The role of elections in peace processes

When and how they advance stability or exacerbate conflicts

UNITED NATIONS
SYSTEM STAFF COLLEGE

Dialogue
Series

zif Zentrum für
Internationale
Friedenseinsätze

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FOREWORD

Carlos Lopes and Almut Wieland-Karimi

The United Nations has provided electoral assistance to over 104 Member States and four territories over the past 20 years alone. Today, occasionally, the UN is still called upon to organize elections from beginning to end. Increasingly, however, most of the UN support takes the form of technical assistance, capacity building and, at times, direct support to peacebuilding efforts or political negotiations. In Iraq in 2005, for example, the United Nations Assistance Mission for Iraq (UNAMI) assisted, supported and advised the Independent High Electoral Commission and the Government of Iraq on the electoral process. UNAMI led a team of international experts who provided technical and administrative assistance and built the capacity of the Iraqi electoral institutions. In Haiti in 2010, where the United Nations Stabilization Mission's role was to facilitate free and fair elections, provide technical and administrative assistance and provide security, there was a call for annulment of the elections before the final result was even announced. This served as a "reminder" that realizing a peaceful end to elections as a means to consolidate peace is a very complex undertaking. In Côte d'Ivoire last year, the Security Council mandated the Special Representative of the Secretary-General (SRSG) to certify that all stages of the electoral process would provide the necessary guarantees for holding open, free, fair and transparent presidential and legislative elections. This was the first time ever in Africa that the UN was requested to play this certification role.

These few examples alone demonstrate that elections are key milestones in peace processes and that one cannot assume that a peace process can be consolidated by elections alone. Although elections are considered a means to advance stability, examples also show that they are volatile instruments which can easily be manipulated by the leadership "in power", or by those groups with access to power. Social and political differences are played out in electoral processes, and existing fault lines in society are exacerbated, often resulting in entry points for violence and conflict. This was the case, for example, in Kenya in the 2007 elections. The election process, especially the announcement of the results, was the trigger which gave way to violence and long-standing unaddressed structural issues.

In volatile post-conflict settings, where peace operations are present, the role of the UN in assisting national partners to create a conducive environment for elections is a challenging and complex task. It is a process which requires not only the mandate but, more importantly, a holistic vision, adaptive leadership skills and the courage to take calculated risks.

Experience has shown that there is no election that can be compared with another, as each contest is organized in a peculiar setting, is regulated by different actors and procedures and can reflect a wide range of purposes. Yet, there is one common trait that can be attached to all elections, i.e. they represent the most prominent expression of political competition.

Historically, the extension of suffrage to larger sections of the population has been followed by a remarkable rise in popular

participation, which expanded beyond the actual polling day. Greater public interest has been progressively attached to both pre-election campaigns and post-election periods. The advent of mass political parties promoted a large-scale political induction that rapidly transformed elections from a purely "gentlemen's affair" into a popular and open process.

Even so, it was after the end of World War II, and in particular following the end of the Cold War, that voting assumed the matter-of-life-and-death connotation that it seems to have acquired today. Multiple interests in elections have caused these processes to be highly disputed and strongly fought. Implementing the results requires losers to honour their commitment to respect the will of the people and accept the verdict of the ballot. Recent history and the record of electoral assistance by the UN have both demonstrated that lack of compliance with election results is perhaps the most critical threat to peace and stability in all regions of the world.

Needless to say, the current debate on election processes, especially in post-conflict contexts, is shaped by real-time events, particularly since more than 50 countries in Africa alone will hold elections in 2011. This provides an opportunity for the UN and the international community to contribute to the ongoing debate and discuss emerging trends further. UNSSC and ZIF have conducted a knowledge-sharing initiative, in which high-level UN peace operations leaders, particularly Deputy Special Representatives of the Secretary-General (DSRSG), exchanged views and approaches with practitioners and academics on post-conflict election challenges affecting peace operations. This publication highlights some cross-cutting themes and issues which warrant further discussion within the international community.

We would like to thank the Government of Germany and the contributors for sharing their ideas and experiences, and we hope that this work may inspire a wider and more fruitful debate on the future of UN peace operations.
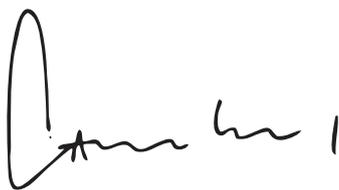
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Acronyms

AU	African Union
CPA	Comprehensive Peace Agreement
CPP	Cambodian People's Party
ECOWAS	Economic Community of West African States
NEC	National Elections Commission
SoC	State of Cambodia
SPLA	Sudan People's Liberation Army
SRSG	Special Representative of the Secretary-General
TRC	Truth and Reconciliation Commission
UN	United Nations
UNAMA	United Nations Assistance Mission in Afghanistan
UNAMI	United Nations Assistance Mission for Iraq
UNMIL	United Nations Mission in Liberia
UNMIS	United Nations Mission in Sudan
UNOCI	United Nations Operation in Côte d'Ivoire
UNTAC	United Nations Transitional Authority in Cambodia

INTRODUCTION
Highlights from the 2010 Dialogue Series
Svenja Korth

Overview

Elections play a significant role in peace processes since they are widely considered to be the main method of achieving a peaceful resolution to political controversies. An election process is a means of pursuing or retaining political power in which social differences are highlighted by candidates and parties campaigning for popular support. This process can contribute to peace, but it can also provide entry points for violence and conflicts because of the competitive patterns embedded in the "winner-loser" dichotomy. Such instability can derail the peace process and hamper both short-term recovery efforts and long-term development. Therefore, the challenges associated with electoral processes are issues that directly impact peace operations.

Post-conflict polls often take place in the context of United Nations (UN) peace operations and, as a result, the UN has the critical role of ensuring an orderly and safe conduct of the vote. Over the past 20 years, the UN has provided electoral assistance to 104 Member States and four territories. In the past two years (2008-2010) alone, 52 Member States have received assistance, eight in response to a Security Council mandate.[1]

The technical quality of an election is important insofar as it advances and protects fundamental political processes and human rights. However, the true measure is whether elections engender broad public confidence in the process and the outcome. In the 1990s, the UN observed landmark elections and popular consultations in Cambodia, El Salvador, Mozambique, South Africa and Timor Leste, but today this responsibility is increasingly being shifted to regional organizations.

Elections and violence

Political systems are a means to manage political competition and conflict in a peaceful way. However, if underlying political conditions are not conducive to creating unity among stakeholders, as was seen in Kenya in 2007 and, most recently, in Côte d'Ivoire and Haiti, elections can set off events which can divide rather than unify. Electoral shortcomings often are not the cause of the division, but rather the trigger to ignite more deeply rooted social, economic and political tensions. Indeed, disputed elections do not have the same causes.

The basis for preventing or mitigating election-related violence is to have a good understanding of the drivers of conflict, actors

1. www.un.org (Security Council Documents)

and their interests and the potential causes of violence. Political party development, a rather neglected area of assistance, is being increasingly regarded as the main entry point to prevent violence.

Accepting electoral results

This raises the dilemma about timings and sequencing of elections. Elections have the potential to be overshadowed by political discourse or violence, especially after the results are announced. The acceptance of election results by the losing candidates and parties is a critical issue in the context of post-conflict elections. Widely accepted results grant legitimacy to the entire electoral process and can pave the way to the consolidation of competitive politics. A report by the UN Secretary-General in 2007 stated that, "in post-conflict environments, the UN and the international community have often been called upon to assist national authorities in creating an appropriate post-election environment in order to ensure acceptance of results and government formation in a peaceful atmosphere".[2] Boutros Boutros-Ghali, in *An Agenda for Democratization*, outlined the importance of having international support for the political system to prevent its collapse after elections and ensure "widespread support among all actors for the continued practice of democratic politics beyond a first referendum or election".[3]

There are incentives and electoral formulas that make the rejection of election results a less appealing choice. They focus on diminishing the stakes of competition and,

at the same time, managing the entire electoral process in a professional manner, including the sensitive step of announcing the results.

The case studies of Cambodia, Sudan and Mozambique show that promoting "favourable conditions" – e.g. the establishment of a neutral political environment or unbiased media coverage – is a challenging task for the international community. Occasionally however, such international initiatives have de facto taken sides or reinforced negative trends.

At the same time, the international community needs to reflect on a case-by-case basis when parties should be encouraged to accept the results and when they should not. Making these decisions can be difficult. While it is desirable to see a peaceful end to an election process, there are times when it is entirely legitimate for political parties and other election stakeholders to protest in a non-violent manner. Experience has shown that rigged elections often keep autocratic leaders in power, while at the same time those who come to power through coups often quickly get intoxicated by power and will work to stay "in the seat". It has not helped that leaders who were compliant with Western interests were too often "guaranteed" longevity, no matter how brutal they were. Recent developments in

2. United Nations, "Strengthening the role of the United Nations in enhancing the effectiveness of the principle of periodic and genuine elections and the promotion of democratization - Report of the Secretary-General" A/62/293 (23 August 2007).
3. Boutros-Ghali, Boutros. (1996) *An Agenda for Democratization*, page 17 paragraph 43.

Arab and African countries, however, show that shared values – such as citizenship, participation and self-determination – are at the centre of democratic and electoral processes.

Competitive elections or grooming successors?

Political turnover is a fundamental feature of democratic regimes. In some controversial cases, political power and control of state institutions have been transferred from father to son through opaque and contested elections. Political nepotism and unbalanced or restricted competition go against democratic aspirations of the electorate. Notwithstanding the lack of a fair and transparent electoral process, the UN has found itself in the difficult position of having to work with de facto national authorities. There are challenges and trade-offs required to balance the call for truly democratic elections and the need to cooperate with the elected government in order to avoid disrupting normal development activities. The example of Togo has shown some common trends and lessons. Preserving economic benefits and the protection of political allies and affiliated clans are often the main reasons behind parental successions. Other contributing factors are: (a) the support of the army to the incumbent elite; (b) the control over the media by the ruler; (c) the existance of a legal framework that allows for continued rule from father to son; and (d) the presence of neighbouring countries that are unwilling to intervene into other countries' internal

matters (e.g. Nigeria, Niger, and Mali).
In these situations, political messages to a government need to be passed through discretion rather than public criticism.

'Contentious' winners

This also raises another dilemma for the UN: What are the main consequences and the impact of electoral victories by supposedly "unpalatable" political actors? Post-conflict elections can, at times, deliver unexpected outcomes, especially when warlords, illegal armed groups, allegedly "terrorist organizations" and candidates under criminal indictment are able to win popular support. Electoral victories by contentious actors impact the peace process and affect the international community's ability to work in a given country. Yet, in countries like Liberia and Afghanistan, warlords cannot be removed from the political equation if peace is to be preserved. Agreeing upon peacebuilding issues from the early stages of the peace process, e.g. during negotiations, would certainly help deter some problems that may otherwise arise later. For example, in Afghanistan, rigid legislation has been introduced to screen candidates in order to avoid warlords appearing on ballots per se. In Liberia, where another warlord has power, attention and resources must be allocated to strengthening the rule of law so that real democracy can take root in the country. These examples serve to reiterate the point that there is a constant need for sound political acumen to identify innovative and palatable entry points for the international community.

Leadership challenges

As an external partner playing a central role in elections that are inherently a national process, the UN is often placed in an extremely delicate position which presents complex leadership challenges and where complicated political dimensions of the elections are at play. In navigating such delicate situations, leaders in the UN system need to show an adaptive leadership style, which mobilizes people to tackle tough challenges and thrive by building on, rather than discarding, the past. Organizational adaptation occurs through experimentation and relies on diversity and, as a result, it takes time.

Managing complex election processes in post-conflict situations poses numerous challenges that require leaders to be prepared to take calculated risks to achieve progress. There is an important difference between a gamble and a calculated risk. Successful leaders do not gamble; rather, they take measured risks that entail setting clear objectives, exploring options on how to attain goals and weighing the costs and benefits of pursuing a course of action that could lead to failure. Taking calculated risks in the context of national elections can touch on core issues of sovereignty and constitutionality, placing internal domestic affairs on the international agenda and triggering renewed instability. Striking the right balance between taking intrusive actions to ensure that elections succeed and avoiding allegations of meddling in the domestic affairs of the host country is not an easy task.

The calculated risks taken by the UN in Côte d'Ivoire – including pressing for elections in this divided country before reunification of the security forces, without disarming former combatants or dismantling the armed militias and in the absence of effective state authority in the northern and western regions of the country – were unprecedented. It is evident that the UN's principled stand and the many calculated risks and initiatives it took were instrumental and, in fact, pivotal in safeguarding the credibility of the elections and the democratically expressed will of the Ivorian people. Taking this approach paid off through the first round of the presidential election; it also demonstrated the importance of ensuring that mitigating measures are in place before taking calculated risks.

Impartiality is the UN's most valuable asset and one of the principles (along with expertise and effectiveness) underlying its provision of electoral assistance. However, the UN faced a dilemma, for example, in the 2009 presidential elections in Afghanistan, where it navigated a fine line between supporting and guiding the Afghan electoral institutions and ensuring fair and transparent elections. While the mandate of the United Nations Assistance Mission in Afghanistan (UNAMA) emphasized the importance of free, fair, inclusive and transparent elections, it also included the objective of supporting Afghan institutions, which would include the Independent Electoral Commission and the Electoral Council. In this situation, failing to examine all allegations of electoral fraud and see the democratic process through could raise questions about whether UNAMA was fulfilling all parts of its mandate.

Some conceptual challenges

Multiple purposes of post-conflict elections

In order to analyse whether specific elections have been successful or unsuccessful, it is necessary to clearly identify the purposes that post-conflict elections aim to serve. There are always a number of purposes which can be mutually incompatible or even contradictory. Among these, the most obvious is to promote democratic governance. However, other purposes served by elections after conflicts are to: (1) validate peace settlements; (2) constitute new sovereign authorities; (3) legitimize new constitutional arrangements; (4) provide a symbolic break from the past and a fresh start; (5) promote the development of civil society organizations; (6) encourage more popular participation in the political process; and (7) set deadlines to drive other initiatives, such as the completion of demobilization processes. Most of these purposes are process goals, not events. They each refer to long-term processes, such as reconciliation, democratization or conflict management, and so on.

