



Ref. 2007/5

The Secretary
Senate Standing Committee on
Foreign Affairs, Defence and Trade
Suite S1.57
Parliament House
CANBERRA ACT 2600

Dear Dr Dermody

Inquiry into Australia's involvement in peacekeeping operations

I am pleased to enclose the Australian Electoral Commission's submission to the inquiry.

Yours sincerely



Paul Dacey
Acting Electoral Commissioner

28 March 2007

AUSTRALIAN ELECTORAL COMMISSION

**SUBMISSION TO THE INQUIRY BY THE SENATE
STANDING COMMITTEE ON FOREIGN AFFAIRS,
DEFENCE AND TRADE INTO AUSTRALIA'S
INVOLVEMENT IN PEACEKEEPING OPERATIONS**

28 March 2007

1. Introduction

1.1 On 12 December 2006, the Secretary of the Senate Standing Committee on Foreign Affairs, Defence and Trade wrote to the Electoral Commissioner, inviting the Australian Electoral Commission (AEC) to make a submission to the Committee's inquiry into Australia's involvement in peacekeeping operations. This submission is provided for the information of the Committee in response to that invitation, and covers UN operations with an electoral component, and also the Regional Assistance Mission in the Solomon Islands (RAMSI). It is divided into the following sections:

- (i) The AEC's international mandate;
- (ii) Previous and current AEC involvement in peacekeeping operations;
- (iii) Electoral assistance as an element of Australia's international relations;
- (iv) Contributions which the AEC can make to peacekeeping operations;
- (v) Whole of government cooperation; and
- (vi) Future trends.

1.2 The AEC wishes to emphasise the following points to the Committee.

- (i) In providing international services, the AEC is performing a function which has been explicitly given to it by the Parliament under the *Commonwealth Electoral Act 1918*.
- (ii) The provision of international electoral assistance is one of the important governance-related elements of Australia's international relations, and specifically of its development cooperation program, and the AEC has, over the years, been strongly encouraged to undertake such work by players from across the political spectrum.
- (iii) The AEC's electoral assistance has been critical to the success of a number of electoral operations which had major significance for Australia's foreign policy in our immediate region, including the 1999 "Popular Consultation" in East Timor, the 2001 election in East Timor, and the 2001 and 2006 elections in the Solomon Islands.
- (iv) The AEC is well placed to contribute constructively to the electoral elements of future peacekeeping operations, in keeping with Australian foreign policy priorities.
- (v) The AEC's international work is essentially demand driven, and is predominantly funded by external agencies such as the Australian Agency for International Development (AusAID). AEC participation in specific peacekeeping operations does not take resources from the AEC's core budget.

2. The AEC's international mandate

2.1 Paragraph 7(1)(fa) of the *Commonwealth Electoral Act 1918* makes it one of the functions of the AEC:

"to provide, in cases approved by the Minister for Foreign Affairs and Trade, assistance in matters relating to elections and referendums (including the secondment of personnel and the supply or loan of materiel) to authorities of foreign countries or to foreign organisations;"

This provision was inserted in the Act on the recommendation of the Senate Standing Committee on Foreign Affairs, Defence and Trade, which, in its May 1991 Report entitled *United Nations Peacekeeping and Australia*, noted, at paragraph 5.32, that:

"Work done by the Australian Electoral Commission clearly demonstrates that its expertise is second to none. It should be made available, where appropriate, overseas."

2.2 The Senate Committee also recommended that the international function should be reflected in the organisational structure of the AEC. This was achieved in 1995 with the creation of what is now the International Services Section.

3. Previous and current AEC involvement in peacekeeping operations

3.1 The AEC has been involved in providing support (in the preparation or implementation phase, or in both) for electoral aspects of UN operations in Namibia, Cambodia, Western Sahara, Mozambique, South Africa, Eastern Slavonia, East Timor, Kosovo and Afghanistan, as well as for RAMSI. Such support has either been provided on an institutional basis, or by making AEC staff available to serve with other organisations while on leave without pay.

Namibia

3.2 In late June 1989 Australia was asked by the UN to make available an electoral expert to serve with the Electoral Division of the UN Transition Assistance Group (UNTAG) in Namibia. The nominated officer spent five months in UNTAG Headquarters, working on planning, policy analysis and training. Australia was subsequently asked by the UN to provide a contingent of officers to serve in Namibia as UNTAG Election Supervisors. Some 25 staff members of the AEC formed the bulk of an Australian contingent which in November 1989 assisted with the supervision of five days of polling, and of the count.

Cambodia

3.3 In January 1990, an AEC officer served as a member of an Australian Technical Mission sent to Cambodia by the then Minister for Foreign Affairs and Trade to obtain background information for the development of the details of the

Australian Peace Proposal for Cambodia. The document drafted by the team greatly influenced the content of the Paris Peace Agreement of October 1991.

3.4 In October-November 1991, an AEC officer served as a member of an electoral survey mission sent to Cambodia by the UN Secretary-General to obtain information necessary to enable an operational plan for the electoral aspects of the proposed UN peacekeeping mission in Cambodia to be developed for submission to the Security Council.

3.5 In January 1992, an AEC officer served as a member of a three-person team assembled at UN Headquarters in New York to prepare a draft of the UN Electoral Law for Cambodia. Another AEC officer served with the UN in New York from February to August 1992 as project manager for the development of the computer system which was used in Cambodia for the compilation and publication of voter registration data.

3.6 The UN Transitional Authority in Cambodia (UNTAC) was set up in March 1992 to supervise the ceasefire in place, disarm combatants, and organise free and fair elections. The AEC's contribution to UNTAC was substantial.

- (i) An AEC officer was appointed as Senior Deputy Chief Electoral Officer (Operations and Computerisation) in the Electoral Component of UNTAC. He held that appointment from March 1992 until July 1993, and was the senior Australian civilian in the mission.
- (ii) Five other AEC officers served with the Electoral Component of UNTAC as UN staff members, performing tasks related to the planning for and conduct of the elections.
- (iii) Several other AEC officers volunteered through Australian Volunteers Abroad to work as District Electoral Supervisors in Cambodia.
- (iv) During the polling and counting period (May and June 1993) 44 AEC officers served as International Polling Station Officers at polling stations and counting centres in Cambodia.

Western Sahara

3.7 In May 1990, an AEC officer joined a small team within the UN Secretariat set up to consider the implementation of possible procedures for a referendum to be held in Western Sahara. In July-August 1990, the same officer took part in a technical mission sent by the UN Secretary-General to Western Sahara, Morocco, Algeria and Mauritania. The purpose of the mission was to obtain information to enable the Secretary-General to provide to the Security Council a further detailed report on his plan for the implementation of UN settlement proposals for Western Sahara. That report was released on 19 April 1991, and formed the basis of the Security Council's subsequent endorsement of the proposed UN peacekeeping mission in Western Sahara.

Mozambique

3.8 Four AEC officers served as UN International Election Observers at the UN supervised elections held in Mozambique in October 1994.

South Africa

3.9 Two AEC officers were seconded to the UN Observer Mission in South Africa (UNOMSA) in 1994. One served from January to May 1994, in the first instance as a consultant and subsequently as Deputy Director of UNOMSA's Electoral Division; while the other served as a UNOMSA observer in the Pretoria-Witwatersrand-Vaal Province. At election time, twelve AEC officers travelled to South Africa to serve in the enlarged contingent of International Election Observers being deployed by UNOMSA. At least one AEC officer was stationed in every province.

Eastern Slavonia

3.10 In July 1996, an AEC officer was made available to serve, in a personal capacity, on a UN technical needs assessment mission to the region of Eastern Slavonia, Baranja and Western Sirmium, in Croatia, where local elections were being organised by a UN Transitional Administration.

3.11 In January 1997, another AEC officer was made available to serve, in a personal capacity, with the UN Transitional Administration's Electoral Unit to develop a system for the verification of voters, to be used at the scheduled local government elections. Another AEC officer was made available to serve, in a personal capacity, as Operations Coordinator of the Electoral Unit from January to May 1997.

