



International Peace Support Training Centre
Nairobi, Kenya

ISSUE BRIEFS

2015 SERIES

ISSUE No9
FOURTH QUARTER



*Electoral Management in Eastern Africa:
An Analysis of Election-Related Conflict
Resolution*

*Facilitating State Stabilization through
Electoral Assistance: Case Study of Burundi
and Democratic Republic of Congo*



ISSUE BRIEFS
2015 SERIES

ISSUE N° 9
Fourth Quarter

December 2015

Compiled by
IPSTC Peace and Security Research Department
© 2015 International Peace Support Training Centre
Nairobi, Kenya.

All Rights Reserved.

No part of this publication may be produced, stored in a retrieval system, or transmitted in any form, by any means; mechanical, via photocopying, recording or otherwise- without prior permission from the International Peace Support Training Centre (IPSTC).

Statements and views expressed herein are those of the author and are not necessarily the views of IPSTC, Nairobi, Kenya.

Published by
International Peace Support Training Centre (IPSTC)

P.O Box 24232-00502

Karen, Kenya

Tel: 254 20 388 3157/58

Fax: 254 20 388 3159

Email: info@ipstc.org

Website: www.ipstc.org

ISBN: 978-9966-025-70-8

Edited by
Dr. Geoffrey R. Njeru

Design, Layout and Printing:

Soloh Worldwide Inter-Enterprises Ltd

P.O. Box1868-00100 Nairobi Kenya

Cell: 0701 942 980/0714 991 062

Email: info@soloworld.co.ke

Cover Photos: www.unmultimedia.org

Table of Contents

Foreword.....	iv
Acronyms.....	v
Introduction to the Issue Briefs.....	vii
Electoral Management in Eastern Africa: An Analysis of Election-Related Conflict Resolution.....	1
Facilitating State Stabilization through Electoral Assistance: The Case of Burundi and Democratic Republic of Congo.....	36
Highlights of Key Messages in the Issue Briefs.....	59

Foreword

The International Peace Support Training Centre (IPSTC) is a research and training institution focusing on capacity building at the strategic, operational and tactical levels within the framework of the African Peace and Security architecture (APSA) and has developed to be a regional Centre of Excellence for the African Standby Force (ASF) in Eastern Africa. The IPSTC addresses the complexities of contemporary UN/AU integrated Peace Support Operations (PSOs) by analyzing the actors and multi-dimensional nature of these operations. The research whose findings constitute the subject of this Issue Brief covers a broad spectrum of issues ranging from conflict prevention through management to post-conflict reconstruction. The Centre has made considerable contribution in training and research on peace support issues in the Great Lakes region and the Horn of Africa through designing of training curricula, conducting field research and publication of Occasional Papers and Issue Briefs. The Occasional Papers are produced annually, while the Issues Briefs are produced quarterly. The issue briefs are an important contribution to the vision and mission of the IPSTC.

The Fourth Quarter Issue Brief No. 9 (2015) has two articles on peace and conflict in Eastern Africa and the Great Lakes Region: “*Electoral Management in Eastern Africa: An Analysis of Election-Related Conflict Resolution*” and “*Facilitating State Stabilization through Electoral Assistance: Case Study of Burundi and Democratic Republic of Congo*”. The Issue Brief provides insights into pertinent peace and security issues in the region that are useful to policy makers and aims at contributing to the security debate and praxis in the region. The articles in this Issue Brief are also expected to inform the design of the training modules at the IPSTC. The research and publication of this Issue Brief has been made possible by the support of the European Union

Brig. Patrick Nderitu

Director, IPSTC

Acronyms

AU	African Union
BINUB	United Nations Integrated Office in Burundi
CEN	Commission Nationale Independante
CRISE	Centre for Reseach on Inequality, Human Security and Ethnicity
CSOs	Civil Society Organisations
DAC	Development Assistance Committee
DEP	Democratic Empowerment Project
DDR	Disarmament, Demobilization and Reintegration
DRC	Democratic Republic of Congo
DPKO	Department of Peacekeeping Operations
EU	European Union
EAC	East African Community
EMBs	Electoral Management Bodies
EAD	Electoral Assistance Division
FHRI	Foundation for Human Rights Initiative
IIDEA	International Institute for Democracy and Electoral Assistance
IEBC	Independent Electoral and Boundaries Commission
IFES	International Foundation for Electoral Systems
ICC	International Criminal Court
MPLCs	Multi-Party Liaison Committees
MONUC	United Nations Organization Mission in DRC
MONUSCO	United Nations Stabilization Mission in DRC

NDIIA	National Democratic Institute for International Affairs
NEC	National Electoral Commission
NIEC	National Independent Electoral Commission
NGOs	Non-governmental Organisations
OCED	Organization for Economic Co-operation and Development
OHCHR	Office of the High Commissioner for Human Rights
ONUB	United Nations Operation in Burundi
PSO	Peace Support Operation(s)
RNEC	Rwanda National Electoral Commission
SRSG	Special Representative of the Secretary General
TNEC	Tanzania National Electoral Commission
UN	United Nations
UNDP	United Nations Development Program
UNSSC	United Nations Systems Staff College
UNDPA	United Nations Department of Political Affairs
UNV	United Nations Volunteers
UNESCO	United Nations Educational Scientific and Cultural Organization
UNIEA	United Nations International Electoral Assistance
UNOPS	United Nations Office of Project Services
UPRONA	Union Pour le Progres Nationale
USAID	United States Agency for International Development
USIP	United States Institute for Peace
VHF	Very High Frequency

Introduction to Issue Briefs

In the first paper, *Electoral Management in Eastern Africa: An Analysis of Election Related-Conflict Resolution*, the author examines the role and capacity of Electoral Management Bodies (EMBs) to prevent and manage the widespread violence that follow the aftermath of elections in Eastern Africa. The paper analyses the context in which EMBs are put in place in Eastern African Countries and how they can enhance the public trust and understanding as well as their transparency and independence. The capacity of an EMB to prevent or manage electoral related conflict depends on the level of its independence. It is important to note that the independence of EMBs, though not in itself a guarantee of free and fair elections, determines to a large extent the overall legitimacy and capacity to manage electoral related conflict. East African countries and their EMBs need institutional and constitutional reforms such as enforcement of the code of conduct, enhancement of their independence to allow them to prevent or manage electoral related conflicts. These reforms are important to EMBs which are currently perceived to be one sided and therefore unable to address political repression and incitement that surround elections in eastern Africa.

The second paper, *Facilitating State Stabilization through Electoral Assistance: Case Study of Burundi and DRC*, explores the role of electoral assistance (particularly in post-conflict elections) in facilitating state stabilization using the case studies of Burundi and DRC. The author notes that in post-conflict societies, competitive elections have become one of the instruments used not only to promote democracy but also to attempt to consolidate a fragile peace. In such cases, elections provide an inescapable means for jump-starting a new, post-conflict political order; for stimulating the development of democratic politics; for choosing representatives; for forming governments; for conferring legitimacy upon the new political order; encouraging more popular participation in the political process; and setting deadlines to drive other initiatives such as the completion of demobilization processes.

International electoral assistance has therefore made many important contributions to the conduct of post- conflict elections. Indeed, given the huge costs and logistical tasks involved, it is unlikely that post-conflict elections in Burundi, DRC, Angola, Mozambique, among others would have been held at all. However, the sustainability of international electoral assistance is a critical variable. Additionally, democratization is a long term process of social and political development, not a short-term event run by, or for the international community. The impact that external interventions can have on democratization – particularly in post-conflict situations – is largely limited to the design and construction of hardy institutions; the provision of adequate security and infrastructural conditions; as well as a modest input into the norms and routine of a first election; and assistance to election monitoring. Beyond that, democracy is a domestic game, and its longer-term outcomes are very much the preserve of local actors and conditions. International interventions are crucial in putting in place the short-term conditions for a transition to democratic rule, but their longer-term impacts are necessarily limited.

Electoral Management in Eastern Africa: An Analysis of Election-Related Conflict Resolution

Donatien Nduwimana

Introduction

Elections in Africa have always been an integral part of post-independence politics and have assumed ultimate importance in the democratization process (Nohlen, Thibaut and Krennerich, 2003). Between 1960 and 2012, Africa held 135 elections where the incumbent won, 17 electoral successions (no alternation) and 42 elections where the opposition won (alternation) (Carbone, 2013). However, it was in the 1990s that multi-party systems were formally introduced in the majority of African states. Following combined pressure from the citizens and international community, many countries in Africa introduced regular (not necessarily free and fair) elections. As elections became more competitive, they, and their aftermath, have also become more violent. Election management has therefore taken center stage in the process and the rules of the electoral game have become the focus of passionate interest and debate each time elections come around. Electoral Management Bodies (EMBs) have been important tools for managing election-related conflicts that have affected the legitimacy of electoral outcomes (UNDP, 2007).

In pursuit of the principle of free and fair elections, East African states have committed to the maintenance of universally acceptable standards of electioneering. In this context, East African states have dedicated themselves to develop principles for election observation, monitoring and evaluation aimed at establishing a common standard (EAC Principles for Election Observation, Monitoring and Evaluation, 2011). These election principles are important for enhancing democracy, rule of law and good governance which are essential for political as well as social and economic development of the East African region. They include free expression of the will of the people, genuine elections, regular elections, equal and universal suffrage, and the right to participate in public affairs, vote, to be elected, secret ballot and access to effective redress in case of stolen elections (López-Pintor, 2000).

EMBs are not the only electoral service providers for elections in a country but they are considered as institutions that supervise the implementation of the rules governing elections. EMBs therefore play a critical role in addressing and mitigating the challenge of electoral conflicts. This research paper aims at identifying and analyzing different electoral systems in Eastern Africa and their capacity for managing election- related conflicts.

Definition of Key Terms

Electoral Management

Electoral Management includes the organization, financing and administration of elections. Recognizing that different models may be appropriate in different contexts, electoral management bodies ensure freedom, fairness, equity, integrity, voting secrecy, transparency, effectiveness, sustainability, efficiency, impartiality and accountability (IIDEA, 2014). Electoral Management brings together the knowledge and expertise that have been gathered worldwide about managing elections. It focuses on the institutional structure of EMBs, their administrative processes, the work they do, and their external environment.

Electoral Conflict

Electoral-related conflict is defined as acts or threats of coercion, intimidation or physical harm perpetrated to affect an electoral process or which arises in the context of electoral competition. When perpetrated to affect an electoral process, violence may be employed to influence the process of elections such as efforts to delay, disrupt, or derail a poll and to influence the outcomes, the determining of winners in competitive races for political office or to secure approval or disapproval of referendum questions (UNDP, 2009). Electoral conflict or violence can also be defined as any random or organised act or threat to intimidate, physically harm, blackmail or abuse a political stakeholder in seeking to determine, delay, or influence an electoral process (Fischer, 2002). The International Foundation for Electoral Systems (IFES) also defines electoral violence as “any harm or threat of harm that is aimed at hindering or disrupting any part of the electoral process or political process in and around the election period” (IFES, 2006,p2).

Electoral Management Body (EMB)

This is an organization or body established for the purpose of and legally responsible for, managing one or more of the essential elements for the conduct of elections. The

term “electoral management body” or “EMB” has been coined to refer to the body or bodies responsible for electoral management regardless of the nature of the wider institutional framework (IIDEA, 2006). Election management bodies (EMBs) can play a fundamental role in preventing and mitigating electoral violence.

Conflict Resolution

Conflict resolution entails methods and processes for facilitating the peaceful ending of conflict and retribution. Often, committed group members attempt to resolve group conflicts by actively communicating information about their conflicting motives or ideologies to the rest of the group (e.g. intentions, reasons for holding certain beliefs, etc.) and by engaging in collective negotiation (Donelson, 2009).

Cognitive resolution is the way disputants understand and view the conflict from the perspective of beliefs, understandings and attitudes. Emotional resolution is in the way disputants feel about a conflict, the emotional energy. Behavioral resolution is how one thinks the disputants will act or behave (Mayer, 2012). Ultimately, a wide range of methods and procedures for addressing conflict exist, including but not limited to negotiation, mediation, diplomacy, and creative peacebuilding.

The term conflict resolution may also be used interchangeably with dispute resolution, where arbitration and litigation processes are involved. Furthermore, the concept of conflict resolution can be thought to encompass the use of nonviolent resistance measures by the conflicting parties in an attempt to promote effective resolution (Roberts and Timothy, 2009).

