



PA-X SPOTLIGHT: IMPLEMENTATION



The Interplay Between Political and Technical Factors in Democratic Transition Electoral Processes

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This research draws on the PA-X Peace Agreement Database (www.peaceagreements.org), a database of all peace agreements at any stage of the peace process from 1990 to 2019. The database is fully searchable and supports both qualitative and quantitative examination of peace agreements.

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Acknowledgements: This research is an output from the Political Settlements Research Programme (PSRP), funded by UK Aid from the UK Department for International Development (DFID) for the benefit of developing countries. The information and views set out in this publication are those of the author. Nothing herein constitutes the views of the Department. Any use of this work should acknowledge the author and the Political Settlements Research Programme. For online use, we ask readers to link to the original resource on the PSRP website. Thanks are due to Christine Bell and Tim Epple for review and editorial advice, and to the PSRP team for useful feedback on various versions of the draft. Thanks to Harriet Cornell and Rick Smith of Smith Design Agency for proofreading and production work.

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PA-X Spotlight Series

In this PSRP Spotlight, Andrew Ellis highlights some of the political and technical challenges facing countries holding elections during democratic transitions. Ellis draws on his extensive experience as an electoral adviser to tease out practical lessons for national and international actors implementing and supporting elections. At the heart of this Spotlight lie reflections on the ways in which political and technical factors enable and constrain each other in determining electoral 'success'. The report discusses electoral frameworks, implementation issues, as well as the role of the international community and geopolitics in shaping the trajectory of electoral processes in democratic transitions.

Key Findings and Recommendations

To ensure a constructive relationship between technical advice and the political marketplace of the transition, this Spotlight sets out advice focused on:

- ▶ Better understanding the interplay of political and technical dimensions of elections
- ▶ Finding ways to deal with the election-model 'status quo bias' of office holders
- ▶ Providing 'politically accessible' and 'contextually sensitive' electoral design expertise
- ▶ Securing funding and addressing electoral technical challenges early in the process
- ▶ Building effective relationships between electoral stakeholders
- ▶ Ensuring context-specific electoral modelling – there are no one-size-fits-all models
- ▶ Employing creativity in electoral design, in particular in marrying individual one-person-one-vote considerations with group accommodation mechanisms
- ▶ Building or remedying wider institutional systems and capabilities
- ▶ Preparing for potential last-minute changes, born of political contingencies

Introduction

A commitment to a democratic electoral process in a peace agreement may look deceptively simple and clear cut. However, few democratic transitions have been 'completed' in a single electoral cycle: more often change takes place incrementally over several cycles. While the rhetoric may speak of an election which will bring about democracy, the reality of electoral design in the course of a transition is likely to be 'what may be both politically acceptable and technically achievable in the next iteration?'

An original democratic commitment may subsequently be reaffirmed from time to time (either explicitly or implicitly), possibly as a response when the results and outcomes of a general election or other electoral event are being digested. It may however remain couched in broadbrush terms. Those who make the commitment may regard it as a necessity derived at least in part from external norms perceived as being required for the acceptance of the transition, rather than in-depth understanding of its practical implications. When and how to hold elections may remain bitterly contested. For example, ending a conflict may also involve a move away from authoritarianism, or from one side's effective 'ownership' of the political system, including the management of elections. Another scenario is that where no recent history of elections exists and there is little familiarity with electoral processes, moving from traditional and conflict-era ways of holding and exercising power risks threatening the very stability that elections are supposed to herald and consolidate.

I. Discussion and Negotiation of the Electoral Framework

Overcoming 'status quo bias'. To take forward a broadbrush commitment to democratic elections, some form of discussion of institutional and electoral change will take place between holders of power or influence, who may – and preferably will – engage a wider group of actors. But even as everyone broadly endorses democracy, the status quo – even if unsatisfactory – is more 'known'. The results and outcomes of democratic electoral processes are by definition uncertain in advance. What choices will voters be called upon to make and how much uncertainty will political actors accept? Some actors may prefer the certainty of their position in the status quo to the risks which may flow from change, the level of which may well be unclear to them. There will thus be limits to what change may be possible at any particular time. In addition, even when there is a majority for change, it may well be accompanied by a majority against any specific change. Not all discussions can or will lead to agreement, and in practice, movement to a new or revised system may or may not take place.

Ensuring 'politically accessible' electoral design expertise. Neither local actors nor the international community will necessarily appreciate the range of options that may be available to help design the institutional architecture that will be necessary to realise the commitment. Nor will they always be aware that the choices made in this area may seem subtle but in fact subsequently function in very different ways from each other, and advantage very different combinations of actors.¹ The design and implementation of electoral processes, and the relationships between elections, political parties, candidates and elected members of legislative bodies, are very much areas in which the devil is in the detail. What may appear at first sight to be minor and abstruse points that can be left to technicians can produce major impacts on election results themselves, the perception of legitimacy and credibility of elections, forms of inter-group accommodation that are necessary for stability, and the ways in which elected bodies work subsequently.

