

WHY OBSERVE ELECTIONS?  
REASSESSING THE IMPORTANCE OF CREDIBLE ELECTIONS  
TO POST-CONFLICT PEACEBUILDING

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The success of a peacebuilding process depends on many variables ranging from social and economic issues to the fostering of truth and reconciliation initiatives. However, for the past two decades the buzzword in peacebuilding has been “democracy,” and within international democracy assistance, few instruments have been as well-funded or had such a clearly visible impact as election observation. This article focuses on the unique relationship between elections, democracy, and post-conflict peacebuilding. More specifically, it reassesses the importance of credible elections to post-conflict peacebuilding and the multi-faceted ways in which international election observation missions (IEOMs) can support a nascent peace process. This article examines IEOMs on both a strategic level (why democracy and elections are important to peacebuilding) and on an operational level (the benefits and challenges experienced at ground level). It is contended that IEOMs are an essential element to peacebuilding, but that their promise can only be fully realised if several policy shortcomings are addressed, not least the necessity to acknowledge a distinction between IEOMs conducted in post-conflict environments and those conducted under more peaceful conditions. More fundamentally, it is paramount that IEOMs are recognised as only one element of wider post-conflict democracy assistance. Indeed, unless a broad definition of democracy is embraced, the potential of credible elections as a prime contributor to post-conflict peacebuilding will be critically undermined.

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International election observation is an important mechanism for monitoring the integrity of elections for countries in transition to democracy. It now enjoys almost universal acceptance and is considered standard practice for countries emerging from violent conflict, thus placing it firmly within the peacebuilding canon. The practice, however, has been subject to criticism in recent times, with various detractors accusing it of a range of transgressions from being wasteful “electoral tourism” to operating as a veneer for deliberate political manipulation. Moreover, the underlying strategic utility of promoting elections in post-conflict states has been questioned, with several authorities claiming that early elections—however credible they may be—can jeopardise a peace process and damage the prospects for a sustainable peace. The role of international election observation in post-conflict countries has thus become a point of increasing debate as academics and practitioners alike reassess the importance of credible elections to peacebuilding efforts.

This article contends that international election observation missions (IEOMs) remain an essential element of peacebuilding, but that their promise can only be fully realised if several policy shortcomings are addressed, not least the necessity to acknowledge a distinction between IEOMs conducted in post-conflict environments and those conducted under more peaceful conditions. More fundamentally, it is paramount that IEOMs are recognised as only one part of wider post-conflict democracy assistance. The special relationship between democracy and peacebuilding is founded upon much more than elections, and requires the additional harnessing of substantive values and principles such as participation, citizenship, and accountability. Accordingly, unless efforts are made to foster these values, IEOMS—the most visible element of democracy assistance—will continue to bear the bulk of criticism against democracy assistance, while post-conflict states will continue to fall short in realising the full potential of democracy to peacebuilding.

This article expands this argument in the following five sections. First, the article begins by introducing the practice of international election observation, including its chief proponents, basic mandate, and typical methodology. Second, the article demonstrates how the strategic rationale for assisting democracy and credible elections in post-conflict countries is largely founded on broad, substantive values rather than minimalist, electoral ones. Third, the article outlines the unique and critically important role that IEOMs

can play in post-conflict peacebuilding. Fourth, the criticisms of IEOMs within peacebuilding, and the response by IEOMs, are discussed at both an operational and strategic level. Finally, the article concludes by affirming the need to embrace broader notions of democracy, within both IEOMs and wider peacebuilding strategies, if the special relationship between elections, democracy, and peacebuilding is to be realised.

#### WHAT IS POST-CONFLICT INTERNATIONAL ELECTION OBSERVATION?

International election observation has grown exponentially since the end of the Cold War, with the large presence of observer groups in places such as South Africa in 1994, East Timor in 1999, and Ukraine in 2004, seemingly shadowing the global spread of democratisation. However, the history of election observation is much longer and is typically traced back to an 1857 plebiscite in Moldavia and Wallachia which was observed by French, British, Prussian, Russian, Austrian, and Turkish representatives.<sup>1</sup> Apart from this first outing, though, IEOMs were rare events until the period of decolonisation following the Second World War. This “first generation” of international election observation was primarily concerned with ensuring that the transfer of power from colonial rulers to national leaders was conducted in a free and fair manner. The current “second generation” phase of election observation commenced at the end of the Cold War and is focused largely on establishing universal consensus and standards of democracy. Moreover, beginning with United Nations (UN) operations in Namibia in 1989 and continuing with Cambodia in 1993, election observation quickly began to play a central and formal role within wider peacebuilding missions.

IEOMs have been undertaken by a diverse group of inter-governmental organisations (IGOs) and non-governmental organisations (NGOs) and, to a lesser extent, through bi-lateral agreements. Chief among the IGOs are the Organisation for Cooperation and Security in Europe (OSCE), European Union (EU), and Organisation of American States (OAS). The most prominent NGOs include the Carter Center, National Democratic Institute (NDI), and International Republican Institute (IRI). These organisations operate on a global scale. In 2007, for example, the EU alone ran fourteen missions in countries ranging from East Timor to Sierra Leone to Guatemala.<sup>2</sup> IEOMs can also be considered an established feature of international relations with, for example, the OSCE deploying missions

to some 150 electoral processes in the last decade.<sup>3</sup> They are also run at considerable expense; for instance, the EU spent €27 million on thirteen election observation missions in 2006.<sup>4</sup>