Statement of the problem

Since the 1990s, elections have been a common practice in the transfer of power. The period has been characterized by electoral conflicts arising from dissatisfaction of the protagonists with vested interests in an election (incumbent or coalition government or opposition political parties and/or their supporters), over the outcome of elections. The outcome may include political violence, which takes forms such as armed revolution, civil strife, institutionalized military repression, intimidation or assassination of political leaders and/or their supporters (Agbehonou, 2014). During the last two decades, many African countries have been experiencing election conflicts. These conflicts have been characterized by varying degrees of intensity and frequency across the continent (Straus and Taylor, 2012).

In East Africa, like other parts of Africa, elections are characterised by uncertainties due to the possibility of election-related violence. Such violence may take place at different stages of the electoral process: before, during or after elections (Atuobi, 2008). While the capacity of EMBs has improved in some countries and from one election to the next, there is in others a lack of independence which undermines their ability and capacity to organise free, fair and transparent elections. Conflicts erupt before, during and after elections and EMBs sometimes seem to be indifferent or supportive to the stronger side, which is the incumbent government's.

It is known that the constitutions of all five East African states guarantee the independence of their EMBs and ideally free them from the direction or control of any person or body. However, the independence of EMBs remains one of the most contested issues in election administration in the region. Since the resumption of plural politics, EMBs have been the object of deep-seated mistrust for their real or perceived lack of political independence (Chukwuemeka, 2010). The way in which they are established and the effectiveness of their operations continues to preoccupy those who advocate competitive elections, while reforms to EMBs have taken centre-stage in more general political reforms. Public trust in the electoral system has consequently been eroded over time, despite apparent legal guarantees

of freedom from political interference. The system for appointment and removal of commissioners has not assuaged anxieties about independence from the executive (IIDEA, 2006).

In some cases, electoral commissioners have been forced to resign before the elections are completed while in others, they are ordered to declare election results that they do not believe reflect the true outcome of the elections. The EMBs' managerial autonomy is also compromised by their financial dependence on the government (Bolaji, 2015). The manner in which EMBs are financed and in particular the control mechanisms on the management of the resources provided, also undermines their independence. In many cases, the independence of the EMB is mentioned only to attract the confidence of all the stakeholders in the electoral process and create integrity in the process. The lack of autonomy and independence of EMBs from the government (in some African countries) is one of the major challenges to the credibility of the electoral process on the continent. Recent history is replete with examples of discredited EMBs incapable of managing a competitive electoral environment. The attendant mistrust fuels political tension leading to violent conflicts. This paper, therefore, analyzes the role and capacity of election management systems for handling election-related conflict and examines best practices for election management in the Eastern Africa region.

Objectives

The objectives of the research leading to this paper were to:

- Analyze the systems in place for managing elections in Eastern Africa;
- Assess the role and capacity of election management systems for handling election-related conflict; and
- Identify challenges and propose best practices for election management in the Eastern Africa region.

Literature Review

Preventing electoral conflicts requires total elimination of biased rules of the electoral game and introduction of unbiased rules especially their fair application. Given that all electoral rules include some biases, it is the fair implementation of such rules that is most critical in the prevention of electoral conflict (Agbehonou, 2014). According to Strauss and Taylor (2012), many elections in Africa have been marred by violence and boycotts by political opponents who continue to question not only the fairness and transparency of such elections but also the fairness of the electoral systems of their countries. Out of 221 elections held in Africa between 1990 and 2008, 20% were highly violent with generalized killings, repressive violence, assassinations and torture, and 30% occurred with low levels of violence including intimidation and harassment (Strauss and Taylor, 2012). However, this study also found out that about 42% of the 221 elections occurred peacefully or with no electoral violence. An analysis of these data showed that about 58% of the elections occurred with some degree of violence. This fact indicates that in Sub-Saharan Africa, the likelihood of the occurrence of violent elections is greater than the occurrence of peaceful elections (Reynolds, 2009).

Teshome (2009) pinpoints the daunting problems facing East African countries when it comes to establishing democracy in the region. He argues that the main handicap of Africa's democracy is the frequency of political and electoral violence. He notes that the most common types of political and/or electoral violence in East Africa include abduction and kidnapping, assault, violent disruption of political meetings and rallies, murder attempts, murder, hooliganism, torture, arson, death threats and threats to violence (Teshome, 2009). In general, how election campaigns are conducted by political actors gives a preview of how the polling day will look like. There is a high likelihood that violent election campaigns will lead to a high level of violence at the polling stations.

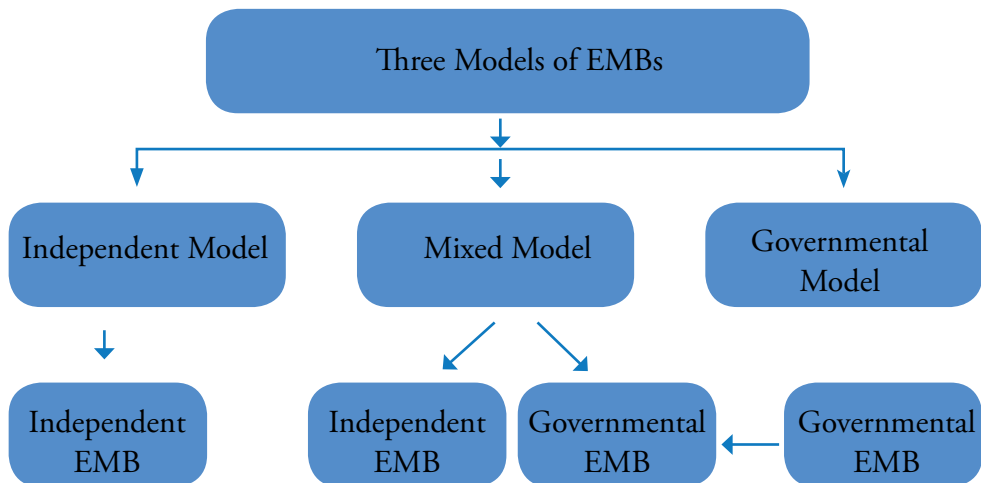
Conflict is inherent in human nature. As long as human beings continue to interact among themselves, conflict is unavoidable (Adomi, E., & Anie, S. 2005). However,

conflicts are destructive and must therefore be avoided. Violent electoral conflicts can be prevented and/or avoided if their origins or sources are carefully identified and addressed in the early stages (Van der Stoel, 1994). Credible elections must be understood as elections where the will of the people has been expressed in an environment free of intimidation, violence, coercion, and is fully participatory and enabling for the voters to exercise their right to vote (Derrick, 2006). Conflict prevention in electoral processes can also help turn the vicious cycle into a virtuous one in which more credible elections contribute to legitimate governance and thus to greater opportunities for human development (UNDP, 2009). Due to this importance, it is necessary that elections be conducted and administered by a body that is immune from political interference. In this regard, as Lehoucq has rightly observed, there is the need to de-politicise electoral governance. One of the ways of achieving this is by establishing independent EMBs (Lehoucq,2002).

Theory of Electoral Management Bodies (EMBs)

EMBs can be constituted on the basis of several different models. In some countries, they are made up of civil servants, judges or other experts on elections. However, in countries in which levels of trust and confidence in the public service are low, or in which the judiciary is not sufficiently independent, this model may lose public confidence in an election. Again, this model works well to the extent that voters and political parties have confidence in the independence and integrity of those appointed. EMBs may also comprise or include representatives of political parties. This model has the potential disadvantage of politicizing the administration of elections, but it can be useful in building confidence in countries (such as those emerging from conflict) in which there are doubts about the honesty and integrity of the election system. However, since political parties can usually appoint only a single member to a national election body, the result may be that fewer women have the opportunity to serve in this capacity (Thomas and Gibson, 2014). The neutral or professional model is the one most often used when the United Nations or other international organizations are involved in setting up an EMB. A body of this nature is ideal in many ways, as it can bring a high level of experience, professionalism, impartiality and skill to the administration of an election (Pippa, 2015)

The Institute for Democracy and Electoral Assistance (IDEA) has defined three broad models of EMBs: Independent, Governmental and Mixed. Under the Independent Model of electoral management, elections are organized and managed by an EMB which is institutionally independent of and autonomous from the executive branch of government. Under the Governmental Model, elections are organized and managed by the executive branch through a ministry and/or through local authorities. The Mixed Model usually involves dual structures with a policy or supervisory body, which is separate from the executive branch, overseeing the implementing body within the government.



Source: The Institute for Democracy and Electoral Assistance (IDEA)

Whichever model is chosen, all EMBs should demonstrate fearless independence in the sense that they are not affected by governmental, political or other partisan influences in their decisions. Experts on elections rightly regard securing and safeguarding EMB independence as a priority for democratic transitions. Studies have shown that independent and professional EMBs that are free from government control offer a much greater chance of successful elections (Hartlyn et al, 2008). The institutional autonomy of EMBs has also been positively linked with successful democratization (Gazibo, 2006). This lends weight to the argument that a permanent, independent EMB not only plays an important role in securing free and fair elections but also improves the prospects of democratic consolidation.

In summary, all the theories insist on independence, neutrality, professionalism and transparency of EMBs. However, they lose strength in countries where the judiciary and public service have not gained the trust and confidence of the people. Importantly, the independence, neutrality, professionalism and transparency of an EMB are regarded as a condition for effectiveness in prevention and management of election-related conflicts

Electoral Management Bodies (EMBs) in East Africa

According to current practices in African countries, EMBs can take any of several different forms. In East Africa, three types of EMBs have been identified: Single Independent EMB (Kenya and Uganda), two EMBs (Tanzania) and fully government- controlled EMB (Burundi and Rwanda).

Burundi –The National Independent Electoral Commission (NIEC)

Burundi's electoral management system is established along the lines of similar bodies in most francophone countries. In the immediate post-independence period, the management of elections was undertaken more or less professionally by officials in the Ministry of the Interior. Following the 1966 coup d'état and the establishment of the military regime, elections were reduced to a ritual intended to give a semblance of legitimacy to the military dictatorship. With the restoration of a multi-party system in the early 1990s came calls for the creation of a specific institution independent of the government to manage elections. The Electoral Commission that was established progressed gradually to become more independent and professional. Its greatest transformation took place following the 2000 Arusha Accord, which granted it specific powers, including that of ensuring that elections never culminated in the exclusion of one ethnic group for the benefit of another. The legitimacy of the National Independent Electoral Commission (NIEC) springs mainly from the Second Protocol of the Arusha Accord, whose Article 5 sets out the establishment of an electoral commission with the responsibility of guaranteeing the integrity, freedom, impartiality and independence of the electoral process, as well as the establishment of a Constitutional Court, responsible in particular, for ruling on the regularity of presidential and legislative elections and referenda (Wiseman Chijere Chirwa, 2009).

The Constitution and the Electoral Code give the NIEC important responsibilities in ensuring ethnic balance in Burundi. After legislative elections, the NIEC must ensure that the composition of the National Assembly and the Senate reflects the major ethnic groups in proportion to their population sizes (Hansen, 2010). The

Electoral Code stipulates that should the parliamentarians' election results not guarantee the required balance in ethnic representation (60% Hutu, 40% Tutsi, with 30% being women), the NIEC must rectify this imbalance (Arusha Peace and Reconciliation Agreement for Burundi, 2000). Co-optation is carried out in consultation with the political parties concerned.

In principle, the independence of the Burundi EMB is guaranteed by the manner in which its members are appointed. The President's role in appointing NIEC members is nonetheless overbearing and prejudices the commission's independence. The commission's managerial autonomy is also compromised by its financial dependence on the government. The manner in which the NIEC is financed, in particular the control mechanisms on the management of the resources provided, also undermines its independence. The commission gives an account of its management in a report addressed to the President of the Republic, and copied to the minister responsible for Local Government, as well as the President of the Audit Department.

Kenya- The Independent Electoral and Boundaries Commission (IEBC)

The Constitution of Kenya, which was promulgated on 27 August 2010, established the Independent Electoral and Boundaries Commission (IEBC) as the responsible agency for conducting or supervising referenda and elections to any elective body or office established by the Constitution, and any other elections as prescribed by an Act of Parliament in Kenya (Karuti Kanyinga, 2014).

