

ELECTIONS, DEMOCRATIZATION AND HUMAN RIGHTS

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The past decade was witness to an unprecedented rise in the number and percentage of electoral democracies in the world: More governments today have been chosen via free and fair elections than at any time in history. The number of countries in which elections are competitive and meet minimum standards of freedom and fairness reached a new high-water mark in 2001, with 122 (or 63 percent) of the world's 192 countries qualifying as "electoral democracies" (Freedom House, 2001). This marks a threefold increase from the situation applying in 1989, at the end of the Cold War.

Similarly, elections have become an integral element of many United Nations peacekeeping missions over the past decade. The focus of many UN missions has shifted from one of pure peace-building to one of state rebuilding as in Afghanistan -- or, in places like East Timor, state creation. In such cases, elections provide an inescapable means for jump-starting a new, post-conflict political order; for stimulating the development of democratic politics; for choosing representatives; for forming governments; and for conferring legitimacy upon the new political order. They also provide a clear signal that legitimate domestic authority has been returned -- and hence that the role of the international community may be coming to an end. For all of these reasons, elections have become a central part of the process of state rebuilding.

Despite this, there has been a considerable variation in the relative success of elections in meeting the broader goals of democratisation and human rights from country to country and case to case. In some cases, such as Namibia and Mozambique, elections clearly played a vital role in making a decisive break with the past. In others, such as Angola, flawed elections created more problems than they solved. In Haiti, administrative inefficiencies undermined the credibility of the broader electoral process. By contrast, in Cambodia, technically successful electoral processes were soon overwhelmed by the realities of power politics. And in Bosnia, premature elections helped to kick-start the façade of democratic politics, but also helped nationalist parties cement an early grip on political power. While this mistake appears to have been avoided in Kosovo and East Timor, it is still to be seen how elections influence the broader process of peace-building in these two cases.

What is clear, however, is that in any UN mission, the holding of elections force critical political choices to be made. Elections represent a key step in a broader process of building political institutions and legitimate government. Elections influence to what extent the internal politics of fragile new states become stabilized, whether the new political dispensation comes to be viewed as legitimate, and how the rhythm of peaceful democratic politics can evolve and become sustainable. Variations in electoral procedures can also play a

key role in determining whether the locus of political competition evolves along extremist or centrist lines, and hence in developing moderate and broad-based political parties.

There are three main areas of variation which are crucial influences on the shape of post-conflict politics in most countries. First, there is the question of timing: should post-conflict elections be held as early as possible, so as to fast-track the process of establishing a new regime? Or should they be postponed until peaceful political routines and issues have been able to come to prominence? Second, there is the mechanics of elections themselves: who runs the elections? how are voters enrolled? what electoral formula is used? And so on. Third, there is the often under-estimated issue of the effect of the elections on political parties. Especially in cases of weak civil society, political parties are the key link between masses and elites, and play an absolutely crucial role in building a sustainable democratic polity. Hence, the interaction between parties and the electoral process is itself crucial. Are the political parties contesting the election narrow, personalized, sectarian or ethnically-exclusive entities, using the political process to pursue their wartime objectives? Or are they broad, multi-ethnic, programmatic organisations with real links to the community? And how can the former be discouraged and latter promoted?

More generally, there is the overarching issue of under what circumstances elections help to build a new democratic order, and under what circumstances they can undermine democracy and pave the way for a return to conflict. For example, elections are part of the broader process of democratization, but ill-timed, badly-designed or poorly-run elections can actually undermine the broader process of democratization. This overarching theme is the subject of this chapter.