In practice, the majority of IEOMs operate on a similar five-part strategy.<sup>5</sup> First, prior to the deployment of a full mission, a “needs” assessment of the target country is undertaken in which the electoral law, political conditions, and overall security situation are studied in order to ascertain whether a mission will have value. If the basic preconditions for credible elections are not in place, for example, fundamental rights such as universal franchise and freedom of expression are disregarded, then organisations will refuse to send a mission as was the case with the OSCE and Turkmenistan in 1999.<sup>6</sup> Second, the mission formally begins with the deployment of a core team comprising electoral, legal, media, political, and other experts approximately eight weeks before an election. Third, the core team is then supported by the deployment of long-term observers throughout the country some six weeks before the election. Their role is to observe key aspects of election preparations, election day itself, and the tabulation of results at a regional level. Fourth, short-term observers are deployed for the period immediately prior to an election to observe the opening, voting, and counting process at individual polling stations. Finally, the mission concludes when the core team collates and reviews its findings for the release of a preliminary statement (usually within forty-eight hours of the close of voting) and, ultimately, a comprehensive final report including recommendations to strengthen the electoral process (usually within two months of the end of the mission).

The connection between post-conflict peacebuilding and IEOMs has also become increasingly prominent. The UN sponsored Declaration of Principles for International Election Observation state that genuine democratic elections are “central to the maintenance of peace and stability.”<sup>7</sup> Similarly, the EU asserts that, in post-conflict countries, observation missions can contribute “towards the prevention or resolution of conflict,”<sup>8</sup> while in the recent presidential elections in Afghanistan, NDI announced that IEOMs were vital to the development of “a democratic and peaceful Afghanistan.”<sup>9</sup> Moreover, the demand for post-conflict elections is growing due to an increasing trend of wars being settled at the negotiation table rather than on the battlefield. According to Barbara Walter, between 1940 and 1990 only 20 percent of civil wars were concluded by negotiations,<sup>10</sup> while in 2006, International IDEA, using a similar methodology, estimated

that 50 percent of wars now end at the peace table.<sup>11</sup> As elections are the most common provision for resolving conflict within peace agreements,<sup>12</sup> the credibility of the electoral process is becoming ever more important in post-conflict peacebuilding. Yet despite this, the majority of the literature on election observation has largely neglected the role of IEOMs in post-conflict countries. Indeed, although the importance of local context is often stressed,<sup>13</sup> there has been a notable absence of efforts to distinguish critical differences between post-conflict IEOMs and those that are held in more peaceful contexts. This article seeks to redress this deficit and, in doing so, will make use of arguments and examples from both post-conflict and *non*-post-conflict IEOMs as a means to illustrate trends and indications that can be applied to this unique, and increasingly important, field of post-conflict IEOMs.

#### THE STRATEGIC RELATIONSHIP BETWEEN ELECTIONS, DEMOCRACY, AND PEACEBUILDING

To appreciate the importance of credible elections to peacebuilding, we must first consider the underlying rationale behind the broader democracy assistance agenda to post-conflict countries. The relationship between IEOMs and peacebuilding is cemented firmly in the belief that democratic governance, provided through periodic and genuine elections, offers the most effective mechanism for managing and resolving societal tensions without recourse to violence. Such thinking is evident in the very formulation of peace agreements, such as the 1992 Acordo Geral de Paz of Mozambique and the 2003 Accra Peace Agreement of Liberia, which not only stress the central role of democracy, but also affirm that popular elections will be held within a given time frame as an illustration of a country's transition towards democracy and the associated "peace dividend" that this will bring. The relationship has been acknowledged at the highest strata of peacebuilding. For example, UN Secretary General Kofi Annan declared, "There are many good reasons for promoting democracy, not least—in the eyes of the United Nations—is that, when sustained over time, it is a highly effective means of preventing conflict, both within and between states."<sup>14</sup> In fact, the value of democracy as a means of preventing violent conflict can be considered threefold, encompassing international, domestic, and counter-terrorism justifications.

On an international level, this justification draws upon the "democratic

peace theory,” which posits that dyads of democratic states are considerably less likely to fight one another than dyads made up of non-democracies, or a combination of a democracy and a non-democracy.<sup>15</sup> The basis of the theory can be traced back to Immanuel Kant’s 1795 essay, *Perpetual Peace*, which contended that in democracies, those who pay for wars—that is, the public—are the ones who make the decisions, and are therefore understandably more cautious about commencing a war as they are the ones who ultimately have to foot the costs through both blood (fatalities) and treasure (taxes).<sup>16</sup> More recent explanations of the theory include arguments that democratic countries have internalised values of peaceful bargaining and conflict resolution which are consequently externalised into their international relations,<sup>17</sup> that substantial trade links between democracies make war an economically crippling proposition,<sup>18</sup> and that democratic leaders avoid fighting wars because they fear it will damage their chances of staying in power.<sup>19</sup> Although the democratic peace theory has periodically been contested on the grounds of statistical significance,<sup>20</sup> what qualifies as a democracy,<sup>21</sup> and what qualifies as an international conflict,<sup>22</sup> it has proved remarkably robust over the decades and many internationally peer-reviewed articles declare that the theory is accepted as an empirical reality.<sup>23</sup> As Jack Levy writes, “the absence of war between democracies comes as close as anything to an empirical law in international relations.”<sup>24</sup> Indeed, not only is the proposition empirically robust, but, as James Ray notes, it is also “psychologically persuasive.”<sup>25</sup>