Elections are a means of achieving broader goals. They are powerful tools; however, if goals such as reconciliation and democratization are the real purpose for holding an election, it is hard not to come to the conclusion that a disproportionate amount of attention is paid to the election itself – to the tool – rather than to the larger objectives and processes to which the elections are contributing.

Further, in order to debate the success or failure of post-conflict elections – or why they succeeded or failed – it is fundamental to define what is meant by "success". And if post-conflict elections serve many purposes, then election results must be evaluated against each of the relevant dimensions. There have been elections widely regarded as failures, such as in Angola in 1992, and others that have been regarded as successes, such as in El Salvador and Namibia. But apart from these, most post-conflict elections have fallen somewhere between these two extremes – they have achieved some partial measure of peace and some partial measure of democracy; maybe they have produced stability but without democratic legitimacy; or conversely, they may have been more democratic but produced little stability. There are many combinations. Thinking about the multiple purposes of elections allows for meaningful differentiation among these mid-range cases, rather than simply labelling them all "partial successes" or "partial failures," which provides very little useful information to compare or learn from their outcomes.

For example, can Cambodia's first post-conflict election in 1993 be judged as a success? The election was reasonably well run, with a large turnout at the polls; the Khmer Rouge threatened to disrupt, but did not; and the result was judged as reasonably free and fair. This was the short-sighted assessment at the time, focusing on the electoral act itself. Years later, Hun Sen managed to effectively overturn the results of the election by undermining the Royalists and Prince Ranarridh, and by manoeuvring his way back into power through manipulation, intimidation and

violence. But does that mean the election failed? It depends on which of the objectives one is talking about. The election failed to initiate a new period of genuinely democratic politics in Cambodia, but it succeeded in establishing a break from the past, validating a peace agreement and providing a basis for a relatively stable government. On these dimensions, the outcome was not a failure at all.

The different aims of post-conflict elections also raise the issue of the compatibility of multiple goals. Since some goals are mutually incompatible, it is important to ask uncomfortable questions about what kinds of trade-offs between them are viable or not viable or, from a normative perspective, acceptable or not acceptable. These are all extraordinarily difficult judgments since all positions contain some truth. Nevertheless, trade-offs and the implications of the inconsistencies are rarely acknowledged or addressed.

Using elections as an indicator for democracy

There are some challenges that arise from regarding democracy promotion and peacebuilding as the theoretical foundations of international efforts and from regarding democracy as the preferred regulatory mechanism for socio-political relationships. While democracy has offered a valid framework for managing conflict and dialogue in several cases, it also has led to oversimplifying the complexity of reality by not capturing or reflecting the nuances of political developments in different parts of the world.

Another critical challenge is emerging around the issues of political values. While aiming to bring people together, elections often have proven not to be as inclusive as expected. There are people who do not vote and others who do not accept the outcome. Is there any alternative solution to be considered that might promote more inclusive processes?

Finally, elections at times have been appropriated for purposes other than democracy. In order to appropriate a process or an idea, it is important first to have ownership of it. For instance, Africans have appropriated the democratic model and transformed it into something meaningful for them. The introduction of authoritarianism has been linked to the rise of democracy and, at the same time, the legacy of authoritarianism was created by colonial military rule. The result of this juxtaposition of legacies is the adaptation by Africans to the "formalities of democracy", such as elections, which happen to also be the main concern of the international community. This explains the efforts of African ruling elites to comply with those legal and formal dispensations in order to preserve authoritarian rule.

Outstanding questions

A number of questions remain unanswered. Future research and work by national and international electoral stakeholders and experts should focus on the following issues:

- How long after the peace agreement should elections be held? Allowing more time has so far proven to be a better choice.

- When can the success of elections be measured? The day after? One year later? Five years later?

- How can one reconcile trade-offs agreed to at the end of the conflict with those that may be needed five years later because there are different values to be compromised.

- When can fully competitive politics be introduced without undermining reconciliation?

- Are elections the first step towards peace or rather the last act of war?

- First post-conflict elections are a result of Comprehensive Peace Agreements and seek to validate the peace deal. How can one ensure that second elections consolidate peace and democracy?

- When do power-sharing deals effectively reduce election-related violence and when do they erode the will of the people?

- When do power-sharing deals create a dangerous precedent by making the rejection of results a convenient, and therefore appealing, move for the loser?

- Since perceptions change over time, how does the approach and support need to be adapted to changing dynamics and perceptions?

- How can one reconcile popular perceptions when they are different from the UN and other international partners' perceptions and ensure they are better articulated?

- Is the UN really impartial, or does it rather predict and support winners and losers through its actions (e.g. the referendum in Sudan in 2011)?

- Are UN peace operations perceived as neutral?

- Who decides if elections are free and fair? What are the benchmarks for UN positioning?

- In considering the topic of contentious winners, who defines what is "contentious"? And for whom? (e.g. the rebels of today may be the leaders of tomorrow).

- How can the ability to have proper analysis – coupled with continued political engagement – be strengthened to prevent violent electoral outcomes.

- How can a prolonged presence be maintained in post-crisis societies when financial requirements and political imperatives push for early exit strategies?

- How can peacebuilding imperatives be addressed in a structured fashion?

- How can peacebuilding issues be brought to the peace negotiating table?

- How should ownership of electoral processes be defined? Ownership for whom?

- How can the UN facilitate more time and resources to build democratic institutions?

- How can one achieve a commonly accepted understanding of international democratic principles?

- How can the dialogue between international actors and local counterparts be strengthened?

- Taking calculated risk is fundamental to move the process forward. However, the values and mandate of UN need to be the "measuring stick" for leaders' actions. How can this be assured?

- Exercising leadership implies a highly ethical standing. What are the benchmarks for measuring such standards?

Electoral challenges and tools available to face them

CHAPTER1
'Learning to lose': accepting electoral outcomes
Fabio Oliva

Introduction

The acceptance of election results by the losing party is an area of study that is particularly relevant for the development of a democratic political order in post-conflict settings.[4] This is a subject that is still relatively unexplored and which deserves deeper analysis, especially for its policy implications in relation to electoral contests in divided and polarized societies.

Elections cannot be perfect because they are run by people. Because of this inherent human element, the acceptance of the results by all major political parties is crucial for legitimizing the whole electoral process.[5] According to a 2007 report of the UN Secretary-General, "in post-conflict environments, the United Nations and others have often been called upon to assist national authorities in creating an appropriate post-electoral environment in order to ensure acceptance of results and government formation in a peaceful atmosphere".[6] Indeed, while the conduct of elections is challenging, "the real problem is the immediate post-election period – the day after elections, particularly if the result is disputed."[7]

The United States – a country that is commonly regarded as an advanced liberal democracy – has a long history of close and disputed elections. The 1876 presidential election, for instance, saw a stand-off between the Democratic and Republican candidates, whose fierce dispute over the vote count nearly escalated into violence. Yet, the 2000 presidential election is most memorable, both for the intensity of the struggle between the two contending candidates and for the loser's profound commitment to democratic principles in accepting the final verdict. Al Gore's concession speech is very instructive:

"[The] Supreme Court has spoken. Let there be no doubt: While I strongly disagree with the court's decision, I accept it. I accept the finality of this outcome (…). And tonight, for the sake of our unity of the people and the strength of our democracy, I offer my concession. (…) Other disputes have dragged on for weeks before reaching resolution. And each time, both the victor

4. Parts of this chapter have previously appeared in: Oliva, Fabio. "Vainqueurs et vaincus: deux faces de la même médaille? Ou comment accepter le verdict des urnes" in Jean-Pierre Vettovaglia et al. (eds.) (2010) *Elections et Démocratie dans l'Espace Francophone*. Brussels: Bruylant: 454-475.
5. Sousd, Im (NEC Chairman). Interview. Phnom Penh, 19 October 2007.
6. United Nations "Strengthening the role of the United Nations in enhancing the effectiveness of the principle of periodic and genuine elections and the promotion of democratization – Report of the Secretary-General' A/62/293 (23 August 2007).
7. Knox, Chitiyo, "Ivory Coast: Africa's democracy lesson" *BBC News*. Accessed on 7 May 2011. www.bbc.co.uk/news/world-africa-13092437

and the vanquished have accepted the result peacefully and in the spirit of reconciliation." [8]

This contrasts strongly with the actions in Angola in 1992, when threatening graffiti was posted throughout the country by the armed opposition after losing the post-civil war election ("The MPLA wins, UNITA kills").[9] After a prolonged and contentious counting process, Jonas Savimbi, the leader of the Angolan faction, UNITA, rejected the verdict of the ballot and returned to the jungle. In equally controversial circumstances, the United States' presidential candidate, Al Gore, accepted the "finality" of the electoral outcome and went back to private life. The beliefs permeating Gore's concession speech – as opposed to the violent rhetoric of UNITA's leadership – show clearly why democracy has been described as that "system in which parties lose elections".[10] Gore mentioned several times the overwhelming respect for a superior good – be it "democracy", "unity" or the "country"– as the paramount guiding principle to put aside partisanship, even after one of the most disputed elections in American history. Savimbi used similar arguments to dismiss the results and reinforce his divisive stance.[11]

Theoretical considerations

The divergent outcomes of these two examples from Angola and the United States seem to suggest the existence of a learning capacity to accept the fate of elections – however regrettable the results might be.

Conventional theoretical constructions have portrayed post-election scenarios through a binary dialectic, in which the winners' ascent and the losers' descent follow predetermined patterns:

"Each is expected figuratively to pay respect to the sanctity of the outcome, losers by consoling their supporters and congratulating the winner, and the winner by thanking supporters, complimenting the losers on a hard-fought battle, and indicating the regime will govern for the good of all the people." [12]

According to the customary perspective, the climax of political confrontation reached on election day would drop off dramatically once official results are announced, bringing about an immediate decontamination of the political climate. Voters and supporters of the losing party would concede defeat and accept the polls' verdict as the result of a

8. Al Gore, 2000 presidential concession speech, Washington D.C., 13 December 2000.
9. Quoted in Maier, Karl. (1996) *Angola: Promises and Lies*. London: Serif, 69. In September 1992, the incumbent MPLA (Popular Movement for the Total Independence of Angola) won the first post-conflict elections against its long-time enemy, UNITA (National Union for Total Independence of Angola). UNITA leadership refused to accept the results and resumed their armed struggle.
10. Przeworski, Adam. (1991) *Democracy and the Market: Political and Economic Reforms in Eastern Europe and Latin America*. New York: Cambridge University Press, 10.
11. He declared that "[i]t is the duty of us, freedom fighters, those who through their blood and sweat brought about democracy to this country, to tell you that the MPLA is not winning and cannot win". Radio message transcript, *The New York Times*, 4 October 1992, p. 16.
12. Cigler, Allan J. and Getter, Russell. "Conflict Reduction in the Post-election Period: A Test of the Depolarization Thesis", *The Western Political Quarterly* 30:3 (September 1977): 363-376.

"psychological adjustment".[13] Anecdotal experience has, however, demonstrated that post-election depolarization is not a foregone conclusion. Political crises have marred electoral processes, although with different levels of intensity, in places as diverse as Angola, Burundi, Cambodia, Côte d'Ivoire, Haiti, Italy, Kenya, Madagascar, Quebec, Rwanda, Spain, Ukraine and the United States. This suggests that, while winner enthusiasm towards the political system is predictable, loser endorsement is "less obvious",[14] especially in cases of founding, close and hard-fought contests.

The so-called "learning to lose" process is more than simply conceding defeat. It is a process that involves accepting the "finality" of the electoral outcome and thereafter granting support to political institutions until the next election. Parties may acknowledge electoral defeat, but then may not accept the political outcome, and hence do everything in their power to prevent the winner from ruling effectively. Post-electoral cooperation and an overall acceptance of the winner's right to rule are key elements of the learning process. Even so, political consent does not mean a political bandwagon; skilled losers maintain their independence and continue to stand as an alternative to the winners. Whitehead has brilliantly captured the nature of this "learning to lose" capacity, arguing that it:

"implies moving along an electoral continuum: At one end stand zero-sum conflicts in which no holds are barred and from which only one winner emerges, a winner (…) who makes no concessions to those whom he defeats. At the other end of the continuum is an iterative sequence of electoral contests in which even those who suffer the most staggering losses accept defeat and as a result stand a chance of returning to office in some later contest".[15]

Although the "learning to lose" process is widely praised, little is known about the actual shape of the learning curve. One recurrent assumption is that parties in consolidated democracies are more eager to comply with electoral outcomes than political competitors in new democracies.[16] In electoral history, there are several instances of losers declining to accept the verdict of the ballot,[17] but the number of cases of acquiescence is simply overwhelming.

Does the fact that established democracies have normally fared better than new or less consolidated democracies involve the notion that conceding defeat, and therefore, losing, is actually something that can be learned? While the immediate response might be affirmative, the answer is more complex. This section suggests a reformulation of

13. Cigler, Allan J. and Getter, Russell. "Conflict Reduction in the Post-election Period": 364.

14. Nadeau, Richard and Blais, André. "Accepting the Election Outcome: Effect of Participation on Losers' Consent" *British Journal of Political Science* 23:4 (October 1993): 553.

15. Whitehead, Laurence. "The Challenge of Closely Fought Elections" *Journal of Democracy*, 18:2 (April 2007): 16.

16. Anderson, Christopher J. and Mendes, Silvia M., "Learning to Lose: Election Outcomes, Democratic Experience and Political Protest Potential" *British Journal of Political Science*, 36 (2006): 91-111.

