-building, contextual factors, use of domestic observers, evaluation rigour, and cooperation with other international NGO groups. With a more sustainable and proactive approach, therefore, electoral assistance could be improved still further.

It would be wrong to assume that the success of democratic development in Latin America means that electoral activities should be de-emphasized. Since transitional elections still must take place in Haiti and Cuba, and democratic reversals are very likely, even though attention must now be focused comprehensively on the long-term, OAS expertise in observation and electoral technical assistance must not be allowed to atrophy. As the Organization of American States moves on to more comprehensive democratic institution-building, electoral assistance and observation capacity can be maintained through work with domestic groups, and through lateral knowledge transfer to other multilateral organizations. Were funds available, the OSCE, for example, could surely benefit from the longer OAS electoral experience, as the OAS could from the OSCE's expertise in conflict prevention mechanisms.

## 2. BACKGROUND

### Organizational History

As a mechanism for Hemispheric defense and as a counter-weight to the United Nations, the Charter of the Organization of American States was signed in Bogota in 1948, and gave the OAS four main tasks: collective security; pacific settlement of disputes; hemispheric development; and hemispheric integration. The first has fallen by the wayside, with conflict resolution, development and economic integration remaining the key focus. With respect to development, human rights defence and promotion gained greater currency during the 1970s, and democratization began to receive serious attention from 1985 on. By the mid-1990s, democratic promotion came to dominate much of what the OAS did, with electoral observation and assistance by far the most active, visible, and costly component.

### Electoral Activities

Today, the bulk of the Organization's electoral activities is handled by the Unit for the Promotion of Democracy (UPD), which reports directly to the Secretary General. It provides advisory services or assistance in preserving or building up Member-States' political institutions and procedures, with electoral support falling under the Electoral Technical Assistance Section and electoral observation the responsibility of the Special Programs Section. Two other sections are the Democratic Institution-Building Section and the Dialogue/Democratic Forum Section.

The OAS accepts all requests for electoral assistance or observation, and funds them exclusively with extra-budgetary resources. Long-term missions are generally sent to transitional or fraud-threatened elections (Nicaragua, Suriname, Dominican Republic) while short-term missions target the more routine elections (Ecuador, Panama, Honduras). Once a request is received, a privileges and immunities agreement is signed with the host government as well as with the host electoral authority. The Secretary General then appoints a personal representative and selects a group of observers. These observers are civilians from Member States and may include OAS staff, and government and non-government persons. OAS electoral missions coordinate with non-governmental organizations (NGOs) and other multilateral organizations, and may involve observation, complaint transmittal, evaluation, recommendation, technical assistance, parallel vote tabulation and conflict resolution. Electoral missions generally tend to have technical assistance or observer mandates, with the two sometimes represented in one mission.

## 3. INDIVIDUAL MISSIONS

### *1990-1993 Missions*

Electoral missions during these years can best be described as very inconsistent and ad hoc. They ranged from the larger missions of Nicaragua (1990), Haiti (1990), Suriname (1991),



Peru (1992), Paraguay (1993) to the smaller missions such as El Salvador (1991), Honduras (1993) and Venezuela (1993), with quality largely dependent on who was in charge of the mission. In terms of logistics, credibility and impact, the more successful missions include Nicaragua, Haiti, Suriname and Venezuela - Nicaragua and Haiti for their comprehensive coverage in transitional elections, Suriname for its peace-building component, and Venezuela for serving as a thwart to military intimidation and fraud. El Salvador and Honduras missions on the other hand have been criticized for very poor organization, reporting mechanisms and quality of observers, while the Paraguayan and Peruvian operations have received criticism for being excessively pro-government. As the decade progressed, however, while missions still varied in their degree of positive impact, they did gradually become more consistent and professional.

#### *Panama 1994*

The May 8 general elections went smoothly, with few expectations of problems and with few complaints. Accordingly, the OAS electoral mission small and fairly routine mission - arriving a week prior to the election. It conducted an observer training session on the electoral system, complaint procedures, and the possibilities of fraud, and then covered 8 of 9 provinces on election day.

#### *Dominican Republic 1994*

It was appropriate that the OAS observed this general election since past elections had demonstrated a high risk of fraud. While the country had not experienced authoritarianism since 1965, fraud had had a significant impact on subsequent electoral results, allowing Joaquin Balaguer to win repeated presidential elections. The OAS sent 27 observers, the first arriving on April 25, and most leaving shortly after the May 16 election day. Technical assistance had also been provided since July 1993 with respect to the voter identification process, the registration process, and the electoral commission's internal coordination. The mission cooperated well with other observer groups, including a sizable contingent from the National Democratic Institute (NDI).

The process up to election day had been relatively calm with isolated incidents of violence. Voter turn-out was also very high - 87%. However, as election day progressed, it became apparent that there were many irregularities favouring Balaguer. The fact that the margin of victory for Balaguer - 1% - was less than the margin of irregularities brought the situation to critical levels. The OAS expressed grave concerns that a significant number of citizens could not exercise their franchise, but continued to support a dialogue between the ruling party and the opposition. In this respect, the mission acted as a mediator between the two sides, first contributing to the establishment of a verification commission to examine the results, and then facilitating a Pact of Democracy in which both sides agreed that new elections would be held within 18 months and Balaguer would not be eligible to run again.

Some have criticized the Organization for slipping into a mediation role, instead of coming out more strongly against the irregularities. Since the mission did not push harder for

immediate reversal of the results, there have also been questions about whether the OAS was biased in favour of the government, as well as controversy over the extent to which it was OAS or U.S. pressure that led to the partial reversal.

The impact of the OAS was significant, however. Firstly, OAS assurances of its objectivity encouraged the opposition to remain in the process prior to election day. Second, the OAS provided a face-saving mechanism that U.S. pressure could not, and therefore helped to avoid civil unrest. Third, because of the Pact of Democracy, two years later, Balaguer was gone, the country had not undergone unrest, and the Dominican Republic had its most democratic election in 30 years. In short, through OAS efforts fraud was not allowed to go unchecked, and the country was definitively set on a course to more democracy. It was also the only post-1989 occasion in which an OAS electoral observation mission did not sanction the election results.

#### *Peru 1995*

The 1995 general elections were a significant improvement over the 1992 elections. In 1992, two major parties refused to participate, with the OAS providing little coverage and downplaying significant irregularities. The mission's evaluation became skewed as a result. While there is still some debate as to whether the 1995 OAS observation was retroactively sanctioning the Autogolpe of 1992, and whether it had given enough attention to contextual factors such as level of intimidation, most commentators generally see the OAS as having played a positive role in keeping the government relatively honest. Of particular note was the comprehensive coverage of the country, as well as the very timely assessment of the process after election day. Following the elections, the Organization engaged in three technical assistance projects: the creation of a new electoral law; municipal level capacity-building; and the establishment of an electoral documentation and information centre.

#### *Haiti 1995*

##### June 25 Legislative and Municipal Elections

This mission began in early February 1995 as an extension of the human rights mandate of the joint OAS/UN International Civil Mission to Haiti (MICIVIH). The roughly 120 MICIVIH observers conducted both human rights and electoral monitoring until May 1, after which a completely separate OAS mission took over the electoral observation responsibilities. By election day, the OAS had 320 observers in the field, roughly half seconded for several days from the MICIVIH. The OAS continued its observation through to the second round elections in September.

The June 25 elections had serious logistical problems due to the novelty of elections in Haiti, the rough terrain and the lack of experience of electoral officials. Despite these problems, however, there was no evidence of systematic fraud, and no evidence that the logistical irregularities favoured one party or another. Where such irregularities were overwhelming, re-

run elections were held with observed improvements in the electoral management. Significant logistical improvements were also noted in the second round. The turn-out was unfortunately only 25%, but at least it was not a decline compared to the 1990 elections. Over threats by the anti-Aristide parties to boycott the second round, the OAS chose to support the electoral process since it was run in good faith, the problems affected all parties, and the election represented an important step in Haiti's democratic evolution. In its final report, the OAS made suggestions for logistical improvements, development of civic education, and party development.

Some felt that the OAS should have taken opposition complaints more seriously. However, many of these views reflected U.S. Republican beliefs that President Aristide was too leftist. One also had to consider that the complaining parties were the ones that had lost overwhelmingly to Lavalas, the pro-Aristide party. A complete annulment of the elections would also likely have been de-stabilizing given the vast public support for Aristide, and the risk of a decline in the credibility of the electoral process. In hindsight, with the significant improvements in subsequent elections, many feel the OAS was right to dispassionately stand its ground against opposition and U.S. Republican pressure, and come out in a timely and decisive manner in favour of the electoral process.

In sum, the consensus is that the OAS provided professional and comprehensive coverage, observed the right things, provided good deployment, training, and leadership, and under the circumstances, had acceptable logistical capabilities. The OAS also received credit for the novel cooperation with the human rights activities of the MICIVIH in the areas of logistics, reporting and training.

#### December 17 Presidential Elections

In a similar fashion to the June elections, the OAS had 300 observers in Haiti by election day, half of them human rights observers seconded from the MICIVIH. As an operational improvement over June, however, the head of the OAS mission was the same person as the head of the MICIVIH, and in addition to traditional observation, facilitation and quick-count responsibilities, the new mandate included a preventive supervision role.

The presidential elections were logistically much improved over June's, partly due to the ease of dealing with far fewer candidates, but also to a significant degree because of administrative improvements. In addition, the election was quiet with moderate turn-out, enjoyed widespread political party participation and acceptance of the results, and witnessed a more open and effective electoral commission. As the OAS noted, however, problems with turn-out, civic education and party development still remained.

In terms of impact, December's elections saw improved logistics, transparency and better informed voters - a tribute to OAS resolve in June, and the appropriateness of its recommendations. Overall, the Organization of American States provided good evaluation and scope, had excellent contacts at all levels of society, and helped to legitimize the Haitian electoral process.

*Guatemala 1995*

The OAS provided 52 observers to the November 12, 1995 first round general election and 60 to the second round on January 7, 1996. The mission operated from the end of October to mid-January, and included observer training sessions, coverage of most of the country, a quick-count, and cooperation with the European Union, the United Nations (MINUGUA) and diplomatic missions. In the final report, the Organization of American States concluded that the process was transparent and free, and without irregularities that could alter the normal course of the election. Due to the problematic low turn-out, however, the OAS called on a group of experts to analyze this problem and identify obstacles to high turn-out. This group emphasized the importance of strengthening and modernizing the process of identification and registration, as well as improving civic education.

Operationally, there were many complaints that the OAS arrived too late - just three weeks prior to the election and therefore couldn't cover party problems - and that the forms were too complex and put together at the last minute. Logistics, cooperation with other groups, observer quality, and geographic and thematic coverage was good, however. In terms of credibility and resolve, the mission leadership was widely criticized for being too accommodating with the authorities, with election-night power outages downplayed and little attention paid to the political context. Nevertheless, it was telling that right wing elements were more suspicious of the OAS than left wing groups.

Given the transitional nature of the election, and the fact that it was conducted in good faith and executed by a generally competent electoral tribunal, the OAS was right to be present, to provide its high-level support, and to contribute post-mission technical recommendations. Overall, therefore, the mission was generally successful, but in need of a lengthier stay, better planning, and more evaluatory resolve.

*Dominican Republic 1996*

Significant electoral reform had taken place since the 1994 election. To avoid destabilizing narrow plurality victories, the constitution was reformed to require a second round if a 50% majority was not achieved in the first round. In addition, one-term presidential limits were introduced, faster counting processes developed, and many of the key people in the electoral commission replaced. Much of this was a direct outcome of the OAS-brokered 1994 Pact of Democracy. With respect to the May 16 and June 30 election days themselves, they were the calmest in 30-years, with a very high turn-out, few complaints, strong public support for the process, and for the first time, the presence of a 1140-strong domestic group called "Participacion Ciudadana" which observed the elections and performed a quick count.

The OAS observation mission consisted of about 25 observers, arrived shortly before the election and deployed to eleven of the provincial capitals. Although the mission arrived too late, its coverage was good and there was strong public opinion and media support for the mission. More importantly, the OAS impact was significant in that the Pact of Democracy encouraged

reforms, and the presence of the mission helped to secure a pledge by the parties to accept the results.

#### *Ecuador 1996*

Since this general election went very smoothly, and was neither a transitional one nor one with a significant threat from undemocratic forces, this did not provide a real test for OAS capabilities and therefore is somewhat difficult to evaluate. Indeed, some have argued that with such a calm climate, resources may have been better spent elsewhere. 51 observers monitored the May 19 first round, including a significant number of electoral experts, local embassy staff and expatriates, and 48 monitored the July 7 second round. They arrived on May 12 and covered most of the country with a very good reporting methodology. The voting went smoothly with a high turn-out, and the election of the country's first woman vice-president.

The final OAS report claims that this was the first time that an electoral mission both observed and advised, and was jointly technical and political in nature. While technical recommendations were made on how to update and modernize the voter registry, this was also done in Haiti, Nicaragua and the Dominican Republic among others. Furthermore, there was no evidence in the report of any political observations or recommendations. The mission was sound overall, however, and is considered by the OAS to be a model observation mission in that it consisted of a small number of professional monitors, involved the local international community, and provided technical recommendations.

#### *Suriname 1996*

This mission was undertaken as part of an OAS peace-building strategy that commenced after the 1991 general elections. Observation and assistance in both elections was accompanied by the OAS Special Mission to Suriname's conflict resolution diplomatic efforts, disarmament and reintegration support, and assistance in strengthening of democratic institutions. In 1996, the OAS provided electoral support to the Ministry of Home Affairs, technical assistance and computer training to the office of the Special Advisor for the elections, technical assistance for the voter registry, and electoral workshops.

In terms of Observation, 28 observers were present on election day May 23, and the mission was in-country from the second week of May until inauguration day in September 1996. Over half of the polls were covered and a quick-count performed. The process is somewhat longer than most Latin American elections since it is the legislature that chooses the executive only after they themselves have been elected. While the final report could have dealt in greater detail with the political and peace-building climate, OAS involvement in Suriname has been very successful with contributions to democracy through peace-building and electoral assistance and observation.

*Nicaragua 1996*

The OAS observation went from April to the announcement of the results after the general elections, with 98 observers present on October 20 - voting day. The Organization served as a coordinating focus for the many other observer groups on the ground, with one report made public during the mission and individual groups writing separate reports after the mission. A quick-count was also conducted.

While the professionalism, long-term nature of the mission and geographic coverage is commendable, some believe that this mission was too big and costly with insufficient coordination and division of labour with domestic groups and other international missions. As such, the operation could perhaps been done more cheaply. In terms of impact, however, had the OAS not been there in terms of numbers and quick count, the leading opposition party led by Daniel Ortega would likely not have accepted the results. As such, the Organization of American States played a constructive, if not cost-effective, role in this election.

#### **4. OVERVIEW**

##### **Organizational Structure and Operations**

The macro organizational and normative make-up of the OAS brings a number of advantages and disadvantages to OAS electoral activities. One key advantage is that, although more unwieldy than its smaller NGO counter-parts such as the International Foundation for Electoral Systems (IFES) or the National Democratic Institute, with a Secretariat staff of only around 700, election mission logistics are more manageable than those of the 50,000-strong United Nations system. The OAS is also the only multilateral organization to have the promotion and consolidation of representative democracy enshrined in its Charter as an essential objective. Furthermore, the significant democratic evolution of its member-states, coupled with the efforts of the OAS Inter-American Human Rights Commission, General Assembly resolutions, and the Unit for the Promotion of Democracy, makes the OAS one of the world's leading pro-democracy multilateral organizations. Another important advantage is the fact that member-states enjoy similarities of culture, language, history and political systems. Because of this, the OAS has built up a very strong knowledge base of the technical and contextual processes surrounding Latin American elections.

Serious structural problems exist, however. First and foremost, a severe shortage of funds (the budget has been frozen for the last five years) and the absence of a permanent source of funding for missions put significant strain on the ability of the OAS to rapidly react to an invitation, and affect the degree of technical assistance that can be provided.

Other constraints to a more proactive and efficient OAS include overall organizational bureaucratic lethargy, a principle of non-intervention entrenched in the Charter, and the convention that Permanent Council decisions are taken by consensus. The latter two in

particular have often been especially problematic since they can contribute to sluggish decision-making and member-state micro-management in Democracy Unit programming. All, however, serve to undermine rapid reaction, comprehensive monitoring, logistical efficiency and electoral mission resolve. This is further exacerbated by observation invitations that often arrive with insufficient lead-time to mount proper coverage. As for the Secretariat itself, there is a weak recruitment capability, the UPD is overstretched and understaffed, and both observation and assistance are concentrated in the Democracy Unit. Therefore, one cannot fully appreciate the problems of a particular OAS mission without also understanding the structural context in which it operates.

### Selectivity Criteria

In general, the OAS has shown acceptable electoral mission selection since it started substantive election support in 1990. It has observed in transitional elections and where there was a high threat of fraud, and for the more part avoided elections in low-risk, developed democracies like Uruguay and Barbados. However, these decisions have largely been pre-determined since the OAS can observe only when invited, and therefore has traditionally received few invitations from the most or least advanced democracies. Nevertheless, there have been cases where the Organization's selectivity was questionable. Some of those interviewed for this study felt that observation in Peru was controversial due to continued intimidation of opposition groups by the government, and that missions to Ecuador or Costa Rica were unnecessary because of their relative success with democracy. Accordingly, the OAS perhaps could be more selective in the frequency or size of its electoral observation missions.

In the early to mid-1990s selectivity was less of a problem, since most elections were clearly either transitional or not transitional. As Latin American democracies progressed, however, this distinction has been breaking down, with the growing need for the OAS to make tougher decisions on where and when to provide electoral support. Such self-selection may not only save money, but whether or not the Organization decides to assist can, itself, serve as a measure of the democratic health of a country. The OAS may also receive fewer invitations, not only due to successful democratization but because of reactionary slides away from democracy as well. Often it is the countries that are hesitant to request an observation that are the most in need of monitoring. Therefore, the Organization should set up a typology of elections - transitional vs non-transitional; fragile vs non-fragile democracy; presidential vs legislative vs municipal etc. - and a set of general conditions necessary for the acceptance of an invitation for the various types of elections. Such a decision-making process should then be presented on the first page of the final mission report in the form of an answer to the question: Why is the OAS observing this election? (deterrence? assistance?, international support? stabilization? conflict resolution?) In this way the OAS can go from being more reactive to more proactive.

## **Evaluation Criteria and Scope**

Since 1994, OAS missions have become less ad hoc and more systematic in their chronological, geographical and thematic coverage. Prior to this they depended largely on the mission leadership for the quality and nature of its evaluation criteria and scope. Consequently, some were better than others (Nicaragua 1990, Venezuela 1993), some worse (Honduras 1993), and some produced little or no report at all (Honduras 1993, El Salvador 1991). Today, while the Organization has greater consistency in the field, it is still in need of more systematic methodologies, tailored not to mission leadership preferences but to universal standards as well as specific election conditionality. For example, what one emphasizes in an underdeveloped transitional context like Haiti, where government and public alike desire genuine democracy, can be quite different from that in the Dominican Republic, where the electoral system is more developed yet co-exists with a greater risk of organized fraud. While similar electoral observation and assistance criteria may be generally applied to both contexts, in the former, more attention should be paid to the quality of basic electoral structures and processes, while with the latter, the focus should be on the extent to which existing mechanisms are respected and additional safeguards to fraud instituted. The difference is electoral support as a development activity versus electoral support as a deterrent activity.

OAS geographic coverage is very good with observer teams usually spreading out over the whole country. The size of the missions also usually permits this extensive coverage. Chronologically, monitoring generally lasts about two weeks - not enough time to get a good feel for the voter and candidate registration process as well as the campaign. The longer the mission is in-country, the more credibility and clout interim and final reports have. Finally, with respect to thematic coverage, the Organization still overemphasizes the technical and underemphasizes the political and human rights context. Virtually none of the reports touch on this, in part due to chronological limitations. It is difficult to read a report in a contextual vacuum, as criteria and conclusions are in large measure affected by local realities. Why and under what political conditions an election is held can affect one's definition and judgement of free and fair. In short, OAS observation is generally systematic with good geographic coverage, but needs a much longer term focus with respect to both assistance and observation, and should improve the thematic depth of its evaluation.

## **Mission Structure and Operation**

Traditionally, OAS missions have suffered from poor observers, inadequate training, problematic logistics, and overall inconsistency. However, over the past five years, observation missions have been getting more and more professional, to the point where today the actual staffing and operation of missions is very well regarded, especially with respect to long-term observers and technical assistance. Nevertheless, there is still room for a great deal of logistical improvement, especially at the headquarters level.

The OAS should be commended for its willingness to cooperate with other international organizations, both governmental and non-governmental, but greater efficiency and sustainable



impact could be had by a more rationalized division of labour with both international and domestic groups. In an era of contracting resources and post-transitional democracies, functional differentiation is necessary. For example, international NGOs could perhaps handle some of the more sensitive political party reform, while domestic observers could be used in less sensitive elections for quick counts, broader coverage, civic education, and to contribute to greater overall democratic self-sufficiency.

### **Credibility and Resolve**

While the Organization of American States' ability to call it as it sees it and be taken seriously as an observer or mediator is largely affected by the political will of its member-states or constraints of its Charter, a certain degree of autonomy does rest with the Organization as an intervening international variable. Within this window of opportunity many see the OAS as fairly credible. After all, it is perhaps a good sign that traditionally intervention-sensitive countries such as Mexico, Brazil and Peru are wary of Organization of American States missions; too many invitations can sometimes serve as a sign of multilateral weakness. Nevertheless, there is still a reluctance to make judgements in a timely way and to challenge governments directly, even when political will and the non-intervention principle would not proscribe it. For example, the OAS could have been more assertive in Guatemala, but shied away due to a non-intervention momentum born from the years of caution still lodged within its institutional memory.

The Organization can be proactive at times in certain elections, such in the Dominican Republic 1994 or Haiti, but these are the exception. Most OAS missions tend to go a little too well. One can sometimes almost predict the last sentence of an OAS report: 'in general the election was conducted in a calm and fair manner that reflected the will of the people, with the outcome unaffected by the limited number of minor irregularities'. One also wonders whether sometimes this is the starting point from which observation precedes. To overcome this problem, the Organization of American States needs strong and professional mission leaders, clearer evaluation criteria, and a greater distinction between assistance and observation missions. In comparison with other inter-governmental organizations, however, the OAS is one of the better ones.

