

# The Peacebuilding Commission

Ensuring transparent elections in post-conflict zones



<b>Forum</b>	The Peacebuilding Commission
<b>Issue:</b>	Ensuring transparent elections in post-conflict zones
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## Introduction

Holding elections in a country doesn't necessarily mean a country is democratic. Even though it is necessary for a democracy to have elections, these electoral processes need to be credible, transparent and open as well as having secret ballots. To clarify with a quote by Bev Harris, who is an American writer, activist and the founder of Black Box Voting Inc., which is a national elections watchdog group, concerning this topic: *"If democracy is a painting created by its own audience, democracy without transparency is that audience blindfolded - trusting and hoping and not really knowing if they are having democracy at all."*

However, in a lot of post-conflict zones, this is not the case. Due to a history of violence and death, these entire systems that make a good government work are thrown into confusion, resulting in a situation where people with just the right wealth, position or equipment rule. These situations are the opposite of a democracy, eventually letting the democratic system cease to exist.

People living in regions that need to deal with a post-conflict situation need a stable government, and this sometimes is not the case due to fraud in electoral processes. An election with the aim of granting someone a position of leadership and power has a great potential to make existing feuds even worse and plunge a country or region back into conflict. However if handled correctly and with care, stabilizing a society emerging from conflict can be done by holding free and fair elections, as they play a significant role in the process. Transparent elections thus are a key element of resolving conflicts once and for all, and they need to be ensured around the globe in all post-conflict regions, as quickly as possible.

## Definition of Key Terms

### Transparent election

According to the National Democratic Institute, a transparent election can be defined as: "A process is one in which each step is open to scrutiny by stakeholders (political parties,



election observers and voters alike), who are able to independently verify the process is conducted according to procedures and no irregularities have occurred.”

### Post-conflict zone

A post conflict zone is a situation in which open fire has ended. These regions often still remain tense for years, and easily fall back into violence. These conflicts lead to physical devastation and large amounts of human loss, while also greatly contribute to the failure of systems that make a society work.

### Electoral Management Body (EMB)

An Electoral Management Body (EMB) is an organization or body that has the sole purpose of, and is legally responsible for, managing some or all of the elements that are essential for the conduct of elections and direct democracy instruments—such as referendums, citizens’ initiatives and recall votes—if those are part of the legal framework, as defined by the Electoral Knowledge Network.

## General Overview

### Election transparency

As stated in the Definition of Key Terms, election transparency is the ability of the public to see and verify the election process, specifically several essential steps. These essential steps are who can vote, who did vote, the counting of the vote and the chain of custody. These four steps are the key to public accountability in elections. Election transparency is not just someone’s opinion, not naiveté and not just for experts. It is solidly grounded in human rights.

Furthermore, there are several human rights that come into play when discussing election transparency. First of all, public sovereignty over government, which is used to describe the fact that the people own the government. Furthermore, the right to freedom of communication, which implies free speech and freedom of the press, and the right to freedom of information play a part as well. Additionally, the right to transparent election counting, which consists of the essentials steps mentioned in the paragraph above, and the right to financial accountability, which is the public disclosure of political finance are of grave importance as well.



One of the questions that may be asked when discussing election transparency is whether it is really necessary. Why spend money and time on something that could easily fall apart, especially in post-conflict zones? Why let people decide the future of a region that has been in recent conflict, when their opinions may be biased and not well thought through? The answer is control. Electoral democracies strengthen public vigilance and government accountability to its people. Money and power concentrate control, which elections and transparency return a portion of to the public. Control is needed in such a situation, in order to ensure the stabilization of an unstable society.

### **The role of elections in stabilizing post-conflict countries**

As stated in the introduction, elections could, if handled correctly, stabilize a country or region recovering from a conflict. However, these elections need to be situated in the specific context of the country or region concerned. In this regard, it is of grave importance how the society is divided. Is the country divided along racial, religious or ethnic lines? How intense is the situation between the parties in conflict? Additionally, the electoral system plays a part as well. For example, an electoral system can help to re-focus political interests and redirect forms of political participation in ways that are necessary to achieve accommodation and development.

Furthermore, the timing of these post-conflict elections must be considered as well. The authorities must be able to guarantee a stable environment in which the electoral process can be free and fair and the parties that were active in the conflict must show that they are leaning towards peace. In the absence of these conditions, post-conflict elections that have been held too soon can be a dangerous gamble that has the potential to worsen the situation of a country once more by enlivening the factors that had led to the conflict in the first place.

Moreover, there are certain things that are expected of any EMB for conducting a credible election. It must set out a transparent framework for the election and prepare it officials accordingly in order to avoid committing petty mistakes that lead to unnecessary mistrust. It must also be seen to be independent, neutral, and fair in the conduct of its office, so as not to give cause for discontent to any candidate or party. In addition, it is important to realize that in an unsettled post-conflict situation, managing elections goes beyond simply administering the electoral process and must dovetail into managing the political process. The EMB must see the elections as part of the conflict resolution mechanism and thereby be ready to be accommodating towards the political parties with a view to bringing them fully on board the electoral process.