East Timor

The 1999 Popular Consultation

3.12 The AEC has been heavily involved in supporting electoral processes in East Timor since 1999.

3.13 After it became apparent in discussions between the AEC and the Department of Foreign Affairs and Trade (DFAT) in early 1999 that the success of the planned "Popular Consultation" in East Timor was a matter of the highest priority for Australian foreign policy, the AEC:

- (i) deployed two officers to New York in the immediate aftermath of the signing of the agreements of 5 May 1999, to provide high-level advice to the UN on the development of appropriate procedures for the planned ballot;

- (ii) worked in cooperation with the Electoral Component of the UN Mission in East Timor (UNAMET) and the International Organization for Migration (IOM) (the organisation responsible for external voting in countries other than Australia), to develop forms and procedures for voter registration, polling and counting;
- (iii) worked with the UN to develop appropriate training materials; and supported the training, in Darwin, of the UN volunteers who were to be the field staff in East Timor of the Electoral Component of UNAMET;
- (iv) developed in a short time frame, and made available to the UN, a computerised voter registration system, based on the RMANS system used for Australian elections;
- (v) procured almost all of the forms, equipment and materials required for polling and counting;
- (vi) organised, in Australia, the registration of eligible East Timorese voters, and established polling stations at which they voted, and a counting centre in Melbourne where the votes cast in Australia were counted;
- (vii) briefed the Official Australian Observer Delegation to the Popular Consultation; and
- (viii) organised the imaging, post-ballot, of the voter registration records from East Timor which were able to be preserved despite the violence and destruction which occurred in September 1999.

Full details are set out in the AEC's Submission of 10 November 1999, entitled "Australian Electoral Commission Support for the East Timor Consultation Ballot", to the Senate Foreign Affairs, Defence and Trade References Committee.

3.14 The AEC's support for the East Timor ballot received significant praise. After the event the then Director of the UN's Electoral Assistance Division wrote to the then Electoral Commissioner in the following terms:

"Thank you for the incredible contribution you and your AEC colleagues made to the success of the East Timor Popular Consultation. If I were to put it bluntly, without you and your team, the consultation would not have happened. You have a magnificent group of people working for you. Without them, without your commitment and leadership, the human and technical adventure of designing and implementing a consultation in three months would have been impossible."

In its formal report on its role in the ballot, the IOM wrote:

"IOM is truly thankful for the advice, support, and high level of team spirit afforded by the AEC, and commends their high level of professionalism."

3.15 During public hearings at which the AEC gave evidence in late 1999, members of the Senate Foreign Affairs, Defence and Trade References Committee considering the economic, social and political conditions in East Timor commended the AEC for its role in the East Timor consultation. A speech to the Senate on 21 September 1999 by the then Special Minister of State, Senator Ellison, referred to the “sterling” role of the AEC in assisting the UN, and said that the AEC “has played a great role in the region in assisting in elections”.

The 2001 and 2002 elections

3.16 During 2001 and 2002, the AEC undertook a major AusAID-funded electoral capacity-building project in East Timor. The project, originally scheduled to conclude at the end of 2001, was extended until mid-2002 at the request of the UN and AusAID. It supported the efforts of the Independent Electoral Commission (IEC) set up by the UN Transitional Administration in East Timor (UNTAET) not only to conduct electoral events, but also to build the capacity of the East Timorese in electoral administration.

3.17. At the heart of the capacity-building strategy pursued by the AEC and the IEC was an electoral administrators’ course which was undertaken by all East Timorese IEC staff. Four East Timorese staff were subsequently accredited to run the course independently. The program concluded with a graduation ceremony at which certificates were presented by the UN Transitional Administrator, the late Sergio Vieira de Mello. Those graduates currently form the core of the senior management of the electoral administration in East Timor.

3.18 In a letter to the Electoral Commissioner dated 30 April 2002, the Chief Electoral Officer of the IEC made the following comments on the successful conduct of the presidential election earlier in the month:

“I am writing to you to express my gratitude for the support the Independent Electoral Commission enjoyed from the Australian Electoral Commission through the AusAID funded electoral assistance project. ... Once again, the IEC’s conduct of the election has been highly praised by East Timorese and international electoral observers, the world’s press, the Special Representative of the Secretary-General, and the Secretary-General himself. Everyone commented on the professionalism of all electoral staff, and they particularly applauded the work of our East Timorese colleagues. That represents a double success for all of us, since, as you know, capacity-building has been as important an objective for the IEC as conducting credible elections.

This success did not come by chance. I am convinced that such good results can only come from careful planning and hard work from all involved. In this regard, I would like to note that our capacity-building efforts could never have borne fruit without the extremely useful and effective collaboration we enjoyed from the AEC/AusAID project.

I would like, then, to thank you one more time, and through you all the people who worked with us, for all your dedication and support. For all of us at the IEC, it has been a pleasure working with you.”

3.19 Another major element of the project was the establishment of an electoral resource centre in Dili. Staffed primarily by East Timorese, the centre collected, collated and indexed all major forms, manuals, procedures and other documents dealing with the 2001 constituent assembly and 2002 presidential elections, as well as a substantial proportion of 1999 popular consultation documents. Those records are now held as an archive by East Timor's election administration.

3.20 Over the life of the project, 11 international and 37 East Timorese staff (including 23 district staff and 14 Dili-based staff) were employed. At the project's completion, a body of trained staff (as many as 4500 people when polling officials are included) had been developed to provide a pool of trained personnel to be drawn upon in the conduct of future electoral events.

3.21 The AEC also made a number of its senior staff available during 2001-02 to provide technical advice and support to the IEC. The work of two AEC officers on the preparation of the voters' roll for the 2001 election was described by the IEC's Chief Electoral Officer, in a letter to the Electoral Commissioner dated 7 September 2001, as "absolutely critical for the ability of the electoral process to provide a service to all eligible voters". Another AEC staffer was granted leave without pay for four months in 2001 to serve as a Commissioner of the IEC.

The 2007 elections

3.22 In October 2006, an AEC officer was granted leave without pay in order to take up an appointment from the UN Secretary-General to serve on a three-member team of high-level electoral experts which has been tasked with verifying the satisfactory conduct of each phase of this year's election process in East Timor. The Team has issued five Reports to date.

Kosovo

3.23 In April 2000, an AEC officer was made available to serve, in a private capacity, with the Joint Registration Task Force for Kosovo set up by the UN and the Organization for Security and Cooperation in Europe. His work involved the drafting of a manual covering aspects of the civil registration process.

3.24 In May and June 2000, two other AEC officers were made available to serve, in a private capacity, with the International Organisation for Migration, which was mandated to register Kosovars outside Kosovo. One officer served at the project headquarters in Vienna, while another served with the project's liaison office in Pristina, Kosovo.

Afghanistan

3.25 The AEC provided support in a number of ways for the 2004 presidential elections in Afghanistan. Voter registration software was made available to the UN, to form the basis of the country-specific system being developed. A number of AEC

staff, with expertise in information technology and election operations, were granted leave without pay to work on the planning and implementation of the elections. An AEC officer on leave held an appointment as Deputy Chairman of the Joint Election Management Body which managed the 2005 parliamentary elections.

The Solomon Islands

3.26 In the lead up to this election, the AEC undertook two related but distinct projects in the Solomon Islands: the Electoral Assistance Project (EAP) and the Civic Education project (CEP). The EAP was undertaken as part of RAMSI, and its goal was to promote democracy and accountable and representative government through the building of the capacity of the Solomon Islands Electoral Commission to administer free and fair elections.

3.27 The key indicator of the success of the project was the conduct of the national general election on 5 April 2006. The election was conducted using a single ballot box process for the first time. The conduct of the election met all the legislative timetables. There were no reports of violence or intimidation. The results were produced more quickly than ever before, and the informality rate was kept to 1.5%, both of which were remarkable achievements in the aftermath of the introduction of a new electoral process in a largely illiterate society. Except for the funding of Australian advisors, the election was fully funded by the Solomon Islands government as part of their normal budget allocation. A consolidated interim statement issued by international observers noted that “the polling process was transparent and well conducted, and the voters were able to exercise a free and secret vote.”

3.28 The CEP was part of a broader strategy to strengthen and promote good governance in the Solomon Islands and build accountable relationships between government and society. The CEP was a field program aimed at reaching the majority of Solomon Islanders where they live, in the villages. Over a twelve month period the project conducted a two-phased program: Phase One of the project was very much a straight civic education program, dealing with the national symbols, good governance, and citizens' rights and responsibilities. Phase Two of the project was more focussed on voter education, the national parliament and the new ballot process.

3.29 While the long term impacts of the project have yet to fully emerge, one aspect that is clear is the impact the project had on the informality rate at the election. Those villages not exposed to the project's work had significantly higher rates of informality than those villages exposed to the project. The consolidated interim statement issued by international observers noted that:

“The civic education program made a real difference to increasing voters' understanding of and confidence in the electoral process”,

while the Report of the Commonwealth Observer Group stated that:

"We recognise the tremendous efforts made by the Electoral Commission with expert advice from a group of International Advisors to educate the electorate on the use of the single ballot box and how to mark the composite ballot paper."