Timing

As a starting point, the issue of election timing is a crucial – and under-appreciated – variable in election planning. Issues of timing also directly affect administrative choices, electoral system designs and the way political parties form. For example, in some cases timing demands – particularly the need to hold a quick election – have influenced the choice of electoral laws, and these have affected not just the party system but also the broader incentives presented to political actors as part of the election process. Take the case of Angola's 1992 presidential elections held under the Bicesse Agreement of May 1991 as part of the peace process aimed at stopping Angola's long-running civil war. The major parties contesting the election were the political wings of two former liberation movements turned armies: the governing MPLA, led by President Eduardo Dos Santos, and UNITA, led by Jonas Savimbi. Due to the extraordinary nature of the election (the first ever held in Angola) and severe timing pressures, a hastily-drafted electoral law was enacted which included, as part of the presidential election, a run-off between the top two candidates if no-one gained a majority in the first round of voting.

This choice of formula had two impacts: first, it precluded any possibility of power-sharing between the two main combatants, as the election itself could only be won by one candidate. Second, it provided an escape hatch for parties weakly committed to the process, who could get an indication of their support levels after the first round of voting. When Savimbi realised after the first round that he was unlikely to win the election, he rejected the election and went back to war. The issues of timing and electoral system choice thus impacted directly on the overall failure of the peace process in Angola, which has remained in conflict to this day. Of course, it is possible that this may have occurred anyway. But the design of the electoral system clearly presented strategic opportunities for candidates to remove themselves from the contest – an incentive that would have been lower under a different set of institutional rules.

Such events may suggest that democracy itself is part of the problem in such highly fraught situations, and that post-conflict situations are too fragile to be exposed to the competitive pressures of the electoral process. But this oft-heard critique ignores several factors. First, elections can be purposively designed to encourage not winner-takes-all outcomes, but the sharing of power between groups. Indeed, many would argue that some form of power-sharing is a primary requirement in post-conflict situations. Second, critics of elections as instruments of democratization often ignore the real need to construct a legitimate governing authority in post-conflict circumstances. Not least because so many of today's conflicts take place within states, the overarching challenge of many UN missions is to build or re-build a sustainable democratic state that can function without direct international involvement. Elections are a crucial element in achieving this. State-building is a priority issue in both Afghanistan and East Timor, for example, where the UN has been confronted with the challenges of attempting to build functioning democracies in societies only recently ravaged by violent conflict.

One valid criticism of elections in post-conflict scenarios, however, is that if held too early, they can undermine the nascent democratic order. In fact, this has been a fundamental problem of many UN-supervised elections: they have been held too soon and too quickly after peace has been restored. In fact, over the last decade, UN peacekeeping missions appear to have developed a kind of standard operating procedure. Once a minimum level of peace has been obtained (which does not necessarily mean a full cease-fire agreement), and a basic level of infrastructure is in place, the next step is usually to hold some kind of parliamentary elections -- often within a year or two of the start of the mission -- followed by a rapid hand-over to the newly-elected authorities, and an even more rapid departure of UN troops and personnel. Thus in Kosovo there was been strong pressure on the OSCE, the body tasked with organizing elections in the region, to hold elections as quickly as possible, regardless of whether social conditions that exist there are conducive to the cut and thrust of open electoral politics or not. A similar pressure to hold 'instant elections' was present in East Timor, where the UN Transitional Administrator, Sergio de Mello, argued that postponing elections beyond 2001 would be 'difficult', arguing that 'you can't hold back the horses' of political

development indefinitely. In both cases, national elections were held in the second half of 2001.

But if held too early, elections in fragile situations can easily undermine the longer-term challenge of building a sustainable democracy. Elections in conflictual situations can act as catalysts for the development of parties and other organisations which are primarily (and often solely) vehicles to assist local elites gain access to governing power. They can promote a focus on regional, rather than national, issues. They can serve to place in positions of elected authority leaders committed to exclusionary visions of the country – leaders who are, in many cases, the very same ones who started or fought the conflict in the first place. This generals-to-politicians transformation has been a recurring problem in the Balkans, where nationalist parties and elites have attempted to use the political process to continue to press their sectarian aims. Early elections also tend to elicit more extreme reactions from voters than an election held after a period of state rebuilding. This is one of the perverse realities of post-conflict elections: the *sina qua non* of the democratic process, elections, can also be its undoing.