The IEBC is inspired by various national and international treaties as well as international standards for periodic and genuine elections (GoK, 2010). The powers and functions of the IEBC include boundary delimitation, voter registration, and the running of local and national elections. The law further mandates the IEBC to register political party candidates for parliamentary and local elections and to determine the eligibility of candidates. The IEBC is also responsible for voter education (Report of the Commonwealth Observer Group, 2013).

The IEBC's professionalism has been criticized in the past. Between 1991 and 1997 in particular, its image was tainted as it had a reputation of incompetence and unfairness. Some improvement was evident during the 2002 elections and many observers noted the improved professionalism and credibility of the chairman and commissioners compared with the previous elections (Tumwa, 2015). However, other observers noted that the IEBC lacked experienced and skilled professionals and needed to adopt a proper human resource development programme.

Tanzania – The Tanzania National Electoral Commission (TNEC)

The Constitution of the United Republic of Tanzania establishes a National Election Commission (Article 74). The Commission consists of seven members who are appointed by the President. The Commissioners enjoy security of tenure of office and can only be removed from office by the President for failure to discharge their functions either due to illness or misconduct. The Secretary to the Commission is also appointed by the President who also appoints the Chief Executive Officer. The autonomy of the Commission is expressly guaranteed in the Constitution. No court can question a decision of the Commission that was legally made (Mhina, 2013). This ensures that the Commission performs its mandate without intimidation or fear of litigation. The functions and powers of the Commission are:

- The overall supervision and conduct of Presidential and Parliamentary elections in the United Republic of Tanzania and local government elections in Tanzania Mainland;
- Provide voter education;
- Coordinate and supervise persons offering voter education; and
- Make regulations and guidelines that facilitate the effective operationalization of the day-to-day conduct of electoral duties.

However, the Commission does not have independence in determining its budgetary needs. It is funded through the executive and this negatively affects the performance of its functions as it is not able to secure adequate funds on time. The

first multi-party elections in Tanzania took place in 1995 under two commissions, a National Electoral Commission and a Zanzibar Election Commission for the island. The two commissions are permanent and independent of the government and of each other, each with seven members, all judges appointed for a five-year term, but serving on a part-time basis.

Rwanda- The Rwanda National Electoral Commission (RNEC)

The Rwanda National Electoral Commission (RNEC) came into being in June 2000 and was instituted by Law No 39/2000 of 28 November 2000. It is defined as an independent commission responsible for the preparation and organisation of local, legislative, presidential and referenda or such other elections (Article 180 of the Constitution) (GoR, 2000).

The RNEC is supposed to ensure that elections are free and fair and submit each year its programme and activity report to Parliament. For the nomination and appointment of the Commission, the Government presents names to the Senate for approval and members are appointed by Presidential order. According to the constitution, the Prime Minister, who is appointed and removed by the President, signs the order for appointment or termination of the Commissioners, Executive Secretary and other senior officers of the Commission. During the elections period, the Commission works permanently for one month before elections until the publication of results.

The Rwandan electoral commission is closely linked with the existing administration. The president's prerogative to nominate all the candidates to the electoral commission gives the president great influence over the composition of the electoral commission.

Uganda- The Uganda Electoral Commission (UEC)

The Constitution of Uganda establishes the Electoral Commission as an independent commission, a body corporate, consisting of a chairperson, deputy chairperson and

five other members, appointed by the President with the approval of Parliament. Members of the Commission must be persons of high moral character, proven integrity, with considerable experience and demonstrated competence in the conduct of public affairs and must hold office for 7 years. Their appointment may be renewed for one more term only. The Electoral Commission has the following functions:

- ensuring that regular, free and fair elections are held;
- organizing, conducting and supervising elections and referenda in accordance with the Constitution;
- demarcating constituencies in accordance with the provisions of the Constitution;
- ascertaining, publishing and declaring in writing under its seal the results of the elections and referenda;
- compiling, maintaining, revising and updating the voters register; and
- holding presidential, general, parliamentary and local government elections.

In terms of independence, article 62 of Uganda's Constitution states that the EC shall be independent subject to the Constitution's provisions, and shall not be subject to the direction or control of any person or authority in the performance of its functions (FHRI, 2008). Despite these legal provisions relating to the appointment and independence of the EC, many political groups strongly believe that the Commission is not independent and does not reflect diversity as expected in a multi-party dispensation. In particular, there are concerns related to the system for appointments to the EC, security of tenure for commissioners, and the Commission's lack of financial autonomy.

The Role and Capacity of Election Management Bodies

EMBs are a critical component of any country's democratic dispensation. Credible and transparent establishment, positioning and work of EMBs are recognised as being an important pillar of good governance. The important role of assuring free and fair elections in a democracy is recognised and supported by a professional, effective and efficient EMB (Olivier and Tip, 2008). There are efficient and effective EMBs while others are not. Less efficient EMBs are unable to deliver an election that is legitimate, thus opening a window for conflict between supporters of different candidates. Most of the EMBs in that category fail in their mandate due to a number of factors which include political and economic constraints, lack of independence and internal capacity limitation (UNDP's Democratic Empowerment Project (DEP), January 2013 -June 2016).

Thus, in the whole of East Africa, every country has an EMB dedicated to the delivery of democratic, transparent, free and fair elections. However, many of the EMBs are still in their early stages of development. They are all products of ongoing reforms initiated in the aftermath of violent disputes over elections (Cyllah, 2014). Despite important efforts to make EMBs independent and, therefore, more inclined to deliver free, fair and credible elections, the results have not always been clearly articulated. Beyond formal guarantees of independence in constitutions and in the law, there are many issues that determine the impartiality of EMBs thereby affecting their ability to facilitate the aggregation and free expression of the will of the people. Burundian elections have been characterised by lack of independence of the electoral commission which has consistently echoed government positions and has shown limited will to act transparently (European Union Report on Elections in Burundi, 2015). This has compromised its capacity and ability to manage the current conflict resulting from the electoral process.

Electoral Conflict and Violence in East Africa

Election-related violence is defined as political violence aimed at the electoral process. It is geared towards winning political competition for power through violence thus subverting the ends of the electoral and political process (Friedrich Ebert, 2001). Election conflict or election-related violence is understood as violent action against people, property or the electoral process, intended to influence the electoral process before, during or after elections (Atuobi, 2008). Different types of factors explain the occurrence of conflicts before, during and after elections in east Africa. These factors include ethnicity, poverty, illiteracy, state fragility and economic weakness.

Ethnicity

East African countries are home to diverse ethnic groups living together within borders that were arbitrarily drawn during the colonial period. Since the period of decolonization, many of these places have been the scenes of significant inter-ethnic conflict which has led to political instability, civil wars, and mass atrocities including genocide. This fact is evident in the recent massacres in Rwanda, Burundi, and the Democratic republic of Congo (Nzongola-Ntalaja, 1997). In countries where ethnic conflict has emerged, there have always been political manipulations behind it. Politicization of ethnicity usually takes place in a situation characterized by inequitable resource access. Such a situation gives rise to the emergence of “in group” and “out group” with the latter trying to break the structure of inequality. At the centre of this scenario are the elites who, feeling excluded or wanting to stay in power, begin to invoke ethnic ideologies in the hope of establishing a reliable base of support to fight what is purely personal and/or elite interests (Oyugi, 2000).

Ethnicity and/or tribalism is a major factor on voter behavior and electoral conflict. Ethnicity involves a common consciousness of being related to each other with respect to other ethnic groups (Nwachukwu, 2014). Ethnicity per se is a search for affinity, affiliation or belonging within a plural or multi-ethnic setting. This is positive

ethnicity. The opposite of this is negative ethnicity, which involves exclusion from access to resources (including political power) and opportunities of members of one ethnic group by another. Elections are then seen as an opportunity to access, protect and accumulate the wealth of the state, especially in divided societies. Politicized ethnicity presents a major obstacle to democratic consolidation particularly when majoritarian electoral systems are applied or utilised (Murithi, 2000). EMBs have also the challenge of ethnic attachment which sometimes affects the legitimacy of the electoral commission. It is difficult to win the respect of citizens and key stakeholders involved in the electoral process when members of the commission are considered to be working for their respective ethnic groups.

Poverty and Illiteracy

Poverty is defined by poverty lines of income or inability of some human beings to access the basic necessities of food, clothing, shelter, education and medical care. Poverty is linked with systemic deprivation of rights and entitlements and includes socio-economic and political issues (Oluwatusin and Abolarin-Egbebi, 2015). In East Africa, poverty is rampant and endemic and this gives room for the unemployed majority to be manipulated to perpetuate all forms of electoral violence. When the economic hardship becomes unbearable, the propensity for violence increases. High numbers of unemployed youth become a tool for perpetrating electoral violence. If not properly addressed, poverty will remain a great challenge to the emerging East African democracies.

Illiteracy has been a matter of grave concern for the successful functioning of democracy in East Africa since independence and it still continues to be a major challenge. The level of education of citizens is directly related to the successful functioning of democracy and socio-economic development of any country. Literacy enables citizens to be aware of various issues, problems, demands and interests in the country. It is therefore feared by many that illiterate citizens would not be able to play their roles effectively and are amenable to manipulation.

Illiteracy and poverty open the window to political corruption especially during the election periods where political bargaining, vote buying, and trickery become common inevitably undermining the legitimacy of the institutions emerging from elections.

State Fragility

States are fragile when their structures lack political will and/or capacity to provide the basic functions needed for poverty reduction, development and to safeguard the security and human rights of their populations (OCED-DAC, 2007). In contexts with strong governance and robust social and political systems, conflicting interests are managed and ways found for groups to pursue their goals peacefully, but in situations of fragility where there is poor governance and weak political and social systems, grievances, disputes and competition for resources are more likely to become violent, specifically in electoral periods (Stewart and Brwon, 2008).

A country's degree of fragility is based on how it scores on social, economic and political indicators, such as respect for human rights, demographic pressures, unevenness of economic development and quality of public services. The threats arising from weak states lead to the consolidation of authoritarian and/or military governments that seek to defend the state and incumbent regime against their own people who constantly seek positive change.

Within the East African Community, the most stable country is Tanzania, which however declined from position 65 to 63 on the list of most fragile states globally. Rwanda follows at position 37, having improved three places (Haken et al, 2014). Uganda moved one step down the stability ladder to 23rd place, while Burundi, which is rocked in violent protests against President Pierre Nkurunziza's bid for a third term, was ranked at position 18. A country's degree of fragility is based on how it scores on social, economic and political indicators, such as respect for human rights, demographic pressures, unevenness of economic development, quality of public services and human resource flight or brain drain. Kenya fared most poorly on population pressures, ethnic tension and factionalized elites (Aguirre et al, 2006).

Economic weakness

Poor economic performance leads to inadequate resource allocation which in turn weakens the institutional capacity to exercise effective control over the whole of their territories (Eiseman, 2008). When winning a state office is the key to livelihood security, not just for an individual but for his or her entire clan, faction, or even ethnic group, parties and candidates often refuse to contemplate the consequences of failure. Studies of election-related violence often highlight the perpetuation of highly personalized or patronage politics or systems in which politicians are gang-like 'bosses' that control resources (such as access to jobs and income) and dispense public services such as housing, health care, or lucrative government contracts (UNDP, 2009). Poverty and corruption make people feel desperate enough to seek any means of revenge against political authority including violence. Land issues and struggles for access to state expenditure and pressure on agricultural land resources are the main determinants of conflict (Markussen and Mbuvi, 2011).

Socio-cultural Factors

In the East African Countries, many communities have lived in harmony for many years. In recent years, however, ethnic groups have been on the forefront in fighting for political power. This situation has resulted in fighting to control the state. At the same time, some less dominant communities have been playing the card of opportunism. In East Africa, conflicts have fomented anger, resentment, lust for revenge, and aggressive competitiveness that overlook the common good of the entire country. Frustration among the poor, both in urban and rural areas, has created a growing tendency to use violence as a viable means to correct the situation. When violent reactions emerge under the influence of ethno-political ideologies, they tend to take the form of ethnocentrism, the ideology that animates the competition between ethnic groups. Elections bring about ethno-political competition which has been alive since independence but has finally degenerated into ethno-political competition, discrimination and violence (Waruta, 1992).

Challenges in Electoral Conflict Management in Eastern Africa

Elections are highly political, and an election conducted in a negative political climate will be useless (Stoodman, 2008). An environment of good political will is important because it contributes to avoidance of chaotic elections. In many cases, well-qualified and professional EMBs become unable to prevent and manage electoral conflict because of the political aspect of the conflict.