3.30 The Solomons Islands projects constituted some of the largest and most significant assistance exercises which the AEC had ever undertaken, with AEC officers and staff serving in the projects over a period of 18 months.

3.31 In the immediate aftermath of the poll, AEC staff still on the ground were faced with the challenges arising from mob violence which led to substantial destruction in Honiara. During that period, they focussed on ensuring their own safety and that of their Solomon Islands counterparts, while continuing with post-election debriefings and project wrap-up activities. The AEC's International Services Section in Canberra maintained close contact with them during that period. All of the staff ultimately returned safely to Australia.

3.32 The AEC has continued since the election to maintain a presence in the Solomon Islands: an experienced former AEC officer who had served in Honiara on both the 2001 and 2006 elections has been contracted to provide bridging support, funded by AusAID, to the Solomon Islands Electoral Commission, pending further consideration of the best form of assistance which might be provided in the longer term.

4. Electoral assistance as an element of Australia's international relations

4.1 A description of the typical manner in which electoral processes are undertaken within peacekeeping operations is contained in the self-explanatory paper set out at Annex 1.

4.2 The AEC's peacekeeping-related activities represent only a part of the AEC's international activities, but are significantly influenced by the broader environment within which the AEC's international work is conducted. In particular, the AEC whenever possible aims, when supporting "peacekeeping elections", to assist in the sustainable development of the local institutions with which it works.

4.3 The provision of international services by the AEC is a significant element of Australia's overseas aid policy. This has been clearly confirmed in the Government's policy on overseas aid and good governance. The policy document *Good Governance: Guiding Principles for Implementation* makes a number of direct comments on the AEC's international program, noting, in particular that:

"THERE IS AN ESSENTIAL LINK between democratic and accountable government and the ability to achieve sustained economic and social development.

In collaboration with the Australian Electoral Commission (AEC), Australia's aid program has supported a number of elections in developing countries in recent years.

In 1993, an AEC team of polling offices worked closely with the United Nations in preparing for Cambodia's elections.

In 1999, with funding from Australia's overseas aid program, the AEC provided technical support for the Indonesian elections.

More recently, Australia played a major role in helping the United Nations oversee East Timor's referendum for independence.

By helping the Governments in developing nations such as Indonesia, Cambodia and East Timor to mount free and fair elections themselves, Australia benefits from the emergence of stable and democratic nations.

In effect, Australian aid is encouraging greater community participation in the nation's democracy. This promotes accountability, efficiency and effectiveness in the nation's development."

4.4 The provision of international services by the AEC has had strong, consistent and bipartisan political support. This is most strongly evinced by the fact that there has not been a single occasion, since the insertion of paragraph 7(1)(fa) of the *Commonwealth Electoral Act 1918* in 1992, on which the Minister for Foreign Affairs of either the current government or that which preceded it has exercised his power under the paragraph to decline to give support for proposed AEC international assistance. Support for the AEC's international activities has not only come from governments. Government backbenchers, members of the Opposition, and members of the other parties represented in the Parliament have also endorsed the AEC's work, either in general or in relation to programs in particular countries.

4.5 Support for the AEC's international activities has also been expressed in at least one parliamentary resolution, as well as in Reports of Committees of the Parliament.

- (i) A resolution on South Africa adopted unanimously by the Senate on 4 May 1994 noted among other things:

"the valuable role played by the Australian Electoral Commission in providing advice on the successful running of the elections, and the important contribution of Australian election observers in the Commonwealth Observer Group in South Africa and the United Nations Observer Mission in South Africa in assisting to ensure that those elections were free and fair ...".

- (ii) In its December 1994 Report on *Australia's Participation in Peacekeeping*, the Joint Standing Committee on Foreign Affairs, Defence and Trade recommended, among other things, that:

"... the finances allocated to the Australian Electoral Commission take into account its peacekeeping function".

- (iii) In its November 1996 Report on *Australia's Relations with Southern Africa*, the Joint Standing Committee on Foreign Affairs, Defence and Trade supported "continued Australian assistance in the electoral development of South Africa and other newly democratic states" (paragraph 4.28), commended the AEC for the work it undertaken (paragraph 8.41) and recommended (at paragraph 4.29) that:

“6. Australia offer increased expert assistance to the fledgling democracies in the Southern African region in such fields as constitutional drafting and electoral law.

7. the Department of Foreign Affairs and Trade, AusAID and the Australian Electoral Commission develop an ongoing program of assistance in the area of electoral reform and development.”.

- (iv) In its Report on *Australia’s Role in United Nations Reform*, presented on 25 June 2001, the Joint Standing Committee on Foreign Affairs, Defence and Trade observed, at paragraph 11.22, among other things, that:

“The committee commends the AEC on its achievements in electoral work for the UN, particularly in the legitimacy it lent to the UNAMET process. The committee believes that electoral assistance is a practical way for Australia to promote the democratic values that represent such a stabilising force in our country and in many countries throughout the world. Electoral support should be seen as a central part of Australia’s commitment to good governance in both the aid program and in our contributions to peacekeeping through the UN...”.

5. Contributions which the AEC can make to peacekeeping operations

5.1 As is pointed out in the paper at Annex 1:

“It is by no means the case that all peacekeeping operations, or even the majority of such operations, will have an electoral dimension. Where there is such a dimension, however, it is likely to be one of the most important aspects of the operation, because the holding of an election tends in such cases to be:

- (i) a fundamental element of the overall political agreement giving rise to the operation (as has been the case in numerous missions, including those mounted in Namibia in 1989, Cambodia in 1992-93, Mozambique in 1994, and East Timor in 1999); and/or
- (ii) the defined milestone which it is hoped will mark, or point the way to, the conclusion – hopefully successful – of the operation as a whole, and provide an “exit strategy” for the international community.”.

5.2 The AEC’s ability to make an effective contribution to the electoral aspects of peacekeeping operations is underpinned by a number of key factors.

- (i) Being a permanent electoral management body with its own full-time professional staff, the AEC can draw upon a substantial pool of people with extensive experience in the management of elections which meet the highest international standards.
- (ii) As the AEC is responsible for virtually every aspect of federal electoral processes in Australia, it is capable of providing specialised advice and support in relation to most aspects of overseas electoral operations. The AEC

is also well placed to encourage the building of institutional capacity, through programs aimed at strengthening strategic planning, corporate management systems, and other key organisational activities.

- (iii) Having been involved in international electoral assistance since 1989, the AEC also now has a substantial body of staff with experience in the conduct of elections in other countries, including developing and post-conflict states.
- (iv) As highlighted in section 3 above, the AEC also has a significant number of staff who have worked for or served with the UN, and who well understand the nature of peacekeeping operations.
- (v) The AEC has long had a close working relationship with the UN Electoral Assistance Division, and the two bodies are partners in the BRIDGE Project, discussed at paragraphs 5.3 to 5.7 below. The AEC also has a sound relationship with the UN Development Programme, and with other key international actors in the field of electoral assistance, such as the International Institute for Democracy and Electoral Assistance (IDEA), and IFES (formerly the International Foundation for Election Systems, the leading US-based deliverer of assistance in the field).
- (vi) The AEC has strong working relationships with a substantial number of election management bodies around the world, especially in the Asia-Pacific region. The AEC has provided a secretariat service for the Pacific Islands, Australia and New Zealand Electoral Administrators' (PIANZEA) Network since its inception in 1997. The AEC has also taken part in the initial activities of the newly-formed Network of Pacific Civics Educators, building on the work done with the CEP in the Solomon Islands. These relationships provide a sound basis for the sort of international cooperation which is required in peacekeeping operations.
- (vii) The AEC has a solid international reputation as a source of expertise in electoral matters, evinced not only by the regular invitations it receives to contribute participants to international election monitoring operations (including, notably, the service of the Deputy Electoral Commissioner as Vice-Chair of the International Mission for Iraqi Elections), but also by the frequency with which the AEC is asked to contribute to international meetings, symposiums, expert working groups and technical publications. In 2006, for example, the UN Development Programme specifically requested, and was given, AEC feedback on its proposed *Electoral Assistance Implementation Guide*.