The timing of elections can also impact directly on the shape of the political party system, and on the degree of coordination between local and national-level elites. For example, a major goal in building a sustainable democracy should be the creation of parties which are broad-based, have strong links to local communities, and campaign on a national platform. But in post-conflict situations, many political parties are not broad-based vehicles for presenting competing policy and ideological platforms, but rather narrowly-focussed, personalized elite cartels. In other cases, political movements are often merely thinly-disguised variants of the armies which fought in the original conflicts, as exemplified in Bosnia by the growth of nationalist parties like the (Croat) HDZ, (Serb) SDS and (Bosniac) SDA, respectively. This problem also afflicts former liberation movements, such as East Timor's Fretilin, or even the Kosovo Liberation Army, which attempt to transform themselves into mainstream political organisations. Either way, holding elections too early in the transition period can have the perverse effect of stymieing the development of more aggregative and programmatic political parties – institutions which are now widely accepted to be important facilitating agents for successful democratisation.

A second issue is the coordination of election timing with sub-national elections. Some scholars argue that in a new democracy, holding national elections before regional elections generates incentives for the creation of national, rather than regional, political parties¹ – and hence that the ideal process of election timing is to start at the national level and work one's way down. Others such as Diamond believe that simultaneous national and local elections "can facilitate the mutual dependence of regional and national leaders. The more posts that are filled at the regional and local level ... the greater the incentive for regional politicians to coordinate their election

¹ Linz and Stepan 1996, 98-107

activities by developing an integrated party system".² This was the situation at Indonesia's 1999 elections, with identical party-based ballots being presented to voters at simultaneous elections for national, provincial and local assemblies, which greatly strengthened the nascent party system. In recent years, however, UN practice has been the opposite: to start with municipal elections and work up, as in Kosovo. This approach is particularly suited to 'state building' elections, which can help develop party politics from the ground up.

In general, the comparative evidence suggests that this bottom-up approach to electoral timing is probably the best way to encourage the development of party politics and to inculcate voters in the routines of electoral politics. The Lloya Jirga process of local elections in Afghanistan which was part of the process of choosing an interim government can be seen as one kind of local election that clearly helped the nascent process of democratisation.

A more immediate problem often comes not from domestic realm but from the approach taken by the international community itself. International policymakers, not least at the UN, have typically viewed elections as a convenient punctuation point in a peacekeeping mission, which can usher in not just a new government but also provide a convenient exit point for international involvement. Thus Cambodia's exemplary 1993 election, the culmination of the biggest UN peacekeeping mission to date, was followed by a rapid departure of the UN and other international forces from Cambodia – a departure which did little to translate results of an exemplary electoral process into solidifying a fragile new polity. Soon after, a 'coup' by the 'second prime minister, Hun Sen, against the most popular elected party, FUNCINPEC, saw Cambodia return to its familiar politics of intimidation and authoritarian rule. Elsewhere, rushed elections (for example, in Liberia) with little in the way of broader political support, have undermined the legitimacy of the election process, creating further problems for future democracy-building efforts.

The wider obsession in the 1990s with elections as a form of conflict resolution is perhaps the most obvious manifestation of this 'quick-fix' mentality. The world is littered with elections, often conducted at the behest of the international community, which only served to inflame and politicize the root causes of conflict. Given this, it is not surprisingly that elections held too early in the process of state rebuilding (or 'premature elections', as they have become known) often have the opposite results to those intended. The December 1991 Algerian elections, which were aborted after the fundamentalist Islamic Salvation Front won the first round of voting, and which led to the suspension of the constitution and the strengthening of military rule, were one case in point. In Burundi, the June 1993 elections undermined prospects for democracy by fuelling an ethnic 'retribalization' of party politics, which inflamed pre-existing Tutsi-Hutu tensions not just in Burundi but in neighbouring Rwanda as well. In both cases, early or ill thought-through elections appeared to undermine the broader path of democratic development.

² Diamond 1999, 158.