17. The 1876 US Presidential elections are perhaps among the first disputed polls in recent history. Divisive elections have become more frequent with the advent of media and the increasing role they have played during electoral campaigns.

the underlying research question, moving from *where* parties learn to lose to *why* parties learn to lose. This analytical twist originates from the acknowledgement that, in the last few years, political polarization has affected old and new democratic systems alike.[18] The increased capacity to mobilize large numbers of people around a cause, a party, a political movement or even an individual has made the recognition of election results a very sensitive matter. In the last decade, more and more contests have either ended up in a dead heat or have produced disputed outcomes.[19] The two phenomena seem, in fact, to be associated with a causal effect: *The closer the election results, the more likely its outcome will be disputed.* If conceding defeat is already an unpalatable choice, losing parties have even greater difficulty deciding to formally accept and practically honour the results from close and disputed elections. The prevalent practice of observing elections and certifying the fairness of the competition can be interpreted, in part, as a consequence of increasingly frequent post-election stand-offs.

Examinations of the political dynamics surrounding immediate post-election periods and, in particular, losers' reactions to unpleasant outcomes ultimately aim to identify the factors that might prompt losers' acquiescence. Before that, however, we need to introduce an important analytical caveat. In fact, there are two ways of looking at the phenomenon of losers' compliance: At the micro level, we can observe the reaction of party leaders and cadres to election results; at the macro level, we can ascertain the

larger electorate's degree of alignment with the outcome. What makes research more challenging is the fact that compliance does not necessarily occur at both levels. While popular reactions can play a role in pressuring party leaders to concede defeat, the approach of top leaders seems to play a more significant role in the decision-making process.[20]

Scholars have mostly focused on the macro level, i.e. the consequences of loser consent on the viability and sustainability of the overall political system.[21] Academic literature addresses the construction of political support and government consensus following electoral cycles. Yet, according to this scholarship, reactions from the larger electorate normally follow the two Eastonian alternatives: "voice" or "exit". Supporters of defeated parties nominally choose between protest against the incumbent (voice) and departure from political engagement leading to disaffection from the political system (exit).[22]

Post-electoral periods are characterized by the interplay of various circumstances. Whereas macro-level analyses contemplate

18. Whitehead, Laurence. "The Challenge of Closely Fought Elections": 20.
19. Besides the United States 2000 presidential election, there have been close or disputed elections in Canada (2004), Italy (2006), Kenya (2007), Madagascar (2002), Mexico (2006), Puerto Rico (2004), Spain (2004), Taiwan (2004), Ukraine (2004) and Zimbabwe (2008).
20. This is the example of Angola where UNITA supporters wanted peace and were more inclined than the top leadership to accept the election results.
21. Anderson, Christopher J. and Mendes, Silvia M., "Learning to Lose"; Christopher J. Anderson et al. (2005) *Losers' Consent: Elections and Democratic Legitimacy*. Oxford: Oxford University Press; Craig, Stephen C. et al. "Winner, Losers, and Election Context: Voter Responses to the 2000 Presidential Elections" *Political Research Quarterly*, 59:4 (December 2006): 579-592.
22. Easton, David. (1965) *A Systems Analysis of Political Life*. New York; London: J. Wiley.

a simple binary reaction pattern, at the micro level, manifestations of dissatisfaction and dissent on the losing side can vary in nature and intensity. In some cases, losing leaders accept the ballots' verdict and agree to play the role of opposition assigned to them by the constitution. Alternatively, they opt for an anti-systemic opposition role.[23] Sometimes, they may go for complete disengagement from political activity and alienation. In other situations, losers may decide to voice their dissent aggressively or even through violence and challenge the legitimacy of the political system in an attempt to overturn the election outcome.

Interpretations of the electoral process

"Learning to lose" remains an ambiguous and uncertain phenomenon unless we are able to define what the defeated party is afraid to lose or, in other words, what the loser's interpretation of the electoral competition is. It is reasonable to believe that when competitors have disproportionate expectations and high considerations of what is at stake, the vanquished will be less willing to concede defeat.

The international community, including the UN and other international and regional organizations, has considered the conduct of elections and referenda as a remedy for solving critical political crises and armed conflicts worldwide. Scholars studying the link between participation and political legitimacy have conceived elections as a powerful source of popular support and legitimacy for governments

and their policies.[24] Conflict studies have produced perhaps the widest spectrum of interpretations concerning electoral processes. The organization of elections has become the key ingredient of peace processes, receiving sometimes disproportionate – if not obsessive – attention compared with other crucial components of post-conflict transitions, such as the rule of law, security sector reform and national ownership of the socioeconomic recovery. Ballots have gained a quasi-religious status in peacekeeping and peacebuilding contexts[25] and have served the interests of several actors. Armed groups seeking a safe landing into mainstream politics have viewed elections as an instrument of political legitimization. Authoritarian regimes also have found it useful to legitimize their rule through the ballot, while the international community – be it the UN, other regional organizations or foreign governments – has identified elections as a tangible event on which to pinpoint their exit strategy. One interesting perspective has sought to isolate electoral contests from individual stakeholders' agendas to emphasize the role played by elections in the validation of

23. This is especially the case of sour or recurrent losers. Giovanni Sartori has written extensively on anti-system opposition parties. Sartori, Giovanni. (1976) *Parties and Party Systems: A Framework for Analysis.* Cambridge; London: Cambridge University Press.

24. Ginsberg, Benjamin and Weissberg, Robert. "Elections and the Mobilization of Group Support" *American Journal of Political Science* 22 (1978): 31.

25. Speech by UN Under-Secretary-General Lakhdar Brahimi on the occasion of "Lectures and Conversations Series" at United Nations Headquarters in the Dag Hammarskjöld Library Auditorium, New York, 5 October 2005. Webcast available at: www.un.org/depts/dhl/events/lectures/peacekeeping.htm. Accessed on 27 April 2011.

peace agreements.[26]

The academic fields of political transitions and democracy promotion have joined to promote the value of conducting elections in order to find a valuable measure and qualification for democracy. Holding "free and fair" elections at regular intervals has been adopted almost as a political pedigree for vibrant democracies. Yet, as anecdotal experience has demonstrated, even with perfect adherence to the highest standards of democratic elections, in some circumstances procedural fairness cannot guarantee a democratic outcome and a significant impact on the political system.[27]

Post-election periods: the challenge of results

The wide array of interpretations concerning the electoral process reflects the magnitude of consequences arising from its completion. This is problematic when – as in our case – an effort is made to narrow down the topic and examine a particular aspect of the phenomenon, especially because the perspective of an election changes over time. For example, before an election, all contestants regard the ballot as an opportunity. Once voting is over, winners consider the election as both a political ratification and a popular endorsement; losers take the outcome as a political dismissal and a popular repudiation. After an election, "the paradox is that the mutually vilified must live together...".[28]

The immediate reaction to electoral defeat is deception followed by anger. A bitter attitude comes from realizing that the

loser has been ousted from state affairs for a significant period of time. History is written by victors, and policies are crafted by winners. Complying with the electoral verdict is controversial because it produces a political ruling. This ruling anticipates a situation of sanctioned compulsion which authorizes winners to impose their values on losers.[29]

Przeworski has attempted to isolate the factors that prompt political parties to "obey" the results of elections.[30] His conclusion points to individual economic safety as a key determinant of political compliance; data allegedly show that a certain level of per capita income vouches for democracy's longevity.[31] While Przeworski's quantitative approach is applicable to many electoral events worldwide, it fails to explain some recent setbacks in supposedly advanced democracies such as Italy and Spain. Although the loser's refusal to accept the electoral outcome did not turn violent and the winner was able to take office,

26. Reilly, Benjamin. "Democratic Validation" in J. Darby and R. MacGinty (eds.) (2003) *Contemporary Peacemaking: Conflict, Violence and Peace Processes*. Basingstoke: Palgrave Macmillan: 230-241.

27. This is the case, for instance, of post-settlement elections in Cambodia or Bosnia and Herzegovina.

28. Rapoport, David C. and Weinberg, Leonard. "Elections and Violence" in David C. Rapoport and Leonard Weinberg (eds.) (2001) *The Democratic Experience and Political Violence*. London; Portland: Franck Cass Publishers, 31.

29. Przeworski, Adam. "Why Do Political Parties Obey Results of Elections?": 130.

30. Przeworski, Adam. "Why Do Political Parties Obey Results of Elections?" in José Maria Maravall and Adam Przeworski (2003) *Democracy and the Rule of Law*. Cambridge: Cambridge University Press: 114-144.

31. Przeworski, Adam. "Why Do Political Parties Obey Results of Elections?": 115. The historical threshold identified by the author is US$ 6,055 corresponding to 1975 Argentinian per capita income.

democracy faltered and was challenged as a result of the opposition's refusal to concede defeat and recognize the legitimacy of the government, which ruled practically by default. In addition, other research has denied the linkage between economic growth and democracy.[32]

Consequences and risks of non-compliance: averting polarization and violent escalation

Boutros-Ghali, in his *Agenda for Democratization*,[33] suggested that free and fair elections should not exclusively legitimize the winner and give way to the progressive suppression of the defeated party over subsequent electoral cycles. He called for democracy to be understood primarily as a political culture to be assimilated and disseminated at the domestic level. To that extent, democracy is to be appreciated as a system "in which no party or group expects to win or lose at all time".[34] Nonetheless, that prescient view has not been acknowledged. In fact, the political accounts examined suggest that failed electoral processes have seriously impacted the domestic political order to different degrees depending on the context in which the crisis occurred. In several cases, political alienation following a sour defeat has affected opposition groups. Sometimes this has led to an often voluntary reaction which aims to delegitimize the winner with the intention of undercutting its right to rule and the authority of its policies and decisions. In other situations, defeat has converted the loser into an anti-systemic

opposition, manifested by: (a) irresponsible performance where over-promising parties have systematically sought to politically outbid the government; or (b) violent behaviour, either in the form of an armed insurrection or a coup d'état.

How can it be ensured that the electoral crescendo, after reaching its peak on election day, eventually loses its pace and does not unleash an escalation of political confrontation and violence? By pointing to "participation and moderation [as] key determinants of losers' consent", Nadeau and Blais not only relegate their analysis to common sense, but they also fail to identify which factors might prompt or hamper participation and moderation.[35] In fact, there are best practices and lessons to be drawn from experiences in countries where the post-election handover was a smooth and bloodless process notwithstanding a close result. These practices, highlighted in Table 1, can be used as incentives to prompt compliance in disputed elections.

32. Helliwell, John F. "Empirical Linkages between Democracy and Economic Growth" *British Journal of Political Science*, 24 (1994): 225-248.
33. Boutros-Ghali, Boutros. (1996) *An Agenda for Democratization*, 8.
34. *Ibidem*, 8
35. Nadeau, Richard and Blais, André. "Accepting the Election Outcome": 562.

Table 1
Conditions and incentives for losers' compliance in disputed elections

Conditions	Incentives
There exists a tacit or explicit "collective commitment not to bid for power outside the electoral framework".[36]	• Effective Disarmament, Demobilization and Reintegration (DDR) programmes are in place. • There is agreement on post-election civil-military relations.
Parties do not perceive the contest as a zero-sum-game.	• Power-sharing mechanisms (in post-conflict or post-authoritarian transitions) exist. • Parliamentary representation is enhanced by proportional electoral systems (especially in cases of ethnically and culturally diverse societies). • Concurrent levels of election (e.g. presidential and parliamentary) may reduce tensions and lower expectations.
The outcome is not a foregone conclusion and a system of "organized uncertainty" is in place.[37]	The uncertainty of the outcome is countered by the certainty of procedures regulating electoral competition, such as: • procedural equity • free and fair campaigning and competition • unbiased electoral management bodies.
Political confrontation before and after the election is not excessively bitter or violent.	There are proper mechanisms to reduce the potential for confrontation, such as: • monitored political party codes of conduct • third-party observation (international and domestic) • impartial electoral courts to settle possible disputes • efficient ballot-counting mechanisms coupled with rapid communication of preliminary official results.
There is a convincing prospect that, whatever the outcome, it can be reversed in subsequent elections.	• The electoral system and institutional setup allow for alternation in power. • Political turnover has already occurred.
The "stakes" of the election are reduced.[38]	• There are efforts to make pacts. • There is effective and impartial external election monitoring.
Subsequent electoral cycles are not chronologically distant.	• Office terms are not too long. • The electoral calendar[39] is fair.
Losers are not excluded from participation in policy development.	• Some proposals of the losers' electoral platform are considered or discussed by the incoming government.
Losers have a recognized institutional role.	There are legal provisions granting official status to losers, such as: • statute of opposition • a recognized role for the leader of the opposition • participation in decision-making on issues of national interest • a real role for parliament with an impact on the policy-making process.

36. Whitehead, Laurence. "The Challenge of Closely Fought Elections": 15.
37. Przeworski, Adam. (1991) *Democracy and the Market*, 13.
38. Höglund, Kristine, Jarstad, Anna K. and Söderberg Kovacs, Mimmi. "The Predicament of Elections in War-torn Societies" *Democratization*, 16:3 (June 2009): 551.

39. Local and parliamentary, or mid-term elections offer a fair distribution of chances to seize power and have potential for moderation.

Table 1 shows that loser support is possible when the system is able to guarantee predictable timeframes, provide concrete post-election rewards (e.g. a recognized role for the opposition or power-sharing mechanisms) and produce positive perceptions about the electoral process (e.g. unrestricted participation, open competition and procedural fairness). Among these qualifications, the one that is the most important in the process of convincing losers to accept the electoral outcome is the "contingency of defeat". In other words, losers should not only be allowed to contest elections every time office terms expire, but also should be persuaded that they have a meaningful chance of winning. Accordingly, winners should give assurances that they will refrain from using the power deriving from incumbency to thwart the opposition's chances of winning at the next electoral round. The meaning attributed to the electoral process is ultimately a crucial factor for complying with the results. If the election is understood as a zero-sum game with a predictable outcome then compliance is unlikely. If the race is open and victory represents no more than "government pro tempore",[40] then loser consent is plausible.