### **Impact on Electoral Process**

The consensus from those interviewed was that impact varied considerably from mission to mission, with the better being the Dominican Republic 1994, Nicaragua 1996, Haiti 1995, Suriname 1991-96 and possibly Guatemala 1995. Overall, nearly all questioned felt that since 1990, the OAS had had a moderate to significant impact on the electoral development of the hemisphere, but was still working far below its potential.

## Impact on Democratic Development

The extent to which this affected Latin American democratic development was cloudier, in part because many of these elections are still fairly recent. However, the consensus was that indeed the hemisphere had become more democratic since 1990 in part because of OAS electoral efforts and the face-saving effects of a largely Latin American organization. Nevertheless, such impact was only modest at best and with a dubious cost-benefit ratio.

## Capacity for Learning

From 1961 to 1988, the OAS deployed 17 missions, usually composed of several distinguished persons who represented themselves. The operations were very short-term and involved observation only. Furthermore, Cold War tensions, the tendency for the United States to view the Organization as a foreign policy instrument, and the presence of few democracies in the hemisphere greatly reduced electoral observation credibility.

Prior to the end of the Cold War, however, the Organization of American States started making changes.

- 1985: Protocol of Cartagena de las Indias called for the engagement in direct observation of elections, with the essential purpose of the Organization to promote and consolidate representative democracy.
- 1989: AG/Res. 991; OAS to monitor all stages of elections, with the Secretary General to periodically issue reports. The cost of missions was not to affect the regular budget.

From 1990 to 1995, with the Cold War clearly over and the U.S. no longer bent on propping up authoritarian regimes as a thwart to communism, electoral activities became more comprehensive, professional, systematic and credible. Moreover, as much of Latin America turned away from authoritarianism the OAS was asked to observe in nearly one-third of its member-states. Most of this reform came as a result of the changing international climate, but the early 1985 Protocol of Cartagena suggests that the OAS has a significant self-reforming norm.

- 1990: OAS engages in first full-scale technical assistance and observation effort in Nicaragua.
  - Unit for the Promotion of Democracy created with responsibility for electoral activities.
- Development of the Parallel Vote Tabulation.
- Pioneering privileges and immunities agreements between governments and the OAS.
- Reports now represented the view of the OAS, not just the observers.
- More and more public statements were made.

After 1995, two conflicting trends affected OAS electoral activities. First, as Latin America democratized there was less need for the comprehensive mega missions, and OAS funding was dramatically being cut back as a more fiscally-conscious and America-first U.S.

Congress came to power. Second, in 1995, the Miami Summit gave the OAS greater hemispheric democratic development responsibilities, and a recently elected more aggressive and proactive Secretary General was attempting to undertake significant OAS reform. Essentially, then, since 1995 the OAS was trying to do more at a time when funding and electoral markets have been declining. Because of these two realities, the OAS has had to begin to think in terms of smaller and more long-term missions and assistance, more cost-effective and professional management of operations, a thematic shift away from observation to democratic institution-building, and more burden-sharing with NGOs.

- In 1995, the UPD rationalized into four separate sections: democratic institution-building, electoral technical assistance, dialogue/democratic forum, and special projects.
- Since 1995, electoral assistance and electoral observation have been somewhat more differentiated within the Unit, UPD organization has improved as decision-making has become more centralized in the Unit coordinator, and more rational funds allocation procedures have been instituted.
- Electoral observation combined with human rights observation in Haiti 1995.
- There is a current review under way to systematize election observation criteria.
- Greater attempts to coordinate with other missions (ie. Nicaragua; coordination with other international groups with one in-country report)
- The UPD is turning its attention to matters such as legislative and judicial procedures, reform and technical modernization of legal and legislative bodies, community participation, and exchange of electoral technology. Concentration on longer term technical assistance and educational programs will continue to intensify, as election monitoring receives less emphasis in the years ahead.
- There has been a strong pattern of improvement with specific missions (ie. Peru 1992 to Peru 1995 and Dominican Republic 1994 to Dominican Republic 1996).
- Self-assessment has become more institutionalized with regular post-mission debriefings, and post-mission meetings with member-states.

All this suggests that the OAS has improved significantly over the last seven years, and despite the many current weaknesses and political/fiscal constraints, the Organization possesses an ability to adapt to new contexts and reform itself.

## 5. CONCLUSIONS

### Evaluation

This section uses a five point scale (weak, needs improvement, fair, good, very good) to compare how each organization performed within the various sub-categories. It should also be emphasized that these results reflect both comparison against absolute criteria as well as against the performance of other multi-national organizations.

Organizational Structure	Needs Improvement
Mission Selectivity Criteria	Fair
Evaluation and Scope	Good
Operations	Good
Credibility and Resolve	Good
Impact	Good
Potential	Very Good

### **Comparative Advantage**

- Considerable knowledge of Latin American culture, language and political and electoral systems.
- Strong democratic norm in the OAS.
- Can get on the ground relatively quickly compared to United Nations and mount sizable operations.
- Less bureaucratic than the UN.
- Has gained a great deal of credibility from observation and assistance, as well as from development of many Latin American contacts.
- OAS well-placed to encourage democracy that develops at a sustainable pace.

### **Recommendations for the OAS**

- Develop comprehensive mission selection criteria that takes into account the nature of the elections and the purpose of the observation.
- Develop comprehensive observer guidelines that achieve a proper balance between universal criteria and contextual considerations.
- Look into the prospects of more division of labour with relevant NGOs while at the same time maintaining the integrity and weight of OAS report conclusions.
- In less critical elections, delegate more observation responsibility to domestic observer groups.
- Maintain the electoral observation capability, but complement this with greater efforts towards long-term democratic institution-building.
- Improve the quality of heads of mission, and professionalize the observer recruitment procedures.
- Increase the length of observation missions.
- Increase the thematic scope of observation missions to include political and human rights considerations.
- Provide a greater separation of electoral observation activities from technical assistance activities, perhaps placing observation responsibility with Secretary General and assistance activities in the Unit for the promotion of democracy.
- Look into the possibility of short-term personnel exchanges between the OAS and other regional organizations such as the OSCE or OAU.

- In short, more emphasis should be placed on longer missions, non-technical observation criteria, comprehensive democratic development, NGO partnerships, evaluation rigour, and the quality of mission personnel.



# ORGANIZATION FOR SECURITY AND COOPERATION IN EUROPE

## ELECTORAL ACTIVITIES REVIEW

### 1. SUMMARY

Although the OSCE should be commended for well-developed democratic and human norms, and a strong commitment to conflict resolution and democratic development throughout Europe, OSCE electoral missions operate under very serious financial and structural constraints that prevent them from attaining their full logistics, communications and rapid reaction potential. In particular, the effects of an overly de-centralized and confusing headquarters structure, full consensus decision-making and a lack of properly trained staff have been especially noticeable with the Bosnia-Herzegovina missions.

With respect to where and when it provides electoral assistance, there is a sense that the OSCE is largely putting out fires with little strategic direction as to where and when it should observe or assist, and how it should tailor its missions to differing contexts. It has, nevertheless, developed relatively methodical electoral evaluation and assistance criteria, as well as a systematic observation process that includes advance evaluations, long and short-term observers, and briefings and debriefings. Within electoral contexts, however, much more emphasis is still needed on long-term, sustainable democratic institution-building that goes beyond the strictly technical aspects of elections.

There has been an inconsistent record in terms of mission credibility and resolve, with the OSCE prior to 1996 lending to the legitimacy of the election of several repressive governments in Central Asia and the Caucasus (Azerbaijan, Kazakhstan, Armenia, Belarus), yet more recently coming down strongly against electoral violations in Albania and the Federal Republic of Yugoslavia. The same can be said for overall electoral and democratic impact, with less influence in Eastern Europe and Central Asia, yet substantive results in Bosnia (stability), Albania (democratization) and the Yugoslav Republic (fraud deterrence). With respect to learning, the OSCE has made significant advancements since 1994 in the areas of operational logistics, consistency of electoral methodology and evaluation criteria, and perhaps also in the objectivity and assertiveness of observation mission reports.

In sum, OSCE electoral activities - observation, assistance, supervision, mediation - have improved noticeably over the past several years in terms of operations, evaluative rigour, and objectivity; yet logistical and communications problems, the absence of mission design and selection criteria, and a narrow technical and short-term focus still present major problems. Accordingly, OSCE election work is adequate, but with very good potential for improvement.

## Future Considerations

The question is essentially this: in its present state, can the OSCE maintain its long-term diplomatic commitments, monitor and assist elections when called upon, continue to supply electoral supervision in Bosnia, while expanding into new peace-building and democratic development activities in Albania, Eastern Slavonia and elsewhere? With such proliferation in geographic and functional diversity along the whole of the pre-to-post-conflict timeline, the OSCE needs to take stock of where it is, where it wants to go, and what it does best. This will have strong implications for the Organization's electoral activities since the strategic direction the OSCE takes will impact upon the extent it assists or observers, where it will do this, and provision of resources.

Despite a solid self-evaluative norm and impressive learning, presently, the OSCE cannot properly maintain its electoral commitments. Firstly, it simply does not have the financial, manpower and logistical capability to react to so many monitoring requests, as well as conduct such a mammoth operation as is taking place in Bosnia. Secondly, while many Eastern European countries are now moving past their first and second post-Cold War election and in need of broader, more sophisticated, varied, and longer term democratic assistance, the OSCE has just now only mastered electoral observation and is struggling in the Balkans with the more evolved activity of technical electoral assistance. To put this in general terms, the OSCE is conducting electoral activity in Central Asia, the Balkans and Eastern Europe, despite the fact that Central Asia generally is not ready for such activity, the Balkans is ready yet presents daunting logistical problems, and Eastern Europe has largely graduated past the type of assistance the OSCE can provide.

With respect to electoral work, therefore, the Organization for Security and Cooperation in Europe should have three main priorities: 1) Develop better mission design and selection criteria commensurate with its broader goals; 2) Enhance its logistical and communications capacity; and 3) Place greater emphasis on long-term democratic institution-building.

The steep learning curve of the OSCE suggests that it is capable of this, but the question is - can it do this fast enough to remain ahead of the disparate wave of democratization. Perhaps the Organization should handle only the early stages of electoral development, and leave the later stages to the UN or competent NGOs? Perhaps the European Union will subsume the Organization as it moves eastward. There is certainly an electoral role for the OSCE in Europe as demonstrated by its positive impact in Bosnia, Albania, the Federal Republic of Yugoslavia. To maintain a relevancy beyond simple observation and basic assistance, rapid and substantive reform must continue.



## **2. BACKGROUND**

### **Organizational History**

The Organization for Security and Cooperation in Europe has 55 member-states and takes a cooperative/consensual approach to security-related issues such as arms control, preventive diplomacy, confidence- and security-building measures, human rights, election assistance and economic security.

The regular decision-making body is the Permanent Council with its seat in Vienna, while overall executive authority resides with the Chairman-in-Office, a member-state foreign minister chosen for a one-year term. A small Secretariat also resides in Vienna led by the Secretary General. This person represents the Chairman-in-Office and has responsibility for the more administrative and public relations aspects of the Organization. The Secretariat also manages the OSCE's conflict prevention and crisis management long-term missions in Bosnia, Croatia, Estonia, Georgia, Latvia, Macedonia, Moldova, Tajikistan, Ukraine, Chechnya and Albania. This innovative preventive diplomacy and peacemaking function is seen by many as a key feature of the OSCE.

On the peace-building and development side, the Office of Democratic Institutions and Human Rights (ODIHR) provides electoral, human rights, and rule of law support to member-states, with much of its resources concentrated in the Balkans, transitional societies and grass roots sectors. Finally, there is the Parliamentary Assembly (PA) which meets once a year in different cities to make recommendations and has a small Secretariat in Copenhagen. It takes decisions by majority, not consensus, has a more aggressive tone, and sees itself as a legislative balance to the more governmental and executive-focused OSCE secretariat. This rather complex system was purposely decentralized to prevent it from gaining too much power or becoming too bureaucratic and inflexible.

The forerunner of the OSCE was the Conference for Security and Cooperation in Europe (CSCE), created in the early 1970s as a vehicle for East-West dialogue. The CSCE Helsinki Final Act of 1975 established basic principles of how states should act towards their citizens and each other, essentially linking security to human rights. Until 1990, the CSCE was a set of meetings and conferences setting norms and commitments; but with the end of the Cold War, the historic Charter of Paris of that year gave the CSCE a key role in managing post-Cold War changes. The 1990 Treaty on Conventional Armed Forces in Europe was also negotiated under a CSCE framework. In 1994, the Budapest Summit created the OSCE, giving it new political impetus, while in 1995, it received new conflict resolution and electoral supervision roles under the Dayton Agreement.

### **Electoral Activities**

Electoral activities are undertaken by one of three bodies - ODIHR, the PA or a joint OSCE Mission. After an invitation from a host government, parliament or electoral authority,

ODIHR tends to handle technical assistance and observer coordination and support activities, as well as organize its own observation missions. Formerly the Office for Free Elections (OFE) in Warsaw established in 1991, it provides the focal point of OSCE election activities and has assisted in observation of 40 elections in 16 countries. The PA, also created in 1991, has traditionally provided separate electoral observation missions and reporting, although recently it has been operating more under the ODIHR umbrella. Its missions are made up of parliamentarians and normally have an invitation to observer from the host parliament. Comprehensive missions such as in Bosnia and Albania entail multi-functional operations that are largely managed by the Secretariat, and involve an OSCE coordinator in charge of both ODIHR and PA electoral components.

All electoral monitoring is based largely on the Document of the Conference on the Human Dimension of the CSCE Copenhagen 1990. This document was one of the first agreements to enshrine minority rights in international law, and provides the most extensive and coherent multilateral statement of principle available on free and fair elections. ODIHR has also produced an Election Observation Handbook. In addition to providing an observation check-list, it articulates the use of long-term observers (2 months prior to election day) and short-term observers (several days prior to election day), the responsibility of states to notify the ODIHR at least three months prior to election day, and a policy view that the mere presence of observers does not add legitimacy to an election process. There is no clear directive, however, on whether or not ODIHR needs a specific invitation to observe elections on a case by case basis, or whether the OSCE commitments provide for a standing invitation.

### 3. INDIVIDUAL MISSIONS

Prior to 1994, CSCE electoral activities were extremely ad hoc and unsystematic. It was only after the transformation of the CSCE to OSCE that a measure of sophistication began to take shape within its missions.

#### 1994-1995

##### *Moldova 1994*

The parliamentary elections were the second elections since the disintegration of the USSR. Assisted by the CSCE Mission in Moldova and ODIHR, the Parliamentary Assembly sent 18 parliamentarians - most from Eastern Europe - to observe the February 27 parliamentary elections. They visited 60 polling stations, and issued a press release the day after the election. The final report concluded that, despite security and secessionist disruptions in breakaway Transdnistria region, the election was free and fair.

*Macedonia 1994*

The CSCE Parliamentary Assembly sent 20 observers to Macedonia's first presidential and parliamentary elections on October 16 and 30. Assisted by the CSCE Spillover Mission to Skopje, ODIHR, and the Council of Europe, the PA observed 100 polling stations and declared the election sufficiently free and fair. The final report recommended shortening the 15-year citizenship requirement, introducing more proportionality to the system to allow for greater minority views, a more accurate voter registry, and more equitable constituency distribution.

*Armenia 1995*

The July 5 elections were the first multi-party parliamentary elections since independence. 17 OSCE Parliamentary Assembly observers arrived on July 1, were briefed on July 5, covered 15 of 37 polling stations, and departed July 6. A joint OSCE/ODIHR - UN mission was also present, with the United Nations providing technical assistance, and ODIHR giving support to the observation mission. The joint mission - 15 UN personnel and 5 OSCE - was largely led by the UN, and was the OSCE's first real exposure to technical assistance. The final PA report observed that there had been a six-month ban on activities of a major political party, significant numbers of accusations of violence and intimidation, insufficient complaint and grievance mechanisms, a lack of standardized procedures and training, insufficient press coverage, and blatant interference from the executive branch. On election day, technical violations were caused by poor organization. The report concluded that there was generally free election activity on July 5, but pre-election flaws marred the overall electoral fairness. Despite OSCE lack of organization, this election provided a very good opportunity for the OSCE to work with and learn from the United Nations. Given the level of irregularities and electoral violations, however, it is difficult to see how this election could have been free.

*Latvia 1995*

One ODIHR observer and PA monitors covered the September 30 and October 1 parliamentary elections. ODIHR observed from September 11 to October 1, and met with the political parties, electoral commission and Supreme Court. Its final report stated that the elections were conducted in accordance with international standards but had concerns about the guarantee to vote by secret ballot.

*Croatia 1995*

Despite a late October 3 invitation, 30 ODIHR observers were in-country from 16 to 29 October to monitor the October 29 parliamentary election (lower chamber). The report concluded that election day procedures were conducted in an adequate manner, but that the new election law was not consistent with democratic standards. It noted that the erratic nature of electoral amendments was reinforcing a pattern of changing election regulations that was creating an unstable and unpredictable environment for the parties. Recommendations included the need

for a more transparent and inclusive electoral amendment process, more party and domestic observers, better voter education and electoral training, and an updated voter lists.

### *Georgia 1995*

Georgia's presidential and parliamentary elections were held on November 5 and 19 - the second multi-party parliamentary elections held since independence. ODIHR sent 75 observers and concluded that there had been a genuine multi-party competition with no major problems in the campaign, the atmosphere in polling stations was generally positive, and the country had made an important step in the establishment of a democratic process. However, it noted that there had been excessive interference by the head of state with cases of party harassment and lack of funding to opposition groups. At the parliament's invitation, seven PA observers arrived on November 1 and departed November 6. They felt that election day was generally well run, and not seriously marred by other pre-election conditions. Moreover, the turn-out was 69%, there was active party participation, and the process was free from violence or major mishap. The report concluded that despite excessive executive influence, it had been a remarkable democratic process. It then recommended equal media coverage standards to all parties, up-to-date voter lists, equal standards and practices to be followed in all regions of Georgia, and legal procedures to guarantee rights of expression. In terms of OSCE activities, however, most interviewed for this study felt the Organization did poorly in that it had little professional capacity.

### *Azerbaijan 1995*

November 12 and 26 saw a parliamentary election and constitutional referendum, with the parliamentary elections the first since independence. A joint OSCE/UN electoral observation mission arrived in mid-September, with six OSCE long term observers arriving in the third week of October and 100 short-term observers present on election day (first round). The joint mission also organized general and regional briefings for observers, and a post-election debriefing. The final report concluded that in many respects voting and counting did not correspond to internationally accepted norms, thus depriving the electorate of the possibility to exercise fully its right to choose its representatives. Voter freedom of choice was limited by decisions to exclude about 60% of the candidates and one-third of the political parties on the basis of a dubious methodology. There was political censorship in the newspapers, restricted freedom of speech for parties, serious voting and counting irregularities, multiple voting, highly disorganized counting procedures, and good reason to suspect that election officials inflated the vote count so as to increase the turnout. Because of this, the mission had serious doubts about the fairness of the election, and recommended improved security, an extended electoral time-frame, rules on state influence, and better electoral training and civic education. President Haydar Aliiev argued in the new Parliament that the electoral short-comings did not affect the overall positive outcome of the election. The Council of Europe concluded that the election had been a step towards democracy. As with the Armenian election, most interviewed for this study felt that OSCE capacity was poor, and did not come down strongly enough against the government.

*Kazakhstan 1995*

The 5 and 9 December elections were the first parliamentary elections since the 1994 annulled elections. Parliament was dissolved in March 1995 with executive rule since that time. The OSCE Parliamentary Assembly sent four monitors who observed the widespread practice of voters collecting and casting multiple ballots, and a lack of civic education and standardized procedures. Despite this, and the fact that the first round of voting did not produce a sufficient number of deputies for a quorum in the new legislature, the final report concluded that the election was a vital step towards democratic development. ODIHR observed on short notice with one observer present from December 2 to 9. Despite generally efficient organization of elections, ODIHR felt that there were several outstanding concerns that if not corrected in future elections could seriously compromise the country's commitment to democratic election process - namely, poor voter education, lack of campaign activity, little public discussion, and a degree of obstruction against observers. No mention in either report was made, however, of the key contextual problem of a repressive government unwilling to share power. Again, the OSCE had deployed a poorly operated mission, and neglected to consider the broader political situation.

*Belarus 1995*

The OSCE received an official invitation on November 21 for the November 29 and December 10 parliamentary repeat elections. ODIHR's one observer noticed poor access to information, a lack of equitable political party and candidate participation in the national media, and inadequate secrecy guarantees. Flaws in the electoral law left room for a wide range of differing interpretations and disparities in conditions between polling sites. Despite increasingly inconsistent practices with the electoral law and worsening press independence since the previous election in May of 1995, as well as confrontation between executive and legislature for weeks, the final report congratulated the Belarus people on the election of the new parliament. After this election, the country quickly degenerated into a police state.

*Russia 1995*

ODIHR long-term observers monitored the campaign and election day for the December 17 State Duma (parliamentary) elections in 5 different electoral constituencies - all relatively close to Moscow. There were 434 short-term observers in 91 of 225 electoral constituencies, as well as a task force set up with the European Union to coordinate deployment plans and briefings. Key problems included the absence of counting aggregation at all levels, slow publication of results, insufficient electoral training for officials, and a non-transparent electoral commission. Most observers agreed, however, that the elections were generally consistent with OSCE commitments and were a great improvement on the 1993 Duma Elections. The major criticism against the OSCE, however, was that it concentrated all of its observers within the Moscow area.

## 1996 TO PRESENT

### *Russia 1996*

On June 16 and July 3, Russia had its first multi-candidate presidential elections, following parliamentary Duma elections held in 1993 and 1995. ODIHR functioned as a coordinating body for OSCE member-state observers, bilaterals, and other observer organizations, with a total number of 500 observers for the first round and 350 for the second. There was a total of 1300 accredited observers. The ODIHR Coordinating Unit was based in Moscow with four members while eleven long-term observers covered six regional offices. In addition, there were 100-150 short-term observers, and 250-400 OSCE observers involved with other organizations with separate deployments and reports. One of these organizations, the OSCE Parliamentary Assembly, focused on the first round with 56 observers, and concentrated people near Moscow at central collection points in order to monitor fraud. Its report stated that the elections appeared to be generally free and fair and well-run, were not seriously marred by minor problems which occurred in the pre-election campaign, and reflected Russia's deepening commitment to democracy. Most polling stations were run efficiently, and the electoral commission had adopted observer recommendations from prior elections. Popular participation was spirited and peaceful during the campaign. The PA then recommended more balanced media coverage, more enforcement by the electoral commission, better voter education and electoral training, and a provision that a deadline be set after which no candidate may have their name removed from the ballot.