There are, however, powerful pressures, both domestically and internationally, for early elections to occur as part of the process of state rebuilding in post-conflict societies. For one thing, given the risk-averse nature of the international community when it comes to peacekeeping commitments, such elections can (as noted above) provide a clear 'exit strategy' for international involvement. But supporting the difficult process of transforming a poor, traumatised and war-ravaged society into a well-functioning democracy requires more than the presence of a few hundred UN officials for 18 months, with an election at the end. It means, quite simply, being prepared to invest substantial time and money in an open-ended process of social and political development. With the exception of the Balkans, which benefits from its location in Europe (and where observers are talking about an international presence in the region for *decades*), there are few post-conflict societies anywhere in the world where international actors have the inclination to pursue such an open-ended strategy. In most cases, the roving eye of the international media and the governments of major western states moves on to other, more fashionable, issues.

A second-best alternative to such open-ended commitment is not to rush into immediate elections following a peace deal, but rather to encourage local involvement for a few years until some of the basic elements of a pluralistic party system and a functioning state have been established. This was the approach taken by the UN in both East Timor and Kosovo, where local-level democratisation and security-building has taken precedence over the early holding of a national poll, and where national consultative bodies of local leaders were introduced *without* an electoral process. In East Timor, for example, the UN developed a National Consultative Council, made up of representatives of East Timor's government-in-waiting, into a form of unelected legislature, which included representatives of youth, church and womens groups. In Kosovo, national elections were postponed in favour of municipal polls, where the stakes are much lower and the responsibilities of elected officials were focussed on service delivery rather than national issues. In both cases, the evidence suggests that, by involving local actors in the process of governing while lengthening out of the transition to full-blown national elections, a more mature and responsible form of party politics has begun to be developed. This approach has much to recommend it for future operations.

Electoral mechanics

The mechanics of the electoral process can have a profound – and often profoundly misunderstood – impact on the success or failure of post-conflict democratization. Electoral mechanics can be divided into two main areas: the electoral *system* – that is, the formula by which votes are converted into seats, including the way ballot papers are laid out and the structure of electoral districts -- and the electoral *administration* – such as the electoral management body, the provisions for voter registration, boundary delimitation and the like. Between them, these two areas comprise some of the most

important variables influencing the success or failure of post-conflict elections, and indeed for democratization more generally.

While electoral systems have attracted a voluminous academic literature, issues of electoral administration remain under-studied by scholars and under-rated in general in terms of their effect on post-conflict polities. Voter registration, for example, is a perennial area of concern, not least because nearly all post-conflict elections take place in an environment where basic census and other records are missing. The construction of a comprehensive register of voters is thus often a first step in the bureaucratic process of state-building. It is also often an enormously time-consuming, logistically-challenging and resource-intensive process: in Cambodia, for example, the voter registration period took almost a full year before the election and demanded huge amounts of time, personnel and money. Because electoral districts and polling places are often drawn and allocated on the basis of voter registration records, this process usually impacts on these areas too.

However, probably the most important administrative decision concerns the composition of the body managing the elections, and specifically whether the elections are run by the government of the day or by some form of Independent Electoral Commission is established, and whether such a body is comprised of political parties or non-partisan civil servants. The world-wide trend is definitely towards independent electoral commissions staffed by non-partisan civil servants; indeed, since the world's largest democracy, India, adopted this model at independence it has been widely adopted around the world. However, the influence of the United States is important here, as the US form of electoral administration is based around political appointees and party representatives, and many post-conflict democracies have also adopted this model. The comparative evidence suggests that this is a mistake, and that independent commissions run by apolitical civil servants are definitely to be preferred. Party-based commissions have an almost inevitable tendency to split along party lines. In Haiti, for example, the Provisional Electoral Council was made up of representatives of the political parties, but was also deeply divided along party lines, and internal mistrust and divisions prevented it from working efficiently.³ In Cambodia, by contrast, a non-partisan electoral commission was widely seen as one of the outstanding elements of the entire UN mission. Non-partisan commissions were also a prominent and successful part of UN missions in Namibia and in East Timor.