Extension of Term Limits

The extension of mandates has had a dramatic influence on the integrity of the electoral process as a whole in many African countries. In Burundi, president Nkurunziza's political adventure of an unconstitutional third term and the political instability that has followed is of grave concern to both the regional and international communities. Burundi's case demonstrates that attempts to stay in power beyond two terms raise serious concerns for democratic processes, especially in post-conflict countries (Tjiurimo Hengari, 2014). The third term in Burundi has undermined the constitution and the Arusha Accord as well as the capacity and credibility of the EMB. It was a serious challenge for Burundi's Election Management Body (CENI) in addressing pre-election, election and post-election violence which up to now continues to compromise the security of Burundian citizens. Hundreds of lives continue to be lost and thousands of businesses have closed down. Constitutional revisions to allow serving presidents an extended mandate are becoming a formidable constraint to democracy in East Africa.

Corruption

Electoral corruption and fraud are clearly the gravest forms of electoral malpractice and should be combated overtly and publicly by all those with a stake in democratic development. Electoral corruption is illegal interference with the electoral process and involves the abuse of electoral institutions for personal or political gain. It goes by several names: electoral malpractice, electoral misconduct, electoral malfeasance,

electoral fraud, and electoral manipulation (Goel, 2009). In addition to the violation of legal provisions, electoral corruption is an abuse of process awareness and manipulation of the conscience of some by others through extortionary conduct that distorts the expression of the legitimacy of the population and therefore the legitimacy of the democratic game. Electoral corruption always transgresses the boundary of law and morality. Electoral corruption causes electoral violence and in some cases public revenues are used to pay for the services and weapons used for electoral violence (Ugiagbe, 2010).

Culture of Impunity

Ineffectiveness of the security forces and the culture of impunity are factors that have encouraged electoral violence. The failure to stand against the perpetrators creates a culture of impunity and motivation for recurrence of the crime. It could be argued that the centralized control of the police contributes to the *laissez-faire* attitude which brings out widespread feelings of revenge. This is because the Government seems to tolerate police inefficiency. The lack of legislation against certain electoral offences, assault and murder undermine the capacity of the electoral commission to conduct free and fair elections. The laws for example, have no provision for the snatching of electoral boxes from polling booths (a common crime during elections). Moreover, the penalties for acts associated with electoral violence like assault and arson, are generally weak. This has contributed to the culture of impunity and underscores the need to review the extant laws.

Lack of Community of Practice

The EAC has a forum for heads of National Electoral Commissions, which meets regularly and has made contributions to the East African Community Draft Protocol on Democracy and Good Governance. This draft protocol addresses the issues of democracy, democratisation processes and good governance. The first priority is given to establishing independent and well-funded EMBs, managed by members transparently appointed on the basis of merit, gender equity and professionalism.

It also addresses the harmonization of regional benchmarks for conducting free, fair and credible elections. However, there is no evidence of pressure from the regional organisations for improvements in the EMBs in the partner countries.

Lack of Democracy within Political Parties

Intra-party democracy is a system that facilitates citizen-self rule, permits the broadest deliberation in determining public policy and constitutionally guaranteeing all the freedoms necessary for open political competition (Maiyo, 2008). In East Africa, political parties are inherently undemocratic and have a tendency towards oligarchy where the party elite and leadership assume control of the party at the expense of the party membership (Michels, 1962). Many political parties are highly centralised and have non-inclusive decision-making processes and are therefore not internally democratic. Democratic principles demand that leadership at all levels be elective and frequently renewed (Durveger, 1954). Internal discord, leadership wrangles, party splits and in some cases, open violence, present real challenges to intra-party democracy in East Africa. These factors weaken largely unstable political parties, compromise their ability to select credible candidates and in some cases lead to the total collapse of political parties, which further complicates the work of EMBs.

Conflict and Insecurity in Electoral Environments

Elections in conflict environments can be hazardous and sometimes even counter-productive. Where the peace process is still fragile, electoral institutions and practices are not yet part of the political culture and social tensions can resurface during elections and explode into violence. Political parties participating in an election may use violence, intimidation and conflict to influence the results or timing of an election (Fischer, 2004). This is particularly true when a particular side perceives the process as unfair or exclusive. When an electoral process is perceived as unfair, unresponsive or corrupt, its political legitimacy is compromised and stakeholders are motivated to go outside the established norms to achieve their political objectives. Electoral conflict and violence then become tactics in political competition (Muna Ndulo and Sara Lulo, 2010).

The Winner “take all “ System

Winner-take-all systems are an anachronism in the modern world, as nearly every emerging democracy has rejected their use. They were introduced to America by the British during the colonial era, and are virtually unknown in other developed countries. Under winner-take-all rules, a slim majority of voters can control 100% of seats, leaving everyone else effectively without representation. The problem of the winner-take-all system is that it has the potential to leave up to 49.9% of the voters feeling unrepresented. It is opposed to the system of proportional representation which ensures that virtually every constituency in the country will be represented in the national and provincial legislatures (Tutu, 1994). The “winner-take-all” politics could increase the potential for violence since the stakes are high, particularly when the margin of victory is tight. The case for proportional representation is fundamentally the same as that for representative democracy but only when an assembly represents the full diversity of opinion within a nation can its decisions be regarded as the decisions of the nation itself.

Best Practices in Electoral Conflict Management

The importance of identifying best practices in electoral conflict management is to inform EMBs and other stakeholders of possible guiding principles that can help reduce and manage potential electoral conflict.

Prevention and Early Warning

Since most of the work in the electoral cycle occurs in the pre-voting stage, countries facing the danger of lapsing into electoral violence need adequate preparatory initiatives to ensure competitive and peaceful elections. It is critical for EMBS and other stakeholders to invest in preventive and early-warning mechanisms geared toward countries that have a history of electoral violence or that reveal signs of conflict from electoral competition. Socio-economic and political information should form part of the collective knowledge that guides decisions about potential electoral hotspots.

Enhancing Professionalism and Independence of EMBs

Cases where EMBs remain independent only in name are many across the continent. In many countries, EMBs are interfered with by covert influence rather than overt action. In some countries, EMBs usually come under pressure of the government with the result that elections lose credibility. The honest and impartial operation of these bodies is crucial to successful election administration and to building and maintaining public confidence in the election process. The size, composition, mandate, and tenure of office for the members of EMBs must be determined through an inclusive and transparent process to ensure credible and transparent election processes.

Multy-Party Liaison Committees (MPLCs)

It is important for an EMB to foster close cooperation with its stakeholders to ensure their support for its policies and programmes and to strengthen their confidence by implementing the Multiparty Liaison Committees (MPLCs). MPLCs are a

peace-building mechanism in which political party leaders at district level work together with various stakeholders to foster peaceful co-existence among members of different political parties. The cooperation between EMBs and political parties is recommended and should be established through national, provincial and local levels. The EMB should work closely with political parties on a wide range of issues, both of a political and technical nature to avoid any conflict or resolve it before it escalates.

MPLCs have been introduced in various countries places such as South Africa in order to minimize electoral conflict by providing political parties the opportunity to liaise with the EMB on the electoral process. The committees serve as consultative forums that encourage and promote transparency and accountability of the work of the EMBs. By discussing issues regarding other parties, electoral legislation and other contentious topics, these forums serve as means to resolve conflicts before the parties resort to violence. The composition of the committees should reflect the diversity of the communities in which they operate. This approach is premised on early intervention mechanisms and entrenches the notion of mediation, arbitration and facilitation of conflict resolution (Tohbi, 2009).

Education on Electoral Violence

Violence related to electoral processes often begins way ahead of the elections. In some places, politicians are always potential targets of political violence. Citizens at large may feel constrained to openly and freely voice political views, engage in public debates, and organize themselves politically (Wilhelm and Grabow, 2011). In addition to restrictions of political rights, the consequences of such an insecure environment include difficulties in holding politicians accountable. Electoral violence needs to be continuously addressed. For instance, electoral violence monitoring and citizen and party education programs have to be concentrated in the period ahead of elections. To prevent and manage the causes and consequences of violence, a policy on education for electoral violence management, especially monitoring and voter-centered strategies needs to be rolled out on a long-term

basis and continue between the general elections. This should help provide voter and civic education in partnership with other stakeholders such as civil-society organizations with a view to inculcating a culture of democracy and peace.

Promotion of Women Participation

“It is self-evident that democratic governance cannot be fully achieved without the full participation and inclusion of women” (Helen Clark, Administrator, UNDP and former Prime Minister New Zealand).

The full participation of women and men in a country’s political and decision-making processes as voters, candidates, elected officials or members of EMBs is crucial. However, with women representing only 21.7% of the world’s parliamentarians, they continue to be marginalized in many countries and underrepresented in political and electoral processes (Sarah Bibler, Vasu Mohan and Katie Ryan, 2014).

The degree to which women are able to participate in elections can be strongly influenced by the policies and programs of an EMB. It is therefore important that EMBs intentionally and proactively take gender into account in the analysis, planning and implementation of all their activities, as well as in their interactions with other stakeholders involved in electoral processes. Although there are positive examples of EMBs in the East African countries with gender-sensitive policies and practices, EMBs can do much more to mainstream gender in a holistic and meaningful way within their own organizations as well as in electoral processes and activities.

It is a best practice for election management bodies at all levels to include women as full participants. This not only guarantees gender balance but also helps ensure that these bodies take women’s perspectives into account as they decide how specific elements of the election will be administered, particularly if all election administrators are provided with gender training.

Early Security Personnel Deployment

Due to high levels of mistrust and insecurity surrounding election periods in East Africa, increased deployment of trained security personnel is always necessary (Fischer, 2002). National security forces (police, military and intelligence) can play important roles in preventing violence around elections both in the short and long-term if only they have been trained accordingly (USAID, 2013). The importance of security forces lies in their deterring function and their law-enforcement capacity. Without the enforcement of electoral laws, the legal constraints on the use of violence around election times, the security forces are rendered toothless. This is especially so in countries which have experienced conflict and where a culture of impunity has often become more or less omnipresent. In the short-run, increased security presence especially in high-tension areas can deter the use of violence more directly.

However, in some cases, individuals and groups may feel threatened by personnel in arms and uniforms when security forces are not professional and have political preferences. Political parties may be especially provoked if the security apparatus has a strong connection with the incumbent party. For this reason, deterrence needs to be coupled with confidence-building measures. Conventionally, security is upheld by the police and, in extreme circumstances, in collaboration with the military. However, in countries with election violence, a more comprehensive approach is required. Respected CSOs and traditional or clan leaders need to be involved in building confidence and encouraging respect and tolerance (Höglund, 2010). Such networks are also important for identifying potential areas of tension and individual trouble-makers. The judiciary needs to function effectively in collaboration with the security apparatus in order to combat impunity (Lyons, 2005).

The Advancement of Electoral Technology

Preventing fraud and speeding up results are two ways in which technology systems can help build confidence in African voting systems, often plagued with accusations of malpractice. Biometric systems can help prevent fraud by ensuring

that the people who turn up to vote are who they say they are. A de-duplication process also deletes from the biometric database anyone that appears more than once, preventing people from voting multiple times. Biometric systems can also prevent another kind of fraud: *zombie voters* (people who register under the names of those who have died so that they can vote twice). Using fingerprinting and facial recognition technology ensure that this type of fraud cannot happen. Electronic fingerprinting extracts a series of features called minutiae points from the ridges and valleys of the skin surface.

Conclusions

Elections in emerging democracies and post-conflict societies have a great potential to plunge a country back into violent conflict, to undermine processes of stabilization and discredit democratization. EMBs therefore become keystones of the process of democratization in monitoring and mitigating electoral-related violence. However, EMBs can aggravate tension and conflict in a country. If an electoral process is not considered fair and the political framework does not allow the opposition to feel that they have the chance to win next time around, they may feel compelled to seek power through illegal means, using non-democratic and even violent tactics. A credible, professional and independent EMB can play an important role in preventing or managing the conflict. The capacity of an EMB to prevent or manage electoral-related conflict depends on the level of its independence. It is important to note that the independence of EMBs, though not in itself a guarantee of free and fair elections, determines to a large extent the overall legitimacy and capacity to manage election-related conflict. Another important challenge is lack of historical experience, institutional foundations, and consensus on electoral outcomes especially in post-conflict or fragile states.