On a domestic level, several authors argue that democracies are significantly less likely to experience domestic disturbances such as revolutions, guerrilla warfare, civil war, and genocide.<sup>26</sup> Rudolph Rummel claims this is because democracies promote “the development of a domestic culture and norms that emphasise rational debate, toleration, negotiation of differences, conciliation, and conflict resolution.”<sup>27</sup> The notion that democracy can bring domestic peace to a post-conflict state is supported by several other important writers. Samuel Huntington asserts that democracies “are not often politically violent” due to constitutional commitments which guarantee at least a minimal protection of civil and political liberties.<sup>28</sup> William Zartman argues that democracy “transfers conflict from the violent to the political arena” by providing mechanisms to channel dissent and opposition peacefully, thus reducing the incentive to use violence.<sup>29</sup> This is endorsed by Hans Spanger and Jonas Wolff, who emphasise that the openness and freedoms in democracies to express discontent and to protest circumvents the need for

widespread violence.<sup>30</sup> Moreover, the articulation of discontent through the freedom of speech and freedom of press can act as an early warning system for the state to identify issues that may become overly passionate and to respond accordingly. Judith Large and Timothy Sisk, among many, have emphasised how democracies extend the protection of rights to minority groups,<sup>31</sup> which, according to Ted Gurr, “inhibits communal rebellion.”<sup>32</sup>

Finally, since the 9/11 terrorist attacks, democracy assistance has also been viewed as a distinct and vital method of combating international terrorism. The theoretical argument is simple and attractive and rests on the belief that the disregard for political participation and civil liberties endemic in undemocratic and conflict-torn societies can serve as breeding grounds for international terrorists.<sup>33</sup> In contrast, it is considered that democracy lowers the costs of achieving political goals through legal means, thus deterring groups from pursuing costly illegal terrorist activities.<sup>34</sup> The acceptance of this argument is reflected in statements such as George W. Bush’s claim that democracy assistance is necessary “to help change the conditions that give rise to extremism and terror.”<sup>35</sup> Although a closer examination of the empirical connection between terrorism and democracy illustrates that the relationship is much more complex, the acceptance of promoting democracy as a means to counter terrorist threats has become an established principle in Western policy circles.

Irrespective of the specific argument that connects democracy to peace, all justifications embrace *broad* rather than *minimalist* models of democracy. The minimalist model has traditionally dominated the democracy discourse, with Huntington, for example, arguing that a political system can be defined as democratic “to the extent that its most powerful collective decision-makers are selected through fair, honest, and periodic elections in which candidates clearly compete for votes and in which virtually all the adults are eligible to vote.”<sup>36</sup> In contrast, broad democracy, while recognising the importance of elections, places increased emphasis on the normative underpinnings and the substantive virtues of democracy, and tends to stress the additional importance of elements such as participation, citizenship, and transparency, which are believed to promote a culture of toleration, negotiation, and conciliation.<sup>37</sup> It is precisely through the fostering of these substantive values that democracy enjoys its most compelling support as a prime contributor to post-conflict peacebuilding. In essence, for democracy to realise its potential within peacebuilding it must engage with the values

that underpin democracy and not only the more visible trappings of elections, regardless of however credible those elections may be.<sup>38</sup>

### THE UNIQUE IMPORTANCE OF ELECTION OBSERVATION IN PEACEBUILDING

Within this broad strategic framework of support to post-conflict democracy assistance, electoral assistance is usually the most established, most funded, and most visible type of democracy related assistance.<sup>39</sup> Indeed, although efforts are increasingly made at finding an improved balance between electoral support and greater assistance to civil society and state institutions, Ho-Won Jeong is correct in affirming that elections remain “the overriding objective under which all other international activities are generally subsumed.”<sup>40</sup>

In practice, democracy assistance includes a wide range of activities broadly designed to improve the accuracy, efficiency, and legitimacy of post-conflict elections. Activities may include planning election logistics, preparing electoral calendars and budget, comparative advice on electoral systems, support for voter registration, (re)establishment of election commissions, advising on boundary delimitation, constitutional and legal reform, training election commission staff, civic and voter education, assisting political parties, and, at times, the supervision, coordination, verification, or overall conduct of the elections themselves. However, it is the deployment of IEOMs that is the most visible, and arguably most provocative, form of assistance. IEOMs are typically charged with the task of assessing the degree to which elections meet domestic and international standards—the so-called “free and fair” test. However, it is argued that the importance of post-conflict election observation is considerably more sophisticated and encompasses several distinct benefits.

#### *Detecting and Deterring Fraud*

The most obvious function of election observation is to detect and deter fraud.<sup>41</sup> The principle of detection is straightforward; if observers detect irregularities, they should “cry foul” and publicise their findings. IEOMs in themselves cannot ensure that elections are credible or, even when fraud is detected, force a government to acknowledge irregularities and take appropriate measures. However, the exposure of electoral fraud can provide a foundation for local groups to pressure authorities for a re-run of elections. In recent years this has happened in 2003 in Georgia, 2004 in Ukraine,

and 2005 in Kyrgyzstan. Although such popular movements are perhaps more applicable to long-standing authoritarian regimes rather than to post-conflict countries, it does demonstrate the decisive role that international observers can play. Indeed, in post-conflict contexts, observers may utilise their influence in more subtle and discreet ways. For example, by openly commenting on voter and candidate intimidation or on the exclusion of national minorities from voter lists in the run-up to elections, they can place pressure on authorities to rectify issues before voting begins. In addition, by bringing attention to problems prior to election day, observers can help raise public awareness on the likely threats to credible elections and raise due vigilance. In doing so, such comments can also possess the advantage of deterring those who may be considering committing electoral fraud.<sup>42</sup>