The dangers of using party-based electoral administrations was graphically demonstrated by Indonesia's transitional elections in 1998. Amid the flowering of new political movements that often accompanies a democratic opening, a requirement that both the government and opposition political parties must be represented on the General Elections Commission (KPU), resulted in a deadlocked and unwieldy body of no less than 53 persons, most of them party representatives (including some individuals who were also candidates for the election). The result was that, during the preparation for one of the most important transitional elections of the 1990s, the body charged with running

³ Nelson 1998, 76.

the elections, the KPU, became almost completely dysfunctional, being deeply divided along party lines and unable to take even basic decisions (at one stage, fist-fights broke out between different members of the commission). After the elections, which were administratively flawed, the Indonesians moved quickly to discard the party-based KPU and replace it with a much smaller, non-partisan body of 11 non-party and non-government representatives, many of them academics.

Electoral processes also need to be sustainable. While the UN plays an important 'vector' role in spreading new practices and technologies, there is a distinction between the ideal electoral technology and the capacity of a recipient country to handle that technology in a sustainable manner. A number of internationally-financed and run elections over the past decade have introduced a level of electoral technology which was clearly unsustainable for the host country, and could not be replicated in their second, locally-run elections. Cambodia and Mozambique both fall into this category. Highly expensive levels of basic equipment and staffing is a common problem; an over-reliance on sophisticated information-technology more suited to a first-world country than a third-world one is another (a typical example is the use of computerized electoral rolls in countries where electric power is unreliable). Building a *sustainable* electoral administration needs to be the over-riding aim in such situations, even where this means using more basic technology or equipment. Similarly, donors need to think hard about the relative merits of funding expensive one-off international election observation missions (otherwise known as 'electoral tourism') versus the longer-term benefits of directly supporting the domestic electoral administration and local observer groups. The latter is less glamorous but usually has a much greater pay-off in actually assisting the consolidation of a new democracy.

While these and other issues of electoral administration continue to receive inadequate attention, the design of electoral systems, by contrast, has long been recognised as one of the most important institutional choices for any political system. Electoral systems can be purposively designed to achieve particular outcomes, and serve to structure the arena of political competition, including the party system. The great potential of electoral system design for influencing political behaviour is thus that it can reward particular types of behaviour and place constraints on others. This is why electoral system design has been seized upon by many scholars as one of the chief levers of constitutional engineering to be used in mitigating conflict within divided societies.⁴ As Lijphart notes, "If one wants to change the nature of a particular democracy, the electoral system is likely to be the most suitable and effective instrument for doing so".⁵ As well as their suitability for engineering, electoral rules also serve to structure the arena of political competition during election campaigns. This has important behavioural consequences for both voters and candidates. Because elections represent a primary arena of political competition in many new democracies, and different strategies of cooperation or antagonism between the players can increase or decrease their prospects

⁴ There are a wide range of works on this subject. See Horowitz 1991; Lijphart 1977 and 1995; Sartori 1968 and 1994; Reilly and Reynolds 1999; Reilly 2001)

⁵ Lijphart 1995, 412.

for success, the electoral system is also a key mechanism in shaping wider political practices, and can have an effect far beyond the elections themselves.

Electoral systems also have a direct impact upon politics in societies divided along ethnic, religious, ideological or other lines. Donald Horowitz, for example, argues that “the electoral system is by far the most powerful lever of constitutional engineering for accommodation and harmony in severely divided societies, as indeed it is a powerful tool for many other purposes”.⁶ Arend Lijphart says that “the electoral system has long been recognized as probably the most powerful instrument for shaping the political system”.⁷ Timothy Sisk writes that electoral systems “play an important role in ‘engineering’ the results of democratic voting, and along with other institutional choices can have a profound impact on the nature of political parties and the general character of democracy”.⁸ Beyond this consensus on the importance of electoral systems, however, there is profound disagreement among theorists as to which electoral systems are most appropriate for divided societies.