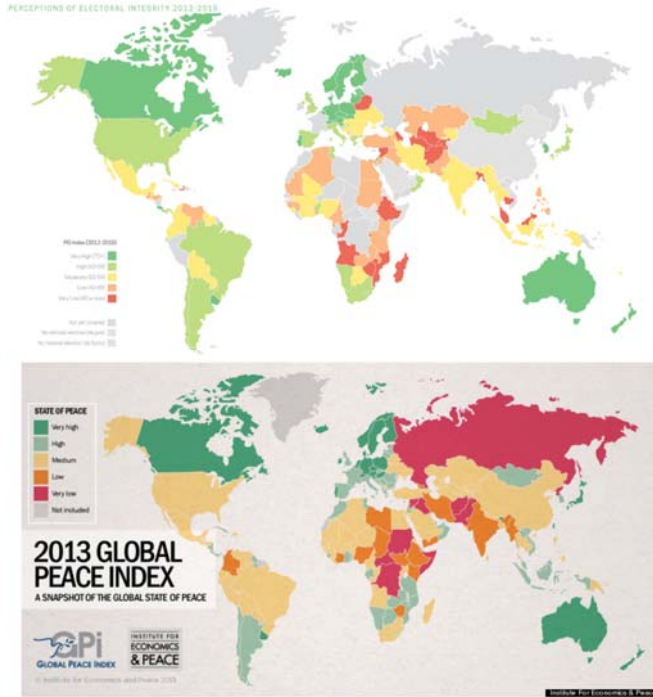


Of course, the responsibility of ensuring credible elections in a post-conflict region does not lie with the EMB, or any other operation active during the electoral process, alone. The other principal actors in the electoral process, particularly the political parties and individual candidates, the media, and the security services should be mindful that they are operating in an inherently volatile environment in which conflict is likely to be lurking just around the corner. For this reason, political parties must take special care to use civil rather than abusive language in their campaigns. The media must make a conscious effort to refrain from incendiary publications and the dissemination of opinion polls on the likely outcome of the elections – in addition to the obvious requirements of giving equal access to all parties and reporting their activities accurately. Finally, security agencies must be ready and willing to maintain the peace and offer equal protection to all parties and candidates.

**Election transparency on a global scale**

On the right are two maps; Figure 1 shows the perception of electoral integrity, which refers to global norms concerning the correct conduct of elections, thus without fraud, on a global scale, and Figure 2 shows the global peace index.

As seen on the maps, there are several countries that are in conflict, or are in a post-conflict situation. When referencing that to the map above, it is clear that these countries have had problems concerning election processes, or are still facing these problems. This is the case in Africa, as well as in the Middle-East.



**Figure 1: Perception of electoral integrity on a global scale**

**Figure 2: Global peace index**

"The Electoral Integrity Project." *The Electoral Integrity Project*. N.p., n.d. Web. 04 July 2016. <<https://sites.google.com/site/electoralintegrityproject4/home>>.

## **Major Parties Involved and Their Views**

### **United Nations Economic and Social Council (ECOSOC)**

The United Nations Economic and Social Council (ECOSOC) works towards advancing sustainable development, and has also been focussing on ensuring proper post-conflict recovery in post-conflict regions. The ECOSOC played a part in the creation of the United Nations Peace-building Commission (PBC) and aims toward closer collaboration between the two, as “It is imperative in order to move forward on commitments in the sustainable development agenda and effectively address the specific challenges and needs of countries emerging from conflict”, as said by the President of the ECOSOC on the 24<sup>th</sup> of June.

### **The Department of Peacekeeping Operations (DPKO)**

The Department of Peacekeeping Operations (DPKO) assist election processes in many ways including through the provision of security, technical advice and logistical support. Their operations are often mandated to play a role in the process of two or more parties in conflict, which agree to cease fighting and hold elections, which is often written in the peace agreements. The electoral part of this peacekeeping mission works close with the Department of Political Affairs (DPA) and the United Nations Electoral Assistance Division (EAD).

### **The Department of Political Affairs (DPA)**

The Department of Political Affairs (DPA) manages political missions engaged in conflict prevention, peace-making and post-conflict peace building in Africa, Central Asia and the Middle East. Alongside the UNPKO and the United Nations Development Programme (UNDP), they provided major support for the Sudanese authorities that were responsible for the referendum process in 2011, including the printing and distribution of ballots as well as training staff for polling stations.

### **The Electoral Integrity Project (EIP)**

The Electoral Integrity Project (EIP) is an independent academic study, which addresses three main questions: “*When do elections meet international standards of electoral integrity?*”, “*What happens when elections fail to do so?*” and “*What can be done to mitigate these problems?*” While the EIP doesn’t take actions on its own, it does broad research on the subject of elections, and how to solve the problems that may occur during these election processes.