5.3 One initiative which the AEC wishes in particular to draw to the attention of the Committee is the BRIDGE ("Building Resources in Democracy, Government and Elections") Electoral Administrators' Course, which has been developed (with the AEC as the lead agency) in partnership with the UN Electoral Assistance Division and the International Institute for Democracy and Electoral Assistance. BRIDGE is the most comprehensive professional development course available in election administration. The AEC is responsible for developing, maintaining and updating the curriculum; maintaining a BRIDGE project website (www.bridge-project.org);

overseeing and supporting the training and accreditation of facilitators worldwide; and delivering, or assisting with the organisation and delivery of, BRIDGE courses conducted under the auspices of a wide range of organisations.

5.4 As of February 2007:

- all course materials have been translated into Bahasa Indonesia, and parts have been translated into Russian, Armenian, Tetum, Arabic, French, Georgian, Arabic, Dari, Pashto, Spanish and Portuguese;
- a detailed BRIDGE implementation manual and an associated training package have been published;
- BRIDGE modules have been taught in 23 countries or territories;
- nationals from more than 90 different countries have taken part in BRIDGE modules;
- over 100 BRIDGE workshops have been held, including 22 “train the facilitator” (TTF) workshops;
- 123 people have been fully accredited as BRIDGE facilitators; and
- the update of the BRIDGE curriculum to Version 2 has commenced, with writers from around the world contributing material and expertise.

5.5 Most recently, the UN Electoral Assistance Division organised a BRIDGE Implementation Workshop, which was held in New York on 5 and 6 March 2007.

5.6 As a number of recent multi-dimensional peacekeeping operations with an electoral component have been mandated to undertake capacity-building, it can be anticipated that there will be an increasing tendency to make use of BRIDGE as a key tool for such work. The AEC has established a BRIDGE Project Office within the International Services Section, and is well placed to support any such initiatives.

5.7 While BRIDGE is currently focussed on election-related matters, its success has led a number of other agencies to express interest in the development of a broader curriculum covering more general issues of democratic and accountable governance.

5.8 It is worth emphasising that the need for a peacekeeping operation in a country is often driven by events on the ground, giving rise to short preparation times, and a need for a rapid response, including by the AEC. The East Timor Popular Consultation, for example, had a lead time of less than four months from the 5 May 1999 Agreements until polling day. The Solomon Islands elections in 2001 also had a short lead time, and were conducted in a dangerous environment. The circumstances which led to the current UNMIT operation in East Timor also arose suddenly and unexpectedly. The AEC was in a position to make a strong contribution to those critical operations because it had built up, over a long period of

time, a team of people skilled in, and knowledgeable about, the conduct of international elections, and was ready to swing into action as crises arose.

6. Whole of government cooperation

6.1 All of the AEC's international work is undertaken in close cooperation with the Foreign Affairs and Trade portfolio, with AusAID being the AEC's counterpart in relation to AusAID-funded activities, and DFAT the counterpart where funding is not involved. Liaison is not, however, confined to project-related discussions: the AEC maintains dialogue with the relevant desks in the other agencies in relation to countries in which it has a long term interest, and is frequently consulted on election-related matters, or on more general governance issues. The AEC participates as necessary in interdepartmental committees. Outside Australia, AEC staff maintain contact with the local Australian Embassies and High Commissions, and have invariably received strong support from them.

6.2 The AEC has also worked closely since 1994 with the Australian Defence Force Peacekeeping Centre, the former Army Command & Staff College, and the new Australian Command and Staff College, in helping to brief ADF staff likely to be involved in peacekeeping operations. A number of recent peacekeeping exercises conducted by the Australian Command and Staff College were based on scenarios in which elections had to be held within a peacekeeping operation, and the AEC was able to assist with both the preparation for and the conduct of the exercises.

6.3 From the AEC's perspective, the cooperation and support it has received from its Australian Government counterparts in relation to peacekeeping has been of a high standard.

7. Future trends

7.1 The AEC's 2005-2006 Annual Report made the following observations regarding the AEC's international work:

"The Australian Government's commitment to doubling aid expenditure by 2010, and the emphasis on political governance in key policy documents such as the 2006 White Paper *Australian Aid: Promoting Growth and Stability* and AusAID's *Pacific 2020: Challenges and Opportunities for Growth* report, indicate that the AEC's international role is likely to be expanded."

7.2 One trend which is becoming especially prominent in the field of international electoral assistance is a focus on sustainable capacity-building. On that, the AEC has been providing input to the *Effective Electoral Assistance* project conducted by the International Institute for Democracy and Electoral Assistance. The following key conclusions were reached at a Conference on the subject held in Ottawa in May 2006, in which the AEC participated.

"Stakeholders and development partners are still not facing the electoral reality in that they are providing too much assistance too late.

The introduction of new technology may sometimes be inevitable, but it should not be a vendor-driven process.

Confidence building among the electorate reduces suspicion, and investment in training people is necessary in order to maintain the technology installed.

Institutional and capacity development are key to the success of the electoral process.

An organizational and staff development strategy is an essential component of any form of sustainable electoral administration.

The role of international politics may mean that electoral assistance may unwittingly serve political agendas rather than primarily assisting the recipient country.

While recommendations are useful, the real challenge - that of developing tools and mechanisms to implement them - remains.”

7.3 The first of these conclusions is particularly pertinent to peacekeeping operations. While some operations, such as UNTAET from 1999 to 2002, may give rise to opportunities for electoral capacity-building as described at paragraphs 3.16 to 3.21 above, a more typical case is one where attempts are made to hold elections as soon as possible, to signify a return to normality, and provide an exit strategy for the mission. Crafting an effective capacity-building strategy in such circumstances, when operational priorities have a tendency to dominate, is a clear challenge facing not just the AEC, but also the UN.

7.4 Finally, it bears repeating that one of the lessons from the history of peacekeeping operations in the last 20 years has been that they cannot be expected, by themselves, to solve all the political, security and social challenges facing a country. Those problems will always require long term commitment, and that is as true in relation to the development of strong electoral traditions and institutions as in relation to any of the other key institutions of the society in question.

ELECTORAL COMPONENT TASKS AND RESPONSIBILITIES

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ELECTORAL COMPONENT TASKS AND RESPONSIBILITIES¹

Introduction

1. The purpose of this paper is to outline some of the major issues relating to the successful planning and execution of electoral aspects of a peace operation. After giving a brief historical outline, the paper identifies the various types of UN electoral involvement; looks at the phases of an electoral operation; notes some significant planning considerations; pinpoints typical requirements for support from the military component of a mission; briefly discusses issues relating to interoperability and command and control; and puts forward some tentative ideas on the factors which determine the success or failure of an electoral operation.

2. It should be said at the outset that it is by no means the case that all peacekeeping operations, or even the majority of such operations, will have an electoral dimension. Where there is such a dimension, however, it is likely to be one of the most important aspects of the operation, because the holding of an election tends in such cases to be:

- a fundamental element of the overall political agreement giving rise to the operation (as has been the case in numerous missions, including those mounted in Namibia in 1989, Cambodia in 1992-93, Mozambique in 1994, and East Timor in 1999); and/or
- the defined milestone which it is hoped will mark, or point the way to, the conclusion – hopefully successful – of the operation as a whole, and provide an “exit strategy” for the international community.

Historical aspects

3. Five factors have contributed significantly to the introduction of electoral elements into peacekeeping operations:

- the widespread acceptance, particularly in the decolonisation and trusteeship context, of the concept of self-determination set out in articles 1.2, 73.b and 76.b of the UN Charter;
- the recognition that the internal problems of a country can be a threat to international peace;
- the growing emphasis on the need for countries to adopt democratic mechanisms to ensure the “good governance” which is increasingly being insisted upon by the donor community, the International Monetary Fund (IMF) and the World Bank;
- the increasing perceived need for peacekeeping missions to have an exit strategy; and
- the need, in a mission without a clear exit strategy, for there to be some sort of ongoing political process.

¹ It should be noted that the views expressed in this paper are those of the author, not necessarily those of the Australian Electoral Commission or the Australian Government.

Self-determination

4. There has been a long history of UN involvement in electoral operations as part of the decolonisation process. Particulars are set out in the Annex to the Secretary-General's Report to the General Assembly of 19 November 1991 entitled *Enhancing the effectiveness of the principle of periodic and genuine elections (A/46/609)*. A copy of that Annex is attached, "A". The most substantial involvements of this type in terms of electoral resources deployed were in Namibia in 1989, and in East Timor in 1999, 2001 and 2002.