Despite the progress made in electoral administration and management since the 1990s, East African EMBs still lack transparency, accountability and confidence from the public. This situation lies in contradictions in the political economy and the mainstream ethical values within which the EMBs operate. East African countries and their EMBs need institutional and constitutional reforms such as enforcement of the code of conduct, enhancement of their independence to allow them to prevent or manage electoral conflicts. These reforms are important to EMBs which are currently perceived to be unable to address political repression and incitement.

In Burundi, for instance, Opposition figures and civil society organisations doubted CENI's impartiality due to the appointment process for CENI board members, and leveraged this to claim that fraud occurred during the electoral process. In

Kenya, the absence of trusted and credible ways of resolving electoral disputes was, according to the Kriegler Report, another key factor contributing to the 2007-2008 post-election violence. Currently, disputes are still resolved by either the IEBC or the judiciary, but both have been reformed and enjoy considerably more independence and political and public confidence.

In Tanzania and Uganda, the conduct of elections has been a major source of discontent for the opposition. However there is still a huge gap between law and practice with regard to the independence of electoral commissions which weaken their capacity to manage electoral conflicts. In Rwanda, the electoral process has been subject of criticism in different reports. The electoral commission has been accused of lacking independence and of extensive control in favour of the ruling party. A main criticism has been that the electoral commission used its power to hamper opposition parties and candidate when they wanted to become candidates, during the campaign period and at the counting process (Report of the International Crisis Group on the local elections of 2001).

Recommendations

To establish neutral and credible mechanisms for dialogue about elections and conflict among key stakeholders, highlighting success stories, bad examples and challenges and opportunities:

- There is a need for greater attention to be paid to creating an enabling environment for the holding of conflict-free elections. Major hotspots should be identified early in each of the electoral phases.
- Establish and strengthen Election Liaison Committees comprising representatives from the police, EMB and contesting political parties, at the national and district levels to enhance dispute management mechanisms by strengthening and establishing complaints desks in all districts and at the national level to handle election-related complaints
- The East African community member states should establish a Regional Electoral Commission Body with greater competences to provide support and control to national electoral processes.
- EMBs, National Rights Commissions and civil society organisations should work in partnership in the delivery of civic education. The latter should be comprehensive and provided in a continuous manner so as to reduce in particular the impact of race and ethnicity in East Africa.

References

- Adams, R. Garton, T (eds) (2009). *Power Politics: The Experience of Non-violent Action from Gandhi to the Present*. Oxford: Oxford University Press
- Adomi, E.E. and S.O. Anie, (2005). Conflict Management in Nigerian University Libraries. *Journal of Library Management* 27: 520-530.
- Agbehonou, E. (2014). *A Preventive Approach to Post-Election Conflicts in Contemporary Africa*. Georgia, United States, Kennesaw State University.
- Andrew Reynolds (2009), Elections, Electoral Systems, and Conflict in Africa, *Brown Journal of World Affairs*, XVI (I): 75-83.
- East African Community Principles for Election Observation, Monitoring and Evaluation, (2011), EAC Secretariat,
- Carbone, G. (2013). *Leadership Turnovers in Sub-Saharan Africa: From Violence and Coups to Peaceful Elections*. Milano: Università degli Studi di Milano.
- Eiseman, M. (2008). *Conflict and Elections Brief*. Urban Institute, 2100 M St NW, Washington, DC 20037.
- FHRI (2008). *Electoral Reforms in Uganda. Report for the period July–December 2008*. Kampala, Foundation for Human Rights Initiative.
- Fischer, J. (2002). *Electoral Conflict and Violence: A Strategy for Study and Prevention.* *IFES White Paper*.
- Forsyth, D. R. (2009). *Group Dynamics (5th Ed.)*. Boston MA: Wadsworth Cengage Learning.
- Gazibo, M. (2006). “The Forging of Institutional Autonomy: A Comparative Study of Electoral Management Commissions in Africa”. *Canadian Journal of Political Science / Revue canadienne de science politique* Vol. 39, No. 3 , pp. 611-633
- Goel, R.K. (2009). A Replication of “Corruption and Elections: An Empirical Study for a Cross-section of Countries”. *Economics and Politics*. Illinois: Illinois State University.
- Hansen, T.O. (2010). *Facing the Challenges of Transitional Justice: Reflections from Post-Genocide Rwanda and Beyond*. Aarhus University, Denmark.
- Kehinde A. B (2015), *Development cooperation and electoral integrity in West Africa: Issues and prospects*, IDEA.
- Lehoucq, F.E. (2002). Can Parties Police Themselves? Electoral Governance and Democratisation. *International Political Science Review* 29. pp. 29-46
- López-Pintor, R_ (2000). *Electoral Management Bodies as Institutions of Governance*. New York: UNDP.

Maiyo, J. (2008). *Political Parties and Intra-Party Democracy in East Africa: From Representative to Participatory Democracy*. Amsterdam: Leiden University.

Mayer, B. (2012). *The Dynamics of Conflict: A Guide to Engagement and Intervention* (2nd Ed.). San Francisco, CA: Jossey-Bass.

Murithi, T. (2000). *Electoral Systems and the Management of Ethnic Conflict in Africa*. Staffordshire, England: Keele University.

Ndulo, M. and Lulo, S. (2010). *Free and Fair Elections, Violence and Conflict*. *Haward International Journal*, Vol. 51, pp157

Nohlen, D., Thibaut, B. and Krennerich, M. (1999). *Elections in Africa: A Data Handbook*. New York: Oxford University Press.

Nwachukwu S.N, Aghemalo, A and Okebugwa N, E (2014). *Ethnicity and Electoral Behaviour in Nigeria*. *European Scientific Journal* September 2014 edition Vol.2,p 161

Nzongola-Ntalaja, G. and Lee, M. (eds). (1997). *The State and Democracy in Africa*, Pennsylvania: Clarion University.

Oluwatusin, A. O. and Abolarin-Egbebi, A. F. (2015). *Poverty and the Sustainability of Democracy in Nigeria*. *Journal of Humanities and Social Science (IOSR-JHSS)* Volume 20, Issue 2, pp 36-42

Oyugi, Walter O. "Ethnicity in the Electoral Process," in *African Journal of Political Science*, Vol. 2, No. 1, 1997, pp. 41-69

Reynolds, A. (2009), *Elections, Electoral Systems, and Conflict in Africa*, University of Carolina, *The Brawn Journal of Worlf Affairs*, p75

Scott, S. and Taylor, C. (2009). *Democratization and Electoral Violence in Sub-Saharan Africa, 1990-2007*, United States, University of Wisconsin, Madison

Stewart, F. and Brown, G. (2009). *Fragile States*. CRISE Working Paper No. 51, CRISE, Oxford: Oxford University Press.

Strauss, S. and Taylor, C. (2012). *Democratization and Electoral Violence in Sub-Saharan Africa, 1990-2008*. Washington, D.C: USIP Press.

Tutu, D. (1994). *The Rainbow People of God: The Making of a Peaceful Revolution*. New York: Broadway.

Ugiagbe, B. T. (2010). *Electoral Violence in Nigeria: Implications for Security, Peace and Development*. San José, Costa Rica, The University for Peace.

UNDP (2007). *Guideline on Prevention of Election Violence*. New York: UNDP.

Waruta, D.W. (1992), *Tribalism as a Moral Problem in Contemporary African Society*, in J.N.K. Mugambi and A. Nasimiyu Wasike, Eds. *Moral and Ethical Issues in African Christianity: Innovative Essays in Moral Theology*, Nairobi: Uzima Press

Facilitating State Stabilization through Electoral Assistance: The Case of Burundi and Democratic Republic of Congo (DRC)

By **Carolyne Gatimu**

Introduction

Elections are a vital part of democratic transitions, decolonization, and the implementation of peace agreements around the globe. In post-conflict societies (such as Burundi and DRC), competitive elections have become one of the instruments used not only to promote democracy but also to attempt to consolidate fragile peace. In such cases, elections provide an inescapable means for jump-starting a new, post-conflict political order; stimulating the development of democratic politics; choosing representatives; forming governments; conferring legitimacy upon a new political order; encouraging more popular participation in the political process; and setting deadlines to drive other initiatives such as the completion of demobilization processes. They also provide a clear signal that legitimate domestic authority has been returned – and hence the role of the international community may be coming or has come to an end.

Most of the purposes served by elections are process goals not events which in one way or another affect and/or promote state stabilization. They refer to long-term processes such as reconciliation, democratization, or conflict management. For all these reasons, elections have become a central part of the process of state building (UNSSC, 2011; Reilly, n.d.). In order to debate the success or failure of post-conflict elections and electoral assistance, it is fundamental to define what is meant by “success” and if post-conflict elections serve many purposes, then election results must be evaluated against each of the relevant dimensions.

Although elections are considered a means to advance stability, examples also show that they are volatile instruments which can easily be manipulated by the leadership “in power” or by those groups with access to power. Social and political differences

are played out in electoral processes, and existing fault lines in society are exacerbated, often resulting in entry points for violence and conflict. This was the case, for example, in Kenya after the 2007 elections. The election process, especially the announcement of the results, was the trigger which gave way to violence and long-standing unaddressed structural issues (UNSSC, 2011).

Electoral assistance, on the other hand, is built on the principle established in the Universal Declaration of Human Rights that the will of the public, as expressed through periodic and open elections, shall be the basis of government authority. Electoral assistance also acknowledges the principles of state sovereignty and national ownership of elections, and that there is no single model of democracy. The United Nations (UN) plays a major role in providing international assistance to these important processes of change. The UN's main aim in electoral assistance is to provide support for member states in holding regular, transparent elections that are reliable and commonly perceived as such, and in establishing nationally sustainable electoral processes. The UN however is not the only entity involved in electoral assistance. Other regional and intergovernmental organizations as well as non-governmental organizations (NGOs) involved in electoral assistance include: the African Union (AU), European Union (EU), International Institute for Democracy and Electoral Assistance (IIDEA), the Carter Centre, the Electoral Institute for the Sustainability of Democracy in Africa, and the International Foundation for Electoral Systems, among many others.

In Burundi and the DRC, previous elections have been conducted in the context of UN peacekeeping missions. The UN Operation in Burundi (ONUB) in 2005 successfully supported a political transition to an era of democracy and national reconciliation by conducting intense assistance activities culminating in the presidential election of 19 August 2005. During the period of elections, ONUB provided support to the electoral process in the form of logistics, transport of ballot boxes and papers throughout the country, and voter education through public information activities. The UN support was also evident in Burundi's 2010 general elections. Similarly, in the DRC, the UN provided electoral assistance in 2006 and

2011 under the auspices of the UN Organization Mission in DRC (MONUC) and the UN Stabilization Mission in DRC (MONUSCO). Specifically, in 2006, MONUC assisted the Congolese Independent Electoral Commission in the organization of the largest and most complex election process ever supported by a UN mission. Additionally, the UN Security Council Resolution 1925 (2010) provided that MONUSCO had the mandate, *inter alia*, “to provide technical and logistical support for the organization of national and local elections, upon explicit request from the Congolese authorities and within the limits of its capabilities and resources.”