Furthermore, in post-conflict countries, deterrence may play a more powerful role than detection. As Kofi Annan remarked, the mere presence of observers can be enough to “dissuade misconduct, ensure transparency, and inspire confidence in the process.”<sup>43</sup> The deterrent effect is difficult to measure as few people are likely to admit to such plans prior to an IEOM; however, the factor should not be underestimated as “government officials planning elections in transitional countries often overestimate the ability of foreign observers to detect fraud, at least the first time they deal with them.”<sup>44</sup> The deterrence effect can also work in an additional manner, with domestic actors less likely to call fraud—when lacking credible evidence—in the presence of international observers. Aware of the broad respect and credibility that international groups usually possess in an immediate post-conflict context, the motivation to call fraud for political reasons quickly loses its appeal and impact value. Such a situation was apparent in the 2005 post-conflict elections of Liberia, where the opposition quickly dropped their claims of electoral fraud in response to the overwhelming evidence provided by IEOMs that showed the elections to be credible.<sup>45</sup>

### *Evaluating Legitimacy*

Based upon their findings, IEOMs can confer legitimacy in two distinct ways. First, they can instil much-needed domestic and international legitimacy to the election winners by verifying the credibility of the electoral process.<sup>46</sup> An endorsement of the government’s democratic credentials is pivotal for gaining acceptance both inside and outside of the state. This is especially true in polarised elections, such as those in Venezuela in 2004

where international observers played a key role in legitimising the results. As Julia Hart explains, “without this outside confirmation, the government and opposition, both with significant access to resources, could have spiralled the nation into a violent conflict.”<sup>47</sup> Furthermore, in a post-conflict context, this can signal to the wider international community that the government is now in a position to join international organisations, apply for development assistance, and be open to private financial assistance.

Moreover, in post-conflict countries, elections signal not only an opportunity for a new government to gain legitimacy, but also for the whole peace process to be legitimised. Typically, peace agreements are the product of a few, usually armed, elites, and can only be considered provisional until an election is held and the wider public have the opportunity to sanction and legitimise the peace process.<sup>48</sup> Hideaki Shinoda describes peacebuilding as a recreation of the social contract between the state and its citizens and claims elections are the most obvious mechanism to legitimise this new social contract.<sup>49</sup>

### *Instilling Confidence*

Hrair Balian has asserted that “the most important contribution that election observation missions can bring is to support the process by increasing the level of confidence in sensitive and highly contested elections.”<sup>50</sup> Indeed, the presence and neutrality of IEOMs, whose presence is often highly reported in the media, can give faith to parties that the electoral process will be fair and transparent and that the future of their country will be determined impartially and peacefully. Such enhanced confidence can “create space for opposition forces that would not otherwise exist”;<sup>51</sup> encouraging the participation of domestic civil society organisations, giving confidence to minority candidates to stand, and helping to convince certain groups that participation in the democratic process is preferable to continued violence. Moreover, the mere presence of international observers can act as a symbol of solidarity for domestic stakeholders, enhancing their sense of security and stimulating the implementation of a wider range of activities in support of credible elections.<sup>52</sup> Invariably, this improved confidence also leads to a higher turnout in the polls, further boosting the legitimacy of the process.<sup>53</sup>

International election observation has also given immense confidence to the democracy assistance community and placed significant value in the concept of democracy itself. By advancing the principles of competitive

elections on a regular basis as an international norm, it has helped promote democracy across the world. As Thomas Carothers explains, “by sending out delegations, Western countries have reinforced the idea that holding elections is an international norm that should be complied with.”<sup>54</sup>

### *Wider Post-Conflict Recovery*

The presence of an IEOM as a neutral third party can provide a useful “time-out” from conflict, a window of opportunity in which conflict can be transformed peacefully under the watchful eye of impartial observers.<sup>55</sup> Indeed, the focus on civilian rather than military issues can provide competing parties with incentives for cooperation and accommodation that bridges cleavages among different groups. Furthermore, the successful participation of refugees and internally displaced persons can not only boost the legitimacy of results, but also promote political reconciliation.<sup>56</sup> Finally, the administration of genuine and professional elections can help to develop a wider respect for the rule of law and encourage democratic habits such as freedom of expression, freedom of assembly, and transparency. As Terrence Lyons notes, establishing positive precedents is imperative, as they “are likely to shape perceptions for years to come.”<sup>57</sup> This is particularly salient in post-conflict countries that often have little history of democracy or credible elections.

This learning opportunity is perhaps most accessible to domestic election management bodies through the dissemination of election standards. Observers stress from the outset that for an election to gain credibility it must follow certain procedures (for example, to publish voter registration lists before election day, or to sanction the presence of local and international observers), which signals to administrators the “best practices” that should be respected. Moreover, any shortcomings observed in the electoral process can be communicated back to the election management bodies, and, if done in a tactful way, can lead to constructive dialogue and technical assistance afterwards.<sup>58</sup> This transparency will further the credibility and confidence of future elections, which will, in turn, contribute to the stability of the country.

### *Assisting the Donor and International Community*

Arguably the most valuable outcome of IEOMs now rests in its assistance to the donor and wider international community. The opportunity to

gain information about less-transparent states allows for a more complete picture and, as a result, a more tailored policy to support the stabilisation and development of a given post-conflict country.<sup>59</sup> Indeed, donors make significant use of election observation reports as a means to measure democratic progress and, consequently, determine an appropriate aid package for that country. Although the perception that observation reports act as a rubber-stamping mechanism for the release of aid packages is too crude, it is true that countries demonstrating democratic progress do receive increased aid.<sup>60</sup> The inverse relationship is also perceptible, with Gordon Crawford documenting several cases of aid withdrawal by donors when a country is deemed to be acting in a non-democratic manner.<sup>61</sup> Moreover, the threat of aid withdrawal may be used as a further deterrent against possible electoral irregularities.