Losers' role in peacebuilding and democracy promotion

Learning to lose takes time because it is a demanding and, in many respects, a costly process. It is such a critical process that its irreversibility cannot be taken for granted; it can be "unlearned" if incumbency is perceived as a permanent status by the ruling party. Learning to lose is not an inherently spontaneous process or a foregone conclusion, but it can happen as a result of a "naturalization process" that can prompt conformation to the ballot's verdict and craft a political consensus critical for democratic continuity.[41] William H. Riker has been a sedulous advocate of the role played by electoral losers and the fundamental political impact brought about by their actions. His writings have provided resounding support to the political reputation of defeated contenders. As he once noted:

"[i]n the study of politics and public policy, we devote most of our attention to the analysis and interpretation of the platforms and policies of the winners of political disputes, elections, wars, and so forth. (…) Conversely, we ignore the policies and platforms of the losers because these are the junk heap of history, the might-have-beens that never were. But we should not, I think, entirely overlook the losers and their goals, for the losers provide the values of the future. The dynamics of politics are in the hands of the losers. It is they who decide when and how and whether to fight on. Winners have won and do not immediately need to change things. But losers have nothing and can gain nothing unless they continue to try to bring about new political

40. Linz, Juan J. and Valenzuela, Arturo (eds.) (1994) *The Failure of Presidential Democracy*. Baltimore: The Johns Hopkins University Press, 16.
41. Whitehead describes it as "an extremely complex and counterintuitive social construct". Whitehead, Laurence. "The Challenge of Closely Fought Elections": 25.

situations. This provides the motivation for change." [42]

The tension between different views of a political system comes from the fact that both commitment to and disregard for democracy are virtually contingent on the role played by actors within the political order created by the electoral outcome, whether they are the ruling majority or the opposing minority. Surprisingly, winners' commitment can be less genuine than losers' commitment and can exist merely as the result of opportunity. A fine analyst of African politics has confirmed that:

"the 'winners' are less likely than the 'losers' to express deep commitment to democracy by explicitly demanding a democratic government. On one hand, losers seem to cling to the hope that democracy will eventually end their political exclusion; on the other hand, winners are especially shallow democrats, whose attachment to democracy lasts only as long as they remain in power." [43]

Success stories (e.g. El Salvador, Ghana, Mozambique, Nepal, Senegal and South Africa) have been defined by all the contestants' acceptance of the election results and their agreement to the principle of temporary incumbency. That consensus has paved the way for the incremental consolidation of democracy and the transformation of the losing party into a legitimate parliamentary opposition able to offer a political alternative to the ruling party. Failures (e.g. Angola, Burundi,[44]

Côte d'Ivoire, Haiti,[45] Kenya, Liberia,[46] Rwanda,[47] Togo and Zimbabwe) have been shaped by the vehement negation of the electoral verdict by some stakeholders and widespread violence. The denial of the electoral process has normally led to dramatic and non-democratic consequences like: (a) the return to armed conflict; (b) a coup; (c) the establishment of a single-party regime. In these cases, opposition groups have failed to develop into viable political parties and have gone into hiding or back to the jungle to pursue extra-constitutional patterns of politics.

There is also a broad spectrum of hybrid cases (e.g. Bosnia and Herzegovina, Cambodia, Guinea, Haiti,[48] Kosovo, Madagascar, Nicaragua, Sierra Leone and Tajikistan) where forced or nominal compliance with the voters' decision by the losing party has produced mixed results, such as: (a) passive peace; (b) the continuation of war by other means; and (c) an increasing authoritarian regime. In these circumstances, the fate of the opposition has been problematic. Their performance appears to be characterized by shallow consideration for democratic practices, scattered participation in the policy-making

42. Riker, William H. "Political Theory and the Art of Heresthetics" in Ada W. Finifter (1983) (ed.) *Political Science: The State of the Discipline*. Washington, D.C.: American Political Science Association, 62.
43. Bratton, Michael. "The 'Alternation Effect' in Africa" *Journal of Democracy*, 15:4 (October 2004): 157.
44. 1993 elections.
45. 1988 and 2004 elections.
46. 1995 elections.
47. 1994 elections.
48. 2006 elections.

process and apparent contempt for political institutions.

After independence, African countries in particular, have faced complications in their political development in three crucial areas: (a) the conduct of regular, free and fair elections; (b) the acceptance of election results; and (c) the peaceful and democratic transfer of power. Political successions have led to moments of extreme political volatility and democratic fragility, such as in the 2005 controversy in Togo and the December 2008 coup in Guinea.[49]

The recent case of Côte d'Ivoire demonstrated both good and bad practices in dealing with contentious electoral contests. For the first time ever, the UN received the mandate to certify the electoral process and announce the winner. Such a politically sensitive mandate was performed in an unwavering and professional manner. When the incumbent, Laurent Gbagbo, refused to accept the electoral results, the UN took a firm stance to back the legitimate winner – the opposition leader, Alassane Ouattara – and precluded any attempt by pro-Gbagbo forces to arrest him. The Economic Community of West African States (ECOWAS), a regional intergovernmental body, provided economic backing for that political decision by approving a range of economic sanctions to undercut the support for Gbagbo. The sanctions managed to erode Gbagbo's power as it became increasingly more difficult for the incumbent to pay the army and reward its base of support. These political and economic measures paved the way for targeted military operations against pro-Gbagbo forces, led by ECOWAS,

the UN mission and the French *Licorne* special forces. Eventually, this multi-track strategy succeeded in restoring democratic legitimacy and installing Ouattara as the President of Côte d'Ivoire. The human cost was very high: thousands of victims and massive flows of internally displaced persons resulted from clashes between factions.

The assertive and unprecedented role played by the UN in certifying the winner in Côte d'Ivoire has received some criticism. Allegations have focused on the supposed breach of national sovereignty and the claim of another "civilizing mission" by foreign troops on African territory. These accusations have provoked the vehement reaction of the UN mission's leadership:

"I remain absolutely certain that I have found the truth concerning the will of the Ivorian people as expressed on 28 November. The will of the people points to one conclusion, that the people have chosen one person, not two, as the winner of the presidential election: the Ivorian people have chosen Mr. Alassane Ouattara with an irrefutable margin as the winner over Mr. Laurent Gbagbo. By saying this, I am not at all interfering in Ivorian affairs. As certifier of the Ivorian elections, I am only doing my job as accepted by the Ivorian authorities. In terms of certification of elections by the United Nations, Côte d'Ivoire is the first case ever in Africa. The United Nations did not seek

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49. Following the death of Guinea's president, a section of the army seized the opportunity to stage a coup and suspended the democratic course in the country.

this responsibility; it was requested to play the certification role by Ivorian leaders by virtue of the 2005 Pretoria Agreement. This is a solemn responsibility that the United Nations has towards all Ivorian people, who deserve peace, stability, prosperity and the respect of their will." [50]

The most important achievement of the Ivorian crisis is the new stance that the international community took in the face of an electoral dispute, rejecting power-sharing deals that would jeopardize long-term political stability. "Ivory Coast is a step change in Africa's support for electoral democracy and democratic transitions. Over the past decade, the tradition has been for power-sharing governments to resolve post-electoral disputes – as seen in Kenya, Sudan and Zimbabwe. Power-sharing is an important way of resolving military conflict, but it does not always resolve political conflict." [51]

The Ivorian case offers a clear indication of the international capacity to deal with these sorts of crises. The international community's political approaches for managing post-election stand-offs are far more sophisticated than the preventive instruments that are used to deter disputed electoral outcomes. For instance, it is striking that after several disputed elections over the last decade, many countries have not managed yet to create an independent body in charge of post-electoral dispute settlement.

In post-settlement scenarios, little importance has been attributed to stakeholders' capacity to manage change

and comply with commitments. The concept of "ripeness", introduced by Zartman, has been applied so far only from the perspective of conflict resolution. It would make more sense if this concept were applied to the entire conflict cycle – from conflict prevention to peacemaking, and from conflict transformation to peacebuilding – and strategically associated with the concept of "maturity", where *ripeness* refers to the political context, and *maturity* applies to political actors. [52] In post-war countries, loser support is critical to ensure that the transition is validated by a broad consensus – among policymakers and the population – throughout subsequent electoral cycles. First and second elections represent the litmus test for peacebuilding and democratic consolidation, and not a transition's end point.

The unnoticed paradox of elections is that the pronouncement of the outcome is followed by an incomplete definition of institutional and political roles. Winners enjoy recognition, legitimacy and the right to rule the country. Losers stagger politically, entering an institutional limbo where they are unable to find their own place and role. For losers to be able to accept their fate, the uncertainty of the electoral outcome must be counterbalanced by the certainty of the roles that both contestants

50. Y.J. Choi, Special Representative of the Secretary-General, United Nations Operation in Côte d'Ivoire "Statement on the second round of the Presidential election held on 28 November 2010" Abidjan, 8 December 2010, §14-15.
51. Chitiyo, Knox. "Ivory Coast: Africa's democracy lesson", *op. cit.*
52. Zartman, William I. (1989) *Ripe for Resolution: Conflict and Intervention in Africa.* Oxford: Oxford University Press.

will play after the elections. Two solid measures to enhance political ownership and compliance for winners and losers would seem to include: (a) reinforcing parliamentary activity; and (b) envisaging impartial institutional mechanisms able to ensure potential alternation of the party in power. If participation in the legislature and policy-making processes can help consolidate political opposition, political turnover could have a positive impact on popular consensus and overall satisfaction with democracy. Bratton has, in fact, noted that:

"the farther back in the past an electoral alternation (or, failing that, a transition to competitive elections) had occurred, the more disillusioned people were with democracy. By contrast, the more recent these defining political events, the more optimistic citizens tended to be". [53]

Preventive measures and third-party mediation can play a constructive backstopping role. However, turning short-lived, contingent democratic commitment by leaders and citizens into sustained and unconditional support can occur only if all stakeholders respect a set of detailed, non-amendable and even-handed prerequisites – including recognized status for the opposition, vibrant parliamentary activity and the potential for political turnover. Institutional equity can ease post-electoral disappointment among losers, and temporal certainty can deter anti-democratic practices by limiting the losers' period of political estrangement after electoral defeat.

"Democracy is by definition a government pro tempore, a government in which the electorate at regular intervals can make those governing accountable and impose change. The maximum time limit for any government between elections is probably the greatest guarantee against omnipotence and abuse of power, the last hope for those in the minority position". [54]

53. Bratton, Michael. "The 'Alternation Effect' in Africa": 155.
54. Linz, Juan J. and Valenzuela, Arturo (eds.) (1994) *The Failure of Presidential Democracy*, 16-17.

CHAPTER2
Addressing leadership challenges: calculated risk-taking
Raisedon Zenenga

Introduction

This contribution is aimed at sharing some thoughts on the role of elections in peace processes and calculated risk-taking in the context of addressing leadership challenges.[55] The key questions will be addressed are the following: (a) What are the boundaries of political action and initiative for mission leaders? (b) What are the limits and dangers of innovative but risky solutions? (c) When and how can "brinkmanship" be used to ensure commitment by unsteady stakeholders and partners?

Almost all African countries hosting UN peacekeeping operations and their neighbours have held potentially contentious elections in the last year or are scheduled to hold them by 2012. History has taught us that as much as elections are an important step towards the consolidation of democracy and peace, they can also lead to instability and violence in fragile societies. Furthermore, one of the most important and challenging threats facing Africa is the resurgent trend of unconstitutional changes of governments or holding on to power outside the constitutional process, even following open, free, fair and democratic elections, resulting in an internationally-recognized outcome. An example of this has recently occurred in Côte d'Ivoire.

The UN and the international community at large consider the successful holding of elections to be among the most important measures of stability for countries emerging from conflict. At the same time, elections in such situations often bear the risk of triggering a relapse into instability or even renewed conflict. Thus, in contexts where the UN has a peacekeeping mission, elections are considered an essential but risky part of the peace process and always require a considerable investment of effort and resources.

The UN is often placed in an extremely delicate position as an external partner playing a central role in elections that are inherently a national process. UN officials face complex leadership challenges, as they must work in concert with national and other concerned stakeholders to manage the complicated political dimensions of the elections. In helping to navigate such delicate situations, UN leaders have to be prepared to take calculated risks.

Calculated risk-taking

No progress has ever been made without taking calculated risks. As every leader in any organization – private or public – knows,

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55. Although this contribution attempts to highlight some general considerations, it draws mainly from the cases of Côte d'Ivoire and Liberia.

risk-taking and management are essential elements of decision-making, especially in crisis situations. This applies to the UN, which must take calculated risks on many issues, including in its peacekeeping missions, in order to implement its mandates and ensure progress.

Calculated risk-taking is essential whenever decisions have to be taken on sensitive and complex issues, such as elections. We often hear about "big political gambles", which essentially refers to calculated risk-taking. However, there is an important difference between a gamble and a calculated risk. Successful leaders do not take blind gambles. They take measured risks that entail setting clear objectives, exploring options on how to attain the goals and weighing the costs and benefits of pursuing a course of action that could lead to failure. Since leaders of peacekeeping operations take decisions that often have implications for the fate of whole nations, calculated risk-taking is a heavy responsibility.

Taking calculated risks with respect to national elections is a particularly delicate matter since it can trigger renewed instability and it touches on core issues of sovereignty and constitutionality, placing internal domestic affairs on the international agenda. In addition, these situations highlight different points of view about the extent to which the international community can intrude in addressing threats to international peace and security arising from elections, particularly in countries where peacekeeping operations are deployed with an electoral mandate. Striking the right balance between taking intrusive actions to ensure that elections succeed

and avoiding allegations of meddling in the domestic affairs of the host country is not an easy task, as the events currently unfolding in Côte d'Ivoire illustrate. In such delicate situations, UN mandates must always define the boundaries of political actions and initiatives.

