

How to note

DECEMBER 2010

On Electoral Assistance:

Summary Version

DFID

Department for
International
Development



Foreign &
Commonwealth
Office

Introduction

The FCO and DFID have produced a joint *How To Note* on electoral assistance, covering both diplomatic engagement and development assistance. The *How To Note* reflects a shift in UK and international practice on electoral support, away from *ad hoc* assistance for the conduct of particular elections towards a more long-term, strategic engagement with the development of the electoral system as a whole. To that end, the Note introduces a diagnostic and planning tool known as the Electoral Cycle Approach. This summary version of the *How To Note* focuses on the areas most directly relevant to FCO posts.

When should the UK offer electoral assistance?

The UK is strongly committed to supporting the growth of democracy internationally. Democracy is the system of government that best meets the hopes and aspirations of people around the globe. It provides mechanisms for allocating political power and managing conflict that are essential for stable and peaceful societies. Over the long term, we believe it supports the emergence of accountable and responsive states, able to safeguard human rights and promote social and economic development.

Democracy is a home-grown product, and cannot be imposed from the outside. International norms make it clear that each country must choose its own form of government, and the influence of the international community over those choices is generally limited. Most countries, however, have committed themselves to respecting democratic principles, and many are engaged in the long process of strengthening the norms and institutions required to put those principles into effect. Together with our international partners, the UK stands ready to support that process of democratic consolidation.

There are many forms of support we can offer to help strengthen democracy, including support to democratic processes like constitution making and participatory development, democratic institutions like parliament, judiciaries and accountability institutions, and citizen engagement in public life. Electoral support is one of the options on this menu. Although the

"We reaffirm that democracy is a universal value based on the freely expressed will of people to determine their own political, economic, social and cultural system and their full participation in all aspects of their lives. We also reaffirm that while democracies share common features, there is no single model of democracy, that it does not belong to any country or region, and reaffirm the necessity of due respect for sovereignty and the right of self-determination. We stress that democracy, development and respect for all human rights and fundamental freedoms are interdependent and mutually reinforcing."

UN World Summit, Outcome Document,
September 2005, para. 135

"Democracy rests on foundations that have to be built over time: strong institutions, responsible and accountable government, a free press, the rule of law, equal rights for men and women, and other less tangible habits of mind and of participation, debate and association. Elections alone do not create a free and democratic society."

William Hague Foreign Secretary, September 2010

electoral system is only one of many institutions required to build a functioning democracy, elections are an essential part of the democratic process, and present both opportunities and risks for democratisation. In many cases, elections reinforce democratic values and institutions, and represent an opportunity for exercising the rights of citizens. But in weak institutional environments, they can give rise to pressures and tensions that can undermine democracy and erupt into violence. Elections in post-conflict settings can be highly divisive and create an atmosphere in which violence can escalate. The timing of post conflict elections is therefore critical.

The timing of post-conflict elections

Guidance stresses that elections are necessary in almost all post-conflict situations, but also lead to heightened risks of a return to instability. Electoral timetables should be realistic and set with care, taking into account the risks and trade-offs involved. If there is any choice, it is usually best to delay elections for two or more years after a ceasefire, giving time for tensions to recede, the security situation to improve and political parties to form. As a general rule, the longer the interval, the better the prospects for democracy in the long run. However, delay may also be destabilising, if it creates a political vacuum or leaves in place an unelected transitional administration intent on lining its own pockets. Where a new constitution is to be adopted by referendum, it would be logical to defer the first elections until after the constitution is in place. However, this is a high-risk strategy, as failure to approve the new constitution could throw the rest of the transition off course.

Once an electoral timetable is established, delays should be avoided at all cost, as they may trigger conflict. This puts considerable pressure on the preparation process. In some instances, international organisations have taken over the conduct of the elections (e.g., Bosnia and Herzegovina, and East Timor). In other cases, national EMBs have been left in the lead, but with intensive support from an international supervisory mission (e.g., Liberia, Iraq, DRC).

FCO, "Post-Conflict Elections", 2010

Given the diversity of circumstances that can arise, we cannot be too prescriptive about the appropriate scale and form of UK support for elections – a judgement is needed in each individual case. We can, however, set out some general questions to frame the decision.

