

10-11 October 2018 | József Antall Building | Brussels | ROOM JAN6Q2 | EUROPEAN PARLIAMENT

High Level Conference on the **FUTURE OF INTERNATIONAL ELECTION OBSERVATION**

BACKGROUND PAPER

ORGANISATION OF ELECTIONS, CONFLICT PREVENTION / SECURITY AND PEACEFUL TRANSITION

In recent years, EU Election Observation Missions (EOMs) were deployed to observe elections that unfortunately resulted in widespread post-election violence. Clashes between opposition protesters and Kenyan security forces both in August and in October 2017 resulted in hundreds of casualties. The same happened after the elections in Honduras and Zimbabwe, where over tens of casualties were recorded. EOMs, together with the international community, pleaded for restraint from both opposition and security forces, but to no avail. Especially in Kenya and given its history of electoral violence, a very robust system of electoral violence prevention had been set up in advance, but even this failed to prevent the casualties.

That some elections can generate violence is unfortunately a well-known and extensively analysed fact. Elections are a key moment in the life of a country. The more a country is marred by inequality and social injustice, combined with a 'winner takes all' approach in politics, the more critical an election can be, reaching the point where for contenders it becomes 'do or die'; losing the election could mean losing or gaining all privileges, access to resources and even physical security. In some electoral contests, for an opposition candidate not having any realistic chance of victory, the rejection of electoral results claiming electoral manipulation and fraud - hoping to arouse its supporters and wider population - might be the only viable strategy. In other elections, incumbents feeling threatened by the opposition might resort to violence as their only strategy to retain power. If in these cases charismatic opposition leaders have either the ability to mobilise their militias or large parts of the population, or on the other side, the incumbent enjoys the loyalty of security services and large parts of the population, clashes can reach very serious levels, as witnessed in Kenya in 2007.

Preventing electoral violence can be seen as both a long and a short/medium strategy. On the long term, this strategy should focus in reducing inequalities among the population - either real or perceived – strengthening the rule of law notably through contributing to ensuring the functioning of independent democratic institutions, a proper system of checks and balances (strengthening the role and capacity of the legislative and judiciary for instance), sound public finance management, transparency in the decision-making, reducing clientelism and corruption, among others. This is classical development work that can only be effective with a clear strategy that is supported nationally and internationally.

In the short/medium term, a large toolbox of strategies has been put into place by national governments, sometimes with the support of the international community, generally trying to promote dialogue and dispute resolution at local level, and including prevention fora that would include all stakeholders, from political party representatives to national administrations and security services, and civil society and religious organisations. At a higher level, ad hoc groups of high-level mediators have also been put in place by the international community, including regional organisations, as a tool to generally address or prevent violence.

Preventing electoral violence requires breaking down silos among stakeholders and putting in place strong co-operation between different actors, including the Election Management Bodies (EMB) and, among others, those national entities responsible for law enforcement and overall security maintenance.

Credible electoral processes are essential for conferring legitimacy to national and local governments. When successful, electoral processes offer the means of channelling social conflict through respectful and constructive debate; they provide the opportunity to citizens to voice their preference and elect their representatives. Elections can offer a safe, predictable, rule-bound method for arbitrating political and social conflict through the selection of representatives and confer the legitimacy garnered by the consent of the people for programs and policies.

Under States of Emergency or in post-conflict environments, elections should be organised at an appropriate time, when inclusive discussion brings a general understanding and agreement over the modalities of the electoral process and a widespread acceptance and trust in the ability of the election administration to organise credible, transparent elections. Under such circumstances, the presence of local and international observers is also a useful confidence-building measure, in particular in cases when the election administration does not enjoy the trust of the population.

At the EU level there are ongoing discussions on concrete ways to enhance its political engagement as well as how to develop further its analytical and operational tools. The aim is mainly to be able to foresee and anticipate the electoral violence risks and set up short and medium term mechanisms to either avoid or limit the occurrence of election violence. These mechanisms should be in place well before an election occurs, allowing for putting in place measures for preventing or mitigating violence (political dialogue facilitation, support to civil society or political parties). This is also why a longer term perspective should prevail on elections that present a potential for violence.

An integrated approach to conflicts and crises is the best way to tackle ongoing and future violence. A multi-dimensional toolbox (including political dialogue, cooperation actions and CSDP missions) should be used at different levels ranging from global to local actions to promote and

support early warning mechanisms, dialogue among stakeholders, transparency and inclusivity measures, and avoid early disengagement from countries or stakeholders.

In this context, the EU and the UN have been working together to define and adopt an analytical framework that could help to single out elections with violence potential well beforehand, and put in place mitigation measures well ahead of an election. This work was presented at the conference "Sustaining Peace through Elections" which took place in Brussels on 8-9 October.

There is an ongoing effort in the context of EU election observation to integrate the electoral violence risk in the analysis of the exploratory mission. There is also more pre-deployment coordination with other election observation groups and conflict sensitivity training for EU observers is being mainstreamed. However, these are reactive tools dedicated more to protect the EOMs. Given that an EOM deploys to a country one-two months before an election, their scope to act in violence prevention is limited. Also, the EOM mandate is to act as an impartial and independent observer of the electoral process, with a clear limitation to its actions set by the obligation not to interfere in the electoral process. Such parameters limit the ability of an EOM to act as a mediator in conflict situations.

An efficient follow-up to relevant EOM recommendations is, in fact, the best approach to ensure that countries and their election frameworks become more resilient, thus less prone to catalyse violence in the future. Clearly this highlights how crucial the follow-up to EOM recommendations is for making electoral frameworks more resilient, transparent and inclusive. Putting in place electoral violence prevention mechanisms is medium term and often long term work over several electoral cycles.

Electoral risk analysis (Conflict analysis) should be integrated in all electoral assistance and must have a long-term focus. This is particularly relevant in relation to preventing and mitigating election-related violence as the structural causes of conflict need to be addressed for efforts to be successful. Furthermore, a longer term approach reflects the fact that violence can occur at different stages of the electoral process, and the recognition that building sustainable and credible democratic national institutions is part of a sound preventive approach.

In conducting electoral risk analysis and considering follow-up action, attention should turn to ways in which the EU and other international partners can help strengthen the credibility of the process and prevent potential triggers leading to actual violence. Since the risk analysis should also identify the structural/underlying causes of conflict, follow up action should also include longer-term measures. In this respect EU work on follow-up to EOM recommendations can play a key part in supporting national efforts for the organisation of increasingly credible elections, thus reducing the risk of electoral violence.

While this part, relating to the EOM is steadily developing, interesting new avenues are being opened by the EU starting to work with political parties, seeking to enhance multiparty dialogues, tackling financial, legal and policy framework reform and focusing on young leaders and female politicians. In January 2018, the EU (DG DEVCO) launched a 5 MEU pilot global program on support to political parties. Three out of the five funded projects focus on the participation of women, especially young women, in political parties and are implemented in Tunisia, Malawi, Morocco and Benin.

Issues at stake - discussion points:

-) How could the election observation, electoral assistance and conflict prevention communities strengthen their cooperation in order to prevent and mitigate electoral violence?
-) What long and short-term strategies and mitigating measures could be put in place to prevent conflict and election violence?
-) What kind of special considerations should be made for countries coming out of conflict or who are in post-conflict situations?
-) Is there a way to ensure that technical assistance programmes could be more conflict sensitive in environments where this is required?
-) Could an EOM play a greater role in conflict prevention while on the ground considering its short-term presence and that they are independent and should not interfere in the electoral process?
-) How can EOMs objectively and fairly assess electoral processes without the fear of contributing to post-election violence?