Threats to international peace originating within a country

5. Up until 1989, elections were not normally seen as an integral part of peacekeeping. This reflected the focus of the UN Charter on conflicts between States rather than on civil wars, and the principle of non-interference in the internal affairs of States. Elections by their very nature are internal to a particular political unit, and their conduct is an important element of State sovereignty.

6. The notion that the internal situation in a country could be a threat to international peace started to gain currency in the 1960s, and formed the basis for UN action in response to apartheid in South Africa, and to the Unilateral Declaration of Independence in Rhodesia. This change in view gave rise to a greater possibility than before of UN involvement in electoral processes.

7. The Rhodesian independence elections of 1980 provided a model for electoral processes as a mechanism for resolving conflicts within a country. The UN was not directly involved, but the settlement process had elements of peacekeeping, in that it addressed military as well as civilian issues, and was supported by international involvement.

8. The various threads of UN electoral experience came together in the Namibian peacekeeping mission of 1989-90 (UNTAG), which not only constituted the end of a long trusteeship/decolonisation process, but also the end of an elaborate peacemaking process.² UNTAG is important for this discussion not only because it was the first UN peacekeeping mission with a major electoral element, but also because it was widely acclaimed as the UN's greatest success in peacekeeping - a view which can still be defended.

9. The success of UNTAG created something of a euphoria about what elections could achieve in the peacekeeping context. Plans for UN involvement in various types in elections in Haiti, El Salvador, Nicaragua, Cambodia and Angola flourished in the atmosphere created by that euphoria. In Haiti, El Salvador and Nicaragua, elections were successfully monitored. In Cambodia, an election was efficiently run by the UN, a new Constitution was adopted by the Cambodians' representatives, and the mission withdrew on time having operated within budget. This was seen as a success at the time, though some commentators argue, particularly in the light of events since 1997, that from a broader perspective it is questionable how successful the operation really was. The Angolan operation on the other hand was an unambiguous disaster, a tragic waste of money which was followed by appalling bloodshed. It seemed for a time that Angola had ended the post-UNTAG euphoria, and forced policy makers to focus much more closely on the strengths and weaknesses of elections as a peace-building tool; but the violent

² For details, see Chester A. Crocker, *High Noon in Southern Africa*, W.W. Norton & Company, New York, 1992.

aftermath of the 1999 “popular consultation” in East Timor has shown that there are still plenty of lessons to be learnt.

“Good governance”

10. The late 1980s and early 1990s not only saw the end of the Cold War, but also an increased perception of a link between the economic performances of countries and the adoption of democratic political institutions therein. Rightly or wrongly, western nations, the IMF and the World Bank placed more and more pressure on developing countries to meet specific democratic ideals as a precondition for economic aid. The adoption of multi-party electoral processes in Kenya and Malawi in the face of a threatened withdrawal of donor support represented a striking example of this. The need to be seen to be “doing the right thing” created an explosive growth in the international election observation industry, which probably provided a greater impetus for the creation of the UN's Electoral Assistance Division than did the need to support electoral elements of peacekeeping missions.³

Exit strategies

11. Multidimensional peacekeeping operations typically arise in “failed state” or post-conflict situations where the normal mechanisms of government have broken down, or sovereignty is in dispute. In such situations the exit strategy for a mission is typically the restoration of power to a legitimate sovereign government. The use of elections to achieve this end flows directly from article 21(3) of the *Universal Declaration of Human Rights*, which provides as follows:

“The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.”

Ongoing political processes

12. Occasionally circumstances may arise in which there appears to be no feasible exit strategy for a mission. The Kosovo operation is arguably of this character: the ethnic hatreds which have manifested themselves in recent years would make a peaceful reintegration of Kosovo into Serbia very difficult, and yet Security Council resolution 1244 (1999) of 10 June 1999 nevertheless reaffirms “the commitment of all Member States to the sovereignty and territorial integrity of the Federal Republic of Yugoslavia” (now Serbia), a situation which seems unlikely to change given the interests of the permanent members of the Council. The period since 1999 has thus been marked by a number of electoral events, national and local, none of which constituted an exit point for international actors, but which, it was hoped, would provide some sort of ongoing process of political evolution.

³ For a detailed discussion see Eric C. Bjornlund, *Beyond Free and Fair: Monitoring Elections and Building Democracy*, Woodrow Wilson Center Press and Johns Hopkins University Press, Baltimore, 2004.

Types of UN electoral involvement

13. In its resolution 46/137 of 17 December 1991, the General Assembly among other things called on the Secretary-General to elaborate terms of reference and guidelines for UN electoral involvement. These were published on 24 November 1992 in the document *Guidelines for Member States considering the formulation of requests for electoral assistance (A/47/668/Add. 1)*, and still form a useful basis for classifying UN electoral activities. The Guidelines identified the following six basic operational concepts for UN electoral assistance.⁴

- Organisation and conduct of an electoral process - This arises where the UN is called upon to run an election, as in Cambodia in 1993 and East Timor in 2001 and 2002, or a referendum or ballot, as in East Timor in 1999. Exercises of this type require the UN to undertake a wide range of electoral administration tasks, and will normally only arise as part of a peacekeeping mission.
- Supervision of an electoral process - This covers operations, of which that in Namibia is the prime example, in which not only the results of the election, but all steps of the process, in both its political and electoral aspects, require certification by a Special Representative of the Secretary-General. Terms of reference may vary from case to case, but will typically require coverage of such aspects of the electoral process as:
 - the impartiality of the electoral authorities;
 - freedom of organisation, movement, assembly and expression of political parties and alliances;
 - the opportunities given to the parties to deploy scrutineers to observe all aspects of the process;
 - fairness of access to State media and other State resources;
 - the registration of voters; and
 - the conduct of the polling and the count.

Exercises of this type are likely to be very rare, since the certification process impinges on the national sovereignty of the country involved. They will typically arise as part of a peacekeeping operation in a country where national sovereignty has not been established, or is in dispute.

- Verification of an electoral process - This covers situations in which a country is conducting its own election but requests the UN to verify the freedom and fairness of certain aspects of the process. The UN Observer Mission in South Africa falls into this category, along with other UN Missions in Haiti, Nicaragua, Eritrea, El Salvador, Angola and Mozambique. Verification missions tend to be sustained and resource

⁴ The following text draws directly on document A/47/668/Add. 1. The Report of the Secretary-General of 7 August 1995, entitled *Support by the United Nations System of the Efforts of Governments to Promote and Consolidate New or Restored Democracies (A/50/332)* reviews and discusses the basic operational concepts of electoral assistance in some detail. An overview of the UN's more recent activities and doctrines can be found in the Report of the Secretary-General of 19 October 2001, entitled *Enhancing the effectiveness of the principle of periodic and genuine elections (A/56/344)*.

intensive. The tasks they undertake tend to resemble those which arise in supervision missions, but the mechanisms adopted are less intrusive, in keeping with the fact that the mission is operating by invitation. Verification may be undertaken as part of a peacekeeping mission with a military element, as in Angola and Mozambique, or may be purely civilian in character, as in South Africa.

- Provision of support to other international observers - This approach is one which can be used where several countries and intergovernmental or non-governmental organisations have been invited by a country to send observers to its election. The aim of the process is to integrate and coordinate the operations of the various bodies, thereby increasing the efficiency of their observation efforts. Various mechanisms along these lines were adopted in South Africa, with the UN by agreement playing a leading role in coordinating the work of the observer missions of the Commonwealth, the European Union, and the Organization of African Unity. Such coordination may arise in a peacekeeping mission: the UN played such a role in Mozambique.
- Technical assistance in electoral matters - This is the most common type of UN involvement in electoral matters. Based on the specific requirements of the country being assisted, activities can include the provision of analysis, advice, equipment or training to governmental institutions. Assistance needs can arise in virtually any area of electoral administration. Assistance of this type may be provided in a peacekeeping context: that was done for example in Haiti.
- Following an electoral process - In a number of cases, the Secretary-General has asked the Resident Coordinator of the United Nations system in a country to “follow the electoral process and report to him on its results”. This type of operation provides a possible response to a Member State request that may be used in cases where the lead time is too short to enable the electoral process to be followed adequately either chronologically or geographically. By its very nature this form of involvement does not arise in peacekeeping missions.

14. Since November 1992 at least one further distinct form of electoral mission has been undertaken by the UN. In the period preceding the 1994 and the 2000 Mexican elections, the UN, at the request of Mexico's Federal Electoral Institute, provided technical assistance in order to support the work of the national observer groups that freely requested UN help.