Ensuring context-specific electoral modelling. The upside of this is that the design of major elements of the electoral framework, in particular the electoral system itself, can draw upon a wide range of detailed methods, each of which may be tweaked for the particular context. There are rarely only options which are black or white. For example, a critical part of transitional discussions is often focused on whether the commitment to 'one-person-one-vote-one-value' – or even in the transitional stage merely 'one-person-one-vote' – is compatible with the desire to secure and reflect group identity in the new institutions. It is in fact sometimes possible to design electoral systems which provide for significant accommodation of both – although the mathematical modelling and the jargon involved may be unfamiliar and not readily penetrable by those directly involved with discussions and negotiations. The outcomes of such issues are however of central interest to the key groups.

II. External Support

Given this mix of technical and political factors, how then should a peace or transition process be best externally supported with reference to questions of electoral design?

Understanding interplay of political and technical dimensions of elections. When ideas begin to be firmed up and a process of negotiation begins, its participants start to focus on the major implications of different ideas and may seek technical advice – following which the technical may start to constrain or derail the political. Technical advice can be sought from a range of institutionally embedded or independent international or local actors. But technical advice will often be refracted through the lens of political concerns. For example, once a census or electoral registration process becomes a serious proposition, some actors may realise that the real up to date numbers which may emerge from it may not accord with their previous beliefs and perceptions. Those who fear they will lose out, and indeed those who are merely uncertain as to the outcome, may then delay or obstruct any agreement to conduct it – perhaps seeking not to admit that they are doing so.

In addition, neither local actors nor the international community may always fully appreciate the practical implications of the technical choices that are made – or which sometimes just seem to emerge from administrative preparations. It cannot for example be assumed that regulations and procedures used in the past (sometimes derived from colonial era practices) will work in the same way as previously, or indeed at all. And if significant actors do not work out that they have problems until late in the process, the political may then constrain or derail the technical. For example, it became evident in Somalia in late 2019 that the specific representation of sub-clans, sub-sub-clans and lower level clan groups was regarded by many groups as essential. This had consequences for the range of compatible electoral system options, impacting in turn on what would be practical for the organisation of elections.

These events also illustrated the way in which political and technical issues can be intertwined, and that changes in one part of the framework create political and technical issues in another. While the electoral system proposal under discussion in Somalia in 2019 involved the use of list proportional representation, it was easily possible to structure it to guarantee that at least 30% of elected members of the legislature would be women. With the adoption of an election law based on a majoritarian system using single member districts, this became much more difficult. It essentially required the identification of districts for which only women candidates could be nominated – a much more controversial proposition.

In addition, even what may appear to be more purely technical issues can easily be turned into political elements during the negotiations. A particular request often made of the international community is support for state-of-the-art information technology (IT) systems. This may reflect a real need, a belief in technology to solve problems (which may or may not be well founded in the context), or simply a desire for the newest gizmo or a realisation that scope exists for substantial financial gain. In practice, IT may or may not make the difference. Technical assessment needs to consider both the impact which will result from the proposed IT system, and issues such as available human resources and skills in the IT field, other calls on those resources and skills, training needs, maintenance of equipment and systems, backup systems, and the possibility and even likelihood of needing an update next time. The interests of IT vendors are not always the best interests of elections!

The record of the use of biometric electoral registration in actual elections has been mixed. However, the debate about introducing it may in practice be less to do with whether it would be effective in the particular country context than with whether authorities within the country who are enthusiastic (for whatever reason) about the latest technology can persuade a more sceptical international community which is being asked to provide the additional level of funding which is required in comparison with a traditional registration system. This may in the end be resolved by the political 'who blinks first'. Electoral timetables are another area which is likely to be affected by political interests and thus addressed in political agreements. However, they can be constrained significantly by some electoral architecture options – for example, updating of an electoral register, or provisions for out of country voting.

Employing creativity. There is nonetheless often significant scope for creativity in responding to specific needs or interventions of particular actors. However, some of these fixes are likely not to pass muster as a matter of pure evaluation of election quality, when considered in the abstract on a stand-alone basis.² If the desired wider story is one of political progress and electoral legitimacy and credibility, the broader context may nonetheless depend on turning a blind eye to election-quality deficiencies. How far is this acceptable?