The turnout was 70% - higher than in previous elections, with the results providing a stable outcome of Yeltsin 53.82% to Zyuganov's 40.31%. There were well-developed OSCE materials, forms and briefings, but problems existed in terms of planning and coverage. Namely, there had been poor geographic coverage, poor pre-election and aggregation of results coverage, poor planning and coordination, too few short-term observers, and too little ODIHR control over deployment. However, through its confidence-building presence, the OSCE did contribute to the high turn-out.

### *Romania 1996*

June 2 and 16 marked the second local elections since the fall of Ceausescu. Although invitations were not sent to international bodies, the government welcomed the presence of international observers, including ODIHR, which sent one specialist to acquire knowledge, establish contacts, liaise with domestic observers, observe, and make recommendations. This activity was limited mainly to Bucharest during the periods of May 24 to June 10, and June 14 to 19. In the final report, the ODIHR representative concluded that given the complexity and size of operations, and the recentness of the promulgation of the electoral law, there were administrative, procedural and political problems; but generally speaking, the elections administration did a remarkably well in organizing and conducting the elections. Elections were held in an atmosphere of calm, peace and normality, with the many candidates free to express their views. Unfortunately, however, the report noted a low turnout - 53% for the first round;

compared with 68% for 1992 local elections. This was attributed to a public perception of little or no progress at the local level since 1989. Other problems included little discernable electoral administrative improvement since 1992, and a lack of voter education.

#### *Albania 1996*

Parliamentary elections were held from May 26 to June 2. ODIHR sent three long-term observers in late April to observe the pre-election process and first round balloting (April 25 to May 29), as well as to provide a limited presence during the run-off vote. 50 short-term observers arrived three to seven days before the election, were briefed and de-briefed, and covered 7% of the polls. ODIHR concluded that in many instances the implementation of the election law failed to meet OSCE criteria, with five of nine articles of the Copenhagen document unmet. That is to say, there was limited official cooperation with observers, the election period was too short, too many candidates were disqualified, the registry was made public too late, campaigning was not conducted in a free and fair atmosphere, there was an intimidating presence of police at opposition rallies, the vote count was not orderly and secure, and there was some manipulation of results. These recommendations, however, ignored many of the underlying political realities, and concentrated on technical fixes such as a permanent and independent electoral commission, a more realistic timetable, and re-design of ballots. Of particular note in this observation was that ODIHR came down fairly hard against the process, while the PA and the Council of Europe viewed it more positively.

#### *Bosnia-Herzegovina 1996*

The Dayton Agreement of November 21, 1995 and the General Framework Agreement signed in Paris on December 1, 1995 declared Bosnia-Herzegovina (Bosnia) a sovereign state with a Bosnian-Herzegovina Federation and Bosnian Serb Republic (Republika Srpska) separated by the Inter-Entity Boundary line (IEBL). Within six to nine months of the Agreement, there were to be elections for: 1) a three-member Bosnian, Serbian and Croatian rotational presidency and the House of Representatives of the state of Bosnia-Herzegovina; 2) the House of Representatives of the Bosnian-Herzegovina Federation entity; 3) the presidency and National Assembly of the Bosnian Serb Republika Srpska entity; and 4) if possible, local and cantonal offices. Conditional requirements for these elections were: a politically neutral environment; the right to vote in secret; and freedom of expression, press, association and movement. As it turned out, elections were held on September 13-14, 1996, with the municipal elections delayed for one year due to security concerns.

The NATO Implementation Force (IFOR) was responsible for the security provisions of the Agreement, while the High Representative coordinated the civilian aspects of the settlement and chaired the Joint Civilian Commission composed of local parties, IFOR and others. The European Union's Monitoring Mission was not electoral per se, but monitored the broader implementation picture and was separate from the OSCE. The UN International Police Task Force (IPTF) was largely involved with police training. With respect to the OSCE, it had the

two main tasks of assisting the parties in implementing regional stabilization measures, and supervising the preparation and conduct of the elections.

The OSCE established the Provisional Election Commission (PEC) to oversee all electoral matters. The Commission was chaired by the head of the OSCE Mission to Bosnia, and consisted of the High Representative, representatives of the three parties, plus three other international members. In case of a dispute, the Chair had the final say. An Elections Appeals Sub-Commission also existed to adjudicate complaints and levy fines. With respect to voter eligibility, a person had to have been a Bosnian citizen on the 1991 census, and could apply to the PEC to vote in a municipality other than that where he/she resided in 1991 (Future Residence Provision).

The OSCE Chairman-in-Office appointed the Head of the OSCE Mission, who was supported by three electoral components - technical assistance, supervision, and monitoring. In general, the Secretariat provided the logistics, ODIHR did technical assistance and monitoring, the PA also monitored, and the Permanent Council was responsible for fund-raising. A Joint Election Operation Centre included the OSCE, IFOR and other interested parties. With respect to monitoring, an OSCE Co-ordinator for International Monitoring (CIM) was appointed on March 7 to assess the entire electoral cycle, and arrived with a small staff in April. 25 Long-term Observers were deployed in July, while 1000 short-term observers from OSCE states, NGOS and local embassies arrived for election day. The CIM mission task essentially was to determine whether the electoral process adhered to Dayton and Copenhagen commitments. As such, there were two OSCE missions - the OSCE Mission to Bosnia conducting electoral supervision, and the CIM in charge of monitoring.

The election produced an overwhelming victory for ruling nationalist candidates, with Muslims and Croats dominating the Federal House of Representatives, Serbs dominating in the Srpska National Assembly, and the Bosnian House of Representatives half Muslim with roughly a quarter each to Croats and Serbs. Muslim Alija Izetbegovic became the first rotational president since he had attained the most number of votes.

The CIM's final report observed that the election went well technically, but that the general climate was in some cases below minimum standards. Problems surrounded media bias, intimidation, lack of voter movement across the IEHL, manipulation of the future residence provision, process domination by the de facto ruling parties, and the prominence of ethnic hatred in campaign platforms. Nevertheless, the CIM saw no pattern of recurring infractions or organizational incompetence that seriously compromised election day, and concluded that the election was a first and cautious step for the democratic functioning of the governing structures of Bosnia-Herzegovina. Recommendations for the municipal elections included structural re-evaluation of the registration process, comprehensive voter education, and generation of a climate whereby voters could feel confident to cross the IEHL.

Although the Parliamentary Assembly was logistically part of the CIM, it issued its own report. It complained that some PA observers received inadequate local briefings from long-



term observers and supervisors; and that they were deployed in less critical areas than other observers. The 49 parliamentarians stressed the unrealistic electoral time-line and indicated the need for war crimes trials. They also concluded that although significant electoral abuses on a sufficiently wide scale occurred, given the overwhelming complexities presented by the war and its aftermath, one could not judge the elections according to generally held standards.

In judging whether the elections should have taken place at all, as well as the merit of OSCE involvement, there are two main considerations. First, most agree that largely due to U.S. political pressure that desired an early American military pull-out from Bosnia and a quick foreign policy victory for President Clinton, the elections were held too soon. It was inevitable therefore that voting would consolidate the grip of the ruling parties. Second, this being the case, the OSCE had to make the best of a bad situation since the Dayton agreement guaranteed elections, no elections could take place without IFOR, and because of UN's loss of credibility after Srebrenica, only the OSCE had the pan-Europe legitimacy to supervise the electoral process. In choosing the lesser of two evils - support for early elections - the consensus is that this was inevitable and in hind-sight probably the right decision.

Supervisory and observation activities proved problematic since the OSCE Mission had initially begun more as a diplomatic mission, and given the compressed time-frame, had great difficulty in planning for and transforming to an operational mission. The biggest problems surrounded a poor decision-making capacity, erratic communications, strained and ambiguous relations between civilians and the military, the concentration of authority in Vienna, and above all a lack of financial and material resources. According to some, this was compounded by arrogant and naive Mission leadership, and a lack of coordination with other in-country international groups. The lack of domestic capacity-building was also a major short-coming of supervisory activities. The OSCE ended up dominating the electoral process with little attention to pre-war electoral structures, and inadequate efforts to properly train local officials. More attention beyond electoral mechanics to the broader issues of rule of law and governance was also needed. Consequently, although OSCE personnel worked very hard and under daunting conditions, it was clear that there was too much technical focus, too little capacity-building, inadequate logistical and communications capability, and insufficient resources.

The consensus is that the 1996 elections consolidated ethnic cleansing, with little difference between the pre- and post-election power distribution. This is because of the short electoral time-frame, ruling party domination of the media, intimidation, and to an extent, strategic party manipulation of the future residence provision. That is to say, refugees and displaced persons were often told to vote in swing municipalities favourable to their nationality. This consolidation is also not surprising given the fact that the belligerent parties only agreed to participate in elections once they realized that voting would allow them to achieve power in a way that war would not.

On a technical level, however, despite poor voter education, limited movement across the IEBL, inaccurate registration lists, and inadequate electoral official training, the election, and

in particular election day, was better than expected. There were no serious violent incidents, and the results reflecting the overall, albeit often misled, will of society.

To the extent that the success of an electoral mission can be judged by the success of the election, and bearing in mind that the OSCE had little control over substantive political questions, OSCE supervisory and monitoring activities can be seen as a partial success. It was only partially successful since serious logistical and technical sustainability problems still existed, and because technical success was also due to cancellation of the municipal elections. However, even at the political level it can be argued that the election, such as it was, certainly could not have made the situation any worse, and, given the one year of relative stability that ensued and the need for some sort of rehabilitative governing structure, may have made it better.

The OSCE had good electoral supervisory and monitoring criteria to work with in Bosnia - namely, the Copenhagen requirements and the electoral conditions set out by Dayton. However, in the interests of stability and maintaining democratic momentum, most of these criteria were de-emphasized. In effect, most of the monitoring worked backwards from the premise that as long as some democratic improvement had taken place, however marginal, the election was valid. In the case of Bosnia, this is not so problematic as it sounds, since the key purpose of electoral activity was not to serve as a deterrent to fraud, but to assist in electoral development, and through this, provide a critical conflict resolution tool. As such, it is difficult to measure mission credibility by conventional fraud deterrence or electoral development criteria, when this is the first time an internationally-directed and monitored election has had such a conflict resolution focus. Therefore, even though the election was not free and fair, to the extent that it advanced the peace process, it was valid.

The above notwithstanding, there was a strong U.S. influence within the Mission that affected the perception by Serb elements of impartiality, especially in later stages as a number of key resignations were filled by American nationals. Given the large U.S. presence through IFOR, however, it is difficult to see how this could be otherwise. Nevertheless, it did effect OSCE credibility. A second though much smaller consideration was the fact that in large measure the OSCE was monitoring itself, since it was doing both assistance and observation. In the end, however, OSCE credibility should be measured by the strength of peace between the three sides, and not by the extent of democracy. That will be for subsequent elections.

It is very difficult to objectively measure the impact of the OSCE on the electoral process, democracy or regional security. However, most of those interviewed felt that through OSCE hard work, good will, presence, and the establishment of a nascent institutional framework, an impact had been felt. Most agreed that one year of stability was a sign of positive impact, as would be peaceful and tension-reducing municipal elections.

#### *Key Electoral Problems in Bosnia*

- Media bias
- Dominance of ruling ethnic parties

- Lack of voter movement, particularly across the Inter-Entity Boundary Line
- Manipulation of Future Residency Provision
- Prominence of ethnic hatred in campaign platforms
- Inadequate voter education and electoral official training
- Inaccurate electoral lists
- Shortness of the electoral process

#### *Key OSCE Problems in Bosnia*

- Poor logistics and communications capability
- Ineffective decision-making structure
- Insufficient division between assistance and observation functions
- Inadequate training and use of local personnel
- Too little attention to complementary non-technical issues  
(police, rule of law, human rights, governance, grass roots conflict resolution)
- Too little cooperation with other international groups
- Lack of adequate funding

#### *Armenia 1996*

ODIHR sent a needs assessment team, a coordinator, two long-term, and 5 medium-term and 89 short-term observers to the September 22 presidential election. The 89 were briefed the week before and were deployed September 20. 37 teams of two accompanied ballots to community electoral commissions, with four teams then observing at regional electoral commissions. A debriefing was held on September 23, and a preliminary statement issued the next day. Overall, ODIHR observed that there was a lack of confidence in the integrity of the electoral process due to frequent breeches of the electoral law and questionable first round results. It also noticed that although there was little intimidation of voters on election day, and some signs of improvement over the previous election, major problems existed in unbalanced television coverage, serious breeches of ballot security, a counting process that often broke down, open manipulation of the process, a lack of clarity of the law, and a partisan electoral commission. Based on these observations of systematic fraud and minimal media access, it is difficult to see why the voting was observed at all; especially given that after the election, tanks rolled into the streets following violent opposition protests. In addition, there were reports that the OSCE mission was poorly organized.

#### *Lithuania 1996*

ODIHR sent one coordinator, one long-term observer and 40 short-term observers to monitor the October 20 and November 10 parliamentary elections. The coordinator was in-country October 9-20 and November 8-11. Despite the generally efficient administration and the democratic spirit under which the elections were conducted, the final report brought up serious concerns involving the legal guarantee to vote by secret ballot in the privacy of a polling booth.

*Bulgaria 1996*

Bulgaria held a presidential election on October 27 and November 3. ODIHR sent a coordinator, one long-term observer and 25 short-term observers, although it felt this was not sufficient. The mission's report was satisfied that the results of the election accurately reflected the wishes of the Bulgarian electorate. The final result was accepted by the defeated candidate, and the conduct and transparency of election was believed to have assisted in the development and entrenchment of democratic processes.

*Romania 1996*

The Parliamentary Assembly observed the November 3 parliamentary and presidential elections, sending 20 observers, and concluding that the election was well organized and free and fair. There was an intensive pre-election campaign, a broad choice of candidates and no major electoral violations. The report did note minor irregularities, but attributed this to a lack of democratic experience. The consensus is that the OSCE played a constructive role in the electoral process.

*Moldova 1996*

ODIHR monitored the November 17 and December 1 presidential elections with one coordinator, and nine long-term and 81 short-term observers. The election was seen to be peaceful and generally well organized, and to reflect the will of people. Moldovan authorities strove to give everybody a vote, and all candidates had access to the media - although the state-owned media were not impartial. Only a small percent of Transdniestrian voters could vote due to the region's control by breakaway elements. However, this very low turnout was viewed by the OSCE mission to be the sole responsibility of the de facto, self-proclaimed republic leaders. Final recommendations centred around the electoral law, voter lists, and electoral administration.

*Macedonia 1996*

The November 17 municipal elections were the first to take place in the country since independence, following closely upon a major reorganization of local government and the passing of a new local electoral law. The number of municipalities had been raised from 34 to 124, including the city of Skopje. Due to the significant number of national elections that ODIHR was committed to observing in the same period, and the acute shortage of observers being seconded by participating states, it was not able to mount its standard observation effort. As such, only a coordinator and 90 locally recruited international short-term observers could be mustered. Nevertheless, a needs assessment was conducted from October 23-27, with the mission in-country from November 10-20 and training given on the 16th of that month. Overall, the mission gave a positive assessment of election day, with recommendations to improve the accuracy of the voter registry and election law, to provide voters with an electoral identity card, and to establish an independent commission to review electoral boundaries.

*Chechnya 1997*

766 candidates ran for the 63-seat parliament and 13 for president in the January 27 presidential and parliamentary elections. The OSCE provided 72 short-term observers from January 25 to 29, as well as technical and financial assistance. In a press release, the Organization reported that the elections had taken place in a calm and orderly atmosphere with no serious electoral violations, and that they reflected the free will of those entitled to vote.

*Croatia 1997*

ODIHR set up an observation mission in Zagreb with 10 regional offices including Eastern Slavonia for the April 13 parliamentary elections - the third multi-party elections since independence in 1991. Observation in Eastern Slavonia was conducted upon the invitation from the UN Transitional Administrator for Eastern Slavonia (UNTAES). From mid-February, ODIHR coordinated 22 long-term observers and 192 short-term observer including 52 deployed to the UNTAES region. The election results produced a 40-of-63 seats ruling party victory, up three seats from 1993. For non-UNTAES regions, ODIHR concluded that there was a generally efficient election process, despite the fact that the secrecy of the ballot was not consistently guaranteed, there were incidents of proxy voting, non-partisan civic observers were still excluded from observing, and proper media access to all parties was not assured. In Eastern Slavonia, ODIHR observed that there were significant technical problems relating to an unrealistic time schedule, inaccuracies in the voting lists, late delivery and absence of electoral materials, and last minute changes to election regulations. All those who wanted to vote, however, could do so.

The OSCE Parliamentary Assembly deployed its 19 observers outside the UNTAES region. The PA report stated that election day procedures were generally carried out in an orderly manner and in accordance with the law. Although procedural and technical violations were witnessed in some polling stations, the delegation believed that a variety of choices between candidates and points of view were offered, and that the elections were generally conducted in an orderly and free manner. However, pre-election flaws marred the overall fairness of the elections. The PA's report then went on to contradict this statement by saying later that the situation predominantly met the preconditions for free and fair elections. The electoral legislation was said to provide sufficient conditions for free and fair elections; however, some areas of law and its application did not meet desired standards, in particular, aspects of pre-election campaign and the media coverage. Other problems involved inadequate media coverage, ballot secrecy violations, technical polling problems and insufficient political party monitors. Finally, concerns were raised by the mission over the appearance of candidates' ethnicity on ballots, as well as the president's name since he was not running. Given such an assessment, it is difficult to see how the PA could call this election free and fair.

Despite logistical problems, many did feel these elections were covered by the OSCE in a professional manner. It further bears mentioning that ODIHR's assessment in Eastern Slavonia was significantly more critical than the UN's, which downplayed the technical irregularities.

*Bulgaria 1997*

The April 19th election was Bulgaria's fourth multi-party parliamentary election. ODIHR sent a coordinator, deputy coordinator, a legal officer, 6 long-term observers and 92 short-term observers to monitor voting, counting and aggregation of results. The mission observed that officials performed duties thoroughly and professionally and in a very efficient manner, there was a tolerant campaign, all parties made extensive use of the private media, and that there had been a substantial contribution by domestic observers. Problems centred around an out-of-date electoral law and difficulties in deciding party media allocations. Overall, ODIHR's final report concluded that the election was conducted in line with OSCE commitments, but that anomalies in the electoral legislation would have to be addressed. The PA sent 14 parliamentarians who declared the election free and fair, and noted that due to the frequency of Bulgarian elections in the post-communist era, good democratic patterns had been established. In contrast to ODIHR, however, the PA was concerned over press freedom, and concluded that the electoral law was clear and comprehensive and was implemented in a competent and efficient manner. OSCE participation was seen by many to be well organized.

*Albania 1997*

Following civil unrest after the collapse of pyramid schemes, Albania held parliamentary elections on June 29. ODIHR was to have observed the October 20, 1996 municipal elections; but due to unacceptable restrictions put on ODIHR's observation effort - among which the possible arrest of the coordinator, the OSCE decided not to observe. Although the OSCE had not received an invitation from Albanian authorities, it had intended to observe anyway on the grounds that notification of elections was sufficient.

The 1997 observation was conducted as part of the OSCE Presence in Albania, and for the first time, involved joint cooperation between ODIHR and the PA. With respect to division of labour, ODIHR and the PA provided observers, ODIHR was responsible for technical assistance, the secretariat managed mission logistics, and the Permanent Council chose the head of mission. OSCE resources were stretched to the limit with a 100-person technical assistance team, long-term observers, and 500 short-term monitors including 150 parliamentarians. The mission operated within three military security zones - Greek, French and Italian.

Formal results were announced on July 18 with the Socialists winning by 70% and Fatos Nano becoming Prime Minister. The turn-out was very high and the outgoing government accepted the results. The elections went better than expected and saw all major parties present at the polls, no partisan-related incidents and no major irregularities. In addition, logistics and civic education were conducted satisfactorily and international personnel were treated well. For this reason, the OSCE concluded the elections were valid. Since the vote, the former government party seemed ready to reverse its policy of boycotting parliament, and the Italian-led Multinational Protection Force (MPF) left the country on August 8 to be replaced by a bilateral Italian force of 600. As for the OSCE, it continues to work in Albania, particularly in the fields of human rights and rule of law, democratization and civil rights, electoral assistance, media

monitoring and institution building. The Organization also provides the coordinating framework for international assistance programs of economic development, stabilization and security, democratization and social recovery.

Despite the security problems, the OSCE took a big chance and allowed the elections to continue. The calmness of election day, however, has convinced many that the OSCE provided a valuable service and contributed to a less volatile situation. Voters appreciated the Mission's presence and a post-election process of reconciliation and reform has already been initiated. Most criticisms have been of an operational nature with inadequate planning and communications and a number of unqualified observers. Nevertheless, given the short three-week time-frame the OSCE had to operate, the consensus is that the Organization displayed acceptable logistical capability, and has had a significant democratic impact in Albania.

#### *Bosnia-Herzegovina 1997*

Bosnia's municipal elections were delayed twice to September 13-14, 1997. The Head of the OSCE Mission remained Ambassador Robert Frowick, while Kare Vollan was appointed the OSCE/ODIHR On-site Coordinator of the OSCE Electoral Observation Mission, arriving in-country on July 17. Therefore, as with 1996, there was a separate supervision and observation mission. To overcome earlier problems of mandate overlap, a Memorandum of Understanding was signed between the OSCE Mission and ODIHR to the effect that the Mission would handle supervision, assistance and all observation logistics, while ODIHR would have the sole responsibility for observer recruitment, briefings, deployment and reporting. As a result, Bosnia 1997 involved a more distinct difference between assistance/supervision and observation. There were 2,500 electoral supervisors, 24 long-term observers and 200 short-term observers in place by election day. The short-term observers arrived on September 9, were briefed September 10, deployed September 11, had local meetings on September 12, observed on the 13th and 14th, and then were debriefed on September 15.