15. The models of electoral involvement which must be most clearly distinguished are those of organising and conducting an election on the one hand, and supervising or verifying one on the other. Organising and conducting an election is hugely more complex and resource intensive than merely supervising or verifying one. When the UN is organising an election, it has to recruit, train, deploy and pay all the polling staff, provide all the voting stations with all the equipment they require, and provide all the necessary logistical support for the process. It will also typically be responsible for providing security for the process. The scale of these tasks is broadly speaking proportional to the voting population: for example, a rough rule of thumb is that for every million voters, about 10,000 polling officials are required. This imposes a limitation of scale on how big an election the UN could run: given the cost of UNTAC, it is anyone's guess how much a similar operation in a country with 10 times as many voters, like Nigeria, might cost. In such a country, the logistical and practical difficulties inherent in such an operation would probably be insurmountable. These sorts of scale limitations do not apply to supervision or verification, because it is possible to undertake these using random checks rather than 100% coverage.

16. A significant development in the way in which the UN approaches the implementation of electoral mandates occurred in East Timor in 2001 and 2002. The United Nations Transitional Administration in East Timor (UNTAET), established by Security Council resolution 1272 (1999) of 25 October 1999, was specifically mandated, among other things, “to support capacity-building for self-government”. In its preparations for the Constituent Assembly election held on 30 August 2001 and the presidential election held on 14 April 2002, the Independent Electoral Commission established under the auspices of UNTAET to run the elections gave a priority, without precedent in previous UN electoral operations, to involving local staff in as many aspects as possible of the preparations for the polls, in order to build their skill base. This proved to be highly successful, was acclaimed by international electoral observers,⁵ and can be expected to be a significant factor in future comparable operations.

Phases of an electoral operation

17. The conduct of an electoral operation typically requires five areas of activity, which tend to be undertaken in overlapping phases.

- Establishment of broad policy parameters and legal framework - The importance of this phase cannot be overstated. The success of an electoral operation depends on the extent to which it is accepted as legitimate and binding by the participants in the political process. If there is disagreement among them on a fundamental aspect of the process, for example the voting system to be adopted, or the extent of the franchise, then the operation may well be doomed to failure. The resolution of major policy issues at the outset and their embodiment in an unambiguous and binding legal form provides the degree of certainty which is required for the later phases of the process to be undertaken in a systematic way. This phase of the process requires high level interaction with the leadership of the mission, and the participants in the process. Even if the UN is only supervising or verifying the process, rather than organising and conducting, it will still have major tasks to perform in this area, since the legitimacy of the policy parameters and legal framework, unless they have been totally predetermined in a peace agreement, will be a major factors determining the overall assessment of the operation.
- Establishment of an electoral administration, virtually from scratch - Both the conduct and the supervision of an election are by their very nature decentralised operations. Their management requires both a central structure, to undertake development work, central policy analysis and planning, and overall management of the process; and a field structure to implement agreed procedures at the grass roots level. The establishment of an electoral administration is a task which has few precedents in living memory in established democracies. In contrast to the establishment of a military structure for a peacekeeping operation, there are no formed units of electoral administrators which can be deployed *in toto* to undertake specific tasks. A further difficulty which arises in this area is that the electoral administrators typically have to achieve a greater penetration of the countryside than the military and other civilian components. This phase of the operation requires close cooperation with bodies such as the Field Personnel Section of

⁵ For example, the *Carter Center*, in a News Release dated 15 April 2002, noted that the presidential election held the day before had demonstrated “that East Timor has a cadre of trained and qualified electoral staff needed to conduct future elections at an international standard.”

the Field Administration and Logistics Division in New York, in some cases with the UN Volunteer Administration in Geneva, and with other components of the mission.

This phase of the process also often gives rise to some delicate questions regarding the relationship between the electoral component and the rest of the mission. In Cambodia the Electoral Component of UNTAC sought to maintain a distinct personality within the mission. This was not a manifestation of rebellious tendencies, though some saw it that way, but was rather designed to ensure that UNTAC's electoral administration could retain its neutrality in the eyes of the participants in the political process while other components of the mission were imposing sanctions on those same participants. In East Timor, the Independent Electoral Commission established to conduct the 2001 Constituent Assembly election and the 2002 presidential election had its independence guaranteed by law,⁶ and in practice functioned autonomously within the overall framework of the UN's transitional administration of the territory.

- Preparation for and conduct of voter registration - This phase is not always required: at some elections, there is no separate registration conducted, and voters instead are required to bring some specified document or documents to the voting station to establish their right to vote. That approach was adopted, largely because of perceived time constraints, at the Rhodesian elections of 1980 and the South African elections of 1994. There are however three advantages associated with a registration process.
 - The first and most important is that it enables questions about an individual's right to vote to be resolved in a measured way well before the poll, rather than giving rise to disruptive disputes in voting stations. This is particularly important in countries such as Cambodia and territories such as Western Sahara where there is a widespread fear that persons not entitled to vote may attempt to do so.
 - The second advantage of the registration process is that, when done effectively, it generates a great deal of finely detailed information about the locations of concentrations of voters, which can be used to good effect in the planning of the polling. The lack of such information was keenly felt at the 1994 South African election, and at the 2001 election in East Timor. Voter registration tends to be a major logistical undertaking regardless of whether the UN is conducting it or only supervising it, and close cooperation with other elements of the mission is required.
 - Finally, the pursuit of voter registration can give the people of a country or a territory an opportunity to demonstrate their support for an electoral process. Such a demonstration can significantly enhance the moral authority of the mission. In the Cambodian context, this point was emphasised by the UNTAC Force Commander, Lieutenant General John Sanderson, who at a news conference in mid-January 1993, described the successful conduct of voter registration for the 1993 elections as representing nothing less than “a shift in

⁶ See UNTAET Regulation 2001/2 “On the Election of a Constituent Assembly to Prepare a Constitution for an Independent and Democratic East Timor”, sections 11 to 19, and UNTAET Regulation 2002/01 “On the Election of the First President of an Independent and Democratic East Timor”, sections 4 to 11.

the balance of power to the Cambodian people”.⁷ The enthusiasm of the people of East Timor for the pre-ballot registration of voters in 1999 was widely seen as having had a similar significance.

- The campaign - A free and open campaign is generally accepted to be a necessary precondition for a free and fair election. Depending on the circumstances, the electoral component may have a role to play in implementing procedures designed to ensure such a campaign. There has been something of a tendency in recent years to downplay the importance of the campaign, and the international community has been prepared at times to accept serious deficiencies in the campaigning environment, in the hope that polling day itself will not be unduly violent.⁸ The 1999 tragedy in East Timor can be seen as a *reductio ad absurdum* of this trend.
- Preparation for and conduct of the polling and count - These tend to be the most demanding parts of the process, because unlike voter registration they are undertaken under immutable time constraints. This requires a high degree of logistical planning and precision, again regardless of whether the election is being conducted or only supervised.

Planning considerations

18. Planning for the electoral elements of a peacekeeping mission typically takes place in several stages.

Planning during the pre-agreement negotiations

19. There are some aspects of an electoral process, for example the voting system and the franchise, which tend to be so politically important and controversial that they will almost invariably have to be resolved before an overall agreement between the disputants can even be reached. At this stage of the process it is very useful for the UN to be able to have input, to ensure that issues which can only be resolved by the contending parties are properly addressed; to ensure that what is agreed upon is feasible; and to seek to have as many issues as possible clearly resolved before the start of the mission. On this last point, Michael Doyle and Nishkala Suntharalingam have cogently observed that:

“The spirit of agreement is never more exalted than at the moment of the signing of the peace treaty, the authority of the United Nations is never again greater. Then the parties assume that the agreement will be achieved and that all are operating in good faith. They depend on the UN to achieve their hopes. The UN as yet has no investment in resources or political prestige. The UN, in short, holds all the cards. But as soon as the UN begins its investment of money, personnel and prestige, then the bargaining relationship alters the balance. The larger the UN investment - these multidimensional operations represent multi-billion dollar investments - the

⁷ For a further discussion of this point see John M. Sanderson, “The Lessons Learnt from UNTAC: The Military Component View”, in Ramesh Thakur (ed.), *The United Nations at Fifty: Retrospect and Prospect*, University of Otago Press, Dunedin, 1996.