Two schools of thought predominate. The scholarly orthodoxy has long argued that some form of proportional representation (PR) is all but essential if democracy is to survive the travails of deep-rooted divisions. For example, Arthur Lewis’s study of the failure of post-colonial democracy in countries such as Ghana, Nigeria and Sierra Leone in the late 1950s and 1960s prompted him to argue that divided societies need PR to “give minorities adequate representation, discourage parochialism, and force moderation on the political parties”.⁹ Such arguments foreshadowed, in part, the electoral recommendations of ‘consociational’ approaches to managing ethnic cleavages in divided societies, which emphasise the need for divided societies to develop mechanisms for elite power-sharing if democracy is to be maintained. In terms of electoral systems, consociationalists argue that some form of proportional representation is all but essential for divided societies, as this enables all politically-significant ethnic groups, including minorities, to form ethnically-based parties. Their prescriptions for electoral system design often focus on the need for party list PR, usually in large districts. This is based on the tendency of PR to produce multi-party systems and hence multi-party parliaments, in which all significant segments of the population can be represented, and on the empirical relationship between proportional electoral rules and ‘oversized’ or grand coalition governments, which are a fundamental feature of the power-sharing approach on which consociationalism is based. The use of large, multimember electoral districts is particularly favored, because it maximises proportionality and hence the prospects of multiple parties in parliaments, which can then form the basis of a cross-ethnic government coalition.¹⁰ PR election rules are thus important of themselves — because they are likely to facilitate proportional parliamentary representation of all groups — and also an important component of wider consociational

⁶ Horowitz 1991, 163.

⁷ Lijphart 1991, 91.

⁸ Sisk 1993, 79.

⁹ Lewis 1965, 73.

¹⁰ See Lijphart 1990, 10-13.

prescriptions that emphasise the need for grand coalitions, group autonomy, and minority veto powers.

In contrast to this orthodoxy, an alternative approach sometimes typified as “centripetalism” maintains that the best way to mitigate the destructive effects of ethnicity in divided societies is not to simply replicate existing ethnic divisions in the legislature, but rather to utilise electoral systems that encourage cooperation and accommodation between rival groups, and therefore work to break down the salience of ethnicity rather than foster its representation in parliament.¹¹ Drawing on theories of bargaining and cooperation, centripetalism advocates institutional designs which encourage opportunities for dialogue and negotiation between opposing political forces in the context of electoral competition. By privileging cooperative campaign strategies with increased prospects of electoral success, candidates representing competing (and sometimes violently opposed) interests are presented with incentives to negotiate for reciprocal support, creating an ‘arena of bargaining’ where vote-trading arrangements can be discussed.¹²

Centripetalist approaches advocate the use of electoral rules which encourage ‘vote-pooling’ and ‘preference swapping’ in order to encourage inter-ethnic bargaining and promote accommodative behaviour. At the core of this approach is the need to make politicians reciprocally dependent on the votes of members of groups other than their own.¹³ The most reliable way of achieving this aim, according to proponents of the centripetal approach, is to offer sufficient electoral incentives for campaigning politicians to court voter support across ethnic lines. For example, some electoral models – such as preferential systems like the alternative vote (in Fiji) or the single transferable vote (Northern Ireland) -- permit (or even require) voters to declare not only their first choice of candidate on a ballot, but also their second, third and subsequent choices amongst all candidates standing. Parties that succeed in negotiating preference-trading agreements for reciprocal support with other parties will be rewarded, thus strengthening moderate voices and the political centre. This gives them strong institutional incentives both to engage in face-to-face dialogue with their opponents, and to negotiate on broader policy issues than purely vote-seeking ones. The overall effect is thus to reorient electoral politics away from a rigid zero-sum game to a more fluid, complex and potentially positive-sum contest. The success of ‘pro-peace’ forces at Northern Ireland’s breakthrough 1998 election was dependent to a significant extent on such vote-transfers towards the moderate middle and away from extremists. Fiji’s transitional 1999 election also utilised centripetal procedures, as did the transitional 1990 election in Estonia. Sri Lanka and Papua New Guinea are other examples of countries in which centripetal electoral systems have or will be used.