In many respects the 1997 election was valid and an improvement over 1996. Voting was generally conducted in a calm atmosphere, with low levels of fraud and a more tolerant and fair campaign. There was considerably more movement across the IEHL and a very high turnout of 87%. This, together with a degree of opposition party improvement in popularity, suggests that the election results largely represented the will of the people. On the down side, however, although there were some ethnic cleansing reversals (Tuzla, Srebrenica), the ruling ethnic parties continued to dominate an electorate that still votes along ethnic lines. In fact, the high turnout was partly a manifestation of hostility generated from competing nationalisms. On a technical level, complaints were also raised that the whole process was overly complex, making training and supervision very difficult and contributing to the very late release of the final results. In sum, while the campaign and election were generally characterized by greater tolerance and access, the continuing dominance of ruling nationalistic parties still provokes questions concerning long-term stability.

As for the OSCE, supervision and observation activities were on the whole well run, and separated from each other by a greater degree than in 1996. However, the Organization was still criticized for dominating the electoral process and placing too little emphasis on local capacity-building. Many of the supervisors also had strong language difficulties with English making communication with translators and with each other very problematic.

#### *Serbia 1997*

Slobodan Milosevic invited the OSCE to monitor the Sept. 21 Serbian presidential and parliamentary elections. President of the Federal Republic of Yugoslavia, he constitutionally could not run again for the Serbian presidency. There were three presidential candidates. Zoran Lilic, the previous federal president, was favoured to win as Milosevic's hand-picked candidate. Vuk Draskovic was seen as a contender with possible designs to make a secret deal to allow him into a Lilic cabinet. He was the figure head of the previous winter's street rallies and defunct "Together" movement. Finally, there was Vojislave Seselj, an anti-German, anti-U.S. ultra-nationalist with close ties to ethnic cleansing in Bosnia. The other two from the defunct winter opposition alliance - Zoran Djindjic and Vesna Pesic - were spearheading a boycott of the elections.

Spanish Prime Minister Felipe Gonzalez was the point of reference during the OSCE observation of the first round vote. The mission concluded that the electoral process was flawed because of a lack of clear electoral regulations, serious questions about the neutrality of the electoral commission and of the judiciary, and an obvious bias in the state media. It did note, however, that the technical implementation of voting day was good. Recommendations include depoliticizing of the media, amendments to the electoral law and establishment of an independent judiciary. First round results saw Lilic finishing first and Seselj second, but neither achieving the requisite 50% majority for victory. A second round had Seselj receive a majority, but since turnout was less than 50% the presidential election results were annulled. By law, a new election had to be held within 90 days. As for the parliamentary results, the ruling party received only 33% of the vote ending up in a minority position within the legislature.

#### *Montenegro 1997*

ODIHR observed the first round presidential elections of the Republic of Montenegro (FRY) on October 5, 1997. Milosevic-supported President Bulatovic finished with 47.5% to Prime Minister Djukanovic's 46.7%. Since no candidate received over 50%, a second round was held two weeks later.

#### *Republika Srpska 1997*

Republika Srpska president, Biljana Plavsic, requested the OSCE to extend its mandate and mission in Bosnia until the end of 1997 so as to supervise the preparation and conduct of National Assembly elections. They were called when she dissolved the Assembly earlier in the Summer. The OSCE decided to supervise these elections.



## 4. OVERVIEW

### Organizational Structure and Operations

The OSCE is unique in many respects. It is largely a norm-based organization with a human rights and democratic development document (Copenhagen 1990) that many see essentially as a European charter on democracy. Moreover, the post-Cold War aim had been to establish a small and decentralized, non-bureaucratic security regime that, through consensus decision-making, could provide timely and effective preventive diplomacy and peacemaking assistance. Many see this as working well in terms of OSCE long-term conflict resolution missions to high tension areas, but presenting serious difficulties to the more logistics and deadline dependent peacebuilding and democratic development activities in the Balkans that it has recently been asked to supervise. Perhaps this is part of the problem - trying to compress electoral initiatives in Bosnia into unrealistic timelines instead of expanding the process to fit into the more long-term and consensus-based pan-European focus of the OSCE.

Nevertheless, even with greater temporal emphases, there is no escaping the fact that the frequency and the magnitude of the new commitments are not well-served by the current state of OSCE decentralization, size, decision-making procedures, logistical capabilities, and relative inexperience in democratic development and peacebuilding. Specifically, there has been a great deal of competition between Vienna and Warsaw offices, poor communication among OSCE Headquarters components and between the OSCE and its missions, and with a total staff of only 200, the Secretariat has been swamped by its role in Bosnia. Add to this serious funding problems and the inexperience of a young organization, and it is not surprising that electoral activities have met with so many operational problems.

Some of these problems are constitutional - that is to say, they stem in part from the fundamental fact that the organization is made up of 55 disparate, sovereign, and often undemocratic nation-states who generally want to maintain the consensus decision-making mechanisms. Given these constraints, it is important for the OSCE and its members to come to terms with the extent they wish the OSCE to undertake consensus-based preventative diplomacy and peacemaking, and the more operational roles of peacebuilding and democratic development. To a degree, however, this is a misleading comparison since, as is mentioned in the Bosnia 1996 section, electoral activities in Bosnia were largely a conflict resolution tool. Nevertheless, OSCE peacebuilding is definitely taking place in Albania, will likely occur in Eastern Slavonia, and as Bosnia hopefully acquires a more solid peace, the OSCE will probably be asked to continue its election work. Above all, the Organization must determine where its priorities lie, and not just scramble to respond to every request that comes its way.

Without question, OSCE electoral activities operate under severe structural and financial restrictions. If the electoral and democratic development focus is to be maintained or enhanced, however, as now seems to be the case, some degree of rational integration among OSCE components will be necessary, as will an increase in experienced and professionally trained

OSCE staff. Care should be given, though, to ensure that this is done without sacrificing the uniquely decentralized nature of the OSCE.

### **Selectivity Criteria**

In 1995, the OSCE monitored 8 elections; in 1996, 10 including Bosnia, and so far in 1997, 8 elections. Many of these electoral missions are large undertakings with a hundred or more observers, heavy financial outlays and difficult logistics, involving a scale and frequency that other multilateral organizations have never had to deal with. Although the Organization is operating in a post-Soviet context of democratic hunger on the part of Eastern Europe, the Balkans and Central Asia, it sends missions to too many elections and needs to tighten up its selectivity criteria in two regards. First, it has in the past observed in places that did not meet even minimum standards for elections. With Azerbaijan in 1995, Kazakhstan in 1995, and Armenia in 1995 and 1996 there was very little intent by the ruling authorities to hold free and fair elections, resulting in severe media and process bias against opposition candidates, and lack of public education and interest. In the absence of a minimum of good faith, comments about poor registration procedures or ineffective electoral official training lose their meaning.

Second, this is all the more problematic given the fact that the OSCE simply does not have the manpower and resources to attend every election. The Organization could not mount its standard observation effort in Bulgaria 1996 or such an important election as Macedonia in 1996 due to an acute shortage of observers. Attendance at so many elections and with so much manpower and resources, therefore, reduces the focus where it is needed, in addition to diminishing OSCE credibility and donor interest. The OSCE deserves much credit, however, for not attending the 1996 Albanian municipal elections, although this had more to do with threats to arrest the mission coordinator than anything else. Although the current policy does not equate mission presence with system legitimacy, in order to avoid pre-democratic extremes and the temptation to spread itself too thin, the OSCE still needs to clarify where and when it observes, and how many observers are sent.

### **Evaluation Criteria and Scope**

The principles that guide the OSCE are impressive. In particular, the Copenhagen commitments to democracy, human rights and electoral monitoring are a tribute to the farsightedness of its member-states. In practice, however, despite significant improvements, electoral missions still tend to be overly focussed on observation, the short-term, and technical matters. Short-term observers are usually deployed the day before the election - not enough time for field briefings by overworked long-term observers, themselves in-country only several weeks. The OSCE has developed a great deal of expertise in electoral observation, and in Bosnia is acquiring a significant electoral technical assistance capacity. However, as states rapidly move past their first and second post-Cold War genuine elections, the OSCE must scramble to remain abreast of these developments by greatly expanding its focus to long-term democratic development. In particular, electoral support should be coordinated to a greater degree with assistance in the areas such as governance, human rights, rule of law, police

training, democratic institution-building, and grass roots dialogue. The Organization is also weak in working with international and domestic non-governmental organizations. With respect to the Parliamentary Assembly, while the PA does bring a unique legislative focus, the value added is often eroded by a even shorter monitoring timeframe than ODIHR's.

### **Mission Structure and Operation**

The quality and efficiency of OSCE missions has been improving dramatically since the start of the 1996 Bosnia missions. Guided by a hardworking and proficient ODIHR headquarters staff in Poland, strong efforts have been made to systematize mission procedures and evaluation criteria. In-country operations, however, still suffer from a great deal of haphazard logistics, crossed communications and weak decision making. This has been compounded by very confusing relationships with the many other international bodies that the OSCE works with - EU, Council of Europe, NATO, the UN etc. The Parliamentary Assembly also has a reputation for using parliamentarians that display somewhat of a superior attitude when observing.

### **Credibility and Resolve**

The credibility of OSCE electoral activities stems essentially from seven factors: 1) pan-European membership gives it an advantage over western European institutions such as the Council of Europe, NATO and the EU; 2) possession of comprehensive democratic and human rights norms; 3) greatly improved electoral expertise; 4) non-involvement in war-time Bosnia and heavy involvement in post-war Bosnia; 5) significant impact in Albania's democratic development; 6) strong criticism of UN-supervised electoral procedures in Eastern Slavonia; and 7) the Gonzalez mission to the Federal Republic of Yugoslavia.

While a significant amount of credibility capital has been acquired, several factors are undermining this. As mentioned above, the trend to accept nearly every electoral invitation, tends to weaken the validity of final report statements. This is because, to a certain extent, mission presence contributes to regime legitimacy, especially where the government can selectively quote and publicize mission conclusions (Serbia 1997). Consequently, blanket electoral coverage can inadvertently add to electoral processes where minimal structures and desire for democracy do not exist, and detract from them where such conditions are present. Weak final mission statements in Azerbaijan, Kazakhstan and Armenia, as well as Belarus in 1995, have also eroded credibility.

A third problem is the largely official nature of missions. Greater attention needs to be paid to unofficial civil society, as well as to the voting public, itself - it is unclear whether the average voter in Eastern Europe knows much about the OSCE. Finally, ODIHR and the PA have at times differed markedly in their final conclusions. Usually the Assembly is more critical than ODIHR, but in Albania 1996, for example, ODIHR was highly critical while the PA considered the results acceptable. While a strong attempt has recently been made to integrate PA and ODIHR mission components under one deployment structure and final statement as was the case in Albania 1997 and Bosnia 1997, greater OSCE cohesion in-theatre is necessary.

Although the OSCE certified the Bosnian election of 1996 as acceptable despite serious democratic flaws, this may not be a credibility impediment since, unlike other OSCE missions, the key purpose of the electoral activity was less to serve as a deterrent to fraud and more to assist in electoral development, and through this, provide a critical conflict resolution tool. That is to say, it may be argued that the OSCE electoral mission was less a democratic development or peacebuilding mission, and in fact more a peacemaking operation. In this case, therefore, success should be measured less by the resolve of the final mission statement, and more by the degree to which the peace process has been furthered. Given that peace has held for one year after the elections, basic institutional structures have been put in place, and that the Bosnian Serb Banja Luka-Pale split would not have occurred had the 1996 elections not taken place, OSCE involvement in Bosnia has increased its credibility. Similar operational peacemaking arguments perhaps can be made regarding the observation of the Chechnya elections.

### **Impact on Electoral Process**

The OSCE has had a significant impact in the development of electoral processes in Bosnia, Albania and Serbia, and minor impact elsewhere.

### **Impact on Democratic Development and Sustainable Peace**

Through electoral assistance and monitoring work has indirectly made a democratic difference in Albania, and through the force of world opinion has contributed to reforms in Serbia. In Bosnia, while little democratic development has occurred, the OSCE has furthered the peace process through electoral supervision and assistance. Elsewhere, impact has been rather limited due to the lack of cooperation of certain state regimes, a lack of OSCE resources, or the presence of reform that would have taken place regardless of OSCE assistance.

### **Capacity for Learning**

The OSCE has demonstrated a strong capacity for learning, with many seeing it as a different organization than it was a year ago, let alone since 1994 when it began observing elections in earnest. In 1994, electoral activities were centred solely on observation and were extremely unprofessional, ad hoc and disorganized, with little systematic basis for determining whether an election was valid or not. Largely due to the Bosnian experience, however, dramatic improvements have taken place. An observer code of conduct and manual have been developed, more systematic observation criteria utilized, there is greater coordination with other international organizations, and assistance and observation functions have become more differentiated in order to improve mission objectivity. As Eastern European democracies develop, observation is changing with the OSCE more aware of the roles of opposition parties, the varying needs of different countries, and the importance of subtler, non-technical factors such as the media, division of powers, voter education and democratic institutions. At the headquarters level, Vienna has learned to delegate more decision-making authority to the field, and ODIHR now has a much better professional capacity with a recent increase in staff from one

electoral expert to three, and the creation of an electoral unit. Since the Albanian mission in 1997, the Parliamentary Assembly and ODIHR have also become more united.

Notwithstanding the exceptional circumstances of the Bosnian mission, there seems to have been a general trend towards more assertive reports as evidenced by ODIHR's critical evaluation of the 1996 Albanian election and the Gonzalez mission to Belgrade in 1997. Nevertheless, one could argue that these were relatively easy decisions since the Yugoslav Republic has alienated even Russia, and few European states have vested interests in maintaining Albania as an ally.

In understanding the reasons for such a steep learning curve, one must look for explanations beyond simply the sharp increase in demand for OSCE services. Other important factors are the existence of a strong self-evaluative norm, and related to this, the benefits of a relatively small bureaucracy. The OSCE still has a long way to go in terms of logistics, attention to non-technical matters, a longer term focus, and mission design and selectivity criteria, but at least its strong learning ethic may allow it to partially overcome the financial and structural constraints in which it must operate.

## 5. CONCLUSIONS

### Evaluation

Using a five point scale (poor, needs improvement, fair, good, very good), determinants of the success of OSCE electoral activities ranged as follows:

Organizational Structure	Needs Improvement
Mission Selectivity Criteria	Poor
Evaluation and Scope	Fair
Operations	Fair
Credibility and Resolve	Fair
Impact	Fair
Potential	Very Good

### Comparative Advantage

- OSCE is well-respected due to strong international standards (Helsinki, Copenhagen document).
- Pan-European membership increases objectivity, especially with respect to Bosnian operations.
- Expertise in preventive diplomacy, peacemaking, democratic development, human rights, rule of law, electoral monitoring and assistance.
- Experience in the Balkans.

- With respect to elections, the OSCE has an advantage with observation and to an extent, assistance.

### **Recommendations for the OSCE**

- Develop clear and comprehensive guidelines as to when an electoral mission is deployed and how it is constituted.
  - Improve long-term planning and coordination
  - Liaise, coordinate and possibly conduct short-term personnel exchanges with other international organizations such as the OAS that have already acquired significant electoral assistance and long-term democratic institution-building expertise.
  - Increase and professionalize electoral and logistical staff, and establish more central electoral coordinating body.
  - Identify country-specific problem areas for electoral focus
  - Provide more long-term electoral coverage
  - Give more attention to non-technical electoral matters such as political context, opposition parties, the media, political institutions, rule of law and informal sectors.
  - Delegate more responsibility to domestic officials and observer groups.
  - Provide more rational integration of OSCE component agencies (ie. ODIHR, Parliamentary Assembly, Secretariat, Chairman-in-Office).
  - Establish strategic long-term OSCE priorities.
- In short, more emphasis should be placed on professionalization and rationalization of electoral assistance, long-term sustainability, and strategic prioritizing.



# THE FRANCOPHONIE

## ELECTORAL ACTIVITIES REVIEW

### 1. SUMMARY

The chief advantage of the Agence de la Francophonie (ACCT) missions is that they come with the backing of a 49-member organization of mostly sovereign states that share strong links of French language, culture, heritage and political and legal systems. This lends credibility of numbers and knowledge to electoral conclusions within Francophonie states. ACCT electoral activities further benefit from the presence of a strong cultural norm of long-term development support, as well as five years of networking and experience within members' political and electoral institutions. However, as with other multilateral organizations, the presence of so many sovereign states leads to watered down resolve and deployment delays as the ACCT may not observe or provide assistance unless invited to do so by a member-state. This is further compounded by cohesion problems as Francophonie members have few geographic or collective security links and a limited agreement on democratic or human rights norms. An association based largely on language and culture, therefore, must tolerate membership with very disparate political systems (Canada, Niger, Rwanda, Vietnam) and degrees of democracy and development, making logistical arrangements and political decisions more problematic. In turn, this may bend the realistic problem-solving approach into an organizational predisposition towards stability over genuine democracy. Any attempt at reform would therefore have to address these difficult conditions under which ACCT electoral support must operate.

With respect to election missions themselves, the Francophonie generally is observing and providing assistance where it should be doing so, but needs stricter conflict-of-interest guidelines and a policy on when to accept late observation invitations. Once the decision is made to accept an invitation, however, actual observation unfortunately lasts for only several days and often is limited to the capital. Moreover, technical assistance tends to be confined to monetary and in-kind support with little post-electoral follow-up and contribution to broader democratic institution-building. While late invitation and funding difficulties are part of the problem, for an organization that prides itself on realistic, long-term electoral development, greater effort must be placed on instilling a longer-term ethic in its electoral observation activities.

The Francophonie currently is uncomfortable with the use of evaluation forms and criteria, preferring verbal debriefings and case-by-case considerations to universal criteria. Although the Organization should be commended for its emphasis on contextual understanding, the excessive, ad hoc nature of ACCT electoral support leaves missions vulnerable to improper bilateral, local and patronage influences. Election activity also suffers from inadequate planning, logistics and debriefing procedures. Improved operational mechanisms would lead to better rapid reaction, broader geographic and chronological coverage, a higher profile for the ACCT



in-country, and greater impact through information-sharing. These problems have created serious credibility problems for the Francophonie, and diminished confidence in its ability to make accurate and resolute electoral evaluations.

Of those interviewed, few generalized that the Francophonie had made a noticeable impact on the efficiency and credibility of electoral systems within the Francophonie. With respect to specific missions, however, there is strong evidence to show that the Francophonie did play an important role in the Comoros in 1996 by providing a great deal of hands-on technical advice to the electoral authorities and by serving in a useful conflict resolution role among the political parties. It is instructive to note that this mission enjoyed sound and professional leadership and remained in-country for about twice as long as the average ACCT mission. In Burkina Faso, electoral involvement reportedly had a moderating influence on the tone of the electoral process. There has been little direct evidence of Francophonie impact on more fundamental and long-term democratic development throughout its membership.

The 1997 Hanoi Francophonie Summit elected a Secretary-General of the Francophonie as a whole, and placed a stronger emphasis on conflict resolution and greater democratic development support. This will hopefully increase the profile, credibility and independence of the organization. In addition, the 1997 Francophonie Dakar seminar on reform of ACCT electoral activities recommended a greater focus on technical assistance, professionalism, the long-term, observation consistency, and a higher Francophonie profile. This potential, however, must be measured against the Francophonie's weak record of improvement since the start of its electoral work in 1992, and the ACCT's traditional discomfort with political programming. This is compounded by the limited technical nature of the Dakar recommendations, and the risk of increased disunity as the organization expands.

In sum, Francophonie electoral activities benefit from francophone cultural and institutional similarities among its very broad multilateral membership, a realistic and supportive approach to electoral and democratic development, and a body of knowledge and contacts acquired through five years of electoral support within member-countries. Serious problems with the scope, consistency, professionalism and credibility of election missions, however, are preventing the ACCT from achieving its full electoral and democratic impact potential. As for the future, structural constraints and a weak learning ethic will limit the capacity for meaningful reform of Francophonie electoral activity in the short to medium-term. (NB: the new Secretary-General of the Francophonie has introduced a number of organizational reforms and innovations in the electoral field since assuming the office in 1998. However, it was not possible to assess the impact of these innovations within the common time frame for this study).

## 2. BACKGROUND

### Organizational History

The Francophonie is a community of peoples who speak French or use it to varying degrees, either in their own countries or internationally. It is also an institutional framework of official and private organizations and associations engaged in areas of activity and interest shared by the community's members. As such, the Francophonie is both an association and an institution. Its loose structure consists of biennial Francophonie Summits at the level of head of state or government; two Standing Ministerial Conferences on education, and youth and sports; non-governmental organizations; and the Agence de la Francophonie (ACCT - formerly, Agence de coopération culturelle et technique) which serves as the secretariat to the Francophonie. Currently, there are 49 members, including 5 associated member-states, 2 participating governments - Canada-New Brunswick and Canada-Quebec, and 3 countries participating at Summits only.

Present-day Francophonie structures have their roots in various private French-speaking associations which have existed for more than 40 years. However, it was not until 1969 that the first francophonie Intergovernmental Conference took place, with 28 countries deciding to create the ACCT. Among its members, the Agence was mandated to develop ties of mutual cooperation in the major fields of sustainable development, as well as serve as a summit follow-up mechanism. Oversight of the body was given to the Francophonie Ministerial Conference in the capacity of a Board of Directors and General Conference. The Agence General Secretariat consists of a Secretary-General, five directorates (policy and planning, finance and administration, culture and communication, education and training, and technical cooperation and economic development), the Special Development Program, the Délégation Générale à la Coopération Juridique and Judiciaire, and a number of regional offices. By 1986, however, the ACCT had fallen into a kind of bureaucratic lethargy which rendered it incapable of playing a significant role.

This situation began to change, however, with the commencement of Meetings of Heads of State or Government in 1986. Prior to this, such meetings were held only at the ministerial level. By the 1991 Chaillot, France Summit, summits had become the heart of the Francophone network, with the ACCT re-fashioned to include a new political emphasis and serve as the key implementation mechanism of the organization. The Agence thus became the chief instrument of the Summits, the Secretariat for all decision-making bodies, and the institutional memory of the Francophonie. Currently, it is involved in agriculture, communications, co-publishing, human rights and democratic development, education and training, and the environment. ACCT activities are overseen by a Permanent Council (CPF) of 15 personal representatives of heads of states or governments chosen at the most recent Summit.