## Afghanistan

On August 20<sup>th</sup>, 2009 the Afghan presidential elections were held. However, the Election Complaints Commission received over 2800 complaints, due to lack of security, violence, an extremely low voter turnout, widespread ballot stuffing, intimidation and other electoral fraud. Along with that, there was an incredible amount of irregularities at the poll. Eventually, with the help of official election monitors and the United Nations, credible and transparent results were published and put in place.

## The Democratic Republic of Congo

The presidential elections of the Democratic Republic of Congo were held on November 28<sup>th</sup>, 2011. During and after the elections, concerns have been raised regarding the transparency of these elections. The international organizations which commented on whether the election was credible or not, also called for an increase in the number of observer. The neglect of international organizations, such as the United Nations and the European Union, in their support for the elections has also been commented on. The support that was provided however was only a peacekeeping force, the United Nations Organization Stabilization Mission in the Democratic Republic of Congo (MUNOSCO), which merely monitored the peace process in the DR Congo and didn't assist in the electoral processes. Eventually, the elections were held under difficult conditions, such as incidents of violence and chaotic voting.

## South-Sudan

A referendum took place in Southern-Sudan from January 9<sup>th</sup> until January 15<sup>th</sup>, 2011. The result would determine whether Southern-Sudan would become independent or remain a part of Sudan. The elections were held after the regions had been at war. International observers were deployed by several major regional organisations, such as the African Union, the European Union and the League of Arab States. Several Sudanese men and women were also deployed by domestic organisations, to observe the process. This was done by the Sudanese Network for Democratic Elections (SuNDE), the Sudan Domestic Elections Monitoring Programme (SuDEMOP) and the Sudanese Group for Democracy and Elections (SuGDE). The United Nations also created a panel, which made periodic visits to Sudan during the referendum period.



## Timeline of Events

Date	Description of event
August 20 <sup>th</sup> , 2009	Afghan presidential elections
January 9 <sup>th</sup> until January 15 <sup>th</sup> , 2011	South-Sudanese independence referendum
November 8 <sup>th</sup> , 2011	Liberian general election is held, which was overseen by the National Elections Commission.
November 28 <sup>th</sup> , 2011	Presidential elections are held in Democratic Republic of Congo
December 11 <sup>th</sup> , 2011	Legislative elections take place in Côte d'Ivoire, as a result of the 2010-2011 Ivorian crisis. This crisis started after the president, Laurent Gbagbo, was proclaimed the winner of the Ivorian election of 2010. A number of countries, organisations and leaders claimed that the other candidate had won, and thus deemed the electoral process faulty.

## UN involvement, Relevant Resolutions, Treaties and Events

In post-conflict regions, electoral assistance has been provided by the United Nations through field-missions conducted by the DPKO or DPA, by providing several means of assistance, such as technical assistance, election monitoring and organization and supervision of elections. The United Nations have assisted in electoral processes in over 100 countries during the past two decades. Some examples are the independence referendum of South-Sudan in 2011 and the Afghan presidential election in 2009.

- Report of the Secretary-General on peace building in the immediate aftermath of conflict, 11 June 2009 **(A/63/881-S/2009/304)**
- Joint Special Event of the ECOSOC and the PBC on MDGs in countries emerging from conflict, 19 July 2009
- Strengthening the role of the United Nations in enhancing periodic and genuine elections and the promotion of democratization, 10 April 2012 **(A/RES/66/163)**
- Support to the Republic of South-Sudan, 29 July 2011 **(E/2011/L.51)**





- High-level Thematic Debate of the United Nations General Assembly, focused on UN, Peace and Security is organised by the President of the General Assembly, Morgens Lykketoft, on 10-11 May 2016

## Possible Solutions

To ensure that an election is transparent, the election commission must be open and must share information. All the while, they must actively communicate with various stakeholders, to ensure the dialogue progresses.

For this to be done, Electoral Management Bodies (EMBs) need a transparent framework and sufficient resources. They must be independent, thus free from oversight or influence by other parties, their actions need to be transparent, and they must conduct their duties in a correct manner and to professional standards. The international community has a large role in assisting EMBs to do so the correct way, which can mostly be done by offering advice and assistance. This is mostly done by international peace operations and international donors, while still making sure the process is not completely taken over by the management of the elections.

Another way to strengthen transparency is by domestic election watch and media watch organisations. These efforts usually work towards deploying local individuals to monitor different parts of the election process. This monitoring typically focuses on activities such as voter registration, campaign finance, election violence and other election-related matters.

Lastly, in order to ensure the elections are even possibility, and to ensure they are fair in the first place, it is necessary to ensure the human rights mentioned in the General Overview, and the means for making an election in post-conflict region possible. Without these, an election on its own would be practically impossible, let alone a credible transparent election.



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