Furthermore, with democratic governance increasingly becoming an international norm, it is prudent to measure state compliance to the “democratic entitlement.” For example, the OSCE, EU, and OAS all explicitly tie their membership to democratic standards and democracy promotion. Monitoring compliance to the democratic entitlement could also, in the case of post-conflict states, be linked more firmly to the right to representation in international organs and to the right to the protection of UN and regional collective security measures.<sup>62</sup>

### *Elections as a War Termination Tool*

Finally, and perhaps most importantly, a key feature of post-conflict elections—which differs from regular elections—is that they are not merely a means of choosing representatives, but are first and foremost a “war termination” tool.<sup>63</sup> As noted earlier, elections often assume a central position in peace agreements and are typically viewed as a symbolic event that marks the repudiation of previous violent conflict in favour of non-violent competition.<sup>64</sup> This privileging of conflict resolution over democratisation in the short-term is explained by Lyons:

Policymakers charged with addressing the massive challenges that face post-conflict societies cannot afford to make successful democratisation the criterion for all policies and must accept that in many of these hard cases war termination may be the only available short-term option that at least provides for long-term stability and eventual transition to more liberal and democratic

governance. To set expectations too high may lead policymakers to miss opportunities to assist in managing conflict.<sup>65</sup>

As such, the primary objective of IEOMs in post-conflict countries is transformed from focusing on democratic progress to monitoring the extent to which credible elections have supported the war termination process. Support for this viewpoint is given by Krishna Kumar, who argues, “the overall progress in war-torn societies has to be judged not by the prevailing standards of western democracies but with reference to the conditions that existed prior to elections.”<sup>66</sup> As such, it is evident that a distinction exists in how post-conflict elections can be assessed. Based on Galtung’s negative and positive concepts of peace,<sup>67</sup> post-conflict elections can be said to comprise of (1) the “negative” tasks of ending violence and establishing the formal procedures of elections, and (2) the “positive” tasks of deepening democracy, aiding inclusiveness, and expediting a self-sustaining mechanism to handle conflicts peacefully. The precise balance between these two objectives remains contestable; however, it is clear that within peace agreements the priority is always peace and that elections are included as a support mechanism to the peace process. IEOMs, therefore, require a more nuanced role within post-conflict contexts and should be considered as much an instrument for supporting conflict resolution as they are a means for promoting democratisation.

## CHALLENGES TO POST-CONFLICT ELECTION OBSERVATION

In recent years, IEOMs have been the subject of numerous critiques. Some can be considered frivolous; for instance, dismissing the whole practice as “electoral tourism” because observers may stay in expensive hotels rather than miss the key points.<sup>68</sup> However, there does remain a series of more substantial concerns and these can be categorised under the following headings: professionalism, methodology, political factors, and strategic factors.

### *Professionalism*

Although we can dismiss the facile and all-encompassing label of “electoral tourism,” we cannot necessarily conclude that a high standard of professionalism exists among international election observers. On the contrary, this has been an issue that has plagued observation missions on both an

individual level (persons who are either incompetent or insensitive) and on an organisational level (delegations that have been poorly organised, ineffectual, or incomplete in their duties).

On the individual level, many have criticised the methods for selecting observers and in particular the lack of a unified selection process among IGOs such as the OSCE or EU. Some states, such as Sweden and Germany, follow thorough procedures of selection and pre-deployment preparation that include strict application requirements, face-to-face interviews, language testing, specific election observation training, and in-depth country briefings arranged by their Ministry of Foreign Affairs. Such methods, however, are not utilised by all participating states and this has led to wide differences among observers in terms of language ability, cultural training, relevant qualifications, and basic knowledge of what the purpose and practice of election observation involves. Additionally, the deployment of “eminent” persons such as parliamentarians, diplomats, and academics does not offer a guarantee of professionalism. Such individuals may have electoral experience, for example, in winning elections or studying voting behaviour, but this does not necessarily equate to having the training or personal skills required for observing elections in potentially volatile post-conflict environments. As Amanda Sives writes, “a shared background cannot compensate for a lack of adequate training.”<sup>69</sup>

On an organisational level too, election observation can at times be sub-standard. Post-conflict elections have often been observed by multiple organisations, which has led to “clashing accounts, partisan behaviour, a failure to coordinate with others and confusion.”<sup>70</sup> This is particularly true of the parliamentary party groups who are often deployed to show solidarity, are poorly prepared for actual observation, can be patronising, and may produce hasty and overstated reports. In the 2008 presidential elections in Georgia, for example, OSCE Parliamentary Assembly representatives were quick to conclude that “democracy took its triumphant step,” yet at the time of this announcement counting was still underway and several observers from the OSCE core mission were reporting serious concerns.<sup>71</sup> Furthermore, this lack of unity among international groups may lead host countries to manipulate observer reports. For example, in 2005, Azerbaijan invited an unknown US group to observe the election, which subsequently highly praised the procedures. This proved misleading to the public, especially as professional groups were sidelined by the domestic media and government.<sup>72</sup>

IEOMs have recognised this challenge and made positive movements to redress these concerns. On the individual level, many organisations now have a code of conduct all observers must sign and comply with.<sup>73</sup> Naturally, like in all organisations, the potential remains that some individuals may act in inappropriate ways; however, the codes of conduct now provide a basis for those observers who breach the code to be dismissed and disqualified from future IEOMs. Moreover, for missions specifically to post-conflict countries it is becoming increasingly common for observers to undertake some form of security training before deployment. Finally, organisations such as the EU have introduced evaluation systems as a means to ensure that those who are ill-equipped or not possessing of the necessary skills do not return to future missions.