Liberia

In the case of Liberia, the UN, together with other international partners, took several calculated risks to ensure that the 2005 elections were successful and held in a timely manner. For instance, in early September 2005, just over one month before the elections, the National Elections Commission (NEC) rejected the applications of five individuals to stand for elections as independent candidates. These five individuals brought their challenge to the Supreme Court, which ruled that the NEC should accept their nomination. As the printing of the ballots had already been completed by the time the court ruled, this decision was going to delay the elections since it would be impossible to print new ballots in time for the election date. National and international partners in Liberia's peace process were therefore faced with a serious dilemma. On the one hand, there was the imperative of respecting the judicial process by implementing the Supreme Court's ruling, while on the other hand there was concern about the political and other motivations for extending the transitional period beyond the two-year period stipulated in the Comprehensive Peace Agreement (CPA). There were no easy options for the United Nations Mission in Liberia (UNMIL)

leadership, which had a lead role, along with ECOWAS, to guarantee the successful implementation of the CPA. Going against the ruling of the Supreme Court carried the risk of not only undermining one of the UN's primary objectives to promote the rule of law, but also of setting a dangerous precedent in a country where the absence of the rule of law was one of the root causes of the conflict.

The UN consulted all national and international stakeholders, and in the end it was decided to prioritize the elections, given the risk of reopening the CPA if its two-year lifespan expired without holding the elections. But getting that decision accepted by the Liberian stakeholders and ensuring that it did not send the wrong message about the UN's commitment to promoting the rule of law required careful and prudent management. The UN recognized its limits in this regard and yielded to the subregional organization, ECOWAS, which had brokered the CPA in 2003. ECOWAS convened an extraordinary summit during which it called on the Liberian stakeholders to hold the elections as planned and insisted that the peace agreement served as the supreme law for the transition period. Meanwhile, the UN and the international contact group worked with the NEC to convince the independent candidates to withdraw their candidacies, and the elections took place as planned, without undermining the rule of law.

This example demonstrates the importance of working closely with partners, in particular the regional and subregional organizations that wield considerable influence on national stakeholders, when taking calculated risks to address sensitive issues. Another key lesson is

that any calculated risks must not undermine other key objectives of the mission and not set precedents that, in the long term, could harm the country. National stakeholders should always be consulted in order to preserve the principle of national ownership, especially with respect to electoral processes.

In November 2005, during the period leading up to the run-off presidential election, the political situation in Liberia became extremely tense, revolving to a dangerous extent around the issue of ethnicity. In the first round of the elections, the leading candidates received most of their support from their ethnic bases, and the post-election political discourse followed that trend. The international contact group, including the UN, undertook to manage that negative trend, meeting with representatives of both political camps. These efforts notwithstanding, by 10 November, when the likely outcome was already known, one candidate sought to suspend the progressive announcement of the results, claiming that the run-off had been characterized by massive fraud throughout the country. This situation threatened to provoke violence.

In seeking to diffuse the crisis, the SRSG involved the Secretary-General, the ECOWAS mediator and subregional leaders, including Presidents Obasanjo and Kufour. However, the losing candidate still had not conceded defeat by the time the NEC announced the preliminary results – which showed that Mrs. Johnson Sirleaf was the clear winner – and continued to publicly contend that his victory had been stolen from him.

In an effort to prevent the discontent from plunging the country into renewed instability,

the SRSG and other key partners continued to engage with the losing candidate and key members of his political party. The mission prepared a report providing a comprehensive review of the procedures in place to deter and detect fraud during the runoff, which was shared with the NEC, both candidates and concerned members of the international community after the NEC completed its hearings into specific complaints of irregularities. In mid-December, the NEC issued its ruling that, while some technical errors had occurred during the run-off elections, allegations of massive fraud were not proven and the complaint was dismissed. Supporters of the losing candidate were on the brink of going onto the streets with unpredictable consequences. UNMIL and ECOWAS exerted enormous pressure on the losing candidate to concede defeat and to distance himself from extremist elements within his party. On 21 December, nearly a month after the official results of the presidential election had been announced, the losing candidate finally gave a press conference in which he announced that his party would not appeal the results of the runoff to the Supreme Court, citing the passionate appeals of several African leaders, the United States and the UN Secretary-General as the reason. Nevertheless, the risk remained that his supporters might incite violence. In order to mitigate this risk, UNMIL used quick impact project funding for reintegration assistance for some of his young ex-combatant supporters. Now, Liberia is heading into its next electoral cycle with presidential and parliamentary elections scheduled to take place in October/ November 2011. The UN, with a large

peacekeeping mission on the ground, has a mandate to essentially provide logistical support for the elections which will be conducted exclusively by the Government of Liberia and the relevant national authorities responsible for elections. But even after seven years of peacekeeping in Liberia and considerable achievements in the peace consolidation process reached by the Government, the electoral process is still fraught with risk and could trigger renewed political instability. UNMIL is already taking calculated risks in supporting some contentious national decisions related to the upcoming elections. For instance, the mission has accepted the joint decision by the legislative and the executive authorities that was sanctioned by the Supreme Court to delimit the constituencies for the 2011 elections on the basis of the constituency delineation used during the 2005 elections, instead of the 2008 census, as provided by the Constitution. This decision led to constitutional challenges and exacerbates the geographical divide between larger and smaller counties in the country. Although the issue does not appear to be at the forefront of the political scene for now, it could re-emerge at a later stage and cause serious damage to the elections or derail the whole electoral process.

Another calculated risk taken by the UN and other international partners was tacit acceptance of the decision by the Liberian authorities to ignore the recommendations of the Truth and Reconciliation Commission (TRC), which were intended to address the root causes of the conflict. The TRC recommended barring the current President

and some members of the legislature and judiciary from holding public office for the next 30 years because of the role they played in the civil war. The President and the sanctioned legislators brushed the recommendations aside and declared their candidatures for the 2011 elections. Given the contentious nature of the TRC's recommendation and the risk that it could lead to the opposite of the intended result, UNMIL's leadership and the international contact group took a calculated risk, arguing that it is up to the Liberians themselves to decide what to do with the recommendations of the TRC and tacitly allowing the President to take the lead in defying the truth and reconciliation body. It is too early to tell whether or not this will undermine the whole work of the TRC and the entire national reconciliation process. It remains to be seen whether the decision taken by the mission and the international contact group was a calculated risk, a gamble or political expediency. It cannot be ruled out that failure to implement the TRC recommendations could seriously hamper the ability of the country to overcome its past and proceed to elections next year. It is possible that by not making a serious effort to achieve national reconciliation and address the root causes of the conflict, there could be a serious risk of relapsing into renewed instability.

Côte d'Ivoire

Another illustrative example is Côte d'Ivoire, which is experiencing a serious crisis following the disputed outcome of the run-off presidential election held on 28 November 2010. The calculated risks taken by the UN – including pressing for elections in this divided country before reunification and before reunification of the security forces, without disarming former combatants or dismantling the armed militias and in the absence of effective state authority in the northern and western regions of the country – were unprecedented. Similarly unprecedented was the intrusive mandate invested in the SRSG by the Ivorian parties and the Security Council, to certify that all stages of the electoral process met internationally accepted standards. For many years to come, scholars and think tanks will be busy analysing and debating the Côte d'Ivoire case, but it is already clear that the calculated risks and many initiatives taken by the UN and its principled stand were instrumental and, in fact, pivotal in safeguarding the credibility of the elections and the democratically expressed will of the Ivorian people.

In Côte d'Ivoire, the UN prioritized national ownership over the peace process when the Ivorian parties decided in 2007 that this was their way to find a lasting solution to the conflict and restore stability. This was necessary, but it was risky and might explain why the peace process dragged on and elections were repeatedly postponed. After the Ouagadougou Political Agreement of March 2007, the UN stepped back from an overtly active role to one of accompaniment. This gave ownership to the Ivorians and made them responsible for the successful implementation of the peace process, even though the UN was fully aware that they had limited capacity and questionable political will to do so. Nevertheless, the UN accepted the

principle and it has worked, although with some admittedly tense moments.

Another calculated risk taken by the UN and ECOWAS was their acceptance of the decision of the Ivorian parties to designate President Compaoré of Burkina Faso – who President Gbagbo had considered to be a supporter of the rebellion that divided the country – as the facilitator of the peace process. Full credit must be given to President Compaoré for his political astuteness in helping the parties move forward in the peace process, even while many previous agreements and mediators had failed.

It is important to stress that the United Nations Operation in Côte d'Ivoire (UNOCI) did not simply go along with the idea of having elections before reunification and disarmament. The mission's leadership took a number of initiatives to mitigate the risks, including raising funds for microprojects to benefit the still-armed ex-combatants, pressing and helping the parties commence some cantonment of combatants, and working with the parties to devise mutually agreeable arrangements for providing security for the elections. Closer to the elections, the UN also decided to reinforce UNOCI's troop levels and logistical capacity, including through the temporary transfer of resources from UNMIL in neighbouring Liberia.

The reasons for taking the calculated risk of agreeing to go to elections without reunification were well thought through. The election and reunification processes were inextricably linked: the identification and voter registration were the vehicles for Ivorians to receive identity cards, which was for many of them, in particular the *Forces Nouvelles*,

a pre-condition for reunification. Elections would achieve three things: (1) address the core issue of identity; (2) reunify the country; and (3) restore legitimacy. The risk was worth taking. The UN was fully aware that a lack of progress with regard to reunification would eventually be exploited by the party that lost the elections. To mitigate that risk, the Secretary-General facilitated the signing of a Code of Good Conduct by all parties, and UNOCI pressed the parties to commit themselves to accept the election results and to address any disputes through legally established channels.

Taking this risk paid off; there was a massive voter turnout during the first round of the presidential elections on 31 October, and a peaceful atmosphere reigned during the electoral campaign and the polls. This was all a testament to the patience, political will and conviction of the Ivorian people to move towards a better future.

Calculated risks should not be taken, however, without ensuring that mitigating measures are in place. UNOCI took on a more active role than it had previously planned in supporting the Ivorian authorities who were responsible for the elections, including the Independent Electoral Commission. In order to ensure that these elections were open, free, fair and transparent, the UN decided to intervene at the right moments to help the national authorities, even though the parties could have objected. UNOCI took on the sensitive responsibility of transporting the tally sheets of the run-off election in the key regions of Abidjan and Bouaké. In addition, the mission coordinated efforts to erect structures at open-air polling stations funded by the international

community.

These were tricky judgment calls that could have gone wrong. When the mission stepped in where national institutions failed to deliver, any party easily could have exploited the situation to accuse the UN of interference. This did not happen until the losing candidate raised this issue after the results of the presidential election were certified. It seems that Côte d'Ivoire was able to make progress in implementing the Ouagadougou Political Agreement by taking calculated risks, showing strong leadership, ensuring that a critical mass of stakeholders rallied around a strong and justifiable objective and instituting mitigating measures.

The Ivorian people, the subregional organization, ECOWAS, and the continental body, the African Union (AU), have firmly supported the SRSG in his decision to certify the outcome of the presidential election as announced by the Independent Electoral Commission and reject the outcome proclaimed by the Constitutional Council. This is because he did a thorough job of demonstrating the facts and, most importantly, of clearly explaining that he did not overstep the certification mandate created by the parties in the Pretoria Agreement of 29 June 2005 and approved by relevant Security Council resolutions. The SRSG had many options, including: (1) avoiding confrontation with the countries' highest legal authority, the Constitutional Council; (2) taking the view that resolving conflicting decisions between the Independent Electoral Commission and the Constitutional Council was a purely domestic issue that should be addressed by the Ivorians themselves; (3)

calling for a recount of a re-run of the election in the areas where the results were annulled by the Constitutional Council; (4) seeking mediation by the facilitator or ECOWAS; and (5) encouraging Mr. Ouattara and Mr. Gbagbo to negotiate a power-sharing arrangement, as in the cases of Kenya and Zimbabwe. He, however, had the courage to present the facts as he found them. In doing so, he consulted closely with other relevant stakeholders on the course of action he had decided to take and ensured that he was acting firmly within not only his mandate, but also consistent with UN ideals and principles and internationally accepted standards for elections. This was a fine example of calculated risk-taking and principled action that earned respect for both the SRSG and the UN.

The key lessons here in terms of the boundaries of political action and initiative for mission leaders are: (1) be faithful to the mandate; (2) ensure actions and initiatives are consistent with the values and principles of the Organization; (3) carry a critical mass of national and international stakeholders; and (4) be in a position to clearly explain and defend your decisions and actions, because whenever you take calculated risks you will be challenged, even if you do not fail.

Concluding observations

Progress can be made only by taking calculated risks; however, it is essential to be mindful of the implications of doing so, even if success or progress towards the objective is achieved. When assessing whether or not to take a calculated risk, it is important to weigh the damaging consequences against

the potential benefits and ensure that there is sufficient support from stakeholders and the international community to maintain the selected course of action.

In some cases, the international community has been preoccupied mainly with hasty solutions for countries emerging from elections, and as a result, the bar was lowered too far and imperfect elections were accepted. This approach could set a dangerous precedent for similar situations in the future. While some may argue that specific instances of calculated risk-taking are unique, history has demonstrated that this is not the case. Calculated risk-taking must be firmly anchored in the principles and values of the Organization.

In this context, there is a major global risk inherent in the models that promote power-sharing arrangements, such as those that occurred in Kenya and Zimbabwe. These models are not calculated risk-taking and must be strongly discouraged. They are simply politically expedient solutions that set dangerous precedents. They encourage other leaders in the future to refuse to relinquish power and create problems after losing elections, in the hope that the international community will automatically propose power-sharing. This is why it was important to take a firm and principled approach in Côte d'Ivoire where there was a clear winner.