Regardless of the range of assistance available, it is clear that for international actors and post-conflict societies alike, electoral assistance enables critical political choices to be made. Elections represent a key step in a broader process of political maturation and legitimation. The holding of elections can have a decisive influence on how the rhythm of peaceful democratic politics can evolve and become sustainable, to what extent internal politics of fragile new states become stabilized, and whether a peace settlement and new post-conflict regime come to be viewed as legitimate (Reilly, n.d.). This paper focuses on the role of electoral assistance in state stabilization, using Burundi and DRC as case studies where post-conflict elections have been conducted under the auspices of UN peace support operations (PSOs)

Objectives

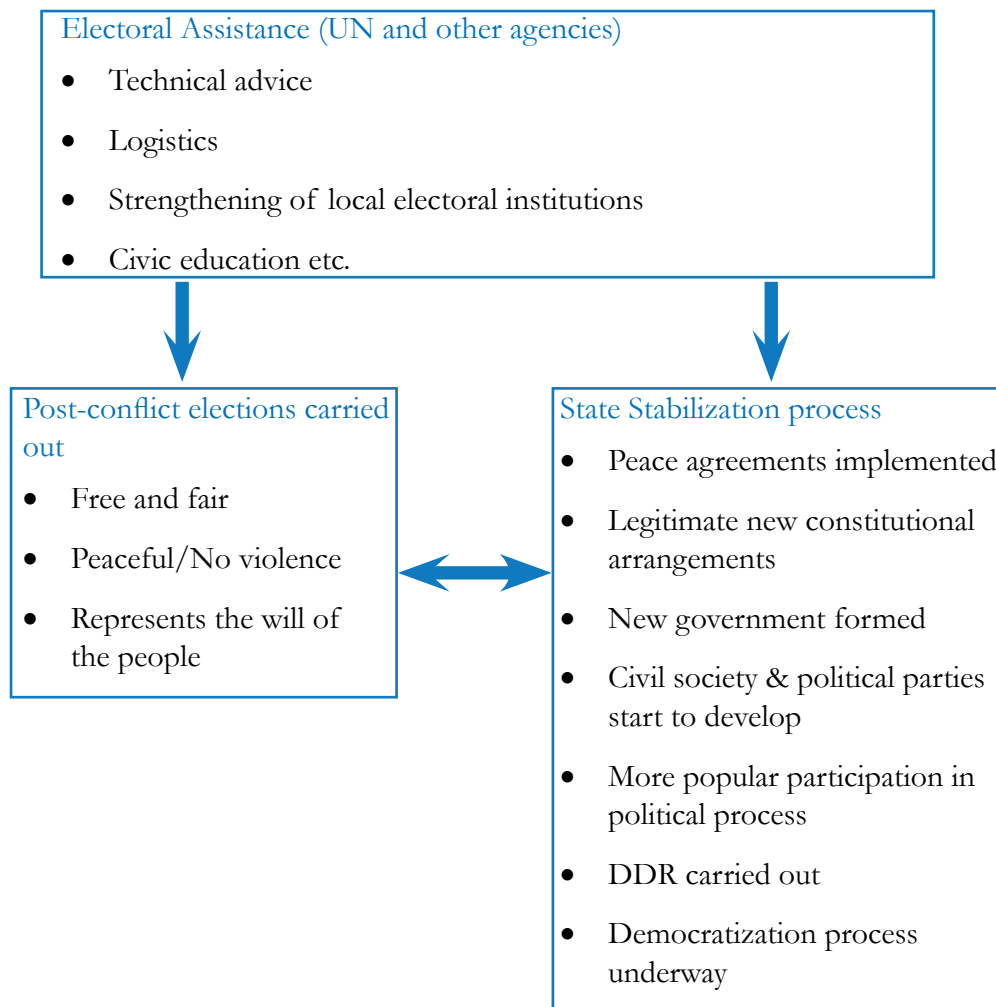
The paper is guided by three main objectives. They are:

- a) To examine the nature and scope of UN electoral assistance in DRC and Burundi;
- b) To evaluate successes, failures and gaps of electoral assistance and their implications for peace and security; and
- c) To analyse options for effective electoral assistance in a peace support operations context.

Organisation of the Paper

This paper is organised into four sections. The first section covers the introduction and objectives guiding the paper. Following this, section two looks at the conceptual framework underpinning the study as well as a discussion of the critical issue of elections in post-conflict situations. Section three reviews the types of UN electoral assistance, the nature and scope of UN electoral assistance in Burundi and DRC as well as the challenges and gaps of the same in the two countries. The last section proposes options for effective electoral assistance in a peace support operations (PSO) context and ends up with a conclusion.

Conceptual Framework



Source: Author's own Conceptualisation

The conceptual framework above shows the relationship between electoral assistance and consequent elections in a post-conflict setting and the resultant situation expected, which is state stability. As mentioned in the preceding discussion, in a UN peace operations context, electoral assistance is given primarily by the UN Mission and other UN agencies like UNDP as well as other regional blocs such as the EU and international NGOs. In such contexts, the UN mission will take the lead. Electoral assistance is given in many forms: technical advice; support to

local electoral commissions; logistics; and civic education, among others. Electoral assistance is expected to contribute to and promote free and fair elections which represent the will of the people without violence. Once the elections “event” is successful, it is expected that it will put in motion certain processes which in future will promote state stabilization. Such processes include but are not limited to: validation of peace agreements; passing of a new constitution; more popular participation in the political process; DDR process started; civil society starts to develop; and democratization process takes root.

It does not however mean that all free and fair elections, with the support of the UN in a post-conflict context always end up contributing to the consolidation of peace and democracy. Zafiu (2012) observes that in some countries such as Angola, Cote d’Ivoire, Liberia and Cambodia, post-war elections undermined democratisation and even sparked renewed war. But in other countries such as Mozambique, Sierra Leone, and El Salvador, post-war elections contributed to the consolidation of peace and democracy. Reilly (n.d) also finds considerable variation in the relative success of elections in meeting the broader goals of institutionalisation and consolidation of democracy from country to country and from case to case. For example, Haiti’s parliamentary and presidential elections of 1995 led to the first ever transition of power, but administrative inefficiencies undermined the credibility of the broader electoral process. By contrast, in Cambodia, technically successful electoral processes were soon overwhelmed by the realities of power politics as the “losing” party at the elections returned to power through hard-line tactics. Again, in Bosnia, premature elections helped nationalist parties cement an early grip on political power, while in Kosovo and East Timor, a more measured timetable appears to have helped the process of political development of the nascent political systems.

In an analysis including 21 post-war national elections organised in the period between 1991-2010 in Africa, Latin America and Asia, Zafiu (2012) identified combinations of conditions that consolidate or undermine peace in the aftermath of post-war elections. First, if the warring parties have not been disarmed and disbanded at the moment of elections, violence is likely to recur especially if there is

poor institutional consolidation and biased electoral management bodies (EMBs), or if warring parties are present in elections and the timeframe allowed between the peace agreement and elections is insufficient. The results also showed that the simple presence in elections of warring groups turned political parties is a sign of neither successful nor failed elections, depending on other factors such as level of political development, moderation and commitment of political parties.

Again, in combination with either the presence of an impartial EMB and peacekeeping forces, or with greater institutional development, a longer time period allocated to the preparation of an election does contribute to the absence of violence after elections. Finally, the analysis revealed that peacekeeping operations do not assure the success of elections especially if armed warring factions participate in elections held at less than two years from the signing of the peace agreement ending the war.

Critical Issues with Elections in Post-Conflict Situations

Reilly (n.d; 2008; 2003; 2002) argues that despite their essential role, post-conflict elections can also be a source of tension, becoming a lightning-rod for popular discontent and extremist sentiments. Elections in conflictual situations often act as a catalyst for the development of parties and other organisations which are primarily (and often solely) vehicles to assist local elites gain access to governing power. They can also promote a focus on regional, rather than national, issues. They can serve to place in positions of elected authority leaders committed to exclusionary visions of the country- leaders who are, in many cases, the same ones who started or triggered the conflict in the first place. This generals-to-politicians transformation has been a recurring problem in the Balkans, and even in Sub-Saharan Africa where nationalist parties and elites have attempted to use the political process to continue to press their sectarian aims. Post-conflict elections also tend to elicit more extreme reactions from voters than those held after an extended period of state rebuilding.

In the situations explained above, elections can have the perverse effect of undermining the broader process of democratisation. According to Reilly, a

common mistake is to hold elections too soon, before national political issues have progressed beyond the concerns of the previous conflict, and before more normal peacetime politics have had time to develop. In such a situation, elections can become a focus of violence as the armies and other groups previously engaged in combat continue their conflict via the electoral process. While elections are an essential part of many peace agreements, ill-timed, badly-designed or poorly-run elections have often served to undermine peace processes in fragile post-conflict environments.

Given this dilemma, there are issues facing the international community when it engages in post-conflict electoral assistance. First, there is the question of election timing: should national elections be held immediately after a conflict, to take advantage of a peace deal and quickly introduce the new democratic order? Or is it better to wait for a year or two so as to allow the political routines and issues of peacetime politics to come to prominence? Second, in the matter of scheduling of national versus sub-national elections: is it better to hold national elections before local ones? or, following emerging UN practice, should local-level elections be held in advance of national ones, in the hope of gradually inculcating voters to the rights and responsibilities of representative democracy? Third, are the issues to do with the mechanics of elections themselves: who runs the elections? how are voters enrolled? how are electoral boundaries demarcated? what electoral formula is used? and so on. All of these decisions impact the way post-conflict politics develop, particularly the type of party constellations that are formed and the kind of appeals they make to voters and thus to the nature of electoral campaigning. Fourth, there is the matter of international election observation, monitoring and supervision. After placing huge resources on international electoral observation for most of the 1990s, there is now a renewed focus amongst international actors such as the EU, on the need to professionalise the process of electoral observation and to place more emphasis on building domestic capacity in this area.

Lastly, there is the often under-estimated issue of the effect of post-conflict elections on the development of civil society and political parties. In post-conflict situations,

many civil society organisations (CSOs) are weak or non-existent. In such cases, political parties are the key link between the masses and the elites, and play a crucial role in building a sustainable democratic polity. Hence, the interaction between civil society, political parties and the electoral process is itself crucial. In all these areas therefore, great attention needs to be given to the way in which international assistance to elections impacts upon the broader course of democratic politics in post-conflict situations.

Types of UN Electoral Assistance

UN electoral assistance provided is based on the principle that there is no universal model. programs are tailored according to the specific needs of each requesting member state. Although considerable international attention has been given to elections conducted in the context of UN peacekeeping missions or other post-conflict settings, most electoral assistance activities take the form of small-scale technical assistance (UNDPA, 2015). Electoral assistance is given in the following forms by the UN:

Technical assistance: this covers a wide range of short and long-term expertise provided to national authorities in charge of administering elections in their country. Advice and support are provided in all sectors of electoral administration, and have expanded as experience has grown and as member States' requests have become more sophisticated and specific. Technical assistance can be provided in areas such as electoral administration and planning, review of electoral laws and regulations, electoral dispute resolution, boundary delimitation, voter registration, election budgeting, logistics, procurement of election materials, use of technologies, training of election officials, voter and civic education, voting and counting operations, election security and coordination of international donor assistance.

Election observation and other assessments: These respond to requests for the UN to assess or even validate the integrity of an electoral process. Such mandates are inherently political, and thus always based on a decision by the Security Council or the General Assembly and they are rare. They can be an additional tool for

national actors to overcome a confidence crisis in an electoral process, and provide interested UN organs with an assessment of the process for their future deliberations. Definitions have evolved. For instance, mandates for “observation”, “verification” or “supervision” were given frequently to the UN in the early days of UN electoral assistance, particularly in accompanying decolonization processes. More recently, the UN has been asked to “certify” electoral processes in some countries. In other cases, a small UN “expert monitoring” team may be sent to a country to monitor the electoral process and issue an internal report to the Secretary-General on its conduct.

Organization or supervision of elections: In rare cases, the UN may be fully in charge of organising elections of a member state. This occurred in Cambodia (1992-1993) and Timor-Leste (2001-2002). In other rare cases, UN experts form part of the national electoral administration itself or the responsibility is shared between the member state and the UN. This was the case in Afghanistan in 2004-2005, and Iraq in 2005. These cases remain exceptions taken in certain transitional settings. As a rule, the UN takes a supporting role – to assist the national electoral administration.

Requesting assistance: While most assistance originates with a member state’s request, UN electoral assistance may also be provided at the request of the Security Council or the General Assembly, as is often the case when peacekeeping or peacebuilding missions are established with electoral components. However, UN electoral assistance must also be accepted by the relevant member state.

UN Entities Providing Electoral Assistance

UN electoral assistance is a system-wide endeavor, tapping the complementary expertise and capacities of many parts of the UN family including: department of political affairs (DPA), which serves as the UN focal point for electoral assistance; department of peacekeeping operations (DPKO), which mostly assumes the lead role in peacekeeping and post-conflict environments; UNDP, which is the major implementing body for UN electoral support, providing technical assistance mainly

in development contexts often an important part of integrated peacekeeping operations; Office of the High Commissioner for Human Rights (OHCHR), whose role mainly consists of monitoring the human rights situation in a country, before, during and after elections in order to foster an environment conducive to credible elections and ensure respect for relevant international standards; UN Volunteers (UNV), who provide critical substantive and operational support for UN electoral field operations; UN Office of Project Services (UNOPS), which provides operational and other support to electoral assistance in a number of countries, working in close coordination with UNDP on the same; and UNESCO, which works to strengthen the capacity of the media to provide fair and balanced coverage of elections.