The Cotonou, Benin 1995 Summit set a higher political priority for the Francophonie with more Summit political resolutions, approved the creation of the position of Secretary-General of the Francophonie (as opposed to the current ACCT Secretary-General), and the

decision to involve the Francophonie in conflict resolution and more active promotion of democratic development and rule of law. The latest Summit was held in 1997 in Hanoi, which elected Boutros Boutros Ghali as the first Secretary-General of the Francophonie.

### **Electoral Activities**

The Chaillot Summit produced the Chaillot Declaration on democracy and development which provided support for various political resolutions and, more importantly, proposed a human rights and democratic development promotion program. This program includes: documentation and information; support for electoral processes; and development seminars targeting key stakeholders in democratic development such as parliamentarians, journalists, unions, police forces and NGOs.

With respect to electoral support, at the request of member-states the Francophonie has observed 27 elections and one referendum - the first observation in 1992. Monitoring guidelines were drawn up in that same year, with missions normally involving a pre-electoral exploratory mission, participation by up to 15-20 high-level observers and several members of the ACCT Secretariat. In 1996, electoral mission guidelines were further developed. Among other things, they stipulated that the Permanent Council should receive an observation request at least three-months prior to election day, and that a final observation report had to be forwarded to the Permanent Council within 15 days of the end of the mission. The exploratory mission deploys following the Francophonie's agreement to observe an election, and therefore its mandate is more related to information gathering and operational arrangements than to recommendations on whether to observe or not.

In addition, there are three kinds of technical assistance: financial support to electoral authorities in the order of \$50-75,000 per election; material support such as computers, documentation, photocopiers, fax machines etc.; and provision of experts. While financial and material support is very common, experts have been provided in only three cases - Seychelles 1993, Chad 1996 and Mali 1997. Francophonie electoral activities are handled by a team of five within the Délégation Générale à la Coopération Juridique et Judiciaire of the ACCT.

### **3. INDIVIDUAL MISSIONS**

While the Francophonie has been observing regularly since 1992, in the interests of consistency with the reports of the other multilateral organizations, this review concentrates primarily on elections from 1994 on.

#### *Seychelles 1993*

The Francophonie provided technical expertise to the 1993 legislative elections, and then observed the July 23, 1993 presidential elections. The mission was seen as well-conducted,

although it did arrive just before election day and consisted primarily of French parliamentarians.

#### *Togo 1994*

First round legislative elections were held on February 2, 1994, and the second round on February 20. Francophonie observation was from February 2 to 9, and then from the 18th to 23rd.

#### *Benin 1995, 1996*

With respect to Benin's March 28, 1995 legislative elections, the Francophonie sent an exploratory mission to Benin from January 3-7, 1995, and then mounted an observation from March 24-31. Similarly, the March 3, 1996 presidential election was observed from February 28 to March 6 and then from March 15 to 20 with an exploratory mission conducted from February 2 to 9. For both elections, the Francophonie also provided financial and material support to the electoral authorities.

During the legislative elections, however, a high-level Francophonie functionary was a candidate for president and used the ACCT presence to display and further his influence. Nevertheless, the observation was reported to have been well-conducted, and the election did bring about a peaceful change in government with a more socialist government replacing a market-oriented one.

#### *Guinea 1995*

Legislative elections were held on June 13, 1995, with the Francophonie providing financial support, conducting an advance mission from 17-24 May and observing from 7-14 June. The Francophonie concluded that the election was valid, although others have said there were serious flaws. Operationally, the mission was reported to be well-conducted.

#### *Gabon 1995*

This mission covered the Referendum of July 23, 1995, and was deployed in-country from July 22 to 26. Problematic mission operations resulted from inadequate observation leadership.

#### *Cote d'Ivoire 1995*

Legislative elections were held on November 26, 1995. The Francophonie provided financial support and observed from November 22 to 29.

*Comoros 1996*

Following a coup d'etat, ceasefire and OAU-brokered peace agreement, presidential first round elections were held on March 6, 1996, and the second round on March 16. A Francophonie exploratory mission was conducted from February 11-18 followed by the 10-person observation proper between March 3 and 18. The mission provided good evaluation criteria and forms, was instrumental in assisting in the administration of the election, and also served in a useful conflict resolution role by facilitating agreements on allocation of media air-time and composition of the electoral commission. Efforts were rewarded with a fairly high turnout and opposition acceptance of the results.

*Chad 1996, 1997*

A military coup brought in a new leader who eventually won the June 2 and July 3, 1996 presidential elections - the first elections in 20 years. The Francophonie observed the first round from May 30 to June 5, the second round from June 29 to July 12, and also provided four technical experts for the electoral authorities. In its conclusions, the mission declared that the voters were well-informed, the election was well-organized with good security and no violence, and that the presence of international observers was appreciated. Although the opposition accepted the results, some have questioned whether the results truly represented the will of the people. As for the mission, itself, it was part of a UN umbrella observation. Yet despite arriving only three days before the vote, the ACCT cooperated little with other international groups and even tried to control much of the observation effort. This shortened observation therefore reduced the credibility of the mission and prevented the Francophonie from assisting the UN. In short, although Francophonie involvement reportedly did benefit from high quality observers and good forms and evaluation criteria, late arrival and the perception of bias limited it from making a difference. The Francophonie also observed the February 23, 1997 legislative elections during the period of February 19 to 26.

*Niger 1996*

Niger was generally ready for an election, having already had several previous elections including the January 12, 1995 legislative vote which was observed by the Francophonie from January 5-16, 1995. Given this earlier success, it was appropriate for the organization to return to observe the July 7, 1996 presidential elections in which it provided 20 observers from July 3 to 12 as well as financial and material support. Reportedly the observers were very experienced and were provided with a good briefing. However, there was little coordination with other observer groups such as the United Nations, the observation was very informal with no use of forms or evaluation criteria, and most monitoring took place in the capital despite a very rural population.

Of the presidential election itself, a consensus exists that there had been proper electoral laws, medium turnout, wide opposition involvement, acceptable logistics, and voting that was relatively uneventful. Although there was a high level of apathy, the population and electoral

authorities did support the observers. During the count, however, government troops sealed the tabulation centre, the opposition was put under house arrest, and the independent electoral commission dismissed. In short, the problem was less one of fraud than a hold-up of the entire process. The Francophonie stated that its observers were not in a position to make a comment on the accuracy of the results since they were unable to observe the count and transmission of results. A French bilateral observer group supported the outcome, the ACCT final communique "expressed some doubt over the results," while the UN was far more critical. The Francophonie therefore came under a great deal of criticism for not being hard enough on the government's anti-democratic actions.

#### *Madagascar 1996*

Following the impeachment of the president, a new presidential election was held on November 3, 1996 with a second round scheduled for December 29. The Francophonie provided financial and material support, conducted an advance mission, and observed from October 31 to November 5 and from December 26, 1996 to January 3, 1997. The election was also observed by the OAU and the International Commission of Jurists. As with Niger, the Francophonie cooperated minimally with other international observer groups, refused to use forms or evaluation criteria, and provided little deployment to the countryside. In addition, no Francophonie badges, t-shirts or cars were provided to observers, and ACCT logistics were inadequate to the point that the two monitors deployed outside the capital had to make their own travel arrangements. Despite these problems, the mission did properly conclude that despite a reasonably fair election and a successful transfer of power to the opposition, there were serious problems with the electoral lists and voter ID. The fact that the government was worried about Francophone conclusions was also a measure of mission credibility.

#### *Burkina Faso 1997*

Legislative elections were held on May 11, 1997, with the Francophonie providing financial and material assistance, and conducting an exploratory mission from the first to the sixth of April. Its observation from May 8 to 15 reportedly had a moderating influence. The final Francophonie report concluded that although there were some irregularities, the electoral process as a whole was well-conducted and valid, and represented a positive step towards democracy.

#### *Mali 1997*

After independence in 1960, Mali was ruled by Moussa Traore as a pro-Soviet one-party state. In 1992, however, the country successfully moved from the dictatorship of Traore to widely praised multi-party democracy with the election of Alpha Oumar Konare as president. This vote was observed by the Francophonie, which was criticized for arriving just prior to election day and attempting to domineer the electoral coverage of other international observer groups.

Following an October 1996 invitation to observe the 1997 April 13 parliamentary elections and May 11 and 25 presidential elections, the ACCT sent an exploratory mission from February 10 to 16 to assess the electoral conditions. Financial, material and expert support were provided to the electoral authorities, and a 16-person (11 observers and 5 staff) observation mission deployed from 10-18 April for the first legislative round. It concluded that the election was run on schedule and the electoral commission effectively put in place, but noted difficulties surrounding the compressed electoral period and inaccurate electoral lists. Unfortunately, however, the situation deteriorated badly after the first round with the Constitutional Court annulling on April 25 the first round results due to irregularities and severe disorder.

Problems also surrounded the presidential elections as Konare was re-elected for a second and final term amid an opposition boycott, denunciations, and calls for timetable revision. 10 Francophonie observers and 4 support staff observed the first round from May 9-14, 1997, as well as participated in a Mali investigatory commission of the first round legislative elections. The election experienced acts of violence, and the Francophonie concluded that severe organizational difficulties reflected deeper political problems. On July 20th, re-run parliamentary elections were held, with the ACCT again observing despite an invitation on very short notice. This election had very low turnout, was boycotted by an 18-party opposition alliance that included supporters of Konare and Traore, and was called a fiasco by local newspapers. Although the Francophonie did bring together experts to advise local officials, criticism has surfaced that the short observation timeframe should have precluded ACCT involvement.

### *Cameroon 1997*

In coordination with the Commonwealth, the ACCT observed the first round of the Cameroon May 17, 1997 legislative elections. This election formed the first part of a two-phase electoral program with a presidential election due to take place later in the year, and was held following the introduction of multi-party politics and a controversial process of constitutional review. Unlike the 1992 vote, all major parties agreed to participate. The Francophonie was invited on April 21, conducted an exploratory mission from April 29 to May 3, and then observed from May 13 to 20. Two experts remained until the announcement of results by the Supreme Court on June 6.

The mission concluded that it was pleased with the level of voter and opposition party participation, as well as the conscientiousness of the electorate. However, it noted a number of procedural problems and difficulties and inaccuracies with the electoral lists. It then made suggestions for improvement: more accurate electoral lists, better publication of voting bureau locations; synthesize all key electoral documents within one source; enhance electoral training; and improve transmission of results. In comparison, the Commonwealth asserted that there had not been enough time for nominations, the electoral apparatus had been dominated by a government ministry, state and ruling party resources were not distinct, electoral training and voter education were inadequate, and the electoral registry was incomplete and inaccurate. In

its final statement, the Commonwealth mission then said that confidence in the conduct of the elections had suffered from a flawed base.

A consensus has developed that the Francophonie came in too late and had to improvise, suffered from internal factionalism within the mission, and did not share information with the Commonwealth. Moreover, most interviewed in this study believe that the Francophonie was too easy on the government.

#### October Presidential Elections

Cameroon did not make any attempt to rectify problems with the legislative elections, resulting in a boycott by all major opposition parties of the October 12, 1997 presidential elections. The international community, including the Francophonie and Commonwealth, also declined to send observers. Amid irregularities and a very low turn-out, President Paul Biya received an overwhelming majority and is set to serve out another seven-year term.

## 4. OVERVIEW

### Organizational Structure and Operations

The chief advantage of ACCT missions is that they come with the backing of a 49-member organization of mainly sovereign states that share strong links of French language, culture, heritage and political and legal systems. This lends credibility of numbers and knowledge to electoral conclusions within Francophonie states. ACCT election activities further benefit from the presence of a strong cultural norm of long-term member developmental support. That is to say, unlike the UN or the Commonwealth, the Francophonie takes a greater effort to understand local handicaps and prefers a cooperative and constructive problem-solving approach to electoral-democratic development to moralistic finger pointing. Together with five years of networking and experience within its members' political and electoral institutions, the association's multilateral affinity to service over sermons and democratization over democracy gives it a unique competitive advantage within francophone Africa, Asia and the Caribbean.

Unfortunately, much of this structural advantage also serves as a disadvantage, and is further undermined by organizational difficulties. As with other multilateral organizations, the presence of so many sovereign states leads to watered down resolve and deployment delays as the ACCT may not observe or provide assistance unless invited to do so by a member-state. This is further compounded by cohesion problems as Francophonie membership have few geographic or collective security links and a limited agreement on democratic or human rights norms. An association based largely on language and culture, therefore, must tolerate membership with very disparate political systems (Canada, Niger, Rwanda, Vietnam) and degrees of democracy and development, making logistical arrangements and political decisions more problematic. In turn, this can bend the problem-solving approach into an organizational predisposition towards stability over genuine democracy.



One must also remember that unlike the OAS, Commonwealth and UN which have been in existence since the early post-war years, the Francophonie only really started functioning as a political and operational institution in 1987, with electoral work commencing as recent as 1992. Moreover, although the ACCT election office has more officials than its Commonwealth or OSCE counterparts, it has fewer than the OAS and UN electoral units, and is unable to meet all its current election activity commitments. Any reform of the ACCT's electoral observation and assistance activities, therefore, would have to address the organizational, political and international restrictions under which they must operate.

### **Selectivity Criteria**

The ACCT has not encountered difficulties with respect to this category, most agreeing that sufficient local electoral structures and democratic will existed prior to exploratory missions. Where difficulties arose, such as in Niger or Cameroon, they occurred during the electoral process and therefore could not have been foreseen during the advance mission. Nevertheless, greater attention should be given to avoiding observation where there is insufficient time between invitation and election dates such as with July 1997 Mali elections. It is more in terms of mission scope, and less with assessment of local conditions, that selectivity guidelines are most needed. This would then lead to longer and more complete observation, as well as to the perception and reality of greater impartiality.

### **Evaluation Criteria and Scope**

One of the biggest difficulties with Francophonie missions is that they arrive in-country far too late in the electoral process, often just days prior to the vote, with deployment the day before. In the case of Madagascar 1996, there was barely enough time to deploy outside the capital. Missions are further limited by the departure of observers shortly after the election, a tendency to concentrate observers in the capital areas (ie. Niger, Madagascar), and the provision of technical assistance beyond simple funding or material support in only two post-1993 elections (Chad, Mali). While late invitation and funding difficulties are part of the problem, for an organization that prides itself on realistic, long-term electoral development, greater effort must be placed on instilling a longer-term ethic to its electoral observation activities, and providing more election follow-up in the form of democratic institution-building. An elongated chronological emphasis will also permit the Francophonie to capitalize on its comparative advantage in knowledge of franco-electoral systems since it would be in a position to lend its expertise to local authorities and other observer groups at an earlier stage in the process.

This broader focus is all the more important given that as countries become more experienced with elections, incidents of fraud are moving earlier and later on in the electoral process (Cote d'Ivoire 1996, Zambia 1996). For example, electoral violations are increasingly moving away from voting day and into the areas of candidate intimidation, patronage in electoral commissions, and snap elections.

Apart from problems with the geographic and chronological comprehensiveness of ACCT electoral activities, a certain measure of consistency also needs to be built into observation missions. The Francophonie currently is uncomfortable with the use of evaluation forms and criteria, preferring verbal debriefings and case-by-case considerations to universal standards. It is unclear, however, whether this has more to do with the philosophy of realistic support over impractical scrutiny, or is more a function of inexperience and loose member association. Nevertheless, there are certainly advantages to contextual understanding since hurried reform may at times actually provoke reactionary forces. In its empathy towards the francophonie developing world, the ACCT may therefore be able to provide a valuable service in taking a more realistic view of electoral activities. However, there have also been problems arising out of the ad hoc nature of the Francophonie's approach, and Francophonie observers might benefit from utilizing a number of published general electoral and democratic guidelines as well as country-specific guidelines.

### **Mission Structure and Operation**

A great deal of operational improvement is required in the quality of Francophonie election missions. Presently, logistics are very haphazard, suffering from inadequate planning, a lack operational procedures, and patronage. As a result, the calibre of mission operations is largely dependent on the local situation (i.e. better in micro-contexts such as the Comoros where deployment is much easier), and on the quality of mission observers and ACCT support personnel. Further problems have developed from insufficient use of Francophonie markings on vehicles and t-shirts, and a striking lack of cooperation with other international observer groups such as the UN and the Commonwealth. Improved operational mechanisms would lead to better rapid reaction, broader geographic and chronological coverage, a higher profile for the ACCT in-country, and greater impact through information-sharing. To accomplish this, the Francophonie needs to foster a stronger professional ethic within the ACCT itself.

### **Credibility and Resolve**

The credibility of ACCT electoral activities are founded primarily on the broad multilateral nature of the Francophonie, francophone cultural and political similarities among its membership, a constructive and supportive ethic, and the body of knowledge and contacts acquired through five years of electoral support within member-countries. Unfortunately, the credibility has suffered from a number of factors. For one, missions are present in-country for very short periods of time, which has raised questions about the basis for its assessments. But, more important, because of the organization's loose associative nature, there is a perception that Francophonie electoral conclusions are generally far too lenient (Niger 1996, Cameroon 1997). Consequently, confidence in ACCT's credibility and resolve to call things as it sees them has become somewhat reduced.

### **Impact on Electoral Process**

Of those interviewed, few made any general statements to the effect that the Francophonie had generated a noticeable impact on the efficiency and credibility of electoral systems within the Francophonie. Some did mention, however, that ACCT observation and financial, material and expert support had contributed to better electoral organization and knowledge, and improved voter list computerization in many member-states. With respect to specific missions, there is strong evidence to show that the Francophonie played an important role in the Comoros in 1996 by providing a great deal of hands on technical advice to the electoral authorities and by serving in a useful conflict resolution role among the political parties. It is instructive to note that this mission enjoyed sound and professional leadership and remained in-country for about twice as long as the average ACCT mission. In Burkina Faso, electoral involvement reportedly had a moderating influence on the tone of the electoral process. While other missions were said to be well-conducted (Benin, Guinea) or to have observed in contexts with valid elections (Benin, Madagascar), there is little evidence in these cases to suggest a direct connection between the Francophonie operation and an improved (ie. more efficient, credible) electoral process. In certain cases, such as Niger and Cameroon, the Francophonie's weak response to electoral violations may have actually had a negative impact on the quality of electoral processes in these countries. This is difficult to show, however, since it is impossible to know if it would have been any worse had the Francophonie responded differently.

### **Impact on Democratic Development**

There has been little direct evidence of Francophonie impact on the more fundamental and long-term democratic development components of human rights, police reform, rule of law, governance, institution-building, and political party and civil society development. However, of the countries that the Francophonie has been involved in electorally, there have been some signs of democratic improvement - Benin, Guinea, Cote d'Ivoire, Madagascar, Burkina Faso; while others such as Niger, Cameroon, Seychelles and Comoros appear to be moving away from democracy.

### **Capacity for Learning**

While the present Francophonie ability to provide electoral support is in need of a great deal of improvement, to what extent does it have the capacity to achieve such reform? There are some encouraging signs. Firstly, post-1986 decisions to invest the ACCT with significantly greater operational and political roles have shown that the Francophonie is capable of substantive high level change. The same can be said for the Cotonou, Benin Summit's decision to create a Secretary-General of the Francophonie position and to direct greater resources towards conflict resolution and democratic development activities. This will contribute to a more independent Francophonie, thereby improving its impartiality and hopefully its effectiveness. Other positive indications of reform capacity centre around ACCT attempts over the past five years to issue more public electoral observation reports, conduct more on-site press conferences, establish

electoral guidelines, tighten mission operational procedures, and engage in more technical assistance.

Perhaps the most encouraging sign has been a series of two broad consultative meetings on reform of Francophonie electoral activities - the first in Bordeaux, France in 1995, and the second in 1997 in Dakar, Senegal. Organized by the Francophonie, they evaluated the state of ACCT electoral observation and assistance, addressing both the successes such as the Seychelles, and the problematic missions like Benin and Cameroon. Of particular interest were the Dakar findings that more stress needs to be placed on the following: technical assistance programs; electoral training; support to establishing civil and electoral lists; establishment of a system of electoral information exchange; promotion of impartial interior ministries in those countries where the interior ministry runs the elections; more professional and long-term observation; development of electoral observation code of conduct, mission selection and operational strategy guidelines; distinguishing between involuntary irregularities and deliberate fraud; and publication of mission reports and an annual electoral observation report that draws upon the various lessons learned and recommendations. In short, the Dakar seminar recommended a greater emphasis on technical assistance, professionalism, the long-term, observation consistency, and higher Francophonie profile.

These positive signs notwithstanding, one cannot escape the reality that since the first observation mission in 1992, little substantive improvement has taken place in the conduct of Francophonie electoral operations. Then and now, missions are too short, provide insufficient institutional follow-up, and exhibit minimal operational or criteria consistency. Little has also changed since the Benin Summit, with even the trend to increased technical assistance confined largely to material support, and the two cases of expert assistance limited to technical electoral aspects. In terms of the Dakar recommendations, while significant, they are still largely related only to electoral observation or electoral assistance, with inadequate attention to broader and more sustainable democratic development initiatives. Finally, the ACCT was hesitant to take on a greater political role in 1991, and currently still remains uncomfortable with electoral activities. This is a further impediment to reform.

## 5 CONCLUSIONS

### Evaluation

Using a five-point scale (weak, needs improvement, fair, good, very good), determinants of success of Francophonie activities ranged as follows:

Organizational Structure	Needs improvement
Mission Selectivity Criteria	Good
Evaluation and Scope	Weak
Operations	Weak
Credibility and Resolve	Needs improvement

Impact	Needs improvement
Potential	Needs improvement

### **Comparative Advantage**

- Moral authority as a broad multilateral organization.
- Knowledge of francophone political, electoral and cultural institutions within its membership.
- Development of a network of expertise in these institutions since 1992.
- Knowledge and understanding of Africa.
- Emphasis on a long-term cooperative, realistic and supportive approach to democratic development.
- Sustainable electoral technical assistance and democratic support over the long-term within francophone Africa. In the absence of significant reform, the Francophonie has less of an ability to make the tough, impartial evaluations required of the logistically difficult and more short-term electoral observation missions.