⁸ For a discussion of the 1998 Cambodian election, which was a particularly striking example of this trend, see John M. Sanderson and Michael Maley, “Elections and Liberal Democracy in Cambodia, *Australian Journal of International Affairs*, vol. 52, no. 3, 1998, pp. 241-253. A recent encouraging development, however, was the preparedness of the Commonwealth to suspend Zimbabwe from its councils primarily on the basis of the character of the political environment in which the 2002 presidential election in that country was conducted.

greater is the independent UN interest in success and the greater the influence of the parties becomes. Since the parties control an essential element in the success of the mandate, their bargaining power rapidly rises.”⁹

20. It is of course often the case that critical issues are “swept under the carpet” as top priority is given to obtaining an agreement. The failure of the agreements which led to the deployment of UNAMET in East Timor to deal adequately with the issue of security is one of the most recent examples of this, but there are plenty of others.¹⁰ One can point to the way in which the Secretary-General's 1988 Plan for a settlement in Western Sahara appeared to be deliberately ambiguous on the issue of who would be entitled to vote at the proposed referendum. Such an approach may succeed in obtaining an agreement (and may perhaps save lives if it facilitates the early achievement of a ceasefire); but really critical issues always return to the agenda - as they did with a vengeance in East Timor, Angola and Western Sahara - often at a later stage when the UN's capacity to resolve them may be diminished.

21. It is worth noting at this point that there are a number of mechanisms which can be introduced during the development of an agreement to encourage participation in the electoral process by political disputants who might otherwise be inclined not to take part. The Namibian settlement plan, for example, included a provision that the Constitution to be adopted by the Constituent Assembly would have to be supported by a two-thirds majority of members. This had the effect of giving the minority parties, which might not have perceived that they had a chance of winning outright, a reason to take part in the election: it is easier to poll 34% of the vote than 50%. Similar provisions were included in the Cambodian settlement agreement. At the 1994 South African election, this scheme of graduated rewards was implemented on a grand scale: parties needed different percentages of the vote to be entitled to Cabinet representation, a Vice-President and so on. Referendums take place in a very different political environment: there is essentially one big (and permanent) winner and one big (and permanent) loser, and this would appear to be the main reason why referendums are less useful than elections as a peace building mechanism.

Post-agreement but pre-mission planning

22. Planning undertaken at this stage is typically intended to decide the broad modalities of the proposed electoral process, taking into account those matters which have already been dealt with in any peace agreement. In the past this had tended to be done by deploying an electoral survey mission, tasked with developing a broad operational plan for the electoral process, and a budget sufficiently detailed to be presented by the Secretary-General to the Security Council for endorsement in principle. There are a number of problems with that approach. The first is that it represents the antithesis of integrated planning. The electoral process always depends heavily on other elements of the mission for its success, but the deployment of a separate electoral mission without, for example, representation from those responsible for the planning of the military's role, virtually guarantees that critical issues of cooperation will be left unresolved. This certainly happened in Cambodia, and it was left to the military and electoral components to

⁹ Michael W. Doyle and Nishkala Suntharalingam, “The UN in Cambodia: Lessons for Complex Peacekeeping”, *International Peacekeeping*, vol. 1, no. 2, Summer 1994, pp. 117-147 at pp. 142-143.

¹⁰ For a discussion of the catastrophic aftermath of the 1992 ballot in Angola, an episode which had much in common with the 1999 East Timor crisis, see Margaret Joan Anstee, *Orphan of the Cold War*, Macmillan Press, London, 1996, especially chapter 25. Another example of this trend is the *Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium* (A/50/757; S/1995/951) which gave rise to the UNTAES mission: it consisted of only two pages in total, and resolved none of the critical questions regarding the conduct of the elections in the territory.

determine bilaterally, post-deployment, the nature of their cooperation and relationship. The second problem of the survey mission approach is that the insights that can be gained during a “whistle stop” visit to a country are often superficial and misleading. It was with that in mind that the electoral survey mission which visited Cambodia in November 1991 recommended the deployment of the Advance Electoral Planning Unit of UNAMIC.

Planning during the mission

23. The limitations of the survey mission process are such that no matter how well the mission has performed its task, there will still be a great deal of detailed planning required in the course of the main mission. This can be undertaken in a number of ways; arguably the most effective is the “project management” approach, which was originally devised as a method of dealing with one-off operations with defined objectives, immutable deadlines, and multi-disciplinary input. Project management as a concept does not appear to have been widely understood within the UN in the past.

24. A crucial element of project management is the identification of critical paths, and this is particularly important in election planning, since deadlines tend to be immutable. The 1994 South African elections provide a good example of the failure of project management on the part of the South African Independent Electoral Commission. The Commission greatly underestimated the scale of its tasks; as a consequence threw away at the beginning of the process what little slack time it had available, without even realising what it was doing; and developed a project plan which identified critical paths only after the damage had been done and the situation was basically irretrievable.

Requirements for support from the military component

25. Support for the electoral process from the military component will often be required in two key areas. The first is security: the electoral component tends to look to the military not only for advice on security issues, based on up-to-date information about the situation on the ground, but also for the provision of physical security, not just for the electoral process, but for the wider process of political transition of which the ballot may be only a part. In the Cambodian operation both elements came into play. By mutual agreement, the Sector Commander within each Sector was given ultimate authority at election time to rule on security-related issues within his Sector. In addition, the military component was tasked to secure sensitive ballot materials, and all ballot boxes were stored under military guard. These arrangements worked very effectively, and indeed were crucial to the success of the electoral process.

26. The second area in which military support is likely to be required is logistics. Elections are extraordinarily demanding logistical operations, and sometimes only the military component in a mission will have the expertise and the resources required to bring them to a successful conclusion. In Cambodia a joint military and electoral working group was established some five months before the election to pursue the necessary logistical planning, and again the process went very smoothly.

27. A critical element of the success in Cambodia was the strong and outward-looking focus which the Force Commander had on the role of the military in the overall operation. In Namibia, the Force Commander took a much more restricted view of the military component's

mandate, and provided relatively little support to the electoral process. Had the UN been conducting the election in Namibia, rather than supervising and controlling it, such an attitude would have had disastrous consequences for the mission.

Interoperability with other components

28. The scale of an election operation will often require the full mobilisation at election time of the resources of the mission. This requires a high degree of interoperability with the other components, particularly the military. As has already been noted, the approach to planning which the UN has adopted in the past has tended to work against, rather than towards, the achievement of this goal. Integration has not been built into the structure of a mission, and has had to be pursued by staff of the mission after deployment. In Cambodia a high degree of integration between the electoral and military components was achieved by election time, though not without a great deal of effort and goodwill on both sides. This integration was facilitated by the fact that both components were fundamentally outcome-oriented rather than process-oriented, and mentally prepared to work towards defined and immutable deadlines. In this regard the contrast between the military component and UNTAC's civilian administration was substantial.

29. There was also a major contrast between the degrees of interoperability which were achieved with the military on the one hand, and the Civilian Police (CIVPOL) on the other. A number of commentators have addressed the woeful performance of the UNTAC CIVPOL (though there were some conspicuous exceptions to the generally dismal picture, including the Australian Federal Police contingent). By election time, there had been such a long history of lack of reliable support from CIVPOL to any other component that the other components had for all practical purposes simply eliminated the CIVPOL from their planning. That this should have been the case was, needless to say, highly regrettable.

30. One issue which particularly arose in Cambodia related to concepts of security. The approach taken by the military component to securing voting stations at election time was basically one of securing a perimeter, and dropping back to smaller secure areas. This led in practice to a substantial cut in the number of voting stations in the most insecure provinces, Kompong Thom and Siem Reap. Such an approach is antithetical to the basic electoral *modus operandi* of going out to the voters, and was at the time a matter of deep concern to the electoral component. It was adopted after much careful debate, and in the end proved to have some deleterious effect on turnout in those provinces, though not as much as had been feared.

Command and control arrangements

31. The nature of the command and control arrangements to be implemented for the electoral side of a mission will depend on the nature of the mission, and the extent of integration at the time of the operations of the different components of the mission.

32. Given the extent to which responsibility for major election-related logistics had been handed over to the military component in Cambodia, it was virtually inevitable that the military's command and control arrangements would form the backbone of those applying mission-wide at election time. This was achieved by the establishment in each Province of a Joint Operations Centre, headed by the Sector Commander, which became the focal point for all communications and decision-making relating to the election process. In Phnom Penh, an Election Support

Coordination Centre was established within the Military Operations Branch, with electoral component representation, which was the focal point for all incoming and outgoing communications. These arrangements worked effectively in practice, and constitute a useful model for future operations.

When do electoral missions succeed?