On the organisational side, the signing of the 2005 Declaration of Principles for International Election Observation by twenty leading observation groups has formalised common standards and helped to distinguish the more professional organisations from the less credible ones. Additionally, there has been a move by several observation organisations towards “consolidated observation,” with the intention of strengthening the voice and influence of IEOMs.<sup>74</sup> For example, the National Democratic Institute and the Carter Center issued a joint statement on the 2006 Palestinian legislative council election.<sup>75</sup> Such a move helps to avoid divergent conclusions and organisations being played off against one another by the host government, as was the case with OSCE and the Parliamentary Assembly of the Council of Europe in Armenia in 1998.<sup>76</sup> Furthermore, IEOM influence has been further strengthened through “endorsements” from states and IGOs. For example, the US State Department includes OSCE election reports in its annual assessment of human rights provisions in foreign countries.<sup>77</sup> These are positive developments in strengthening the professionalism and unity among IEOMs; however, they should not be taken for granted. For example, the OSCE and its allied parliamentary group had to issue separate statements following the 2008 presidential election in USA after being unable to agree on a joint text.<sup>78</sup> Moreover, even when joint statements are issued, it can often be the case that the statement is significantly diluted as a result of too many compromises in trying to reach a common text.

*Methodology*

A second area of common criticism is the methodology employed by IEOMs and, in particular, the traditional tendency to over-emphasise election day at the expense of the pre- and post-electoral periods.<sup>79</sup> It is increasingly rare that bodies will seek to manipulate an electoral outcome during the vote itself through methods such as ballot stuffing or blatant and visible intimidation, and this is especially true when a large IEOM is present.<sup>80</sup> However, this is not the case with the pre-election period where numerous and often subtle problems can emerge, including the appointment of biased electoral commissions, unequal access to the media, lack of civic and voter education, obstacles to voter and candidate registration, and the misuse of state resources. The post-election period is similarly important with events such as the handling of electoral complaints and the implementation of results taking place. Certainly, it is true that professional groups, such as the Carter Center, OAS, and EU, are now committed to deploying observers for a longer period of time to cover these events;<sup>81</sup> however, even these groups face difficulties in finding an adequate balance in their reporting. Carothers notes how IEOM reports “often begin by praising the authorities and the citizenry for the relative orderliness of the elections and only touch briefly on the many problems observed during the pre-election period,” leading the media and public to draw overly favourable conclusions.<sup>82</sup> Nevertheless, the trend towards reporting on the wider electoral process and increased focus on pre-voting issues such as voter registration and civic education does represent a positive movement.

A second aspect of discontent is in what is perceived as an excessively quantitative approach to reporting.<sup>83</sup> The so-called “checklist approach,” in which observers are instructed to complete standard forms largely through the ticking of boxes and input of numeric data, allows, in theory, for statistics to be collated in a way that can illustrate nationwide patterns. These statistics are typically acknowledged as being useful, but the complaint is that there is an over-reliance on such figures, especially when questions can be vague and highly dependent on personal judgement, or the answers have to be taken on trust from local election officials. The situation is compounded when there is an unequal deployment of observers; for instance, there is a tendency for some IEOMs to focus on the capital or perceived “hot spots,” which can further imbalance results. In post-conflict elections, this situation is further compounded by certain areas being deemed too

risky for international observers to visit or simply unreachable due to poor infrastructure. IEOMs have taken steps to redress this imbalance with most observers given the option to complete “comment forms” to expand upon troublesome issues observed. In addition, it is now increasingly common for observers to be debriefed at both a regional level (through their long-term observers) and at a national level (through the core team), which helps to give a more rounded and authentic assessment.

The increasing use of technology in electoral processes provides a further challenge to election observation. Such technology has proven especially popular in post-conflict countries, with Sierra Leone, the Democratic Republic of Congo, and Angola all recently introducing advanced technology into their electoral processes. Such technology can provide a cost-effective and sustainable way to assist elections in post-conflict and underdeveloped states; however, it also requires a revised observation methodology to ascertain to what degree such systems comply with existing standards of transparency, reliability, and security of the vote. Such concerns are even more pertinent when public confidence in elections may be fragile following prolonged violent conflict.

The issue of the relationship between domestic and international observation groups also comes under scrutiny. It is the standard position of international groups to forego working with domestic observers on a formal level due to fears over impartiality and concerns over domestic observer competency.<sup>84</sup> There are also concerns about the legacy of violent conflict and the subsequent fear and unwillingness among the domestic public to criticise powerful elites and ex-combatants. However, several commentators have pointed to the unique advantages that an enhanced relationship between the two groups would offer.<sup>85</sup> Naturally, domestic observers typically possess a superior knowledge of the country, conflict, history, customs, language, and territorial conditions. Additionally, with cheaper costs in terms of accommodation, travel, and per-diems, it is easier to deploy them in large numbers and cover a wider sample of polling stations. Perhaps most importantly, the mobilisation of domestic observers embodies the notion of stakeholders taking responsibility for the process, a key aspect of any sustainable peace process. Finally, such a move would also provide a sustainable observation future by instilling skills among domestic actors for future elections to which IEOMs may not be deployed. As such, there is an argument for a proportion of all aid allocated for international election observation to

be directed towards capacity-building of domestic counterparts. Indeed, this is a theme that has been embraced by some organisations, which will often fund a domestic observer mission to run concurrently, albeit separately, to their international mission. In Georgia, for example, the National Democratic Institute has a long-standing relationship with the domestic observer group International Society for Fair Elections and Democracy, and will fund and support the latter's observation efforts in addition to deploying its own IEOM.<sup>86</sup>