1. If there is a UK strategy for the country in question, does it emphasise the electoral process and democratic development? Any major investment in electoral support should be linked to higher objectives in the strategy, such as building peaceful states and societies, strengthening democracy or improving conflict management.
2. Will the elections play an important part in the country's political development? Are they part of a post-conflict recovery or state-building process? Are they part of a credible process of democracy consolidation, creating opportunities for strengthening democratic norms and institutions?
3. Are there risks in the electoral process for the country in question that international support may help to mitigate? Are there risks of fraud by the incumbent or opposition or high levels of administrative disorder during the election that may undermine public trust in the electoral process? Is there a risk of electoral violence, and escalation into wider conflict?
4. What are others doing? Almost all major electoral support programmes are provided jointly with international partners. Has a consensus emerged on the

significance of the elections? Are there mechanisms in place to share costs and risks? Does UK influence in the country in question depend upon it contributing to a broader international effort?

5. Are basic conditions in place for a credible election? The UK necessarily engages with imperfect electoral processes, as this is precisely where our support is needed. However, if the electoral system is so skewed in favour of the incumbent that no real competition is possible, we would not engage directly with the electoral authorities, to avoid condoning electoral fraud or legitimising authoritarian practices. In such cases we may focus on working with civil society actors trying to improve the electoral process and uphold basic democratic principles, especially human rights, the rule of law and freedom of expression.¹

Factors suggesting we should not provide direct support to the conduct of elections would include:

- opposition leaders or parties barred from participation;
- the franchise removed from sections of the population;
- opposition parties denied freedom of speech, assembly and organisation, or prevented from accessing the media; and
- insurmountable practical impediments, such as the lack of a settled constitutional/legal framework or an independent election management body.

6. What level of financial and human resources are we willing to commit to the election? Experience suggests that a major UK role in elections can be extremely demanding on staff time for both FCO and DFID.
7. Does electoral assistance offer good value for money (VFM), compared to other possible investments in democratic development and the potential costs of not supporting the election (particularly where there is a risk of violence)?

Strategic planning of electoral support

Where the UK has decided to support the electoral process, it is critical that we plan our engagement strategically, to make the most effective use of resources. Over the past few years, there has been a decisive shift in the way the UK and many of its international partners engage with elections, away from *ad hoc* support for specific electoral events or activities towards a more strategic engagement with the electoral process as a whole. Engaging strategically means:

- planning a multi-annual engagement across the whole electoral cycle, with attention not just to the organisation of a specific election but to the long-term development of the electoral system and other democratic and accountability institutions;
- a coherent engagement across HMG, to ensure that financial and technical assistance dovetails with diplomatic influence;

¹ See FCO, “Tools to support democracy”, undated.

- a broad engagement with multiple national stakeholders;
- joint or coordinated engagement with international partners on both financial assistance and influencing, including making effective use of multilateral and regional channels;
- clearly articulated objectives for UK support agreed between FCO and DFID, with effective results management; and
- a structured process for understanding the political context and identifying and managing risk.

When planning significant levels of support, all or most of the following steps are likely to be relevant. Where engagement is more limited, a selection should be made as appropriate.

1. Define clear goals and objectives: All electoral support should begin from a clear statement of goals and objectives that are specific to the country in question. While all electoral support may share a common high-level purpose ('strengthening democracy'), the particular opportunities and risks are unique to each country context, and should be clearly identified in the design of the assistance. The starting point is a good understanding of the political and institutional context, including the strengths and weaknesses of the current electoral system. This kind of analytical work is increasingly done jointly between DFID and the FCO. We should then make sure that the design of our assistance matches our objectives. The Electoral Cycle Approach offers a checklist of issues which can be used when designing assistance.

The Electoral Cycle Approach Checklist of Issues	
Systemic issues	Planning issues
<ul style="list-style-type: none"> ◆ Electoral system ◆ EMB mandate and structure ◆ Political party financing ◆ Boundary delimitation ◆ Equality and inclusiveness ◆ Codes of conduct ◆ Media regulation 	<ul style="list-style-type: none"> ◆ Election budget ◆ Support modalities ◆ Electoral calendar ◆ Operational plans ◆ Development of procedures ◆ Staff recruitment and training ◆ Logistical preparations ◆ Communications and stakeholder relations
Pre-election period	Election operations
<ul style="list-style-type: none"> ◆ Voter registration ◆ Party primaries ◆ Candidate and party registration ◆ Accreditation of observers ◆ Civic and voter awareness ◆ Electoral campaign ◆ Media coverage 	<ul style="list-style-type: none"> ◆ Printing and distribution of ballot papers ◆ Security arrangements ◆ Voting operations ◆ Counting of votes ◆ Tabulation ◆ Announcement of results ◆ Dispute resolution ◆ Election observation
Post-electoral period	
<ul style="list-style-type: none"> ◆ Documenting procedures and lessons learned ◆ Audit and evaluation ◆ Follow up on observer mission recommendations ◆ Dialogue on systemic reforms 	

2. Identify and manage risk: All elections entail risk, including operational risks to the successful conduct of the election, risks to the integrity of the process and risks of violence. Country posts use a range of tools to identify and manage risk. Electoral Risk Registers are matrices setting out plausible risks, their likelihood of occurrence, the severity of impact, indicators offering early warning that they are occurring and steps to be taken in mitigation. In volatile environments, a scenario planning exercise may help sharpen our thinking around different eventualities and how to respond to them. Both tools need to be accompanied by an active process of monitoring specific risks, drawing on diverse information sources.