Nature and Scope of UN Electoral Assistance in Burundi and DRC

Burundi

Burundi witnessed an outbreak of massive violence between Hutu and Tutsi ethnic groups in 1993. An international brokered peace plan paved the way, after solving many obstacles, for the 2005 general elections. Prior to the elections, a power-sharing agreement had taken place to assure that no single ethnic group would be able to impose their decisions on the other; this ethnic balance was enshrined in the Constitution through a referendum. These elections benefitted from heavy international support, including the UN Operation in Burundi (ONUB). The 2005 elections were supported by ONUB (under Chapter VII) with a strong electoral mandate. An independent electoral commission (CENI) was in place, but the overall assessment was that it was more of a spectator than an active actor in implementing the various phases of the electoral process. The level of UN military and civilian support was immense, with more than 120 staff working only at the Electoral Assistance Division (EAD). In the 2010 elections, however, some 30 international UN staff supported the elections (experts and UN Volunteers) and the United Nations Integrated Office in Burundi's (BINUB) support was targeting

the political level with regard to the electoral process, while UNDP took care of most of UN technical assistance. Again, in the 2010 elections, the independent electoral commission in Burundi was the steering force, unlike in 2005 (UN IEA, 2010).

On the political level, in 2005, all national partners wanted to find a way out of the crisis and the elections were perceived as a way out and they agreed on the results. The 2010 elections, on the other hand, were seen as a way of consolidating democracy, but some national stakeholders were unhappy with the results and challenged them by boycotting the following elections. Another difference with 2005 was that there was no competition between the UN mission and UNDP on UN electoral assistance, as almost all election support was provided by UNDP and other UN agencies. There was political continuity between the mission-led departments from 2005 to 2010. After the 2005 elections, the UN downgraded ONUB to a political mission at the Government's request, even though some rebel movement had not joined the peace process. The peacebuilding orientation of the UN in Burundi started officially in January 2007 when the UN Integrated Office in Burundi (BINUB) came into being through the Security Council Resolution 1719 (2006). BINUB was a political and peacebuilding mission, and a follow-up mission to ONUB (2004-2006).

The delivery of electoral assistance by the UN in Burundi was different from most cases where there is a UN mission on the ground. In 2010, for example, technical assistance for the conduct of the elections was provided by UNDP and other UN agencies, while the downgraded mission (BINUB) was in charge of the political support to the electoral process, without an electoral assistance division within the mission. This avoided duplication and waste of resources, while at the same time ensuring the UN spoke with one voice about the elections.

In 2009, BINUB also engaged in peace consolidation by carrying out a number of activities to help improve national dialogue, support the functioning of Parliament, advance reforms in public administration, support the decentralisation process and fight against corruption, among others.

Other non-UN electoral assistance in Burundi came from the International Foundation for Electoral Systems (IFES) and the National Democratic Institute for International Affairs (NDIIA) who were active in the areas of training electoral staff and working with civil society organisations to support an increase in women participation. The EU also provided part of the basket fund, technical assistance to the electoral commission (CENI) and undertook budget supervision of the basket fund. Other partners provided direct bilateral support i.e. AU, China, Germany and the U.S (UN IEA, 2010).

DRC

It is important to point out that the 2006 Congolese elections were the largest the UN has ever supported. DRC was the largest country (the size of Western Europe); with the largest electorate (25million); and the largest challenge (no roads, no identity cards, no recent census, no multi-party elections in 40 years). Despite staggering political, technical and logistical challenges, the DRC's 2006 post-conflict elections, the first multi-party elections in the country since 1965, are frequently cited as the high watermark of UN Integrated Electoral Assistance (IEA). The UN demonstrated solid complementarity, put in place particularly ambitious integration structures and methods, not only between MONUC components and between MONUC and UNDP, but also with extensive co-location and innovative coordination with other international assistance providers, and with the local electoral management body (UN IEA, 2006).

The 2006 presidential and legislative elections in DRC were a condition of the 2002 Global and Inclusive Agreement on Transition in the DRC. Security Council Resolution 1493 (2003) mandated MONUC, in coordination with other UN agencies, donors and NGOs, to provide assistance during the transition period for the preparation and holding of elections. It was a case of “starting from scratch” in terms of legal and institutional frameworks for the 2006 elections. Electoral operations begun in June 2005 with over 25 million voters registered (a major achievement in that the estimated eligible population was 28 million) and a

referendum to adopt the constitution held in December 2005. In conjunction with this, a complex and essential legal framework had to be put in place within a tight timeframe for the elections to go ahead. This included the electoral law itself, laws on voter registration, political parties, laws to establish the principle institutions of governance, a law on nationality and an amnesty law, among others.

Additionally, a memorandum of understanding between MONUC and UNDP in 2005 was drafted and was key to ensuring upfront and clear articulation of the administrative and financial aspects of the arrangement. A division of labour was established with a clear allocation of roles and responsibilities between the two entities. MONUC was given responsibility for the political, logistical and security aspects of electoral assistance as well as coordination of international stakeholders with regard to electoral operations, whereas UNDP was responsible for the mobilization of resources, management of the basket fund and the provision of technical expertise to the local independent electoral commission for programming activities. UNDP also took the lead in delivering a number of programmes to support the electoral process, women's participation and securing the elections. This included financial management of the electoral assistance support through a basket fund which served as the structure for joint mobilization, coordination and management of financial resources (UN IEA, 2006).

Like in Burundi, the electoral situation in 2011 was a big contrast to 2006. The international community's assistance to the election declined considerably. The integrated working group (MONUSCO and UNDP) focus was on supporting the operational capacity of the electoral administration to conduct of the presidential, provincial and local elections. It also concentrated on long-term capacity building, especially for the local independent electoral commission. The presidential and legislative elections of 2011 were therefore the first to be entirely managed by the DRC government.

Challenges and Gaps in UN Electoral Assistance in Burundi and DRC

Some critics contend that democracy itself is part of the problem in such highly fraught situations (such as DRC and Burundi), and that post-conflict situations are too fragile to be exposed to the competitive pressures of the electoral process. But this critique ignores several factors. To start with, elections can be purposively designed to encourage not winner-take-all outcomes, but the sharing of power between groups. Indeed, some form of power-sharing is a primary requirement in post-conflict situations. Also, post-conflict countries inevitably face a real need to construct a legitimate governing authority. Not least because so many of today's conflicts take place within States, the overarching challenge of international electoral assistance is thus to [re]build a sustainable democratic state that can function without direct international involvement and elections are a crucial step in achieving this (Reilly, 2008).

Related to the above is the issue of national ownership and sustainability of electoral assistance. As with other first post-conflict elections in Burundi (2005) and DRC (2006), in the early stages of planning, all national and international actors were confronted with a dilemma, that is, to focus their efforts on strategies supporting an environment for sustainable and cost-effective electoral organs, electoral administration and political processes, or employ all resources and capabilities available to deliver both national elections. Such an investment, both financial and human, ran the risk of creating high expectations for the local electoral commissions, and also of creating a dependency, especially in terms of technical assistance, financing, logistics and transport (UN IEA). The key issue here is that whatever electoral processes are chosen, they need to be sustainable. The Special Representative of the Secretary General (SRSG) in the DRC in his end of assignment pointed out that “sustainment strategy” is more urgent than “exit strategy.” How to sustain support to transitional countries after a first election until democratic processes have taken root, is a key challenge for the UN. Also, although the 2006 elections in the DRC and those of 2005 in Burundi can be said

to have met their objectives of re-establishing legitimate government, the culture of democracy still remains fragile in both countries.

Again, in the 2010 elections in Burundi, the electoral staff faced a major dilemma because they had to conduct five elections in a period of four months, these being Communal, Presidential, Legislative, Senatorial and Hill Councilors elections. The election administration and international partners were caught in a tight timeline and had to adapt the planning of their activities on the spot with some technical hiccups being unavoidable, which in turn provided an excuse to challenge the election results. As a result, these elections were not accepted by most opposition parties. The UN Integrated Electoral Assistance argued that it may have been better to have elections spread out over a sufficient period of time or have them done together. The non-acceptance of the election results by most opposition parties, with some using minor technical complications as excuses, shows that all the goodwill and support by international actors are not sufficient if the involved parties do not have the political will to accept the results and acknowledge the will of the people. This non-acceptance of results also left a negative mark on the legitimacy of the elected representatives. This also shows that second-generation elections (second elections after implementing a peace agreement) have to be managed carefully to avoid relapse into violence.

Another main challenge was a communication problem apparent in the DRC 2006 elections. Different UN communication systems caused unnecessary delays and complications in the day-to-day electoral assistance. For example, different email systems between the UN agencies and the mission (MONUC) inhibited rapid electronic communication. According to IEA, a lack of standardization is particularly troublesome in the area of communication, as this can result in increased security risk. For example, the Telecom and very high frequency (VHF) radio standards differed between MONUC and the agencies, thus making day-to-day and emergency communication unreliable. General rules and regulations on information sharing did not always facilitate working together in an integrated team. A better information management plan governing internal information flow, as well as with other partners was lacking in the DRC in 2006.

Options for Effective Electoral Assistance in a PSO Context

First, donors have traditionally supported the technical aspects of elections: drafting electoral legislation and regulations; providing logistical support (ballots, ballot boxes etc.); educating voters; and setting up administrative and management institutions (such as electoral commissions and electoral management bodies) and election observer groups. However, elections are increasingly being viewed as part of an ongoing democratic cycle rather than as one-off events which require periodic technical support. Many advocate for electoral assistance that is sensitive to local socio-cultural settings, builds local ownership, and supports sustainable processes and institutions that function effectively without external assistance (Ellis et al, 2006).

Related to the above is therefore the need for international electoral assistance to adopt the electoral approach which proposes that support needs to be provided for a variety of activities undertaken well in advance of (e.g. planning exercises) as well as after (e.g. legal review and auditing) on election day itself. Moreover, it stresses the need to provide support to a wider range of players than previously envisaged, in particular, electoral management bodies (EMBs), political parties, media organs, and CSOs. In this approach, all the players are seen as essential to the final outcome of the process which is viewed as a whole, and not as “E-day-centric.” This approach is thus built upon the premise that elections comprise a totality of interacting elements where a wide range of legal, technical and organisational aspects must be considered simultaneously. In fact, in his bi-annual report to the General Assembly in August 2007, the UN Secretary General highlighted the particular value of the Electoral Cycle Approach, whilst also drawing attention to some of its specific challenges. The Secretary General argued that it is often unrealistic, especially in post-conflict environments, to expect that effective and independent electoral institutions and inclusive electoral processes can be built on the basis of assistance to one election. A cyclic approach to electoral assistance will therefore help ensure sustainability. Again, the success of this approach also depends, to some extent, on donors maintaining interest in electoral assistance through local

elections and between elections, recognising that the primary responsibility for funding and supporting electoral institutions and processes lies within the member state itself (Bargiacchi, 2011).

Second is the issue of national ownership and sustainability of electoral assistance as pointed out in the preceding discussion. Reilly (n.d.) argues that while the international community plays an important “vector role” in spreading new practices and technologies, there should be a distinction between the ideal electoral technology and the capacity of a recipient country to handle that technology in a sustainable manner. A number of internationally-financed and run elections over the past decade have introduced a level of electoral technology which was clearly unsustainable for the host country, and could not be replicated in their second locally-run elections. Cambodia (1993) and Mozambique (1994) fall under this category. In the same breath, donors need to move away from funding expensive one-off international election observation missions (otherwise known as ‘electoral tourism’) towards the longer-term benefits of directly supporting the domestic electoral administration and local observer groups. The latter is less glamorous but usually has a much greater pay-off in assisting the consolidation of a new democracy.

Third, at a time when scepticism about electoral assistance has been on the rise, Bargiacchi (2011) observes that successful implementation of truly cyclical electoral support programmes is a prerequisite for sustained international support. These programmes should be strategically and operationally integrated with the related areas of the broader democratic development agenda in partner countries. Sceptics have pointed to various problematic issues such as lack of sustainability and operational constraints in the implementation of projects in support of electoral cycles aiming simultaneously at long-term capacity development and short-term operational support. They have denounced this as a vicious circle whereby each successive election requires renewed support. Other main causes of concern have been, among others: failure to tackle election-related violence and conflict; misuse of elections (and thus the assistance provided) by autocratic leaders seeking to reinvigorate and legitimise their external or internal legitimacy;

and, at times, failure to ensure that essential basic measures were in place prior to the organisation of the elections themselves. Therefore, to further promote the effectiveness and sustainability of electoral assistance in the future, projects using the electoral cycle approach will need to be much more rooted in the context of and integrated with the policies and activities undertaken in the areas of democratic and human development in general. They will also need to take into account the political context within which electoral processes unfold and electoral assistance is provided; promote synergies between election observation and electoral assistance; and combat fraud, prevent election-related conflicts and violence through focusing on the development of leadership and conflict management skills for all electoral stakeholders.