Of course, taking calculated risks in any context requires strong leadership and external partners who are willing to assume responsibility for the implications of taking any such risk. There are limitations and dangers inherent in any political action, but the implications of inaction are almost always more dangerous. Admittedly, the stakes are high – in some cases this may verge on "brinkmanship", which is the practice of pushing a situation to the verge of disaster in order to achieve the most advantageous outcome by forcing the opponent to back down and make concessions. In diplomacy or politics, this might be achieved by creating the impression that one is willing to use extreme methods rather than concede. For brinkmanship to be effective, the threats have to continually escalate and be credible. While beneficial in some contexts, this is not a desirable tool for effective leadership in the context of UN engagement in support of elections. While brinkmanship should be generally avoided, the Organization may work in partnership with regional organizations that are better placed to resort to brinkmanship if the situation so demands.

Finally, elections are and will always be an essential but insufficient step in moving a country from conflict to peace and stability and from dictatorship to democracy. They will never be a panacea for all the root causes of a conflict; there will never be a complete solution. Therefore, while it is important to take calculated risks in order to move an electoral process forward, it is important to not take risks that could lead to problems in resolving the outstanding aspects of a peace process after the elections. The risks worth taking are those that bolster the resolve of the people and national authorities to work together, along with the support of international and regional stakeholders, in a spirit of peace and reconciliation for a better future for their country.

Case Studies

CHAPTER3
United Nations intervention
and prospects for democracy in Cambodia
Kheang Un

The Paris Peace Agreement was a comprehensive accord, mandating the UN to not only end the protracted conflict in Cambodia but also to to build a liberal democracy (Marks, 1994; Doyle, 1995). This paper reflects on the UN's implementation of that accord, the reactions of various Cambodian political actors towards it and the accord's impact on Cambodian democratization by examining four issues: (1) whether and to what extent the UN maintained neutrality in the Cambodian post-settlement period; (2) the UN leadership's impact on the overall political peace process; (3) Cambodian actors' views towards the UN-organized elections; and (4) Cambodia's long-term prospects in terms of political turnover and competitive politics.

In order to achieve lasting peace and construct a liberal democracy, a basic premise of the Paris Agreement was to maintain a cease-fire and subsequently a neutral political environment so that the Cambodian people could exercise their franchise free of threats of violence and intimidation. To achieve these objectives, the United Nations Transitional Authority in Cambodia (UNTAC) needed to disarm, canton and demobilize the factional armies and control the parties' existing administrative institutions. These included the institutions that had the greatest potential influence over the electoral outcome,

namely the ministries of finance, defence, interior, information and foreign affairs.

To maintain a neutral political environment, all parties to the conflict must cooperate and see the UN as a neutral broker. Non-compliance from the two most powerful factions – the State of Cambodia (SoC)[56] and the Khmer Rouge[57] – which controlled 85 percent and 15 percent of Cambodian territory respectively, jeopardized the perception of UNTAC's neutrality. SoC believed that, as the party that controlled most of the territory, they faced unfair treatment by receiving most of the UNTAC forces. They thus designed plans to evade UNTAC's control. As a result of SoC's limited cooperation, UNTAC's lack of personnel and lack of knowledge about SoC's governmental structure and its slow deployment of troops, logistics and personnel, UNTAC could never really "control" SoC's existing administrative structure nor effectively implement its other mandate (Robert, 2001; Doyle, 1995). This allowed SoC to use its security personnel

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56. SoC, the successor to the People's Republic of Kampuchea, which ruled Cambodia with Vietnamese support from 1979-1992.

57. The Khmer Rouge regime, formally known as Democratic Kampuchea, ruled Cambodia from 1975-79 during which over two million Cambodians died of execution, overwork, starvation and diseases. The surviving Khmer Rouge leaders are on trial at the Extraordinary Chambers of the Courts of Cambodia, established in 2007.

and state resources for politically focused violence, intimidation and propaganda (see Heder and Ledgerwood, 1996).

The Khmer Rouge used UNTAC's inability to control SoC's existing administrative structure and its false claim of the continued presence of Vietnamese soldiers as a pretext for its own non-cooperation with UNTAC, accusing UNTAC of favoring SoC. However, despite criticisms of its inability to "control" SoC institutions, UNTAC achieved some limited influence over SoC, without which the extent of SoC's harassment and intimidation of its political opponents would have been greater. The Khmer Rouge's refusal to enter in cantonment and start demobilization was not so much the result of their perception of UNTAC, but rather the result of their estimation of the political loss they would incur by participating in the peace process. Even if it had been possible for UNTAC to contain SoC security forces and disarm their troops, the Khmer Rouge still may not have participated and may have tried to use SoC's weakened state to its military advantage.

Assessing the impact of the UN's leadership on the overall political peace process in Cambodia depends on one's attitude towards the use of force in peacekeeping operations. The Special Representative of the UN Secretary-General, Yasushi Akashi, used an Asian-derived, consensus-seeking political leadership style that stressed dialogue, persuasion, negotiation and diplomacy (Findlay, 1995). But critics charged that this style of leadership was ineffective when dealing with irreconcilable adversaries. He was accused of indulging both SoC and the Khmer Rouge's defiance

of the Paris Agreements. Criticism of Yasushi Akashi's leadership was loudest following an episode when a small group of Khmer Rouge soldiers barred Akashi and his military commander, General Sanderson, from entering a Khmer Rouge stronghold in northwestern Cambodia by just lowering a simple bamboo pole across the road.

There was outrage within some circles in UNTAC over the Khmer Rouge's defiance, particularly from the UNTAC deputy commander who called for military action to pressure the Khmer Rouge to cooperate. Akashi rejected the UNTAC deputy commander's proposal, fearing that military action could lead to a wider war and the withdrawal of countries contributing troops to UNTAC. In hindsight, Akashi's decision not to engage the Khmer Rouge militarily and to proceed with the peace process without the Khmer Rouge's participation proved effective, as it significantly weakened the movement, isolating it and leading to its eventual demise. General Sanderson was right at the time that UNTAC forces had neither the manpower nor the equipment to engage in combat with the Khmer Rouge.

But without cantonment and disarmament as per the Paris Peace Agreement, SoC persisted in political intimidation and violence against opposition parties, particularly the royalist party, FUNCINPEC,[58] and the Khmer Rouge followed with threats

[58.] The National United Front for a Cooperative, Independent, Neutral and Peaceful Cambodia was created by Prince Norodom Sihanouk in 1982 as a non-communist resistant movement against the Vietnamese occupation of Cambodia. It was subsequently led by Prince Sihanouk's son, Prince Norodom Ranariddh.

and actual attacks on UNTAC personnel and SoC targets. Because of the absence of a "neutral political environment", pressure mounted to cancel the elections. At this juncture, UNTAC's mission shifted from maintaining a neutral political environment to preparing acceptable conditions in which to hold a democratic election.

The Khmer Rouge's withdrawal posed a severe threat to the peace process. SoC continued to harass the other parties to the agreement, which in turn threatened to withdraw from the peace process. Special Representative Akashi patiently used persuasion and negotiation to maintain an acceptable level of cooperation from SoC, Prince Sihanouk and FUNCINPEC. There was fierce criticism of Akashi for engaging in diplomacy while there was ongoing political violence and intimidation, allegedly orchestrated by SoC military and security forces against other parties to the agreement. Such criticism was not so much about UNTAC's lack of neutrality as it was about UNTAC's weakness in enforcing the mandate of the peace agreement. Akashi's patience in dealing with Prince Sihanouk despite his erratic personality proved to be effective. Sihanouk's continued involvement in the peace process was crucial given his popularity with Cambodians and his unique role (deriving from his stature as an internationally and nationally recognized political figure) as a mediator acceptable to all the factional parties. If Akashi had not kept the SoC engaged in the process, the entire agreement would have collapsed. SoC's cooperation was an important factor in the success of the elections because the

SoC military helped to deter Khmer Rouge attacks on the election process, and SoC local authorities allowed and even assisted election organizers to register eligible voters. Successful organization of the election – the hallmark of UNTAC's mission – derived from a number of critical factors. The first was UNTAC's decision to shift its mission from implementing the comprehensive settlement to focusing on organizing and conducting "a free and fair" election; this allowed UNTAC to channel its resources to this effort. Second was UNTAC's ability to capitalize on the UN's past experience in running elections. Under the leadership of Dr. Reginald Austin, a veteran UN election supervisor in Namibia, work on the election component began during the early stages of the mission. As a result, UNTAC was able to recruit and train local staff and put in place an electoral operation that registered over 90 percent of eligible voters under difficult conditions. The success of the election was also the result of the UN's recruitment of around 460 highly dedicated volunteers who "risked life and limb" to live in trying conditions in district towns throughout the Cambodian countryside. The genuine motivation they displayed, their hard work and the democratic idealism they exuded inspired Cambodians to participate in the election (Ledgerwood 1994).

The third critical factor was the auxiliary role of the Education and Information Division. This unit was not part of the original Paris Agreement because of UN Secretary-General Boutros-Ghali's opposition to the creation of a centralized broadcasting outlet. However, Akashi attached it to his

office and gave his full support (Zhou 1994). A number of the division's leaders and staff were Cambodian scholars who were knowledgeable about the country's culture, politics and society. The division creatively used culturally relevant materials and disseminated leaflets, mobile videos and TV and radio broadcasts that effectively educated the largely illiterate population about elections and human rights. Radio UNTAC maintained strict neutrality and accuracy, offering the right of response to political parties or candidates who believed they were the victims of unfair attacks or misinterpretation of their public statements. Information officers travelled the country gathering information on various parties' propaganda and on popular opinion about the media messages from UNTAC and all the parties. These officers' reports provided vital feedback to the UNTAC leadership on public opinion in the run-up to the election. The division's media campaign convinced potential voters that UNTAC was preparing an honest election. Furthermore, the campaign emphasized the secrecy of the ballot and built confidence among potential voters in the midst of the uncertainty, intimidation and violence orchestrated by SoC security agents and SoC propaganda, which claimed that UNTAC was capable of tracking an individual voter's choices. The confidence in the "secrecy of the ballot" and the effectiveness of the voter registration operation inspired high numbers of people to vote – nearly 90 percent of registered voters –, a number that was beyond UNTAC's most optimistic expectations.

This was the first time that Cambodia felt

a sense of electoral self-determination, a pattern that has persisted in post-UNTAC elections. Developments in Kampong Cham province (in the eastern part of Cambodia) illustrated voters' belief in the secrecy of ballots. In that province, Hun Sen had declared his candidacy and his brother was the governor. SoC provincial authorities used their control over local government to organize voters into groups of ten under the surveillance of a group leader, who organized, transported and escorted them to the polling stations, instructing them to vote for the Cambodian People's Party (CPP). Contrary to general expectations, the majority of voters in the province (45.47 percent) voted for FUNCINPEC,[59] while 38.23 percent voted for the incumbent CPP. Most of the remaining votes went to the Buddhist Liberal Democratic Party.[60]

Some would expect, as did officials of the ruling CPP and many within UNTAC, that a population that was economically distressed, politically oppressed and psychologically traumatized by years of economic hardship, civil war and dictatorial rule would not cast protest votes against the well-armed ruling party. Surprisingly, they did just that. The 1993 election result indicated that voters confidently ignored CPP/SoC's threats and propaganda and the Khmer Rouge's

59. See Heder and Ledgerwood 1996, Ledgerwood 1994.
60. The Buddhist Liberal Democratic Party was the political party formed by the Khmer People's National Liberation Front (KPNLF) a republican, non-communist resistance movement against Vietnamese occupation of Cambodia created by Son San, a long-term Cambodian political veteran.

planned attacks on polling stations, and cast their ballots for the change that they believed would occur. In a context of uncertainty, UNTAC made available information and real competition that allowed voters to make electoral choices that they deemed would serve their own interests, even choices that deviated from standard expectations.

Although the international community endorsed the UN-sponsored elections, the CPP initially refused to accept the election result. The CPP blamed UNTAC for its defeat, viewing UNTAC's mission as a Western plot to topple the CPP from power through voter fraud and massive irregularities. The CPP built its accusations on a few incidents of ballot boxes whose seals broke during transportation over Cambodia's poor roads. Referring to UNTAC's usurpation of power from the Supreme National Council[61] in unilaterally amending the Electoral Law and other regulations, and alleging bias against the CPP, Prime Minister Hun Sen characterized the 1993 elections as "the worst election in the world in the twentieth century" (Hun Sen, 2001). Though admitting that he was "a little bit harsh," Hun Sen added that his conclusion was "a candid assessment of UNTAC operations in organizing elections in Cambodia" (Hun Sen, 2001).

The CPP/SoC organized a cessation movement in the eastern part of Cambodia to put pressure on UNTAC to conduct a re-vote in four provinces. Akashi stood firm, rejecting allegations of fraud, maintaining that the election was free and fair, reflecting the will of the Cambodian people. On the ground in the eastern provinces, while

some UNTAC civilian staff were withdrawn, the UNTAC military held its ground against threats orchestrated by SoC. This action was crucial, not only to maintaining order, but also to ensuring the safety of opposition supporters. Facing UNTAC's firm stance, and under Sihanouk's mediation, the parties that won seats for the new constitutional assembly settled their deadlock within the framework of the Paris Agreement, including the promulgation of a new Constitution and a new National Assembly. However, the outcome of the formation of the new government in 1993 and subsequent efforts to instill liberal democracy in Cambodia reflect the reality of Cambodia's power configuration and socioeconomic conditions. The CPP threats and Sihanouk's intervention convinced FUNCINPEC to agree to a power-sharing arrangement not in proportion to their margin of victory. UNTAC proclaimed its mission a success, leaving the long-term goals of political and economic reconstruction in the hands of a new regime which was deeply divided but legitimized by UNTAC's intervention and continued international involvement.