There is a range of analytical work available to assist with assessing the risk of electoral violence.² Risk factors include structural or long-term issues (e.g. marked inequalities between different groups within the political system; a tendency for political mobilisation along ethnic lines; competition over rents from natural resources; a history of violence), and short-term trigger factors (e.g. close-run elections with unpredictable results; allegations of electoral fraud; inactivity or over-reaction by security forces). See Annex A for a detailed list of risk factors for electoral violence.

All forms of electoral assistance have the potential to mitigate against risks. A well-managed election is inherently less risky than a poorly managed one. Some additional risk-mitigation strategies include:

- negotiating codes of conduct among political parties, setting out expected standards of behaviour and mechanisms for peaceful resolution of disputes;
- coordinated diplomatic interventions by the international community, including mediation by regional organisations;
- election observation, focusing on high risk issues or areas;
- support to security agencies to encourage impartiality, professionalism and restraint;
- support to media and civil society for non-violence campaigns and conflict management activities;
- support for prompt and impartial complaints-handling mechanisms.

In Kenya in 2007, mismanagement of the elections and widespread allegations of fraud led to violent protests by opposition supporters and a crackdown by security forces. While violent incidents were not unexpected, many observers were surprised by the rapid spread of communal violence across the country. Subsequent analysis has attributed this to a number of factors:

- the fact that the electoral campaign was fought on ethnic lines;
- hate-speech and the role of the media;
- the close election result;
- the overly powerful executive coupled with a winner-takes-all electoral system;
- marked ethno-regional inequalities;
- mismanagement of land;
- poverty and youth unemployment;
- the presence of armed groups, and a history of impunity for violence.

3. Agree support modalities: For core support to election operations, there may be clear advantages to a multi-donor basket fund, which improves donor coordination and enables the EMB to allocate funds flexibly towards an agreed budget and programme of activities. While management of a basket fund is usually assigned to a fund manager, it is important to maintain good political oversight of the assistance, to ensure that emerging problems (such as political interference with the EMB) are

² See in particular UNDP, “Elections and conflict prevention: a guide to analysis, planning and programming”, August 2009.

detected early and referred to the diplomatic level for intervention. Separate funding arrangements for civil society-based activities may be appropriate.

4. Ensure value for money: support to elections must demonstrate that everything possible has been done to ensure that value for money is being achieved. Cost-effectiveness analysis to show whether a programme is using the cheapest method to achieve its objective is more straightforward but should always be considered alongside some estimate of the benefits of different options even if these are difficult to quantify.

A robust approach to monitoring and evaluation should be built into electoral support. A balance of quantitative and qualitative indicators is most likely to provide a basis for objectively measuring the success of the programme.

Gender equity and social inclusion

The UK places a strong emphasis on promoting equality and inclusiveness, in particular gender equity, within its electoral support. Political systems that allow all social groups to participate fairly are most effective at managing conflict. Women have a right to effective voice and representation, and evidence suggests that a critical mass of women parliamentarians can lead to a greater focus on women's interests and equality within the legislative process. There are many ways of supporting women's participation in political life, including introducing quotas for women in party candidate lists, support for cross-party women's caucuses, training for women seeking public office, civil society-based campaigns and networks, and using civic and voter education to encourage voters to be more open to women as leaders. To be effective, such activities must be pursued throughout the electoral cycle, and not just in an election year.

5. Communicate effectively: Electoral assistance needs to be supported by effective communication, at various levels. As well as routine sharing of information between HMG agencies in country, there is a need for good communication with London, with risk analysis, scenarios and contingency plans shared regularly. Platforms enabling the international community to develop common positions and present them jointly to country partners helps maximise international influence. It is useful to establish linkages between aid coordination mechanisms, which lead on technical and operational matters, and diplomatic fora such as Heads of Mission groups, where political issues can be taken up with the partner country at a higher level. We should engage with a range of national stakeholders, including not only government and the EMB, but also political parties and parliamentarians, sub-national government, business, the media and civil society, to reinforce the importance of fair and orderly elections.