### **Recommendations for the Francophonie**

- Emphasize longer term electoral observation.
- Utilize broader geographic in-country coverage during electoral observation.
- Develop more consistent electoral observation and assistance criteria. Utilize a number of published general electoral and democratic guidelines, as well as country-specific guidelines.
- Establish conflict-of-interest and invitation time-frame guidelines for electoral observation.
- Develop a stronger professional ethic within the ACCT.
- Place more emphasis on selecting high quality mission leadership
- Provide more emphasis on democratic institution-building follow-up activities.
- Shift the overall emphasis away from electoral observation to electoral-democratic development.
- Develop stronger cooperative arrangements with the Commonwealth, UN and OAU, as well as with international and local NGOs.
- Hold regular post-mission self-evaluation sessions, and ensure that they include non-ACCT participants.
- Implement the Dakar Seminar's recommendations (see above Capacity for Learning section).

With respect to the broader structural environment:

- Maintain the long-term cooperative and supportive ethic.
- Place greater emphasis on electoral expertise in selecting secretariat and mission personnel.

- In terms of Africa, place greater emphasis on locally designed and led initiatives - both in terms of the state as well as civil society.
- In short, more emphasis should be placed on long-term democratic institution-building, local needs, professionalism, observation consistency, cooperation with NGOs and other multilateral organizations, and self-evaluation.



# COMMONWEALTH

## ELECTORAL ACTIVITIES REVIEW

### 1. SUMMARY

Commonwealth electoral activities benefit from a moral authority derived from the large number of member-democracies, the Harare Declaration human rights and democracy principles, and assertive high-level actions against Rhodesia, apartheid-era South Africa and present-day Nigeria. Moreover, a shared sense of history, language, and political and legal structures gives the Commonwealth a significant advantage when providing electoral support to its own members. These advantages are frustrated, however, by the perception that the Organization tends to be too London-focused, by the restriction that it can react only when called upon to do so by a member state, by a Secretariat leadership that tends to be too cautious and tentative, and a striking manpower and financial imbalance within the Secretariat away from democratic and electoral development.

At the mission level, the Commonwealth has shown good judgement in deciding where and when to assist and observe, with attention generally given to non-routine contexts such as transitional elections (South Africa, Tanzania, Sierra Leone, Malawi, Cameroon), fragile democracies (Bangladesh, Pakistan, Ghana) and confidence-building elections (St. Kitts and Nevis and Papua New Guinea). Invitations to clearly undemocratic elections such as Zambia 1996 and the Gambia 1996 have been turned down. In terms of operational capacity, Commonwealth missions provide very good logistics, professional observer support, and rigorous and well-established procedures. However, electoral activities tend to be too pre-packaged with insufficient attention to contextual and civil society components of an election, limited geographic and chronological scope, and sparse attention to long-term democratic follow-up to its observations. Greater regard should also be given to the selection of observers. To their credit, Commonwealth observers bring much eminence, life experience and geographic diversity to the mission, but since they are largely drawn from the formal institutional roles - MPs, diplomats, government ministers, electoral commissioners - they carry inadequate understanding of, and contacts with, informal or grassroots civil society, and have a tendency to err on the side of governments.

Having said this, the Commonwealth should be commended for its resolve to be critical of the Gambia 1996 and Cameroon 1997 legislative elections, and its decision to provide more extended governmental recommendations following the Pakistan 1997 and Papua New Guinea 1997 elections. The extended mandate provisions were not used in Cameroon to address the deeper causes of electoral irregularities, however, suggesting perhaps that the Organization may still be hesitant to use this new tool. Finally, the degree to which the Commonwealth has made a difference in the electoral and democratic development field is hotly contested - some feeling it has made no difference, some believing it has had a significant impact. Looking at specific



missions, however, there is direct evidence to suggest that missions have brought electoral improvements to South Africa, Ghana, Pakistan, Bangladesh, the Gambia and Papua New Guinea, and contributed to long-term democratic benefits to Pakistan.

In sum, despite a well-developed comparative advantage in professionalism and rigour, Commonwealth election missions still tend to be somewhat top-heavy and flat-footed. That is to say, while they can involve assertive, innovative and far-reaching recommendations, these often remain founded upon rather unpenetrating and short-term observations, accompanied by limited attention to democratic institution-building. Commonwealth learning capacity, therefore, can best be described as uncertain.

Several considerations were raised by those interviewed for this study concerning the future of the Commonwealth's role in elections. First, if the Commonwealth is to maintain and improve upon its electoral activities, resources need to be augmented on the political side of the organization. Second, while the Commonwealth may have been more influential to electoral and democratic reform in the developing world during the early post-Cold War years up to the South Africa election in 1994, since then a proliferation of multilateral and NGO electoral involvement has significantly reduced the Commonwealth's electoral market share and comparative advantage. This post-South Africa increase in competition makes it all the more necessary for the Commonwealth to focus on what it can do best in the field of electoral-democratic development. Finally, and more fundamentally, concerns were raised by some of those interviewed for this study that recent attempts by Africa to chart its own course (Uganda, DR Congo, ECOMOG, larger role for OAU) have affected to an extent the significance of Commonwealth missions. A tension clearly exists between the potential professionalism and unity benefits of a London-focused organization and the advantages that come with more decentralized diversity. There have been suggestions, for Africa at least, that perhaps a larger electoral role needs to be born by the OAU, the UN and domestic observers and NGOs.

## **2. BACKGROUND**

### **Organizational History**

The Commonwealth is a voluntary association of 54 sovereign states representing a quarter of the world's population, and is bound by democratic, human rights and non-racist principles, an historical connection to the British Empire, as well as the acceptance of Queen Elizabeth II as the symbol of the members' free association and thus Head of the Commonwealth. The British Empire evolved into the British Commonwealth in 1926, and then into the Commonwealth in 1949. A Secretariat and Secretary-General post came into being in 1965 followed by the establishment of the Commonwealth Fund for Technical Cooperation (CFTC) in 1971. Every two years a summit of Commonwealth Heads of Government (CHOGM) convenes.

## Electoral Activities

In October 1989, the meeting of Commonwealth Heads of Government in Kuala Lumpur agreed that member states could benefit from an election observer facility, as a means of strengthening democratic processes. Thereafter, observation became a regular feature of Commonwealth activities. At the 1991 Harare meeting of Commonwealth Heads of Government, the Harare Commonwealth Declaration was issued which enshrined as the fundamental values of the Commonwealth democracy, democratic processes and institutions which reflect national circumstances, fundamental human rights, the rule of law, and just and honest government. It also endorsed guidelines for Commonwealth observation of elections. The New Zealand 1995 Commonwealth Heads of Government Millbrook Action Programme on the Harare Declaration further underscored the importance of Commonwealth observation of elections as a means of supporting democratic processes and institutions.

With respect to specific Commonwealth electoral observation missions, once an invitation from a country comes to the Secretary-General, a three-person Planning Mission is sent to the country several weeks prior to election day to see whether there is broad support for an observation mission from all major political parties and domestic NGOs. If there is, an observation team is assembled, usually consisting of 10 to 20 eminent persons who represent themselves and a Secretariat support staff of 5 to 10 people. This group normally assembles in London for a day of briefings before arrival in-country a week or so before the vote. The mission then usually undertakes a series of briefings in the capital, is deployed in teams of two the day before the election, returns to the capital the day after, completes a final report prior to knowledge of the results, and departs the country within several days of election day.

The mandate has traditionally been limited to observing and proposing electoral recommendations, but since the 1997 Pakistani elections, this mandate has been extended to include proposing broader governmental recommendations (ie. separation of powers, legislative reform, good governance, political party development). A pre-designed, standard "Observation Notes for Poll and Count" guide, and "Election Day" form is used by observers across all missions. To date, there have been 20 Commonwealth observation missions, each costing around \$CDN400,000.00 and financed on a pan-Commonwealth basis. Electoral matters fall within the purview of the 15-member Political Affairs Division, and in particular, the Division's two-person democratic development and elections section.

### 3. INDIVIDUAL MISSIONS

While the Commonwealth has been observing regularly since 1989, in the interests of consistency with the reports on the other multilateral organizations, this review concentrates primarily on post-1994 elections.

*Kenya 1992*

The Commonwealth was very critical of various components of these elections - registration, nominations, state media control, government intimidation - but in the end provided its support and called the elections "a giant step on the road to parliamentary democracy". Incumbent President Daniel Arap Moi emphasized this particular phrase, leaving many to feel that the Commonwealth was too soft on the government. Moreover, the late arrival of the Mission prevented it from witnessing electoral boundary fraud, and candidate registration fraud in which opposition candidates had only six hours to register with many physically prevented from doing so.

*South Africa 1994*

South Africa had its first post-apartheid general election on April 26-29, 1994. A Commonwealth Observer Mission to South Africa (COMSA) deployed to the Pretoria/Witwatersrand/Vereeniging triangle centred on Johannesburg, and KwaZulu/Natal, in cooperation with the UN, EU and the OAU. It provided advice and assistance in support of the national peace structures, and generally aided in the transition process. In addition, a group of 57 Commonwealth electoral experts assisted the Independent Electoral Commission (IEC) with training of electoral officials and monitors. With respect to observation of the elections, a Commonwealth Observer Group monitored with 60 observers and 44 staff under the overall coordination of the United Nations. They were in-country for over three weeks, with deployment to all nine provinces on April 16 and eventual coverage of 120 districts and 700 voting stations. The final observation report concluded that the elections represented a free and clear expression of the will of the people, and were substantially fair. Commonwealth involvement in South Africa is scheduled to end in 1998, and has been highly praised.

*Malawi 1994*

The May 17 presidential and parliamentary elections were Malawi's first multi-party elections. The three-week mission was considered to have provided good geographic coverage and quality observers, and to have had a positive impact.

*St. Kitts and Nevis 1995*

The 3 July 1995 general election was the fourth since independence in 1983, and was called less than two years after the 1993 election, since that vote appeared to have precipitated a period of instability and uncertainty. It was with a view to ending this debilitating period that the political parties agreed that a fresh election should be held no later than 15 November 1995. A Commonwealth Observer Group of eight observers and five staff arrived on June 27 and deployed July 2. It concluded that the election was conducted in a manner that allowed for the free expression of the will of electors.

*Tanzania 1995*

On October 29, Tanzania held presidential and parliamentary elections, following the Zanzibar presidency and House of Representatives elections of 22 October. They were the first multi-party elections since 1961. A three-member Commonwealth electoral planning mission visited from 31 July to 9 August 1995 with its offer of technical assistance not taken up in full. The observer mission, itself, had 21 members and 10 staff, arrived in Zanzibar October 18 and in Dar es Salaam October 21, and deployed to 13 regions including Zanzibar on October 25. The observers final report stated that delays in the count, the subsequent recount, and the late declaration of election results for the Zanzibar Presidency and House, led to suspicions of fraud, and heightened interest in the conduct of the Tanzanian elections. The conduct of the polls across the country on October 29 was varied, but in most constituencies they proceeded satisfactorily.

Curiously, despite the Zanzibar problems, relatively little was mentioned in the report on the Zanzibar elections. A Canadian electoral observer with the Commonwealth stated that the mission left before re-elections in the capital due to logistical problems, and was not present in Zanzibar to observe fraud. As a result, little could be said of the fraud, and the mission could not stay after voting day and help with improving electoral logistical mismanagement for the re-elections.

*Sierra Leone 1996*

After independence in 1961, Sierra Leone experienced an early period of democracy which subsequently gave way to a series of coups and one-party rule. A constitutional referendum was held in 1991, but was followed by civil war and a series of coups that preceded scheduled 1992 and 1996 elections. Because of this, the country is now one of the poorest in the world. Within this context, parliamentary and presidential elections were held on February 26, 1996, the first truly democratic elections in nearly 30 years. A Commonwealth observer mission consisted of 12 observers and six staff, arrived on February 17, deployed February 22, and in close cooperation with other international observers, operated under the umbrella of the Joint International Observer Group. In addition, four secretariat observers observed the 15 March second round. The final report concluded that the elections were conducted in a manner which provided the vast majority of the people of Sierra Leone with the opportunity to express their will through the ballot. Ahmed Tejan Kabbah was elected president. Unfortunately, however, the new government was overthrown in a military coup led by rebels and military officers on May 25, 1997. This was followed by chaos and a Nigerian-enforced ECOWAS blockade and intervention.

*Bangladesh 1996*

The 12 June 1996 elections to the Seventh Jatiya Sangsad (Parliament) followed a prolonged period of political crisis. An earlier vote on 15 February, boycotted by the opposition parties, did nothing to resolve this. Following the resignation of the Bangladesh Nationalist

Party Government at the end of March 1996, a neutral 11-member caretaker government was installed, in accordance with the provisions of the Constitution Act, 1996. A newly appointed Election Commission announced on 27 April that election day would be held June 12. The Commonwealth sent an observer mission composed of 12 observers and three staff. It arrived on June 4 and deployed June 8. On June 12, voting was suspended for various reasons in a number of polls with re-voting conducted on June 19. This was observed by a combined team of 10 observers and staff. While the mission was aware of some shortcomings it felt that these did not materially affect the voting process, with the election overall providing a true reflection of the popular will. Many believe that this observation effort helped to create calm, and helped to encourage the opposition to accept the results.

### *Zambia 1996*

The 1991 election ousted Kenneth Kaunda, in power since 1964, and replaced him with opposition leader Frederick Chiluba. At that time, Zambia was seen as a beacon of political freedom, but Chiluba's government immediately began resorting to Africa's old style of governance, with Kaunda becoming opposition leader. The country then held its second presidential and parliamentary multi-party election on November 18, 1996. However, the government passed a constitutional amendment barring anyone whose parents were not born in Zambia or who had twice served as president from running for president - ie. Kuanda. Kuanda's and other parties therefore boycotted the election, with international donors and others such as Nelson Mandela crying foul. Chiluba won an easy victory despite allegations of electoral fraud. Currently, opposition parties are demanding an independent electoral commission and access to state-owned media. From a Commonwealth point of view, this election is significant since the Organization refused to observe the discredited process.

### *Ghana 1996*

The Commonwealth report of the November 1992 presidential elections was heavily criticized for coming out too early, and for sanctioning the elections despite serious problems with the voter registry and opposition claims that the election was rigged. Because of this, parliamentary elections held one month later were not contested by four major opposition parties. Nevertheless, the final Commonwealth mission report did lead to major improvements in the registration process.

The 7 December 1996 presidential and parliamentary elections were the second since the restoration of multi-party politics in 1992, and with respect to the parliamentary poll, the first to be contested by all major political parties since 1979. 14 Commonwealth observers and nine staff arrived on November 27, deployed on December 2, observed 300 polls in 73 constituencies, reported on December 8 and departed three days later. The mission concluded that conditions existed for a free expression of the will of electors, and noted great improvement over 1992 due to a new Constitution, more confidence in the Electoral Commission, and the holding of simultaneous presidential and parliamentary elections.

*The Gambia 1996, 1997*

The Gambia has had a military government since July 2, 1994, with most opposition political party activity banned in 1996. With the 1996 presidential election campaign blatantly marred by unequal media access, heavy security, detention of opposition supporters and violent incidents, the Commonwealth declined to send observers to the September 26th elections. Partly due to pressure from the Commonwealth Ministerial Action Group (CMAG), the January 2, 1997 parliamentary elections were much fairer and peaceful, and were observed by the Commonwealth. Since then the democratic situation has been gradually improving with the last political detainees freed in February 1997 and several former senior officials restored to leading positions. The Commonwealth Secretariat has recommended further Commonwealth assistance in the areas of the judiciary, the Independent Electoral Commission and Ombudsman, the Auditor-General's Office, and public sector reform. To date, however, no such assistance has been forthcoming.

*Pakistan 1997*

The years since Pakistan's return to multi-party elections have been years of controversy, uncertainty and some political turbulence, with a concomitant decrease in voting turnout and increase in public cynicism about politicians. Prior to the February 3, 1997 general election, no government had managed to serve out its full term - the president had dismissed all three, including the latest in November 1996. 14 Commonwealth observers and nine staff arrived the following January 25, were deployed on the 29th, covered all 211 polls in 35 constituencies, and delivered an interim statement on February 3rd. In concluding, the mission stated that the election represented the free expression of the will of people, and had no evidence of widespread abuse. Observers also made political and governmental recommendations on the need to significantly curtail powers of the president, restore special parliamentary seats for women, hold a census, and undertake electoral registration reform.

For the first time, a Commonwealth observer mission was given an extended mandate to propose to the government such action on institutional, procedural and other matters as would assist the effective functioning of the elected government. Prior to this, recommendations could be made only concerning the electoral process. As it turned out, the institutional proposals were well-received and implemented on April 1, 1997.

*Cameroon 1997*

The May 17 parliamentary elections were the first national level election held since Cameroon's admission to the Commonwealth in October of 1995. This election formed the first part of a two-phase electoral program with a presidential election due to take place later in the year, and was held following the introduction of multi-party politics and a controversial process of constitutional review. The Commonwealth observer mission consisted of 12 observers and 9 staff, and as with Pakistan, involved an observation and extended mandate. It arrived on May 9, in coordination with the Francophonie mission deployed May 13 to all 10 provinces, returned

to the capital May 18, and departed May 22. Two observers remained after May 22 to observe the count. The observers concluded that there was a free campaign. However they also asserted that there had not been enough time for nominations, the electoral apparatus had been dominated by a government ministry, state and ruling party resources were not distinct, electoral training and voter education were inadequate, and the electoral registry was incomplete and inaccurate. In its final statement, the mission said that confidence in the conduct of the elections had suffered from a flawed base. In comparison, the Francophonie observer mission concluded that it was pleased with the level of voter participation and electoral training, as well as the quality of the electoral authorities. However, it noted a number of procedural problems and difficulties with the electoral lists.

The Commonwealth was praised for taking a hard-line with the government, especially vis-a-vis the Francophonie. Moreover, the Francophonie had wanted to make a more benign statement, but was dissuaded from doing so by the Commonwealth mission. While the mission was well-structured and organized, it did receive criticism for being too short-term, and for not publishing the final report in French despite French as an official language of Cameroon. It also bears mentioning, that although there was an extended mandate, little attempt was made to comment on the more fundamental political causes of the electoral abuses.

#### October Presidential Elections

Cameroon did not make any attempt to rectify problems with the legislative elections, resulting in a boycott by all major opposition parties of the October 12, 1997 presidential elections. The international community, including the Commonwealth, also declined to send observers. Amid irregularities and a very low turn-out, President Paul Biya received an overwhelming majority and is set to serve out another seven-year term.

#### *Papua New Guinea 1997*

The June 14-28 election was the fifth multi-party general election, and the first time that a vote had been observed by outsiders. The months immediately prior to elections were dominated by a political crisis occasioned by the decision of the government to intensify its efforts to secure a military resolution to the attempted secession of the island of Bougainville. This resulted in a partial coup by senior military officers against the prime minister and key senior ministers, requesting them to step down. An agreement was reached in which an acting prime minister would take over, an inquiry conducted and elections held. The Commonwealth was invited in a conflict resolution role as a result of an agreement between the government and the Secretary-General, and as party to the negotiations, assisted in the peace process and elections. The observation mission consisted of 10 observers and eight staff, arrived June 4, employed an extended mandate, deployed June 10-11, and observed 321 polls with a two-person roving team covering Bougainville. Observers returned to the capital on June 26 and departed July 1. The central issue of the campaign was government corruption.

The final report stated that conditions existed for a free expression of will by the electors and that the result of the election reflected the wishes of the voters. Electoral recommendations focused on strengthening the Electoral Commission, ensuring that a reliable and accurate Common Roll be put in place, and utilizing photo voter ID cards. Extended recommendations pointed out the need for one-day elections, strengthened political parties, an apolitical civil service, and maintenance of the separation of legislative and executive powers. Little mention was made in the final report on the Bougainville vote, which is odd given that problems there were the reason the Commonwealth was asked to observe in the first place. Nevertheless, a bilateral Canadian Commonwealth observer noted that while the turn-out was lower there, Bougainville elected federalist representatives, and pressure seemed to go down following the election. In sum, there is reason to believe that the election may have been more violent had the Commonwealth not been there.

## **4. OVERVIEW**

### **Organizational Structure and Operations**

The Commonwealth is currently doing a great deal of soul-searching on what its priorities should be and how it should reform itself. The extent to which the Commonwealth should focus on socio-economic or political activities, high-level political or lower level operational implementation emphases, revenue versus expenditure-driven reform or beyond that, the degree that the Commonwealth should be a venue for Canadian foreign policy was not directly addressed in this study. Many of those interviewed did have views on some of these questions, however, which will be shared briefly in the conclusion section.

The fact that the Commonwealth took a hardline with Rhodesia, South Africa and Nigeria, and that many Commonwealth countries are democratic and adhere to the Organization's Harare principles gives the Commonwealth a degree of moral authority that provides a solid basis for its electoral assistance and observation activities. The broad-based nature of its 53-country membership further lends to its credibility and perceived relative impartiality, while permitting mobilization of a good cross-section of area and electoral expertise. Moreover, the Commonwealth has a particular electoral advantage towards its own members due to a shared sense of history, language, political and legal structures and British tradition. It is interesting to also note that the Organization generally places a greater premium on merit than geographic representation when choosing secretariat or mission staff, leading to the creation of a professional Commonwealth staff. Finally, it has been argued that the nature of the Commonwealth lends itself well to electoral support in small countries due to the quantity of micro-state members, inattention of other multilateral organizations to these countries, and the sizable impact that Commonwealth resources can have there.

While the above factors contribute to electoral success, there are a number of serious structural problems that are in need of attention. Firstly, the Commonwealth carries with it the



perception of an organization centralized in London. A second problem centres around resource deficiency. Despite possessing the limited means of a regional body, the Commonwealth encompasses global geographic reach and broad sectoral (socio-economic, political) and functional (censure, research, implementation) scope. Of the roughly 350 staff, only a handful are really devoted to elections and democratic development, creating a very lop-sided staff-to-activity imbalance. Clearly, either democratic-electoral expectations and activities need to be cut back, or Political Affairs staff increased with more of assessed contributions going to political programs. Two final problems concern complaints that the Secretariat leadership has generally been reluctant to be too assertive in electoral reports; and that quick Commonwealth reaction is hampered by a requirement for the Organization to wait until an electoral invitation arrives. Change is difficult, however, due to the large number of states involved - 53 - and the concern of many of them for self-determination.