III. Implementing the Election

Dealing with last minute changes. It is the nature of any negotiating process that the most difficult political deals will be made at the last minute, or even later. Even if technicians warn against potential difficulties and adverse consequences, these are highly unlikely to be the primary consideration of the negotiators. The political process creates an inevitable squeeze on the time available for the election itself. Rough technical edges are thus an intrinsic characteristic of elections during transitions, as the electoral technicians and administrators scramble to establish and deliver what can be achieved within the political agreement and the remaining available timeframe. These rough edges may well be seen as negative factors when observers or other actors either internal or external are making assessments of the legitimacy and credibility of the election.

Building or remedying wider institutional systems and capabilities. The need for fast implementation of election-specific technicalities is only ever half the story. The delivery of an election of acceptable quality depends also on sufficient general competence in human resources, administration, logistics, and financial management. Systems need not only to look good on paper but to be functional based on the competences and resources that are available – another factor which may not always be in the forefront of the minds of the politicians. The more that recruitment, training, and testing has been done in advance, the better that electoral quality is likely to be. The overall political dynamic may however run counter to this, constraining what is achievable in practice.

Financing. The financing of elections always depends on the political will and capability to make the necessary resources available at the right time. Both budget and cashflow need to be available well in advance. Resources may be under the control of actors with specific political interests, and it is again possible for the political to constrain the technical.³ Financial management failures can derail an otherwise successful process: for example, late payment or non-payment of registration or polling station staff can become a potent threat to an election. A general election is often the largest single event that a country organises in peacetime, which can make procurement, materials, and contracting a prime target for those seeking personal financial gain. Anti-corruption mechanisms are therefore an essential component of financial management planning.

Conclusion: Technical Electoral Advice, Political Contingencies and International Actors

Technical electoral issues also have an impact on the contribution of the international community to electoral support. Effective relationships giving support to electoral authorities take time to establish and build, and electoral technical challenges can be better dealt with if addressed early. However, fast commitment of international resources can be difficult first to attain and then to mobilise. Especially before it becomes clear what form elections will take or even whether they will happen at all, funders are frequently wary of risk and often tend to hang back until cover is provided by decisions by others to fund. The project design and approval procedures and the budget cycles of funders do not always sit easily with the desirability of rapid reaction. While resources are likely to need to be committed from the beginning in order to create the structures and mechanisms for an acceptable election, it is not necessarily straightforward for the international community to end a programme of support for a transitional electoral process when things are going badly.

The relatively limited number of transitional electoral processes which occur worldwide suggests that any individual staff member of a foreign or development ministry is unlikely to encounter such a process very often in the course of their career. The frontline officials at all levels representing the international community on the ground are thus unlikely to possess in depth knowledge about electoral process issues – and its inclusion in depth as part of regular staff training and development is unlikely to be justifiable. A steep learning curve about the detail of elections is thus inevitable for many of the people who represent the international community on the ground in a transition.

On the other hand, international community specialist electoral advisers often possess wide ranging knowledge and experience. This can lead to tensions with the wider international community when political, or even technical, timetables and decisions run counter to potential electoral quality. When is quality impossibly compromised by too many concessions being made? For example, it may not be possible for security reasons to hold an election everywhere within a country or territory: what minimum level of coverage is compatible with an election which will be accepted as legitimate and credible? What compromises in, for example, the registration and participation of internally displaced persons (IDPs) and refugees can be accepted in practice?

Wider global politics or regional geopolitics may sometimes point towards international acceptance and indeed support of an electoral process which might in another context be regarded as questionable in some respects. Equally, technical advisers may be motivated to assist electoral authorities in delivering an election – if necessary against both the political and technical odds – when broader international support is not fully behind it. There are no one-size-fits-all answers.

References

- 1 A notable example is provided by the 2011 elections in Tunisia, described by Carey (2014). The detailed formula used in the list proportional representation system gave the largest party a 41% seat share from its 37% vote share; two other established standard methods which could equally well have been used would have given it a seat share of respectively 55% (an overall majority) and 69% (a two thirds majority, sufficient for constitutional change).
- 2 For example, six extra seats were added by decree to the Palestinian Legislative Council as nominations were closing for the January 1996 election, accompanied by a short extension to the nomination period. The desire for the success of the elections by the Palestinian community and most other domestic and international actors meant that this kind of issue was subsumed. It is easy to imagine a different response to an action of this kind where the wider political dynamic is more negative.
- 3 For example, preparations for the Sierra Leone elections of 2018 were adversely affected by delays in disbursements from the government to the election administration and by the withholding of one significant payment pending a financial audit which was announced four months before polling day. In addition, government funding for voter education did not materialize, and an emergency support programme by the international community was ultimately mobilised.

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This is an output for the Political Settlement Research Programme funded by UK Aid from the Department for International Development (DFID) for the benefit of developing countries. The information and views set out in this publication are those of the author(s) and do not necessarily reflect the official position of DFID. Neither DFID nor any person acting on their behalf may be held responsible for the use which may be made of the information contained therein.

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