6. During and after election day: UK staff are often involved in the observation of elections on polling day. Even where other monitoring arrangements are in place, this provides an additional set of eyes on high-risk issues and locations and early warning of emerging problems. An effective polling day operation requires joint planning across HMG departments, which should be completed well in advance. Duty of care obligations towards staff need to be carefully considered, with staff briefed on security risks, provided with suitable travel arrangements and their movements carefully monitored. A budget needs to be set aside to cover logistics.

While there is a natural tendency to succumb to fatigue after polling day, the post-election period raises pressing issues. We should closely observe vote counting and the announcement of results, which are risky points in the election, as well as the

resolution of electoral disputes. We need to ensure that recommendations from election observation missions are followed up, as the post-election period may be the best time for initiating dialogue on electoral reform.

Responding to flawed elections

The question of how the UK and its international partners should respond to flawed elections can give rise to difficult judgement calls. The international response may have the effect of extending or withholding legitimacy to the election and the party

Responding to violations of electoral standards

Bangladesh: In January 2007, Bangladesh entered into a political crisis in the lead-up to an election, when opposition parties accused the outgoing government of violating the constitution and announced a boycott. The military intervened, postponing elections and installing a new caretaker government. The intervention, undertaken with the stated purpose of restoring law and order and rooting out high-level corruption, enjoyed widespread public support. An integrated approach including diplomatic pressure, financial and technical support encouraged the military-backed caretaker government to announce a ‘roadmap’ for restoring democracy. The international community chose to work closely with the caretaker government to make use of a window of opportunity to tackle some difficult political reforms. A new election was eventually held in December 2008.

Nicaragua: Since the re-election of a Sandinista government under Daniel Ortega in 2006, Nicaragua has seen increased authoritarianism, declining governance standards and a narrowing of the democratic space. This culminated in November 2008 with the government’s manipulation of municipal election results, to widespread international condemnation. The episode caused a breakdown in relations with the international community, with most European donors and the US suspending assistance pending a return to democratic norms.

Ethiopia: In 2005, the UK and other donor countries enjoyed close diplomatic relations with Ethiopia, which was one of the first budget support countries. However, disputed election results in 2005 were followed by a violent crackdown on opposition protests in which nearly 200 people lost their lives and thousands of opposition leaders, supporters and journalists were detained. Amid international condemnation of these actions, the UK and other donors terminated budget support, marking a major change in the development partnership. The UK redirected its funds into other forms of support.

claiming victory. We must in all cases be very clear about the democratic principles and international standards to which we are committed, particularly the importance of procedural fairness. We also recognise that fully compliant elections are a long-term goal in many countries. When confronted with clear violations of electoral standards, as documented by impartial observers, the UK response would normally be decided at ministerial level, in dialogue with international partners. Where an incumbent government is determined to override the results of an election, or an opposition group seizes power by unconstitutional means, there may be little the international community can do in the short term. We may seek to mediate between rival political forces, or in cases involve major human rights abuses we may consider some form of sanction against the offending party. Note, however, that there is little evidence that punitive actions by external actors have significant influence in the midst of a political crisis.

When advising on options, we should consider:

- **Diplomatic demarches** outlining the violations and demanding redress, where possible delivered jointly with others;
- **Intervention by a UK minister** or other senior figure, especially if there is a personal relationship with a leading figure in the country in question;
- **Regional organisations**, such as the OSCE in Europe and Central Asia, the Organization of American States and the African Union and African sub-regional bodies, can offer mediation or sanctions such as suspensions;
- Resolutions or sanctions from **international organisations** such as the UN or EU;
- Involvement of the **UN human rights machinery**, which in serious cases can appoint Special Rapporteurs to investigate incidents;
- There may also be a range of options available within **development programmes**, preferably with a group of donors acting together. At the most serious end of the spectrum are the responses to a breach of conditionality; where donors have agreed with the partner government in advance that the free and fair conduct of elections will be a condition of their aid. In the case of a breach donors have a range of responses available, but the response needs to be proportional to the breach. The response should depend on: i) the seriousness of the specific events that lead to a breach; and ii) the impact that any decision will have on poor people and longer term poverty reduction efforts.
- In extreme cases, **targeted sanctions** such as travel bans through the UN or EU can be considered.

Issues arising through the electoral cycle

The full *How To Note* introduces the substantive issues and policy choices most likely to arise at different points in the electoral cycle, and offers guidance on where to go for further information. The following topics are covered: the electoral system; electoral management bodies; political party development and campaign financing; boundary delimitation; equality and inclusiveness; media; voter registration; party and candidate registration; civic and voter awareness; dispute resolution; elections security; out-of-country voting; results verification; and monitoring.