From an electoral activities point of view, most of those interviewed felt that Commonwealth missions have indeed benefitted from the democratic, professional and broad-based character of the Commonwealth. To be more effective on the ground, however, the Organization as a whole needs to address the headquarters electoral commitment-capability, become less London-focused without sacrificing professionalism, and demonstrate more assertive leadership.

### **Selectivity Criteria**

In general, the Commonwealth has shown good judgement in deciding where to observe, with all missions over the past several years involving non-routine elections, and none in attendance at blatantly unfree and unfair polling such as in Zambia, the Gambia 1996, or the 1997 Cameroon presidential elections. Where it has participated, it has done so for transitional elections (South Africa, Tanzania, Sierra Leone, Malawi, Cameroon), fragile situations (Bangladesh, Pakistan, Ghana), and confidence-building elections such as Papua New Guinea and St. Kitts and Nevis. Nevertheless, as many of the choices the Commonwealth has had to make are fairly clear (Zambia, the Gambia), in anticipation of more ambiguous future realities, the Organization could benefit from clearer criteria on where and when to accept invitations.

### **Evaluation Criteria and Scope**

This category is undoubtedly the Commonwealth's weakest. The Organization must be commended for its consistent criteria and recent extended focus on governmental as well as electoral recommendations; but these advances are seriously undermined by very short missions, poor follow-up, inconsistent use of extended mandate provisions, and pre-designed observer forms that are identical for each mission.

For all intents, Commonwealth missions really only observe for one or two days at most; the rest of the week or so in-country is spent being briefed within their hotel in the capital, en route to deployment, and in de-briefing and report writing in the capital. This chronological and geographic limitation tends to erode credibility gained through decisive conclusions or use of

eminent persons as observers. Once the election is over, a report is usually issued the next day. While this can serve a stabilizing role, and reduce the accusations of bias against the Mission, it fails to provide sufficient comment on counting, aggregation and tabulation procedures - areas where fraud and irregularities often have the greatest likelihood and impact. It also does not allow for comments on results, which can sometimes serve as a measure of the health of a democracy or electoral process. How Bougainville voted, for example, could help as an indication of the success of the Papua New Guinea peace negotiations. Consequently, the key deterrent role of the electoral mission is undermined, as is the developmental contribution to improving the process for next time. Perhaps two reports could be written - one immediately after the vote, and one in London following announcement of results. Greater effort is also needed to assist the country in the long-term implementation of the Mission's recommendations. Presently, Commonwealth democratic development expertise is on the ground only in Lesotho.

With respect to evaluation criteria, the list of exhaustive and pre-packaged items gives a mission no sense of where it should focus its very limited resources, and does not take into consideration the purpose and context of the observation. Time and manpower efforts should therefore be concentrated disproportionately on the campaign issue, geographic area, part of the electoral process, or threat to democracy that is the most problematic. Insufficient attention was paid to re-elections in Tanzania, and to the registration process in Kenya. The fact that the Cameroon 1997 Mission report said little beyond technical electoral also indicates that more effort should be made to encourage the use of the new extended mandate reform. In short, the Commonwealth needs to become more context sensitive, develop a greater degree of chronological and geographic scope, and place a greater premium on tying in election observation to long-term democratic development.

### **Mission Structure and Operation**

Of all the multi-lateral organizations, the Commonwealth probably provides the best logistics, with professional observer support staff and well-established procedures. Close integration of the group from their first briefing in London until the final report writing also builds a positive sense of observer and staff cooperation and purpose. Questions have arisen on the one hand, however, over the extent to which the in-country Secretariat support staff tend to overly influence the views of the observers, and on the other, the degree that observers have the requisite electoral or area qualifications to observe. To my mind, the quality of the observers could be improved (to match their eminence advantage), and the number of Secretariat support staff perhaps decreased. There have also been concerns that the missions spend too much money - first class airfare and hotels, for example.

### **Credibility and Resolve**

In many respects, Commonwealth electoral missions bring a unique level of credibility that other organizations cannot. The selection of senior eminent persons from both the developed and developing world gives missions special access to the country's leadership, partly due to their stature, partly due to respect they bring from their age, and partly from their

geographic diversity. What missions gain in eminence and geographic diversity, however, tends to be lost with respect to vertical diversity. Most observers are sitting or former MPs, diplomats, government ministers or electoral commissioners and as such do not bring a strong understanding of, empathy towards, or links to the informal sectors of civil society. With such a top-heavy focus, it is not surprising that final reports tend to err on the side of the institutional authorities as was the case with Kenya 1992, Ghana 1992 and Tanzania 1995. Nevertheless, the Commonwealth should be commended for its resolve not to attend the clearly biased Zambia 1996, the Gambia 1996, and Cameroon 1997 presidential elections. Missions therefore receive good marks for resolve, with the proviso that more credibility could be gained by directing a greater portion of this energy towards grassroots civil society.

### **Impact on Electoral Process**

Given the assertive, yet narrow chronological and vertical focus of the Commonwealth, opinions were mixed as to its electoral impact. Some felt that it has played an extremely important role, while others felt that it would not really be missed if it were to stop its electoral work altogether. A close look at specific missions, however, reveals that at times it has indeed had significant impact, such as with COMSA and Commonwealth chief electoral officers in South Africa, Ghana's implementation of the 1992 mission's conclusions, improvements in the Gambia, registration reform in Pakistan, and the Commonwealth's confidence-building role in Bangladesh and Papua New Guinea. Conversely, however, in Sierra Leone, and Cameroon, if events are any judge, the Commonwealth has had little impact, and in the 1997 Kenyan elections there was surprisingly little involvement. Beyond these cases, it is difficult to measure the direct effect of electoral missions on national electoral structures and processes.

### **Impact on Democratic Development**

A similar diversity of opinion existed over the depth and sustainability of the Commonwealth's democratic development role - ranging from little to significant impact. As far as measurable effects, however, one can certainly point to South Africa, to a certain extent the Gambia, as well as the implementation of many of the Commonwealth's institutional recommendations in Pakistan. The extended mandate provisions first used in Pakistan ought to become a staple of observation missions, although it is disappointing that they were not used in Cameroon, and their effect in Papua New Guinea remains to be seen. It would seem, however, that in order to achieve greater democratic development impact, the Commonwealth will have to place far more emphasis on extended mandates, civil society and follow-up support for democratic institution-building.

### **Capacity for Learning**

Since the early 1990s, the Commonwealth has developed fairly professional electoral observer and assistance missions with consistent and rigorous methodology and operating procedures. In recent years, missions have also become more assertive as evidenced by weak missions to Ghana 1992, Kenya 1992 and Tanzania 1995, yet a more forceful attitude toward

Zambia 1996, Gambia 1996, and Cameroon 1997. However, this could also be a factor of a more optimistic and forgiving attitude in the early days following the end of the Cold War, and a recent decline in democracy that is presenting clearer opportunities for the Commonwealth to take a stand. The Commonwealth has recently instituted new, extended mandate provisions for its missions, permitting them to make deeper recommendations on more fundamental democratic processes of a country. To its credit, attempts have also been made at greater institutional follow-up and cooperation with domestic observers (CHOGM 1995).

The Organization published in June 1997 the Good Commonwealth Electoral Practice: A Working Document June 1997, which came out of a series of meetings of Commonwealth chief electoral officers, Oxford 1993, Accra 1995, Solomon Islands (Pacific CEOs) 1995, St. Lucia (Caribbean CEOs) 1996, Dhaka (Asian and Indian Ocean CEOs) 1997. The meetings provided a good opportunity for information and idea exchange, although the final document supplied somewhat unoriginal and intuitive technical guidelines for running an election.

Despite these improvements, a significant part of Commonwealth electoral mission policy remains unchanged. Missions still tend to be too short, with inadequate attention to civil society and long-term democratization follow-up, and are hesitant to use their new extended mandate tool. There is also the perception that its ties to London are still too strong, and that after South Africa the Organization may have lost its enthusiasm for difficult challenges such as Kenya 1997. In sum, despite a well-developed comparative advantage in professionalism and rigour, Commonwealth election missions tend to be somewhat top-heavy and flat-footed. That is to say, while at times they can involve assertive and far-reaching recommendations, these are often founded upon rather unpenetrating and short-term observations, accompanied by limited attention to democratic institution-building. The Commonwealth's learning capacity, therefore, can best be described as uncertain.

## 5. CONCLUSIONS

### Evaluation

Using a five-point scale (poor, needs improvement, fair, good, very good), determinants of success of Commonwealth activities ranged as follows:

Organizational Structure	Fair
Mission Selectivity Criteria	Very Good
Evaluation and Scope	Poor
Operations	Very Good
Credibility and Resolve	Fair
Impact	Fair
Potential	Fair (uncertain)

## **Comparative Advantage**

Given the increasing competition in the field of electoral support, perhaps the Commonwealth comparative advantage lies throughout the Caribbean, Pacific and Asia, and in the Commonwealth's smaller states. Few multilateral organizations operate in Asia and the Pacific, and many Caribbean electoral systems tend to have less in common with Latin America contexts than with the Westminster model. With respect to democratic development and electoral activities, the Organization has definite resource problems with providing long-term assistance, and therefore might perhaps concentrate on the short-term observation and recommendation side of the equation and leave assistance implementation and long-term observation matters to reputable local and international NGOs as well as the United Nations and interested individual countries. This would require greater cooperative efforts with such bodies to ensure seamless chronological and functional transitions of support.

## **Recommendations for the Commonwealth**

If the Commonwealth remains fully involved with democratic and electoral development, both in terms of observation and assistance, the following suggestions are recommended:

- Emphasize longer-term observation with more time spent away from hotel briefings.
- Delay writing of the final observation report until after the announcement of election results. A preliminary report may precede this.
- Use more eminent persons from informal and grassroots sectors of civil society as electoral observers.
- Develop more context-driven observation criteria that takes into consideration both formal and informal sectors.
- Emphasize greater use of extended mandates in electoral recommendations.
- Provide more attention to post-observation long-term democratic development.
- Resources need to be shifted away from socio-economic programs towards the political side of the organization, and then augmented.
- Come to agreement on the Commonwealth's strategic direction.
  
- In short, more emphasis should be placed on long-term democratic institution-building, grass-roots civil society, context-driven observation criteria, and the setting of overall strategic priorities.



# UNITED NATIONS

## ELECTORAL ACTIVITIES REVIEW

### 1. SUMMARY

With the resources that the United Nations can draw upon, it is difficult for other international multilateral organizations to compete with its breadth of expertise, experience, and contacts. Given sufficient willpower, the UN is without equal in its ability to mount electoral operations of comprehensive geographic and chronological scope. Unfortunately, due to the recent proliferation of ethnic violence, peacekeeping failures in Bosnia, Somalia and Rwanda, a renewed focus on UN inefficiency and waste, and member-state domestic emphases on deficit reduction, political will for the United Nations is a scarce commodity. Together with the national trend to move beyond early post-Cold War transitional elections, these limitations contributed to a mid-1990s UN electoral policy shift towards stricter mission selectivity, and smaller, more cost-effective observer coordination and technical missions. Assistance has also tried to become more sovereignty and client-conscious, with greater emphasis on long-term sustainability, national observers, civic society, and democracy as a process not an end. In addition to global constraints, with at least five UN headquarters agencies directly involved in electoral assistance, field work is further hampered by the traditional bureaucratic problems of agency overlap, miscommunication, and implementation delays.

The United Nations should be commended for making a strong effort to be more selective where it assists. It is not unusual for a request to be turned down due to inadequate lead-time from a late invitation or inappropriate electoral context. However, with UN involvement in Zaire, the Gambia and Zambia 1996, and Algeria 1997, many feel that the organization is still too automatic in its mission acceptance, and needs to articulate stricter selectivity criteria. Despite the comparative advantage in experience and expertise, recent observation coordination and technical assistance missions have also been criticized for an over-emphasis on the mechanical and technical, with insufficient attention to long-term capacity-building at the management level and sensitivity to local democratic variations. Moreover, although missions have decreased in size and budget considerably, observation coordination missions are still plagued with serious communications and logistical problems due to corresponding reductions in field-level centralization. Credibility and resolve have become less of a direct problem for the UN since it has moved away from fraud deterrence and into a technical assistance and observation coordination role. However, this is still indirectly problematic since the final reports of the collective observer group membership tend to have lowest common denominator conclusions that can implicate the United Nations if they ignore obvious electoral irregularities.

In terms of electoral impact from the mid-1990s on, the organization has had a very strong effect in the areas of voter education, domestic observation in Mexico, and through its ability to coordinate and encourage donor activities. With respect to observation coordination, there have been some successes such as Malawi 1994 and Yemen 1997, but recent missions to Algeria and Liberia have raised questions due to narrow scope and problematic logistics and communications. The long-term effects of technical assistance to electoral authorities also remains an open question. Beyond the direct electoral influence of UN missions, confidence-building and developmental activities in Eritrea and Malawi have likely had a sustainable influence, while Mexico and South Africa missions contributed to a deeper sense of democracy through support for national observers and civil society. Finally, while the democratic impact of United Nations assistance in Eastern Slavonia is open for debate, electoral organization may have served as a valuable conflict resolution tool - giving greater legitimacy to leaders, and promoting peaceful inter-ethnic contact. In the majority of electoral assistance cases, however, the extent that the United Nations has fostered sustainable democratic development remains uncertain.

With the recent reform package of the Secretary-General, and the recent commitment to smaller, more cost-effective observation and coordination missions and sustainable technical assistance, the United Nations has demonstrated an impressive capacity for self-reform. Unfortunately, however, much of the new focus seems to have been on saving money and respect for sovereignty as ends in themselves, and less attention given to sustainable capacity-building except as a means to cost-cutting and non-intervention. As the volume of UN electoral support likely continues to ebb, and recent elections illustrate some of the weaknesses of post-1994 electoral assistance policies, the UN now has the breathing space and hindsight to take a step back and proactively evaluate where its strategic direction for election support lies. Within the parameters of political will and fiscal restraints, the organization must ask itself what measures can yield sustainable democratic development, and what can the United Nations contribute. Given its capacity for reform, the chances are good that the UN will eventually move away from oscillating between hasty, large scale electoral intervention and hesitant frugality, towards more context-dependent and client-oriented sustainable assistance.

## **2. BACKGROUND**

### **Types of Electoral Assistance**

United Nations electoral assistance can generally be grouped into two categories - Major Missions and Standard Types.



### *Major Missions*

These are deployed in exceptional circumstances, often serve as a sub-component to a large peacekeeping mission, and as such, normally require the approval of the Security Council or General Assembly. Three sub-types fall into this category:

- Organization and Conduct of Elections: (ie. Cambodia-UNTAC; Eastern Slavonia-UNTAES; Western Sahara-MINURSO).
- Supervision: (ie. decolonization elections; Namibia-UNTAG) in which the special representative of the Secretary-General (SRSG) must certify each stage of the electoral process.
- Verification: (ie. Haiti-ONUVEH, Mozambique-UNOMOZ, South Africa-UNOMSA, Liberia-UNOMIL, Angola-UNAVEM II, El Salvador-ONUSAL); This type of assistance involves extensive chronological and geographic coverage, and a final statement by the SRSG. It was not until UNAVEM II in 1992 that verification was combined within peacekeeping operations (PKO).

### *Standard Types*

In these smaller and more common activities, Security Council or General Assembly approval is not required. They became more widely used after 1992.

- Coordination and support for international election observation: First tested in Ethiopia and Kenya 1992, and then further developed in Malawi 1994, these missions serve in a logistical and informational coordination capacity for other international observer groups. A final joint observer group communique is released that does not represent the views of the United Nations, and each separate sub-mission may issue its own report. It has been used in Ethiopia 1992, Kenya 1992, Niger 1993, Lesotho 1993, Malawi 1993, 1994, Tanzania 1995, Armenia 1995, Azerbaijan 1995, Sierra Leone 1996, Mali 1997, Algeria 1997 and Liberia 1997.
- Support for national election observers: Used primarily during the 1994 Mexican presidential elections, this activity emphasizes long-term capacity-building in well-developed and pluralistic electoral contexts.
- Observation (Follow and Report): The main purpose is to provide a largely symbolic and confidence-building UN presence. It is performed under special circumstances such as when there is insufficient lead time to mount a larger operation, and normally involves a small team or the UNDP resident coordinator. It was used for the first time in Cameroon 1992.
- Technical assistance

## **Electoral Agencies**

### *Focal Point*

Established in 1991, the Focal Point has been designated to be the Under-Secretary-General for Political Affairs in the Department of Political Affairs. This individual is responsible for political decisions and overall coordination and responses related to United Nations electoral activities. All communication related to electoral support must be channelled through the Focal Point.

### *Electoral Assistance Division (EAD)*

The Electoral Assistance Division was created in 1992 within the DPA to support the Focal Point, and provides broad strategic and operational coordination to electoral support operations. Using the services of independent consultants and a small-person professional staff, the EAD evaluates all requests for electoral assistance, develops strategic and operational policy and guidelines, conducts needs assessment missions, designs and implements electoral assistance projects, facilitates coordination of electoral observation, maintains a roster of experts, and serves as the institutional memory for UN election support. Due to the small size and technical assistance nature of most EAD activities, Security Council and General Assembly mission approval is generally not a requirement. This permits the Division to act as an implementing agency that maintains and has access to the Trust Fund for Election Assistance. In the field, EAD experts oversee needs assessment implementation, provide technical assistance and conduct observer training.

### *UNDP Headquarters*

The UNDP is the prime source of funding for UN electoral assistance, and as an implementing authority, designs, prepares and undertakes technical projects. The regional bureaux support the resident coordinator and liaise with the EAD. The Bureau of Policy and Program Support (BPPS) is the focal point in the UNDP, with its Management Development and Governance Division (MDGD) responsible for much of the electoral program facilitation and problem-solving, as well as liaison with the Electoral Assistance Division.

### *UNDP Resident Coordinator/Representative*

Most of the UNDP's electoral work, however, is done in the field through the resident coordinator/representative. He or she hires and coordinates observers, implements needs assessments, facilitates technical assistance missions, provides donor coordination and facilitates funding at the field level, and serves as a liaison between the host government and the UN. Note: the resident representative/coordinator is one person, reporting to the a UNDP regional bureau as residence representative, and reporting through the UNDP Administrator (HQ chief) to the Secretary-General as residence coordinator.

### *United Nations Centre for Human Rights (UNCHR)*

The Centre is mainly responsible for the legal and human rights aspects of elections, providing legal analysis and assistance regarding electoral laws and related legislation. It has also published a handbook on human rights and democratic development aspects of election monitoring.

### *Department of Development Support and Management (DDSMS)*

DDSMS is a Secretariat body with executing authority to hire contractors and procure equipment. As such, it is responsible for electoral project management.

### *Office of Project Services (OPS)*

Similar to DDSMS, OPS is a UNDP executing agency for electoral project management. It is used by others other than UNDP, however, and there have been attempts in past to unite DDSMS and OPS.

## **Electoral Policy**

A request for electoral assistance comes to the Focal Point (Under-Secretary-General DPA) via the local resident coordinator or permanent mission, and normally is submitted by the electoral authorities, presidency or foreign ministry. Requests from NGOs or political parties are not considered. In general, since the UN does not want to get into sanctioning or not sanctioning elections, technical and coordination mandates do not come through the Security Council or General Assembly, but through the Secretary-General. Accordingly, it is the representative on the observation coordination mission that draws the conclusions, which in no way reflect the view of any higher UN institution.

Any request for assistance must be submitted in writing at least 12 weeks prior to election day. A one-to-two person needs assessment mission is then deployed for about one week to the country in order to examine the provisions of the constitution and electoral laws, the existence of an independent electoral commission, the extent to which the schedule of electoral events ensures sufficient time for registration and a meaningful campaign, the views of all parties regarding UN assistance, and the general commitment by the government to the conduct of a legitimate electoral process. Requests are turned down for insufficient notice time and inappropriate electoral context.

Funding is generally provided by the UNDP. However, small technical assistance missions may draw upon the UN Trust Fund for Electoral Assistance, human rights-related operations receive support from the UNCHR, and major missions are funded by the General Assembly on an ad hoc basis.

## Electoral History

Throughout the 1960s and 1970s, the Trusteeship Council assisted in observation or supervision in some 30 missions, while from 1976 to 1990, assistance was limited to several small-sized technical projects. Since 1988, the Secretary-General has reported annually on electoral activities, with the early post-Cold War missions from 1988-1992 generally characterized by large verification operations such as Nicaragua (ONUVEN) and Haiti (ONUVEH). To cope with the proliferation of assistance requests in the early 1990s - 65 from 1992 to 1995 - the Focal Point was created in 1991 and the Electoral Assistance Unit established a year later in 1992 (later changed to a Division). Electoral assistance essentially began in 1992, mushroomed in 1994, and is now tapering off as countries become more experienced with elections.

### 3. INDIVIDUAL MISSIONS

The focus of this section is primarily with assistance from 1994 on, since it was then that more economical observation coordination missions and technical assistance started to replace the larger verification missions and peacekeeping operations as the main venue for United Nations electoral support. 1997, however, has seen a partial resurgence in traditional UN electoral activity, with organization of elections in Eastern Slavonia, verification in Liberia, as well as large observation coordination efforts in Algeria and Yemen.

#### *Angola 1992*

As part of the UNAVEM II peacekeeping operation, the UN verified the September 29, 30, 1992 first round legislative and presidential elections. Although the vote was deemed generally free and fair, violence erupted soon after the first round with opposition UNITA claiming massive and systematic fraud and refusing to accept the results. Some believe that the United Nations should have postponed the elections since the country was still not yet ready for them. Many have also noted that at that time UN electoral officials were not of the highest quality because United Nations agencies were reluctant to give up their best people for long-term assignments.

#### *Eritrea 1993*

The United Nations Mission to Observe the Referendum in Eritrea (UNOVER) was mandated to verify all aspects of the 12-18 April 1993 independence referendum. Despite a flawed process (coloured ballots, no 'no' committee or publicity), the mission of 21 international staff, 86 observers, plus the Special Representative of the Secretary-General declared the result free and fair and representative of the will of the people. Most commentators agree that the yes vote did represent the majority view in spite of the process, and that the UN had an important symbolic role.