33. As the ongoing debate over the Cambodian operation illustrates, different people can define the success of an electoral operation in different ways. At the most basic level however the aim of peace operations involving electoral processes is to produce at the end a dispensation sufficiently well accepted by the former combatants to ensure that there will be no reversion to violence; and if this system of government is “democratic”, or represents “good governance”, so much the better.

34. Any analysis of a successful peace operation involving elections will identify many factors contributing to its success which are unique to the mission. There are also discernible, however, a number of factors which appear common to successful missions, including the following.

- General acceptance of the validity of the State - Elections can serve the purpose of conferring legitimacy on a particular government of a State; they cannot to the same extent confer legitimacy on the State itself, and where the legitimacy of the State is a fundamental aspect of a dispute, the mere conduct of an election cannot be expected to have much beneficial effect. On this point, it is notable that a number of the more successful UN electoral operations have been those where the people of the territory in question were united by a strong sense of nationalism. In Cambodia, for example, all of the parties shared a strong agreement on the ultimately legitimacy of Cambodia as a political entity. It flowed from this that the notion of electing a Constituent Assembly and a government for Cambodia was a generally accepted one. Similar comments could be made about Namibia, South Africa and Mozambique. The situation in those countries can be contrasted with that which applied through much of the 1990s in the former Yugoslavia. There, one of the basic issues was the legitimacy of the existing States, and any processes which simply assumed that legitimacy begged the critical question. For the same reason the conduct of an election could not be expected to solve the Kashmir dispute.
- Acceptance of electoral processes as a means for conferring legitimacy – While elections are internationally recognised as the proper source of legitimacy for a government, in a particular society there may be powerful players whose authority has a different source, which may be religious, traditional or tribal, or based on local military influence (eg “warlords”). The prospects of a successful election will be increased if they can be persuaded to support the process. If, on the other hand, they reject the very notion of elections as a basis for legitimacy, see elections as inimical to their interests, and seek to disrupt the process, the prospects for success will be reduced. In such a situation, there may be a need for a sustained long-term investment in civic education to persuade the populace that it is in their long-term interests to support democratic processes, as distinct from particular election outcomes.
- War weariness - Most of the successful peacekeeping missions with an electoral mandate have arisen in situations of long-standing conflict: the implementation of UNTAG in

1989 ended 23 years of armed struggle by SWAPO; the Cambodian settlement came after some 20 years of war and social upheaval, as did that in Mozambique. In Rhodesia the 1980 elections came at the end of some 14 years of civil war. In each case the costs on both sides of the divide had been such as to concentrate the minds of the belligerents on the search for alternatives to war, and the length of the conflicts had sufficed to eliminate any expectations of imminent total victory. These sorts of influences are less potent in situations of flashpoint crisis.

- Lack of political alternatives - Parties are likely to accept the result of an election when they have no other political options. Prior to the finalisation of the agreements which led to the Rhodesian independence elections of 1980, for example, it had been clearly recognised by the liberation movements that they had no choice but to participate in the electoral process and accept its outcome. The Inkatha Freedom Party reached a similar conclusion just before the South African elections in 1994, and took part. In Angola in 1992, on the other hand, UNITA clearly perceived itself to have a military option as an alternative to the electoral process, which it proceeded to exercise.
- Withdrawal of outside patronage - This factor relates closely to the preceding one. Combatants who have been sustained in their belligerence over the years by outside patrons tend to see their range of political options diminishing rapidly when the patrons decide to withdraw. This factor was critical in a number of the most successful UN electoral missions, including Namibia, Cambodia and Mozambique, and can also be perceived at work in Rhodesia in 1980, and in Western Sahara. The end of the Cold War has clearly been of fundamental importance in this regard.
- Benefits of international legitimacy - In many of the more successful missions, the use of electoral processes has either been advocated from outside the territory, or proposed internally, as a means for securing international recognition of a government as legitimate. In some cases, however, the situation in a country becomes so degraded that legitimacy is virtually unattainable, at least in the short run. In Rwanda after the 1994 genocide (in which the Tutsi minority was decimated by the Hutu majority), the conduct of an election would have done no more than confirm the extent of the Hutus' success in their endeavour. Another way of putting this would be to say that the ultimate form of electoral fraud is to kill the opposing voters, and that this was done on such a scale in Rwanda as to destroy the legitimacy of electoral processes in that country for the immediate future.
- Provision of incentives to participate - Elections are not necessarily winner-takes-all processes. The mechanisms discussed in paragraph 21 above which can be adopted to make elections competitive and encourage participation have been crucial in a number of successful electoral operations.

35. An examination of these factors leads one to doubt whether there are likely to be as many successful peace operations with an electoral dimension in the next twenty years as there have been in the last twenty years. Many of the international disputes outstanding at the end of the Cold War which seemed susceptible to an electoral treatment have in fact been dealt with, and only one - Western Sahara - is still on the agenda. Haiti, Afghanistan and Iraq can be seen as special cases, which would probably not have been candidates for UN electoral involvement had their fates not been linked to what the US perceived as vital interests. Most of the other crisis areas around the world are those involving the new problems of rising ethnic

consciousness and fractured States, which do not appear to lend themselves particularly to electoral solutions, at least in the short term.

Conclusions

36. Two concluding observations can be made. First, it should by now be clear that the introduction of electoral processes into peacekeeping operations is not a magic formula for resolving political conflicts. In the right circumstances, they can represent a potent conflict resolution mechanism - that is, after all, the role that elections play, albeit sometimes latently, in established democracies - but in the wrong circumstances they can waste a great deal of money while achieving nothing in either the short or the long term; or, even worse, they can produce polarisation and actual harm the prospects for peacebuilding. One of the challenges therefore facing policy makers is that of discerning the situations in which electoral solutions can be applied.

37. Secondly it should be stated that whenever a UN peacekeeping operation has an electoral mandate, the military component may well have to be critically involved in its execution.

“Enhancing the effectiveness of the principle of periodic and genuine elections” - Report of the Secretary-General to the General Assembly (A/46/609) - 19 November 1991 - Annex

Plebiscites, referenda and elections held under the supervision or observation of the United Nations in Trust and Non-Self-Governing Territories

<u>Year</u>	<u>Territory</u>
1956	Togoland unification and future Togoland under British administration: plebiscite supervision.
1958	Togoland under French administration: election supervision.
1959	British Cameroon (northern part): plebiscite supervision.
1961	British Cameroon (southern and northern parts): plebiscite supervision.
1961	Western Samoa: plebiscite supervision.
1961- 1962	Ruanda-Urundi: election supervision (including referendum on the Mwami).
1963	Malaysia: inquiry on future of Sabah and Sarawak prior to establishment of Federation of Malaysia.
1965	Cook Islands: election supervision.
1967	Aden: election supervision (Mission was not permitted to achieve fulfilment of its mandate).
1968	Equatorial Guinea: referendum/election supervision.
1969	West Irian: act of self-determination.
1970	Bahrain: ascertain wishes of people of Bahrain.
1972	Papua New Guinea: election observation.
1974	Niue: referendum observation.
1974	Gilbert and Ellice Islands: referendum observation.
1975	Mariana Islands, Trust Territory of the Pacific Islands: plebiscite observation.
1977	French Somaliland: referendum/election observation.

<u>Year</u>	<u>Territory</u>
1978	Trust Territory of the Pacific Islands: referendum.
1979	Marshall Islands, Trust Territory of the Pacific Islands: referendum.
1979	Palau, Trust Territory of the Pacific Islands: referendum.
1979	New Hebrides: election observation.
1980	Turks and Caicos Islands: election observation.
1983	Palau, Trust Territory of the Pacific Islands: plebiscite observation.
1983	Federated States of Micronesia, Trust Territory of the Pacific Islands: plebiscite observation.
1983	Marshall Islands, Trust Territory of the Pacific Islands: plebiscite observation.
1984	Cocos (Keeling) Islands: act of self-determination.
1986	Palau, Trust Territory of the Pacific Islands: plebiscite observation (February 1986) plebiscite observation (December 1986).
1987	Palau, Trust Territory of the Pacific Islands: plebiscite observation (June 1987) plebiscite observation (August 1987).
1989	Namibia: election supervision and control.
1990	Palau, Trust Territory of the Pacific Islands: plebiscite observation.

[In the period following the compilation of this list, the United Nations also organised and conducted the 1999 “popular consultation”, in fact a plebiscite, in East Timor; and this was followed by a Constituent Assembly election in August 2001, and a presidential election in April 2002, both arranged by an Independent Electoral Commission established under the auspices of the United Nations Transitional Administration in East Timor.]