Key areas for the FCO in particular to be engaged with include:

- supporting political negotiations on reform of the constitutional and legal framework and design of the electoral system;
- contributing to the background political analysis which shapes electoral assistance;
- monitoring and supporting the independence of the electoral management body;
- outreach to security agency chiefs, to encourage them to play a neutral and appropriate role;
- briefing and other support to international observation missions;
- following elections, reviewing the conclusions of observation missions and discussing with government how to address any shortcomings in the process.

Annex A Risk factors for electoral violence

This list of risk factors for electoral violence is taken from:

UNDP, “Elections and conflict prevention: a guide to analysis, planning and programming”, August 2009

Contextual	<ul style="list-style-type: none">• A pervasive culture of ethnic rivalries and violence• A proliferation of personality-driven political parties• Corruption and a fragile justice system• Perceptions of unresolved historical injustices• International dynamics (e.g., international pressure for elections against the wishes of one of the parties)
Process factors	<ul style="list-style-type: none">• Elections are seen as an event instead of a longer-term process• Lack of adequate ground rules (codes of conduct) or contested legal contexts• Zero-sum approaches to decision making• Weak facilitation of meetings and forums. Protocol dictates that powerful individuals lead negotiations, no matter how (un)skilled they are in process issues or the extent of their emotional or social intelligence.• Lack of organisational development assistance for election-related bodies.• Resistance to and rejection of advice from well-meaning election experts• Neglect of ‘the attitudinal dimension of divided societies’—which refers to situations in which different groups within a state do not perceive themselves as parts of the same national community• Lack of emphasis on attitudes and value-based leadership (e.g., the belief that a procedurally flawless election will guarantee acceptance of the results and healing of relationships)• Fundraising from ‘undisclosed benefactors’
Relationship factors	<ul style="list-style-type: none">• The attitudes and behaviour of politicians and officials often have destructive effects on relationships, especially as election time draws closer• Lack of trust in EMB or among the members of the EMB• ‘Elite-driven style’ of elections as opposed to simple and transparent communication processes
Political factors	<ul style="list-style-type: none">• Weak governance could mean that governments may act as potential instigators of violence• Extreme political fluidity and recurring inter-party conflict• Lack of political party guidance/capacity• Intra-party divisions and power struggles often leading to a proliferation of political parties along lines of overlapping social differences of identity and class• Non-consensual political re-demarcation of election district boundaries• Unclear mandates of EMBs, exacerbated by the electorate’s high expectations that the EMB should intervene in cases of corruption• Unresolved issues from previous elections and failure to correct

	<p>past mistakes</p> <ul style="list-style-type: none"> • Political culture of ‘the politics of the breadwinners’ due to the fact that elected officials do get a salary and would therefore protect their jobs at all costs • Political culture of seeing elections as a game of ‘winner takes all’ • Political culture of blaming versus proactive dialogue • Premature victory claims • Non-acceptance of election losses even when the results are affirmed or verified by neutral third-party missions • Exclusion “may lead to violent conflict because it provides the grievances that generate potential support for protests”, but many excluded groups, on the other hand, do not resort to violence
Media	<ul style="list-style-type: none"> • Bias of and level of access to the state media • Absence of broadcast legislation • Unregulated proliferation of personality-driven and political candidate sponsored radio and TV stations that engage in hate speech and incitement to violence • Lack of codes of conduct, which allows undisciplined and conflict-generating programs and talk show hosts to fuel violence (as in Guyana previous to 2006 and Rwanda)
Administrative inadequacies	<ul style="list-style-type: none"> • EMBs without adequate capacity or lacking in impartiality and transparency • Unresolved issues from previous elections, e.g., the failure to record and learn from past mistakes • Logistical flaws and inaccurate databases and voter lists • Failure to secure and tighten operational procedures, e.g., tallying, announcement of the results • Poor communication (i) between election commissions and parties, and (ii) from those entities to voters. • Lengthy and inadequately explained delays in the announcement of election results • Absence of transparency in election result tabulation • Lack of transparency in procurement of election-related resources, including supplies and personnel • Absence of an effective and impartial judiciary or other system to resolve and provide remedies for complaints
Corruption	<ul style="list-style-type: none"> • Abuse of state resources • Vote rigging • Impunity enjoyed by political leaders • Actors involved in illegal economic activities sponsoring candidates or controlling media
Security and policing	<ul style="list-style-type: none"> • Over-reactive policing • Police inaction to apprehend culprits • Lack of capacity to investigate • Availability of small arms