Finally, although the development of standard IEOM methodologies across organisations and across elections is a largely positive development, problems do persist for post-conflict contexts.<sup>87</sup> As noted earlier, the aim of a post-conflict election is not only to promote democracy but also to facilitate the termination of violent conflict. The objective of post-conflict elections, therefore, clearly differs from those held in countries looking to consolidate democracy or halt a drift towards authoritarianism, and, as a result, requires a more nuanced methodological approach from IEOMs. This is a sensitive issue and any alternative standards for assessing post-conflict elections should be considered with caution. However, post-conflict elections do face specific problems, which are, by their very nature, conducted in highly-charged, dynamic, and often dangerous places. Here, election management bodies face the daunting task of having to operate in hostile environments, with limited infrastructure, with societies deeply traumatised and polarised from war, and under significant pressure to illustrate that elections can be conducted in a neutral and competent manner within a short time frame and without provoking violent conflict.<sup>88</sup> Under such circumstances, increased IEOM attention should be given to electoral management bodies and the extent to which they administer elections in an inclusive, collegial, and transparent manner that inspires public confidence and avoids a regression into violence.<sup>89</sup> Operational shortcomings are inevitable in post-conflict elections, but what is of equal significance is the degree to which the procedures enjoyed widespread support, gained popular legitimacy, and avoided a return to war. While issues of common standards for election observation remain important, the dual aims of post-conflict elections to advance democratisation and to deliver war termination objectives suggest that they are unique events that should be assessed by objectives broader than regular elections.

*Political Factors*

The claim that IEOMs are politicised events in which assessments will be driven by geo-political considerations rather than actual electoral procedures is another common criticism. Although there are convincing arguments to some of these claims, it must first be acknowledged that IEOMs do face a challenging undertaking when issuing their assessments. As Gisela Geisler states, “where, one does wonder, is the cut-off point? What is admissible and what is not? What is due to the incompetence of election officials or to poor infrastructures, and what is deliberate interference?”<sup>90</sup> Such grey areas can be wide ranging, especially for post-conflict situations in which democratisation and conflict resolution assume comparable significance. Assessments can be skewed by such contexts, with international organisations cautious to “do no harm.”<sup>91</sup> For example, organisations may be judicious with their statements for fear of provoking a renewal of violence and destabilisation, a situation that the international community is naturally keen to avoid. Nevertheless, although it is important to balance democratisation and war termination objectives, reporting on the technical aspects of the elections must remain an integral part of election reporting for two principal reasons. First, an assessment inevitably sets a precedent for future IEOMs and the dismissal of serious problems can lead to charges of “double standards” when comparing elections over time and between countries. Second, elections are also a learning opportunity for new democracies and, in setting the threshold too low, the country is deprived of a valuable learning experience.<sup>92</sup>

Organisations may also be apprehensive of the repercussions a negative assessment may have on their future work within that country. For example, after critical reporting of election preparations in Ethiopia in 2005, NDI and International Foundation for Electoral Systems (IFES) were instructed by the government to leave the country within forty-eight hours.<sup>93</sup> This holds particular pertinence to post-conflict contexts, where continued international assistance on long-term issues such as security, justice, and economic reforms may be more crucial to the peace process than a single election.<sup>94</sup>

While one may be sympathetic, if not necessarily in agreement, with the above sentiments, the stronger charges of deliberate double standards and political bias are less palatable. These charges come from respected authorities such as Human Rights Watch who reported that the US, EU, and others are accepting flawed and unfair elections out of political expediency.<sup>95</sup>

The report asserted that dubious elections would be tolerated so long as the country in question was a commercial or strategic ally. Human Rights Watch further contended that the political acceptance of the disputed Nigerian election, despite a scathing report on the elections from the EU, encouraged Kenya to commit fraud as its government felt it would be able to escape punishment.<sup>96</sup> Such arguments illustrate the dangers involved in delivering nuanced assessments of post-conflict elections that may incorporate an evaluation of technical aspects of an election as well as wider issues related to peacebuilding and political stability.

Political issues persist even once an IEOM formally closes and its final report is issued. Within the report, it is typical to make detailed recommendations on how procedures could be improved for future elections. This is an important element because without follow-up, the long-term utility of IEOMs is significantly diminished and any shortcomings are likely to be ignored and repeated in future elections. However, recommendations are non-binding and at present there is no way to ensure that recommendations are put into practice. This is currently the case in Kenya, where the EU is threatening to withhold aid unless its recommendations following the 2008 electoral violence are implemented.<sup>97</sup> It remains to be seen how the issue will be resolved; however, it does illustrate the lack of power IEOM recommendations have in ensuring changes to procedures for future elections. In respect of post-conflict countries, the ability to strengthen procedures following foundational elections is of critical importance in ensuring continued democratisation.

This situation leads on to broader issues of domestic ownership and sovereignty.<sup>98</sup> In a post-conflict environment, IEOMs can play a vital third-party role in overseeing a transition towards democracy; however, too robust a role from the international community can hinder the process as local actors are less able to assume responsibilities and reach peace themselves.<sup>99</sup> Moreover, while the role of IEOMs is to assess the electoral procedures and make recommendations, it ultimately remains the responsibility of national governments and IGOs to draw the appropriate political conclusions and follow-up measures for a given country. Nevertheless, it is too simplistic for an IEOM to withdraw completely from the political dialogue once the election is finished—especially when the election often serves as a punctuation mark for the scaling down of international assistance—and efforts must be made at greater cooperation between the national government,

IEOMs, and other international bodies to find appropriate strategies for the post-election period. Indeed, early withdrawal of international support has been blamed for precipitating a lack of focus on continued democratisation by encouraging perceptions, both inside and outside the country, that the democratisation and peacebuilding process has been completed, which risks premature closure and a possible return to violence.<sup>100</sup>