The Paris Agreement's objectives of achieving immediate peace and liberal democracy in the long-term in Cambodia have been problematic. The 1993 UN-brokered peace settlement failed to bring either total peace or political stability to Cambodia. The Khmer Rouge, who

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61. The Supreme National Council is an institution—comprised of representatives from all Cambodian warring factions and chaired by Prince Sihanouk—set up to represent Cambodia's sovereignty during the transitional period.

boycotted the 1993 elections, continued to pose a security challenge to the Government until 1998, though the elections and the groundwork laid by the Paris Agreement isolated the Khmer Rouge domestically and internationally. This isolation, compounded by Government co-optation, eventually led to their defeat.

Despite losing the UN-organized elections, the CPP shouldered its way back into state control, using its military strength and administrative domination, forcing FUNCINPEC, the winner of the election, into a subordinate position in a coalition government with co-Prime Ministers. However, from 1993 to the late 1990s, in part because of international leverage, Cambodia practised a form of competitive authoritarianism in which there were competitive elections, civic space for public protests and relative freedom of the press, even though violence against opposition parties and critics persisted. Since the early 2000s, Cambodia has evolved into a hegemonic party system wherein the minimum criteria for democracy – freedom of expression and freedom of assembly – have been severely curtailed, preventing opposition parties from winning a significant share of votes. Political development of post-UNTAC Cambodia is challenging for democratic promoters and theorists who typically expect that a democratic regime's legitimacy corresponds to the quality of democracy as determined by the rule of law, accountability, transparency and political and civic liberties.

Although the quality of democracy has declined, the legitimacy of the CPP has risen, as evidenced by the CPP's increased share of votes and the rising number of Cambodians who think that the country is moving in the right direction. At the same time, politically related violence has declined substantially. A major explanation is that people are satisfied with the continuing economic growth and peace they have enjoyed for the last decade. Also, the ruling CPP has transformed itself into development agents who are hierarchically and systematically linked to the state structure and CPP's networks of patronage. These networks systematically permeate, supersede and, in some cases, operate parallel to the state institutions to channel centrally controlled resources to local communities for developing rural infrastructure and constructing schools, roads and irrigation systems on top of small gifts (Un, 2011 forthcoming). Finally, the international community, while rhetorically claiming to promote democracy, actually has settled on granting the Cambodian Government international legitimacy based on its economic performance and political stability. As a result, the international community has continued to provide financial aid to the Cambodian Government, which amounted to over one billion dollars in pledges for 2010.

Given that Cambodia's current regime relies on economic development – though with a high degree of inequality – for its legitimacy, there are signs that the ruling party plans to adopt the ideology of a developmental state, stressing social order, stability and economic growth, but not liberal democracy. However, the ruling party's plans for a developmental

state are only rhetorical, because the country's governance is still based on neo-patrimonialism. The ruling party must face the challenge of maintaining the current rate of economic growth while also allowing for trickle-down effects. If it does not, then opposition to the CPP's power monopoly may strengthen over time, which could cause the CPP to repress any rising opposition. If this were to occur, the CPP would lose national and international legitimacy. Pressure from within and without might then produce a new social and political configuration conducive for the development of a higher quality of democracy as intended by the Paris Peace Agreement.

In sum, this chapter highlights four points. First, it was not possible to attain consensus among the parties on the UN's ability to maintain neutrality, given the Khmer Rouge's and SoC's lack of compliance with the peace process. Second, the problem was not so much the UN's lack of neutrality as much as its inability to maintain the neutral environment called for by the Paris Peace Agreement because of the resistance from some parties and its own insufficient resources and knowledge of Cambodia. Third, and probably the most important point is that despite its inability to maintain a neutral political environment and participating parties' perception of its biases, UNTAC succeeded in convincing the Cambodian electorate of its neutrality in conducting an election that allowed voters to exercise their electoral self-determination. Finally, although UN involvement in Cambodia did not bring about liberal democracy, it did introduce democratic concepts and a multi-party system and nurtured civil society organizations. Currently, the CPP's suppressive policies and economic performance-based legitimacy have undermined democratic ideas and any effort to institutionalize them. Yet, democratic discourse exists, however shallow it might be, and therefore there is the potential for more meaningful democratization as an outcome of the UN's intervention.

CHAPTER4

'Contentious' winners: warlords and illegal armed groups as legitimate actors in Liberia

Almami Cyllah

Introduction

Liberia has been independent since 1847, but it has been under autocratic rule or engaged in war for most of its existence. A number of factors accounted for the long war in Liberia, some of which could be attributed to people's disenchantment with politicians and low socioeconomic level. In a country that is largely illiterate and impoverished with inadequate infrastructure, the people can be easily fooled by corrupt leaders.

One of the biggest obstacles to Liberia's progress is its authoritarian leadership. If Liberia, like many other African countries, had accepted and consolidated democracy, respected and maintained the rule of law, fought corruption and integrated African traditional values into its governance and institutions, the country would not have experienced such devastation over 14 years of war. There is a real correlation between good governance, transparency and prosperity. Stable countries are well-governed, fight corruption and have leaders who realize that they are accountable to the people and that the country and its institutions are more important than any one person or group of people. In Liberia, selfish politicians have used citizens' misfortunes to agitate action and violence. These politicians do not act in the interests of the people, but use the people to take up

arms and attempt to destabilize the country. The elections of 2005 were considered to be free, fair and transparent and ushered in a government widely believed to represent the voices of the people; thus, those elections were widely supported by the international community. However, the elections of 2011 will be the first true democratic foundational elections because they will be conducted solely by the National Elections Commission (NEC) of Liberia.

The 2003 peace process and agreement

The two civil wars in Liberia (1989–1996 and 1997-2003) were not conflicts to determine self-governance or to stop the practice of genocide of one group over the other, but instead was a war of greed and selfishness. The two peace agreements (1996 and 2003) among the warring factions did not stipulate the role of the warlords, if any, in the elections process and did not attempt to address the issue of war crimes and crimes against humanity. While there were no domestic laws or provisions in the Liberian Constitution to limit and/or restrict the prosecution of the warlords, there are many international laws governing war crimes and crimes against humanity.

These warlords were responsible for the deaths of thousands of Liberians and the displacement of thousands of others. Many of the warlords were already under international travel bans

Warlords and illegal armed groups turned politicians

In 2005, after many years of suffering during the war, the people of Liberia were faced with the opportunity to elect their leaders for the first time in a multi-party electoral process. However, because the peace agreement did not address in detail the role of the warlords, several of them presented themselves as candidates. It was very unsettling for the population because those who were responsible for the greatest suffering were on the ballot. In fact, many of them campaigned by making subtle threats to the fragile peace if they were not elected. For example, during the 2005 presidential and parliamentary elections, Nimba County, the second most populous county, voted for two of the country's most "notorious" warlords to represent them in the Senate. Also, a former member of President Charles Taylor's most elite paramilitary force won a seat in Parliament from Margibi County. People were fearful of them and were tired of the suffering the war caused the population. In many instances, the election was a replay of the 1997 presidential elections in which the people voted largely out of fear. A popular song that was part of the 1997 campaign about then-President Charles Taylor was "He killed my pa (father), he killed my ma (mother), he killed my relatives

and friends, but I will vote for him." In 2005, Prince Johnson, Adolphus Dolo and many others were voted into office because the people were afraid that war might break out again if they did not vote for them.

However, over time the people began to feel confident that war would not break out again because of the international presence (especially the UN's military) in the country and other steps taken by the President to assure the people of her commitment to democratic principles. At that point, they slowly became emboldened to raise critical issues and call for trials in order to consolidate the peace. In a 2009 senatorial by-election in Monteserrado County in Monrovia, three human rights and civil society organizations came forward to challenge the nomination of a former warlord on grounds that he had been sanctioned by the TRC. However, the National Elections Commission argued that the TRC report was a set of recommendations that had to be legislated in order to ensure compliance and since no legislation had been passed, it could not act on the recommendation. So, one of the most feared and ruthless warlords ran for office, but lost miserably.

Amnesties and immunity from justice

When Liberia established the TRC, there was hope that the perpetrators who were responsible for maiming, killing and displacing thousands of Liberian citizens would come forward to testify and apologize for their actions. However, many of them reacted by stating that they would not appear

before the Commission, and when some of them did later, they were confrontational and refused to answer questions or make any disclosures.

The international community must not be selective when applying signed and ratified international human rights covenants and laws. No one should commit heinous human rights violations with impunity. There have been talks of establishing a special criminal court to address war crimes in Liberia. Some may argue that the purpose of those talks is to make the international community aware of the issues and to show that something is being done. Of course, the perpetrators themselves are most opposed to such a court. Interestingly, as soon as there are suggestions to forward names of perpetrators to the International Criminal Court for indictment and prosecution, the people who are opposed to establishing the country's special court claim that the country is in fact discussing the creation of the court they otherwise oppose.

Human rights violations, war crimes and crimes against humanity do not have any statute of limitation to shield perpetrators from prosecution. Those who want to create fear by arguing that indicting and prosecuting any warlord would ignite war in Liberia should be reminded that history and the facts are not on their side.

processes or before the warring factions even are allowed to participate. Tough issues about legitimacy must be addressed at the outset of the negotiation process, or the new government must take them up as its first order of business. For example, Afghanistan has begun to introduce strict legislation to screen candidates in order to avoid warlords ending up on ballots. In Liberia, attention and resources must be given to strengthen the rule of law in the democracy development process, so that real democracy can take root in the country. Regional organizations, such as ECOWAS, must adopt and implement policies that will bar warlords from participating in elections. Also, the AU must begin to implement policies to discourage potential warlords from taking up arms against the people for whom they claim to fight.

Liberia must create the special crimes court and give it the independence, tools and other resources needed in order to prosecute war crimes and crimes against humanity. At the very least, the TRC report and its recommendations must be debated and, if possible, legislation passed to address the actions of those responsible for inflicting such harm on the Liberian people.

Recommendations

Experiences dealing with warlords, armed groups and terrorists opting to be legitimate actors must be shared in order to help mediators – either during the negotiation

CHAPTER5
The referendum in Sudan: challenges and opportunities

J. Ray Kennedy

Since its independence in January 1956, Sudan has experienced violent conflict between the North and South. A civil war from 1983 to 2005 ended in January 2005, after years of negotiations, with the signing of a Comprehensive Peace agreement (CPA). The CPA resulted in a highly ambitious, complex and sometimes confusing timeline for simultaneous referendum exercises in Southern Sudan and Abyei to determine whether the South would be independent or part of a united Sudan and whether Abyei would be part of the North or the South, independent of the outcome of the Southern Sudan referendum.

The Southern Sudan referendum

There were many hurdles and delays in implementing the CPA. The law governing the referendums was to have been promulgated no later than July 2007 and the Southern Sudan Referendum Commission was to be in place one month later. However, both deadlines were missed by almost three years. Eventually it was determined that the referendum on the future of Southern Sudan would occur in January 2011. However, given the delays that plagued the 2010 elections, there were fears that the referendum would not be held on time. Even if it were to be held on time, there were fears that the exercise would be of such questionable quality – because of short-cuts in the preparations necessary to meet the timeline – that it would not be accepted by the North as a genuine reflection of the will of the people of Southern Sudan. In fact, the Commission was able to begin its substantive work only four months before the scheduled date for the referendum.

In that short period of time, the Commission had to:

- establish its offices and recruit staff;
- develop an operational plan and budget;
- obtain national and international resources to support the process;
- establish procedures for registering voters, polling, counting votes and handling complaints;
- train thousands of staff in registration, polling and counting procedures;
- undertake a voter registration exercise throughout Sudan, as well as in eight countries with substantial populations of eligible voters; and
- procure and deliver ballots and materials to thousands of locations, many of which were practically inaccessible.

Fortunately, the United Nations Mission in Sudan (UNMIS) and other international assistance providers had conducted substantial planning in advance of the

installation of the Commission, so that the Commission had basic documents and concepts to consider immediately upon taking office.

Voter education was a particularly delicate area for the Commission, as it had to deliver factual messages about the process and its implications without being seen to favour any side. In addition, it was very important for voters to understand that they needed to register again, even if they had registered recently for the elections.

Security was another important concern. The Southern Sudan Police Service was still far from reaching its recruitment and training goals, and there were widespread fears that the Sudan People's Liberation Army (SPLA), if deployed to registration and polling centres, would intimidate voters into voting for independence and thereby give the government in Khartoum reason to reject the outcome.

While the construction of a referendum ballot might seem simple in theory – Yes or No – discussions were required to determine how to symbolize the two options for an electorate that was overwhelmingly illiterate. In the end, two hands clasped symbolized the unity option, while a single hand held outward symbolized the independence option. Given the near-absolute lack of infrastructure in Southern Sudan and the difficult terrain, more time was required to distribute the ballots and other polling materials than would otherwise have been the case. Fortunately, UNMIS was able to provide substantial assistance in distributing the materials.

The referendum was held successfully and on time in January 2011 and resulted in a near-unanimous vote (98.83%) in favour of independence for Southern Sudan. President Omar al Bashir publicly stated that he would respect the results of the referendum and that the North would be prepared to provide technical assistance to help establish Southern Sudan. However, much work remains to be done to successfully complete the implementation of the CPA.

The referendum in Abyei

The CPA-mandated referendum on the future status of the oil-producing Abyei area, which was supposed to occur simultaneously with the Southern Sudan referendum, has been postponed and no new date has been set. According to the Abyei Protocol of the CPA, the criteria to determine residency in the Abyei area are to be worked out by the Abyei Referendum Commission, but that Commission has not been established. This is because each side knows that the composition of the Commission will almost certainly determine the criteria of residency; giving the other side the advantage on Commission votes would be tantamount to giving the other side the ability to determine eligibility in such a way as to ensure that the outcome of the referendum would be in its favour. The postponement of the Abyei referendum is a critical factor in Sudan's instability at this point, as are the recent movements and clashes between Northern and Southern forces in the area.