*El Salvador 1994*

900 observer monitored the March 20 general elections as a component of the United Nations Observer Mission in El Salvador (ONUSAL); and despite serious difficulties relating to voter registration, declared the campaign and election day to be acceptable. Although better UN civil-military coordination was needed, as well as a longer term electoral focus, most felt that the United Nations displayed very thorough criteria, contextual awareness, well-conducted observer training and cooperation with locals, and appropriate mission decentralization to the departmental level. Today, there is better access to polls, more credible and impartial police electoral presence, but still problems with logistics and electoral lists and cards.

*South Africa 1994*

The UN Observer Mission in South Africa (UNOMSA) deployed 100 observers in September 1993, and had its mandate expanded in January 1994 to include electoral verification and coordination of international electoral observers. By the end of March 1994, 500 observers had deployed. Led by the Special Representative of the Secretary-General, a total of 2,120 United Nations observers together with monitors from the Commonwealth, OAU and European Union, observed the Independent Electoral Commission (IEC) and the process surrounding the April 26-28 vote. The Chairman of IEC declared the election free and fair, and the heads of the international observer mission (consisting of SRSG and heads of Commonwealth, EU and OAU observer missions) issued joint statement agreeing the vote represented the will of people. While those interviewed agreed that the United Nations had a major and positive role to play, some felt that the UN pulled out too fast after polling day and should have stayed for the count.

*Malawi 1993, 1994*

Following thirty years of dictatorship, Malawi held a June 14, 1993 referendum on whether to have a one-party or multi-party system of government. The United Nations provide technical assistance and deployed an Electoral Assistance Secretariat to coordinate international observers and provide reports and advice to the National Referendum Commission. The Joint International Observer Group (JIOG), as the mission was called, opened its office in late March, and the first observers arrived in early April with eventually 210 observers present on election day. Unlike earlier missions, the UN's role was not verification but logistical and coordination support for other international observation groups, and the JIOG represented only itself. 63% voted in favour of change to a multi-party system.

Technical assistance and coordination was also supplied to the May 17, 1994 presidential and legislative elections. 300 observers were present on election day, with a post-election needs assessment identifying areas in need of further assistance - election administration, parliament, civic education, mass media, human rights, legal reform. The UN was very influential in improving the 1993-94 Malawi electoral process, and provided sound logistics and observer coordination. Most commentators see this as a good example of how the United Nations can

provide long-term, coordinated international assistance where there is consistency of advice, minimal duplication of effort, and cost-effective use of donors.

#### *Mexico 1994*

The United Nations Technical Assistance Team in Mexico (ETONU-MEX) deployed 11 specialists and 32 consultants to assist domestic observation efforts during the August 21, 1994 presidential elections. Due to Mexico's sovereignty sensitivities, the team was not involved in verification or observation, but used U.S.\$4 million from a UN trust fund (contributed to in part by Mexico) to assist 14 national NGOs in training 80,000 national observers. Specifically, the mission contributed to the preparation of an electoral observation methodology and observer manuals, in addition to technical support for strategic planning, organization of quick counts, and development of logistics manuals. This novel use of assistance to aid domestic groups proved to be an inexpensive means to promote national capacity-building while at the same time respecting national sovereignty. As a direct result, 14 of Mexico's leading NGOs developed a common code of conduct for electoral observation.

#### *Mozambique 1994*

As part of the United Nations peacekeeping Mission in Mozambique (ONUMOZ), U.S.\$64.5 million in technical assistance, 126 long-term observers (including 96 UN Volunteers), and 2,300 short-term observers poured into Mozambique for the October 27-29, 1994 general elections. Unlike El Salvador, UNVs were heavily relied upon in Mozambique's larger and harsher terrain due to their reputation for toughness. Three UNDP volunteers were also deployed per provincial office to provide technical assistance, and were supposed to be very separate from observer UNVs in order to further observation objectivity. The elections were concluded by the mission to have been free and fair.

Although there was greater cooperation between UN civilian police and observers, and reports of significant impact, many questioned the how efficient the operation was. The enormous number of often poor quality and culturally insensitive observers created serious logistical problems, and there was no clear line of distinction between observation and technical assistance - some people doing both. In short, the UN electoral assistance was more concerned with massive presence than targeted quality.

#### *Tanzania 1995*

Under the auspices of the local UNDP coordinator, two UN officials served in an electoral observation coordination and support capacity for the October 22, 1995 Zanzibar election and October 29, 1996 Tanzania vote. From the outset there were logistics, communications and briefing problems, with many of the sub-observer missions complaining that they were not consulted with enough. The UNDP was also criticized for being too lenient with the one-party state government.

*Azerbaijan 1995*

A Joint OSCE/UN Electoral Observation Mission in Azerbaijan monitored the November 12, 1995 elections with 100 observers for the first round, and 20 for the second. The consensus was that this mission was poorly managed.

*Sierra Leone 1996*

Technical assistance and observation coordination and support was provided, and widely considered to have been effective.

*Eastern Slavonia 1997*

The United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium (UNTAES) was mandated to organize and assist in the conduct of the April 13, 1997 legislative elections, and to certify the results. The mission and the election was observed by an OSCE Office for Democratic Institutions and Human Rights (ODIHR) mission. ODIHR concluded that there were significant technical problems relating to an unrealistic time schedule, inaccuracies in the voting lists, late delivery and absence of electoral materials, and last minute changes to election regulations. All those who wanted to vote, however, could do so. Because of these problems, voting was extended for a second day, and voting restrictions were eased allowing all those with valid Croatian ID cards to vote. It further bears mentioning that ODIHR's assessment in Eastern Slavonia was significantly more critical than the UN's, which downplayed the technical irregularities. Certification of the elections was the sole responsibility of the UNTAES Transitional Administrator. He and the head of the ODIHR mission came to significant disagreement over ODIHR's conclusions.

*Yemen 1997*

The United Nations provided technical assistance and observer coordination and support to the April 27, 1997 parliamentary elections. The vote and observation were considered to have gone well, although there was some concern that individual observation mission reports within the UN coordination were too diverse in their conclusions.

*Algeria 1997*

The United Nations conducted a coordination and support mission to the June 5, 1997 legislative elections, coordinating the observation of 106 observers from 30 countries for 18 days. Two long-term observers arrived in May and the main body arrived two weeks before election day. Due to the high level of violence throughout the country since the 1992 elections, all observers were accompanied by armed escort. The final report observed that the Algerian authorities did not properly understand the mandate of the mission, insufficient lead time was given for the preparation of the mission, observers suffered from language difficulties, and one of the sub-missions - the National Democratic Institute (NDI) - was very uncooperative.

As for the election, itself, it was seen as free and fair with 80% turn-out, little intimidation, effective logistics and civic education, and a result that represented the will of the people. The main Islamic opposition party (the one that won in 1992 but was prohibited from taking power), however, was under strict campaign controls, finished second, and then contested the results.

Operationally, the mission probably arrived too late, encountered communication problems with New York, and had a great deal of trouble coordinating the logistics and communications among the many nationalities and various sub-missions (NDI, Arab League, OAU) on the joint observer group. Reportedly, operations would have been much worse were it not for very competent UN mission leadership that was not afraid to break some of the rules.

More fundamentally, there was a strong difference of opinion between the UN and NDI over the extent to which the election was valid. The United Nations focused on the relatively sound campaign mechanics and election day procedures, while NDI criticized the debilitating atmosphere of fear and violence. It is difficult to say whether the UN should have been there or not. It all depends on whether the mission had a calming effect, and whether the elections served as a stabilizing or destabilizing influence. Given the recentness of the vote and the very uncertain post-electoral environment, opinion is mixed on whether the UN observation and vote had a positive impact.

### *Liberia 1997*

In consultation with the Organization of African Unity and ECOWAS, the United Nations verified the July 19, 1997 presidential and legislative election process and provided a coordination and support mission for 400 observers that covered the whole of the country over an 8-day period. Presidential election day saw a good turn-out, little intimidation and violence, and conscientious local electoral officials. While the second place finisher largely dominated in the capital Monrovia, the winner, rebel-leader Charles Taylor, dominated the campaign and media and won in the rural areas. Parliamentary members were appointed by their party leaders based on the results of the presidential vote.

Some feel that the country was not ready for elections with the high expectations of voters possibly leading to further instability. There are rumours that the election served as nothing more than an exit strategy for the United Nations. Apart from this, the mission suffered from poor UN Electoral Assistance Division leadership, logistical and communication problems, ineffective observer training, little cultural orientation for observers, a short-term focus, and inadequate international civilian military cooperation. Moreover, ECOMOG, the security component of the observation, was quite brutal with the local population, sometimes beating voters away with sticks at the polls if they were too pushy. Observer quality, however, as well as their local reception, was very good.

Most disturbing of all, perhaps, despite the all pervasive dominance of Taylor via the media, observers were told that freedom and fairness had to be de-emphasized in favour of a



focus on the quick-count. This forced many observers to significantly reduce their coverage since they would often have to forego observation at several polls in order to access a remote quick-count-designated site. In sum, Canadian observers on the mission reported that in-country UN leadership did not seem to give the impression that they felt the mission important, and further reported little democratic development impact.

## 4. OVERVIEW

### Organizational Structure and Operations

The end of the Cold War and a renewed world concern for internationalism generated a proliferation of United Nations humanitarian interventions and comprehensive peacekeeping missions, often characterized by large-scale, expensive and assertive conflict resolution and nation-building activities. From the mid-1990s on, however, amid eruptions in ethnic violence, peacekeeping failures in Bosnia, Somalia and Rwanda, UN inefficiency, and member-state domestic emphases on deficit reduction, the international community became somewhat disillusioned with the United Nations and with large scale missions. Coupled with the national trend to second generation elections, the above factors contributed to a post-1994 UN electoral policy shift towards stricter mission selectivity, and smaller, more cost effective observer coordination and technical missions. Assistance also tried to become more sovereignty and client-conscious, with an attempt at a greater emphasis on long-term sustainability, national observers, civic society, and democracy as a process instead of an end.

UN election support also has experienced significant administrative limitations at the headquarters and structural level. Missions must endure regular HQ-field communication problems, very slow implementation processes, inadequate preparation lead-time, budget restrictions, as well as confusion from agency overlap. Mandate similarities between the UNDP and the Electoral Assistance Division, and the OPS and DDSMS are quite striking. Moreover, with no fewer than at least five headquarter agencies directly involved in electoral assistance, not to mention the problems of bringing field offices into the picture, it is little wonder that logistical difficulties are so prevalent.

Turning to the main electoral agencies - EAD and UNDP - there is widespread consensus that the Division has declined in quality in recent years, especially since the departure of the highly-regarded Horacio Boneo as Division head. Presently, there is only an Acting Director and six professional staff, some of whom are considered ineffectual. Consultants also vary dramatically in experience and expertise. In contrast, reports about the UNDP's election support have been more positive given its longer-term, more constructive and results-oriented focus. There are also rumours that the EAD may be transferred into the UNDP to reduce overlap and improve technical support in the field. Questions remain, however, on who would make the political decisions.

## **Selectivity Criteria**

The United Nations has certainly made a noticeable attempt to be more selective and targeted in their mission selection, often turning down requests for assistance on the grounds that the invitation had come too late in the electoral process for assistance to be properly deployed and be of value, or the presence of an inappropriate election context. In 1995, 5 of 22 requests were rejected, and in 1996, 13 of 27 were turned down. Despite this selectivity, there is still a sense that the United Nations is generally too automatic in its acceptance of missions, and needs to articulate stricter criteria beyond "insufficient lead-time" and "inappropriate environment" factors. UN electoral observation in Zambia in 1996, and assistance to the Gambia and Zaire are often cited as places where the EAD probably should not have been involved. There are also lingering concerns about the United Nations role in the 1997 Algeria elections.

## **Evaluation Criteria and Scope**

With the resources that the United Nations can draw upon, it is difficult for other international multilateral organizations to compete with its breadth of expertise, experience, and contacts. With sufficient political willpower, therefore, the UN is without equal in its ability to mount electoral operations of comprehensive geographic and chronological scope. Having said this, recent missions have become criticized for being too mechanical and technical in nature with insufficient attention to electoral and democratic sustainability, and long-term capacity-building at the management level. For example, few international staff worked with local middle-to-high level electoral officials in Cambodia. There have also been comments that in Africa the EAD and UNDP need to focus more on Africa-style and Africa-led democracy, with the example of Uganda often used as a case of a one-party state becoming more participatory through cabinet representativeness. 1997 Liberian and Algerian observation coordination and support have further drawn criticism for a very narrow technical electoral focus on mechanics and insufficient emphasis on the broader campaign and coercive context. In short, despite policies that accentuate longer term and more locally-driven assistance, missions still remain too technical and unsustainable, with the short-term and relatively large scale Algeria and Liberia operations indicating that problems still exist in both scope and evaluation criteria.

## **Mission Structure and Operation**

Logistics and communications difficulties still plague UN electoral missions, especially the larger observation coordination operations, with start-up preparations and New York headquarters-field communication particularly problematic. In general pre-mission and post-mission periods create the most problems, with UN efforts often either short of personnel or overwhelmed with personnel. For credibility reasons, a bigger distinction also needs to be made between assistance and observation.

With respect to specific types of electoral support, observation coordination and support missions provide participating observation groups with common structures, forms and

deployment strategies, while minimizing unnecessary duplication and providing the local authorities with a single point of contact. It further permits less UN intrusion into a nation's sovereignty and is cost-effective since donors cover observer expenses. It can be problematic however, since the final report represents the lowest common denominator of observer group opinions, and may indeed lead to greater logistics and unity-of-effort problems as the various component missions struggle to have their voices heard. Algeria 1997 provides a good example of this. Technical assistance tends to have far fewer logistical problems due to the small size of the missions, and runs smoothly about 90% of the time.

### **Credibility and Resolve**

This category has been less relevant to UN electoral activities in recent years since the Organization has taken on a greater technical assistance and observation support role - activities that privilege electoral development over fraud deterrence. However, this can still be indirectly problematic since the final reports of the collective observer group membership tend to have lowest common denominator conclusions that can still implicate the United Nations if they ignore obvious electoral irregularities. Geographically, the UN also has credibility problems in certain parts of the world due to the ineffectiveness or perceived partiality of certain peacekeeping operations. For this reason, the OSCE, and not the United Nations, has the key electoral role in the Balkans. Conversely, however, the OAS's perceived pre-1989 pro-government bias in El Salvador and Guatemala led to the UN being given the chief responsibility for elections and peacekeeping/peacebuilding in these countries.

### **Impact on Electoral Process**

In several of the larger peacekeeping operations the UN has made a significant difference. Namibia, Mozambique, El Salvador, Eritrea and South Africa all have enjoyed dramatic and sustainable improvements to their electoral systems. Other missions such as UNTAC and UNAVEM have had frustrating experiences with and post-election instability and conflict resumption. As for more recent UN emphases, the organization has had a very strong impact in the area voter education, domestic observation in Mexico, and through its ability to coordinate and encourage donor activities. With respect to observation coordination, there have been some successes such as Malawi 1994 and Yemen 1997, but recent missions to Algeria and Liberia have raised questions due to problematic logistics, coordination and narrow scope. The long-term effects of technical assistance to electoral authorities also remains an open question.

### **Impact on Democratic Development**

With the aid of hindsight, the United Nations has made a democratic difference through electoral support in Namibia, El Salvador and probably Mozambique. More recent confidence-building and developmental electoral support to Eritrea and Malawi have also likely had a sustainable influence, while Mexico and South Africa missions contributed to a deeper sense of democracy through support for national observers and civil society. Finally, while the democratic impact of UNTAES is open for debate, electoral organization may have served as

a valuable conflict resolution tool - giving greater legitimacy to democratic leaders, and promoting peaceful inter-ethnic contact. In the great majority of electoral assistance cases, however, the extent that the United Nations has fostered sustainable democratic development remains uncertain.

### Capacity for Learning

With the recent reform package of the Secretary-General, and the commitment to smaller, more cost-effective observation and coordination missions and sustainable technical assistance, the United Nations has demonstrated an impressive capacity for self-reform. Even during the 1992-1994 period when the relatively pro-UN Assertive Multilateralism was the dominant U.S. multilateral foreign policy and there was much less American pressure for change, the UN managed to undertake significant peacekeeping and organizational reform (Agenda for Peace, creation of DPA, DPKO, EAD). Moreover, since its creation in 1992, the Electoral Assistance Division has been responsible for drafting the annual report to the General Assembly on electoral matters entitled "Enhancing the effectiveness of the principle of periodic and genuine election." Therefore, within the global, historical and institutional constraints that it operates under, there is little doubt that the world body will continue to conduct post-mission debriefing and self-evaluation sessions, apply lessons learned, and attempt reform. Whether they will be the right lessons and the right amount of reform is another matter, however.

In the wake of the problems with the large-scale, short-term and relatively aggressive UNTAC, UNPROFOR and UNOSOM missions, the United Nations has been right to emphasize cost-effectiveness, national self-determination, civil society and long-term sustainability. Unfortunately, however, much of this focus seems to have been on saving money and respect for sovereignty as ends in themselves, with less attention given to capacity-building except as a means to cost-cutting and non-intervention. Accordingly, the mainstay of UN electoral assistance is small technical assistance missions that are unobtrusive and cheap but have questionable sustainability, and lowest common denominator observer coordination missions that tend to endure significant logistics and communications confusion, and go out of their way to avoid disputes with the local authorities. As such, UN reform of its own electoral support capacity at times has been more reaction than learning.

As the volume of UN electoral support likely continues to decline, and recent elections illustrate some of the weaknesses of post-1994 electoral assistance policies, the UN now has the breathing space and hindsight to take a step back and evaluate where its strategic direction for election support lies. Within the parameters of political will and fiscal restraints, the organization must ask itself what measures can yield sustainable democratic development, and what can the UN contribute. At times this will call for a more locally-driven, cooperative approach (Eritrea, Malawi, Yemen, Mexico), and at times perhaps a more international, centralized verification role (Namibia, Eastern Slavonia, El Salvador, Liberia). In all cases, to the extent possible, mission size and respect for sovereignty should serve as a means to democratization and not as ends in themselves.

Given the UN capacity for reform, however, the chances are good that the United Nations will eventually move away from oscillating between hasty, large scale electoral intervention and hesitant frugality, towards a more context-dependent and client-oriented set of tools for providing sustainable electoral assistance. Presently, the Electoral Assistance Division is cooperating with the International Foundation of Electoral Systems (IFES) and International IDEA to put information from UNDP field offices on IDEA websites, and uses IFES capacity-building expertise to promote more sustainable electoral commissions. Such willingness to seek broader influences, viewpoints and methods is a step in the right direction.

## 5. CONCLUSIONS

### Evaluation

Using a five-point scale (weak, needs improvement, fair, good, very good), determinants of success of United Nations electoral activities ranged as follows:

Organizational Structure	Needs improvement
Mission Selectivity Criteria	Good
Evaluation and Scope	Needs Improvement
Operations	Needs Improvement
Credibility and Resolve	Good
Impact	Good
Potential	Very good

### Comparative Advantage

- Universality, generally good image.
- Political leverage.
- Broad expertise and experience.
- Information management (data base and institutional memory).
- Resource access.
- Donor coordination.
- Support to domestic observers.
- International coordination.
- Peacekeeping contexts.
- Transitional elections in newly independent countries (e.g. Namibia) or those emerging from internal political conflict (El Salvador) as opposed to ethnic conflict (Bosnia).
- Electoral support in more advanced democracies (Mexico, South Africa).
- Can mount large operations when necessary in large, populous states (e.g. Mozambique).
- Less credibility in high fraud-risk situations due to less resolute nature of observation coordination missions.

## Recommendations for the United Nations

- Place greater emphasis on long-term sustainable, capacity-building.
- Develop stricter mission selectivity criteria.
- Give more attention to locally-designed and implemented initiatives.
- Let decisions on which electoral assistance tools are to be used (peacekeeping, technical assistance, verification, coordination etc.) be dictated less by supply-side costs and reactions to past experience, and more by demand-side local needs and contexts.
- As such, develop a strategic framework where a general set of electoral assistance tools can be matched to a set of domestic situations.
- Emphasize greater rationalization and integration of electoral agencies at HQ level.
- Become more information-based.
- Appoint a director to the Electoral Assistance Division, and re-evaluate staffing needs.
- Continue to develop partnerships with regional organizations and NGOs such as IFES and International IDEA.
- Continue to focus on national observers in non-transitional and sovereignty-sensitive environments.
- Continue to serve as a facilitator for donor coordination.
  
- In short, more emphasis should be placed on sustainability, local needs, HQ rationalization, donor coordination and domestic observer facilitation.



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**ANNEX**

(Questionnaire for Interviewees)

***SPECIFIC ELECTORAL MISSIONS***

Org.  
Mission  
Election Date

Type of Source

Source (name, title, organization)

**I. ELECTORAL MISSION-FOCUSED METHODOLOGY**

1. **Mission Facts** (dates, size, mandate, type of election, context, chronology, conclusion, Cdn contribution)

2. **Mission Selectivity Criteria** (security, rights, infrastructures, democratic support, international support, international resources, IGO support)





6. **Impact on Electoral Process** [electoral reform; successful election (turnout, candidate turnout and representativeness, opposition accepts results, free and fair, acceptable logistical error, will of society); specific IGO impact; improvement over past elections and subsequent improvements; evidence of IGO pacific reversal of fraudulent elections]

[Did mission contribute to voter confidence; improve system; prevent fraud; show international support; encourage democratic evolution?]

7. **Impact on Democratic Development** (political stability, security, rights protection, civil society etc.)

## THE ORGANIZATION IN GENERAL

### Organization:

Type of Source

Source (name, title, org.)

1. **Description of Organization** (name, mandate, structure, history)
  
2. **Competitive Advantage** (expertise, experience)
  
3. **Commitment to democratic development**
  
4. **Structural appropriateness**
  
5. **Evidence of electoral assistance reform over the years** (strength, depth, uniformity, comprehensiveness, professionalism, cooperation)
  
6. **Capacity for learning** (future reform and anticipating new realities)
  
7. **Suggestions for Improvement**

8. **Mission Selection**
9. **Evaluation Criteria**
10. **Mission credibility and Resolve**
11. **Mission Structures and Processes**
12. **Impact on Electoral process**
13. **Impact on Democratic Development**
14. **Specific Missions**

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