### *Strategic Factors*

On a more fundamental level, the pre-eminent position of IEOMs and their methodology has provoked a deeper questioning on how we perceive democracy and whether such views are compatible with sustainable peacebuilding. Election observation makes up only one strand of wider and more complex peacebuilding strategies, yet the focus on elections, and whether they are “free and fair,” has arguably acquired an importance that has no sound basis in either democratic theory or peacebuilding. Peacebuilding remains more than democracy and, in turn, democracy is much more than elections. Democracy assistance to post-conflict states can, and should, include a range of activities aimed at promoting the rule of law, separation of powers, respect for civil and political rights, and the encouragement of a diverse and independent civil society. However, the high value placed on quantitative-measured credible elections by the international community has actively propagated minimalist, electoral-based definitions of democracy, which do little to fully realise the promise of democracy to peacebuilding.

First, it has been argued that an overwhelming focus on credible elections in countries recovering from a legacy of violent conflict can be counter-productive to peacebuilding and, at times, even trigger further conflict. It has been noted by several writers that the dynamics of a post-conflict society are highly unfavourable for mobilising groups for democratic competition, and that instead of muting conflict they can often amplify hostility and polarisation.<sup>101</sup> In post-conflict elections, participants run a very real risk of losing and their opponents gaining international credibility and a reputation as the benign and progressive force within the country. Moreover, in such a tense environment, trust is at a premium, and it is difficult for parties to convince their counterparts that if elected they will not abuse their power and seek revenge against former adversaries. In such a climate, politicians can be tempted to ratchet up their rhetoric with appeals to ethnicity as a means of securing their support. This will often lead to electoral competition

concentrating on the extremist and uncompromising positions that were present during the war, promoting communalism, and escalating group fears.<sup>102</sup> This scenario can prompt parties to consider the use of extra-legal measures to ensure victory, and even just a rumour of electoral fraud can precipitate a violent reaction from opposing parties. In recent times, for example, Afghanistan, Cambodia, and Ethiopia have all witnessed electoral violence as a result of such fears.<sup>103</sup>

Second, an increasing body of research indicates that the minimalist, electoral-based focus of democratisation within post-conflict states has *caused* a rise in violent conflict. Havard Hegre, for example, describes an “inverted-U” curve of violence that accompanies the early stages of democratisation where the relative stability under an autocracy is lost until an emerging democracy can consolidate. As Hegre states, “the observation that autocracies are equally successful in maintaining a domestic peace as democracies makes one question the importance of democracy in reducing the risk of war.”<sup>104</sup> However, this rise in violence can be considered a result of incomplete democratic transitions that have fostered veneers of democracy but lack the substantive elements that are instrumental to peacebuilding, such as participation, tolerance, and negotiation. As Susan Hyde indicates, “although elections are a necessary condition for democratization, they do not guarantee the development of other democratic processes.”<sup>105</sup> Indeed, it is precisely these substantive qualities of democracy—the very characteristics that make democracy so appealing to peacebuilding—that can be neglected when democracy assistance to post-conflict countries becomes fixated on elections and their observation.<sup>106</sup> Such theoretical considerations may be beyond the mandate of an individual IEOM; however, the disconnection between a broad-based rationale for promoting democracy and the minimalist approach used to monitor its implementation should prompt donors to reassess their approach to democracy building in post-conflict states.

## CONCLUSION

This article has examined the role of credible elections within wider post-conflict peacebuilding strategies and demonstrated how IEOMs can play an important supporting role through their capacity to detect and deter fraud, legitimise power, instil confidence, assist wider recovery of the state, aid the donor community, and above all, act as a war termination mechanism. In recent time, though, valid and useful criticisms have been made of IEOMs

on both the operational and strategic level. On an operational level, organisations have largely been positive, demonstrating high levels of learning and a development of their approach through enhanced professionalism, improved methodology, and a more savvy political awareness.

However, there do remain inescapable issues on the broader strategic level as evidenced by the proliferation of pseudo-democracies and the high degrees of violence that have accompanied such regimes. In recognition of this state of affairs, various authors have called for greater institution-building before elections,<sup>107</sup> allied socio-economic reforms,<sup>108</sup> and the need for inclusive leadership during the transition.<sup>109</sup> Valid as all of these claims are, this article contends that the tendency of the international community to restrict democracy assistance to narrow, electoral-based considerations assumes an equally damaging role. Indeed, the reporting on technical conditions of elections, without an appreciation of the underlying substantive characteristics of democracy—the very characteristics that make democracy so appealing to peacebuilding due to their potential to transform attitudes and behaviour—severely undermines the central benefits of promoting democracy to post-conflict states. As such, post-conflict IEOMs should pay particular attention to the role of election management bodies and how they conduct their duties in a way that promotes principles of inclusivity, transparency, and accountability; inspires public confidence; and avoids a relapse into violent conflict. Only through the development of a more nuanced approach to post-conflict elections will the dual aims of democratisation and war termination be able to be assessed effectively and credibly by IEOMs.

Moreover, democratisation is a long-term process and election observation should be seen for what it is—an assessment of a single event within wider peacebuilding strategies. Therefore, if the international community is serious about post-conflict democracy assistance, closer attention to substantive themes of participation, citizenship, and political activity throughout the full electoral cycle—and not only around election day—are essential if democracy is to fully realise its potential in the advance of sustainable peacebuilding.

#### NOTE

This article was submitted in April 2010, prior to the author's accepting a position with one of the organizations discussed in the article.

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