Southern Kordofan and Blue Nile states

Under the terms and implementation timeline of the CPA, Southern Kordofan and Blue Nile were to hold "popular consultations" in which state legislators would gather input from their constituents on whether to accept the CPA as a final settlement of the conflict, and then vote to accept the CPA or seek modifications to it from the central government. The election of Southern Kordofan's state legislators was delayed by controversy over the census results in the state, and ultimately occurred in May 2011. Meanwhile, the popular consultations have begun in Blue Nile. The outcome of the popular consultation processes, if successful, could establish a new model for negotiating grievances between Sudan's periphery and the central government. Alternatively, tensions in these two key states – between supporters of the Khartoum regime and those who took part on the Southern side in the conflict – could spark a much wider conflict.

Issues to be resolved

Border arrangements

The CPA stipulated that the North-South border of 1956 be demarcated prior to the conclusion of the pre-interim period in July 2005. However, that work only began in January 2007 and is still ongoing. While both parties acknowledge that most of the border is well-defined, there are geographical areas of disagreement that will continue to be a source of instability until they are resolved.

The movement of people across the border between North and South – routine and seasonal migrations as well as people returning definitively to their places of origin – will continue and must be adequately regulated on both sides.

Citizenship

Southerners who remain in the North and northerners who remain in the South need a clear understanding of their rights. For example, will they automatically assume the citizenship of where they are at the moment of Southern Sudan's independence, or will they be considered foreigners? If they are considered foreigners, for how long will they be permitted to remain and in which activities will they be allowed to engage?

Division of assets and debt

In Sudan, the division of assets and debt is complicated by the extreme underdevelopment of Southern Sudan. To what extent has any of the debt been used to develop the region? And how can Southern Sudan hope to service any debt without great hardship for its people? At the same time, there have been suggestions that the South should assume a significant part of the debt and have it written off by creditors, which would be a significant benefit to the North as a reward for allowing the Southern Sudan referendum to proceed.

Oil

Most of Sudan's oil wealth lies in the South and Abyei, while the oil pipelines and refining capacity necessary to exploit the oil are in the North. The North stands to lose

a significant portion of its oil revenues (to be split 50-50 under the CPA), which could halt the recent economic progress that has generated political support for the regime. Recent discussions have centred on the South paying transit fees to move its oil out through the existing pipeline network.

Another issue of concern is Southern Sudan's high dependence on oil revenues for sustaining the government, the SPLA and all other public services. Since the signing of the CPA, most of the South's oil revenues have gone towards establishing the region's semi-autonomous government and supporting the South's military, with very little left for infrastructure or other investments that would generate economic benefits for future generations in the region.

Currency

While the Wealth-Sharing Protocol of the CPA ushered in a new currency for all of Sudan, it now seems that the independence of Southern Sudan will bring yet another currency into circulation. Southern Sudan and the Bank of Sudan in Khartoum have recently set up a working group to establish the parameters for the issuance of Southern Sudan's new currency.

Security

If the SPLA is often seen as beset by problems of command and control over unruly soldiers more accustomed to guerrilla tactics, the Southern Sudan Police Service is seen as having even farther to go in establishing itself as a respected and professional body capable of ensuring the safety of citizens throughout the enormous

territory of Southern Sudan. The role of UNMIS, particularly in deterring any cross-border military engagement, will also need to be resolved.

New elections

Salva Kiir, President of the Government of Southern Sudan, has recently mentioned the need for new elections following independence to ensure the legitimacy of the government. The timing of such elections has yet to be specified, nor is it clear whether the international community will muster the will and the resources necessary to support such an exercise. Along with the question of new elections in the South, there is a question of whether there is a need for fresh elections in the North.

In addition to these already momentous challenges, Southern Sudan also will face major challenges in state- and institution-building, managing tribal diversity and managing the huge expectations of its population.

Lessons learned

While the initial "military" phase of separating forces and verifying movements went relatively smoothly, the subsequent "political" phase provided many lessons that must be kept in mind for future peace processes:

Provide a binding mechanism to ensure adherence to the timelines of peace agreements.

There was no external mediation mechanism set up in Sudan as there was, for example, in Liberia. The Assessment and Evaluation Commission, established to monitor implementation of the CPA, can make recommendations to the parties, but it has no power to ensure respect of the timeline. Because of on-going tension and disagreements between the parties, most milestones were achieved late or were completely missed, and there was no provision for making adjustments to other elements of the timeline.

Give serious consideration to relative timelines (e.g. holding a referendum three years after elections), so that there is adequate preparation time for key events.

While there is justifiable concern that creating relative timelines would relax some of the pressure on one or both parties, this could be addressed by establishing milestones to provide positive incentives for action, e.g. specifying that the period of time within which to reach a desired action or state of affairs cannot begin running until another (less attractive) action is accomplished.

Help the parties focus on multiple issues with multiple time horizons simultaneously.

While there were undoubtedly many people trying to work on multiple matters simultaneously during CPA implementation, this lesson may serve as a reminder of the importance of long-range planning and vision, along with efforts to deal with issues "as they arise".

Take time, if possible, to negotiate details that will be critical later in the process.

The CPA established a solid base of principles, but in too many cases left the details of implementation to be decided at a later date. Negotiating details during the CPA's implementation phase – even details as small as the wording of the census questionnaire – nearly led on several occasions to the collapse of the entire agreement. In retrospect, it may have been more prudent to invest additional time in negotiating details prior to signing the CPA, rather than running the risk of the entire agreement collapsing during implementation.

Ensure that the parties to the agreement fully represent those whom they claim to represent.

This has been especially troublesome in the case of the Misseriya, who have felt betrayed – or at least poorly represented – by the Government of Sudan during the CPA negotiations. As a result, the Misseriya have blocked implementation of critical steps set out in the Abyei Protocol in order to draw attention to their claims.

Seek to address all sources of armed revolt.
The CPA has generally been seen as providing an incentive for other dissatisfied groups in Sudan – most notably the Darfurians – to rise up against the central government and seek terms similar to those contained in the CPA. In order to avoid this "demonstration effect" in the future, peace negotiators should seek to address all likely sources of armed revolt in a country, not just the most pressing one.

Be prepared to disburse funding quickly for election-related support – but also be prepared for scenarios where election authorities do not have concrete plans.
If concrete plans must be in place in order to release funding, ensure that the election management body is in place a full two years before elections are scheduled. Be aware that many of the largest election costs relate to voter registration and must be covered well before voter registration can begin. Certainty regarding availability of resources will also make planning easier and avoid the need for iterative planning, which consumes resources unnecessarily.

PART 3

Conclusions

CHAPTER6
Final observations and areas for future work
Fabio Oliva

The various interpretations of the meaning of elections should not divert from a general observation: elections have come to embody the quintessential manifestation of political competition.

The presence of multiple vested interests (e.g. media attention, religious concerns or political and economic calculations) in elections has caused these races to be highly disputed and strongly fought. Notwithstanding the growing antagonism surrounding polls, the implementation of the results remains the accepted endpoint of any electoral process. Implementing the results involves installing officials and enabling them to perform the tasks for which they were elected. This requires having the losing party's compliance with the voters' decision. Consequently, the most compelling challenge to stability – if not its necessary condition – is the acceptance of the ballot's verdict by all stakeholders, both at the domestic and the international level.

Elections in the context of peace operations: taking calculated risks

So-called "post-conflict elections" have been perhaps the main innovation brought about by second generation peacekeeping operations that proliferated with the end of the Cold War. Starting with Namibia and El Salvador, multi-dimensional peace operations began to include substantial civilian components in an attempt to sustain the peace process and foster the transition in conflict-affected countries. Electoral mandates were designed to appease warring factions, encourage their return to civilian life and restore the constitutional order. Elections became a sort of validation of the peace settlement by the population and, at the same time, the foundation of the democratization process in countries often emerging from decades of authoritarian rule and underdevelopment.

Especially in large peace operations where the UN took over critical state-building functions, such as in Cambodia, elections constituted the cornerstone of the entire transition. Security Council mandates have been adapted to changing conditions and volatile political situations in order to make the electoral process meaningful and as democratic as possible. For instance, as Kheang Un points out in his contribution, the Khmer Rouge's non-compliance with the provisions of the peace agreement resulted in a shift in UNTAC's mandate "from maintaining a neutral political environment to preparing acceptable conditions in which to hold a democratic election."

Over the years, however, electoral support to transition countries has suffered from an excessive emphasis on technical assistance;

"proceduralism" has tended to overshadow the importance of politics and political competition. The "free and fair" certification of elections has been misused and has created a number of headaches for electoral observers. The international community has been exposed to growing criticism, with frequent allegations of breaching national sovereignty and allowing double standards in the application of electoral standards. Disappointments in some post-conflict elections (e.g. Angola, Bosnia and Herzegovina, Liberia and Rwanda) exposed the limitations of international assistance centred only on the technical aspects of elections. Building on his extensive experience in Sudan, Ray Kennedy emphasizes the poor experience with liberal elections of countries that have suffered civil strife for decades. The kinds of elections and institutions that the international community is promoting in post-conflict settings are, in fact, attached to a Western model of liberal democracy that can hardly be exported and adapted overnight.

In his chapter, Zenenga relocates the discourse on elections back to the arena of politics. His warning about taking calculated risks that respect national sovereignty and constitutionality is particularly fitting in the context of peace operations with electoral mandates. There is, in fact, a thin line separating assertive actions aimed at ensuring free and fair elections from the risk of being perceived as interfering in domestic politics. Calculated risk-taking is not engaging in gambles, political expediency or brinkmanship. Decisions should be anchored in solid political and

conflict analysis and, most importantly, no calculated risks should be taken unless adequate mitigating measures also have been developed.

Zenenga emphasizes the importance of political precedents and their impact on peacebuilding. He refers in particular to the hazardous trend of promoting power-sharing arrangements as a way to defer electoral violence and settle post-election standoffs. The model used in Kenya and Zimbabwe, and in the 1990s in Cambodia, should be discouraged as it offers "politically expedient solutions that set dangerous precedents" that encourage future contenders to reject results after losing elections. Although the UN's approach in Côte d'Ivoire may have been unprecedented in terms of its intervention in domestic affairs, it moved away from the power-sharing trend and suggested a more viable and legitimate solution to electoral crises. The key features of this new approach are that: (a) the UN mission should be faithful to the mandate; (b) the mission leadership should ensure consistency between the values and principles of the Organization and its actions; (c) critical national and international stakeholders should be included; and (d) the UN leadership has to be ready to explain, defend and stick to its decisions since "whenever you take calculated risks you will be challenged even if you do not fail".

Other hazards exist in the political contribution of elections and the legitimacy of their outcomes. A legitimate vote certainly goes beyond the acceptance of the results by all parties, although the recognition of the

electoral verdict by losers is a fundamental step toward post-election stability. Almami Cyllah brings to our attention the ethical dilemma between democracy and peace. In his account of the Liberian transition, he presents the risks of what can be regarded as the "primacy of peace at any cost". Allowing former warlords to run in post-conflict elections can seriously jeopardize peacebuilding efforts and undercut the legitimacy of justice and democracy. At the same time, rushed electoral contests that are driven by international agendas rather than domestic actors and local needs are likely to deliver unpalatable outcomes and "contentious winners" who may be at odds with democratic values.

Mitigating risks and addressing causes of electoral violence

There are many policy options and supporting tools that have been developed and tried in recent years to avert chaotic outcomes in election periods. Some of these attempt to limit the opportunity for violence that is normally expressed by disadvantaged and disenchanted groups in society, such as former combatants, marginalized youth, minorities and women. There are also many guidelines, guidance packages and other technical support tools, but risk mitigation and conflict prevention efforts focus at the micro level and do not engage stakeholders with comprehensive strategies. Often these instruments are not election-specific and suffer from conceptual generalizations.

The advent of new Web-based technologies and the innovative use of existing ones

have produced a new set of valuable tools to address violence surrounding electoral events. Successful crowd-sourcing experiments like Ushahidi[67] – an open source platform for mapping and tracking violent events using simple mobile phone technology – have emerged as powerful deterrents to structural violence, supporting and complementing existing early warning mechanisms that are in place during election periods. Satellite imagery (e.g. the UNITAR-UNOSAT project) is another emerging high-technology application in the area of conflict prevention.

Yet, these new tools are only valuable if they are used in creative and more effective ways. As long as the interest of the international community is focused on electoral events (i.e. the polling day), there will be great potential for elections to unleash violence and conflict. Elections *per se* are not the root cause of violence, but rather a trigger and a political vehicle for expressing dissatisfaction and frustrated demands. Future work in the UN system should focus on more systematized and election-specific training and more qualitative analysis of events, political agendas and conflict trends in regions at risk, so that the Organization can better support countries in transition to achieve more equitable and peaceful societies.

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67. Juliana Rotich, co-founder of Ushahidi, presented the main features of this initiative during the Dialogues Series 2010.

Authors

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Raisedon Zenenga was appointed Director of the Africa II Division of the Department of Peacekeeping Operations (DPKO) in September 2008. Prior to that, he was Officer-in-Charge of the Africa Division in the Office of Operations of DPKO since September 2007. He joined the United Nations in 1992 and served in five peacekeeping operations over a period of 10 years. He was assigned to UNOSOM I and II in Somalia from August 1992 to March 1995. Following the termination of UNOSOM II, he served in the United Nations Political Office for Somalia (UNPOS) in Nairobi. He was subsequently assigned to the following peacekeeping missions: UNOMIL (Liberia) from 1995 to 1997; UNIKOM (Iraq-Kuwait) from 1997 to 1999; UNAMSIL (Sierra Leone) from 1999 to 2001; and UNMIL (Liberia) from 2004 to 2005. Mr. Zenenga joined DPKO's Africa Division in 2001 and served as a Senior Political Affairs Officer and Principal Officer heading the West

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