Fourth, given the political sensitivity of providing support to electoral processes, the international community has adopted a neutral stance to minimize the risk of being accused of bias towards one side or the other. Unfortunately, this has resulted in decoupling electoral assistance away from political dialogue, which in turn has led to a situation where assistance is sometimes provided notwithstanding the lack of true commitment to genuine elections by political leaders in the supported countries. Electoral assistance should thus be accompanied by a willingness on the part of interested policy actors and donors to match their funding for election assistance with serious efforts to engage in political dialogue, persuasion, and in some cases, tangible pressure (regional or international) on the relevant political power-holders to increase adherence to basic electoral norms. By combining technical assistance with political dialogue, the international community would be better placed to ensure that partner countries abide by the international treaties and commitments on basic human rights and freedoms to which they are signatories (Carothers, 2010).

Lastly, one learns that there should be additional considerations for electoral assistance programmes in fragile and post-conflict countries. To start with, elections, if not managed properly, can renew violence or strengthen the role of those instrumental to the conflict. Additionally, political party development is especially

important – particularly support for broad-based programmatic political parties, in order to counter parties appealing to ethnic, religious or regional sentiments that contributed to the conflict. Also, allowing for sufficient time for voter registration and education is vital. Such education should cover not only the specific electoral processes but should also extend to the broader issues of democracy and governance which are especially important in transition countries. Election observation is also important as lack of confidence in the legitimacy of elections can renew violence. In addition to being conflict-sensitive, it is important to be alive to local socio-cultural settings in all interventions.

Conclusion

There is little doubt that electoral assistance has made many important contributions to the conduct of post-conflict elections. Indeed, given the huge costs and logistical tasks involved, it is unlikely that post-conflict elections in Burundi, DRC, Angola, Mozambique, Cambodia, Liberia, and Sierra Leone, among others, would have been held at all. The sustainability of international electoral assistance is a critical variable. Additionally, democratization is a long term process of social and political development, not a short-term event run by, or for the international community. The impact that external interventions can have on democratization particularly in post-conflict situations is largely limited to the design and construction of hardy institutions; the provision of adequate security and infrastructural conditions; as well as a modest input into the norms and routine of a first election; and assistance to election monitoring. Beyond that, democracy is a domestic game, and its longer-term outcomes are much the preserve of local actors and conditions. International interventions are crucial in putting in place short-term conditions for a transition to democratic rule, but their longer-term impacts are necessarily limited.

Despite previous successful elections in Burundi supported by the UN, the current situation in the country is tense. Burundi remains highly volatile. The current instability started when President Pierre Nkurunziza declared his desire to run for a third term in office in elections held in June 2015. His candidacy

sparked large protests in the capital, Bujumbura. These were met by violent police repression which continued until after the elections where the President was declared the winner. Nkurunziza's growing authoritarianism and re-election bid have undermined the principles of power-sharing and ethnic balance that are seen as having helped stabilize Burundi since the end of a decade-long civil war in the early 2000s. There is also a potential for turmoil in Burundi to draw in neighboring states and/or non-state actors based elsewhere in the region (Arieff, 2015).

DRC also remains volatile, especially the eastern part of the country where armed conflict has continued, with Congolese security forces and non-state armed groups responsible for serious abuses against civilians. Human Rights Watch (2014) notes that the Rwandan-backed M23 armed group committed widespread war crimes, including summary executions, rapes, and forced recruitment of children. As the military focused attention on defeating the M23, many other armed groups also attacked civilians. In the capital, Kinshasa, and elsewhere, government authorities have sought to silence dissent with threats, violence, and arbitrary arrests against human rights activists, journalists, and opposition political party leaders and supporters who were critical of government officials or participated in anti-government demonstrations. In March 2014, M23 leader and former Congolese military commander, Bosco Ntaganda, surrendered to the United States Embassy in Rwanda and is currently undergoing trial at the International Criminal Court (ICC) on charges of war crimes and crimes against humanity committed in northeastern DRC.

References

Arieff, A. (2015). “Burundi’s Electoral Crisis in Brief”. Congressional Research Service 7-5700. www.crs.gov

Bargiacchi, F., Bakken, M., Guerin, P. and Gomes, R.G. (2011). “The Electoral Cycle Approach: Effectiveness and Sustainability of Electoral Assistance.” Working Paper. Instituto di Studi Politica Internazionale (ISP), Rome, Italy.

Carothers, T. (2010). “International Elections Assistance: Context, Challenges, and Possible Strategic Principles”. Discussion Paper presented at the OECD DAC GOVNET First Roundtable on International Support for Elections, Paris, 1 March 2010.

Ellis, A., Guerin, P. and Ayoub, A. (2006). “Effective Electoral Assistance: Moving from Event-based Support to Process Support.” Conference Report and Conclusions. Stockholm: International Institute for Democracy and Electoral Assistance (IIDEA).

Human Rights Watch. (2014). World Report 2014: Democratic Republic of Congo. <https://www.hrw.org/world-report/2014/country-chapters/democratic-republic-congo> (accessed 24 November 2015)

International Institute for Democracy and Electoral Assistance (IIDEA) (2008). “Making Electoral Assistance Effective: From Formal Commitment to Actual Implementation”. ACE “Focus on...” Series www.idea.int/publications/making-electoral-assistance-effective/index.cfm (accessed on 25 November 2015).

Reilly, B. (2003). “International Electoral Assistance: A Review of Donor Activities and Lessons Learned.” Working Paper 17, Democratic Transition in Post-Conflict Societies Project. The Hague: Netherlands Institute of International Relations.

Reilly, B. (2002). “Elections in Post-conflict Scenarios: Constraints and Dangers”. *International Peacekeeping* 9 (2): 118-139.

Reilly, B. (2008). “Post-war Elections: Uncertain Turning Points in Transition” in Jarstad, A.K and Timothy, D.S. (eds.) (2008), *From War to Democracy: Dilemmas of Peacebuilding*. Cambridge: Cambridge University Press.

Reilly, B. (n.d). “Electoral Assistance and Post-Conflict Peace Building – What Lessons have been Learnt?” Asia Pacific School of Economics and Government, Australian National University.

United Nations Department of Political Affairs (UNDPA) (2015). “Overview of Electoral Assistance.” www.un.org/undpa/electoral-assistance (accessed 2 November 2015)

United Nations Integrated Electoral Assistance. “Case Study: Burundi 2010 General Elections”. <http://acetproject.org/ero-en/regions/africa/DZ/burundi-un->

integrated-electoral-assistance-case (accessed 5 November 2015)

United Nations Integrated Electoral Assistance. “Case Study: Democratic Republic of Congo, 2006 National Elections.” <https://acetproject.org/ero-en/regions/africa/DZ/democratic-republic-of-congo-un-integrated/> (accessed 13 November 2015)

United Nations System Staff College (UNSSC) (2011). “The Role of Elections in Peace Processes – When and How they Advance Stability or Exacerbate Conflicts.” Turin: UNSSC and Centre for International Peace Operations (ZIF).

UNDP (2007). Electoral Assistance Implementation Guide. Democratic Governance Group, Bureau for Development Policy.

United Nations Department of Peacekeeping Operations (UN DPKO). “Burundi: A Major Breakthrough in Peacekeeping.” www.un.org/en/peacekeeping/yir/2005/burundi.html (accessed 4 November 2015)

Zafiu, T. (2012). “Elections in Post-war Countries: A Way Towards Peace and Democracy?” Masters Thesis, Faculty of Political, Administration and Communication Sciences, Babes –Bolyai University, Romania.

Highlights of Key Messages in the Issue Brief

Electoral Magement in Eastern Africa: An Analysis of Election-related Conflict Resolution

- East African countries and their EMBs need institutional and constitutional reforms such as enforcement of the code of conduct, enhancement of their independence to allow them to prevent or manage electoral related conflicts. These reforms are important to EMBs which are perceived to be unable to address election-related conflicts.
- The honest, independent and impartial operation of EMBs is crucial to successful election administration and to building and maintaining public confidence in the electoral process.
- It is a best practice for election management bodies at all levels to include women as full participants. This not only guarantees gender balance but can also help ensure that these bodies take women's perspectives into account as they decide how specific elements of the election will be administered, particularly if all election administrators are provided with gender training.
- To prevent and manage the causes and consequences of violence during elections, a policy on education for electoral violence prevention and management, especially monitoring and voter-centered strategies, needs to be carried out on a long-term basis.

Facilitating State Stabilization through Electoral Assistance: Case of Burundi and Democratic Republic of Congo

- Elections are a vital part of democratic transitions, decolonization, and the implementation of peace agreements around the globe. In post-conflict societies, competitive elections have become one of the instruments used not only to promote democracy but also to attempt to consolidate fragile peace.
- Electoral assistance is built on the principle established in the Universal Declaration of Human Rights that the will of the public, as expressed through periodic and open elections, shall be the basis of government authority. Electoral assistance also acknowledges the principles of state sovereignty and national ownership of elections, and that there is no single model of democracy.
- The United Nations (UN) plays a major role in providing international assistance to these important processes of change. The UN's main aim for electoral assistance is to provide support to member states in holding periodic/regular and transparent elections that are reliable and commonly perceived as such, and establishing nationally sustainable electoral processes.
- It does not however mean that all free and fair elections, with the support of the UN in a post-conflict context, always end up contributing to the consolidation of peace and democracy. In some countries such as Angola, Coted Ivoire, Liberia and Cambodia, post-war elections undermined democratisation and even sparked renewed war. In other countries such as Mozambique, Sierra Leone, and El Salvador, post-war elections contributed to the consolidation of peace and democracy.
- Donors have traditionally supported the technical aspects of elections: drafting electoral legislation and regulations; providing logistical support (ballots, ballot boxes, etc.); educating voters; and setting up administrative and management institutions (such as electoral commissions and electoral management bodies)

and election observer groups. However, elections are increasingly being viewed as part of an ongoing democratic cycle rather than one-off events which require periodic technical support.

- Democratization is a long term process of social and political development, not a short-term event run by, or for the international community. International interventions are crucial in putting in place short-term conditions for a transition to democratic rule, but their longer-term impacts are necessarily limited.

Author Profiles



Lt Col Donatien NDUWIMANA is a senior army officer of the Burundi National Defense Forces. He is currently a researcher at the International Peace Support Training Center (IPSTC) in Nairobi, Kenya.

His career as a military officer began when he was commissioned into the Burundian National defense forces in 1988. He completed military and academic training in 1994. Since then, he has held key positions in command and staff some of which include those of Battalion Commander between 2007 and 2010, and Ministry of Defense Advisor in Studies and strategic Planning in 2012.

He has attended several career military courses during his time of service including senior staff course at the Combined War College in Yaoundé, Cameroun, Junior Staff Course in Libreville, Gabon, and Multinational Battalion Commander in peace operations course in Bamako, Mali.

He holds a Master's Degree in Strategy, Defense, Security, Conflict and Disaster Management from the University of Yaoundé in Cameroun and a Bachelor's degree in Economic sciences (Management and Administration).



Carolyn Gatimu is a Development/Social Science researcher. She holds a Masters degree in Development Studies (2011) and a Bachelors degree in Sociology (2008) from the University of Nairobi, Kenya. She has been involved in various research projects and is well versed with matters of research, particularly qualitative research techniques. She has previously worked

as a consultant for a food security research project in Kenya by the Institute for Development Studies, U.K and Oxfam International. Currently, she is a researcher at IPSTC. Her research interests are in the areas of Food Security, Peace, Security and Development in Eastern Africa region.



International Peace Support Training Centre
P.O Box 24232-00502 Karen, Kenya
Tel: 254 20 388 3157/58
Fax: 254 20 388 3159
Email: info@ipstc.org
Website: www.ipstc.org



Publication Supported by the European Union (EU)