Regardless of whether consociational or centripetal approaches (or some mixture of the two), are favoured, there is widespread agreement amongst many scholars that some type of power-sharing government featuring all

¹¹ See Sisk 1995; Reilly 2001.

¹² See Reilly 2001.

¹³ See Horowitz 1985, 1991.

significant groups is an essential part of democracy-building in divided societies. In particular, multi-ethnic coalitions are favoured by both consociationalist and centripetalists as desirable institutions for divided societies. This form of the power-sharing model is most often associated with proportional elections, as PR is the surest way of guaranteeing fair results and minority representation. Lewis, for example, argues that “one of the advantages of proportional representation is that it tends to promote coalition government”.¹⁴ Yet the comparative evidence from our cases suggest that power-sharing has been less stable and less in evidence in post-conflict elections than many scholars would have predicted. In most cases, moreover, proportional elections have resulted in majority rule: Namibia, Mozambique, Liberia are all examples of this. In each case, however, the largest party would probably have won an even greater majority had alternative institutional designs been employed.

It is instructive to note that almost all of the major transitional elections conducted in recent years, including almost all of those held under UN auspices, have utilized under some form of PR. In fact, transitional elections in Chile (1989), Namibia (1989), Nicaragua (1990), Cambodia (1993), South Africa (1994), Mozambique (1994), and Bosnia (1996,1998, 2000), all used a form of regional or national list PR for their founding elections. The next cabs off the rank, Kosovo and East Timor, will do likewise. In fact, party-list PR has become the de facto norm of UN parliamentary elections. In presidential systems, this has been usually been combined with some form of run-off election for the presidency. Only Haiti in 1995, which used a run-off system for its parliamentary elections, has deviated from the PR norm (and there, as in Angola, the record of this system was mixed, to say the least: in Haiti, as in Angola, some losing candidates trailing after the first round of voting chose to boycott the second round, thus undermining the legitimacy of the process as a whole).

As would be expected from their widespread use, PR systems have many advantages for transitional elections new democracies: they are fair, transparent and provide a clear correlation between votes cast in the election and seats won in parliament. By bringing minorities into the process and fairly representing all significant political parties in the new legislature, regardless of the extent or distribution of their support base, PR is often seen as an integral element for creating an inclusive and legitimate post-authoritarian regime. But the adoption of such systems for post-conflict elections has usually been dictated more by administrative concerns, such as the need to avoid demarcating individual electoral districts and to produce separate ballot papers for each districts, than these wider political issues. Indeed, in many post-conflict elections, national PR systems are the only feasible way to hold an election quickly, as a uniform national ballot can be used, no electoral districts need be demarcated, and the process of voter registration, vote counting and the calculation of results is consequently simplified. The 19 November 2001 elections in Kosovo, for example, will use a national list PR

¹⁴ Lewis 1965, 79.

system to elect the 120-member central assembly outlined in Chapter 9 of the Constitutional Framework for Provisional Self-Government in Kosovo.

However, national PR systems also have some disadvantages, as they provide no geographic link between voters and their representatives, and thus create difficulties in terms of political accountability and responsiveness between elected politicians and the electorate. In addition, many new democracies - particularly those in agrarian societies (Barkan 1995) - have much higher demands for constituency service at the local level than they do for representation of all shades of ideological opinion in the legislature. It has therefore increasingly been argued in Namibia, South Africa, Cambodia and elsewhere that the proportional systems used at the first transitional elections should be modified to also encourage a higher degree of *geographic accountability* – such as by having members of parliament represent territorially-defined districts and service the needs of a constituency. A popular choice in recent years has been for ‘mixed’ electoral systems, in which part of the legislature is elected on a national level by proportional representation, and some is elected at a local level from single-member districts, so that both the proportionality and accountability are maximised. For example, the August 2001 elections for East Timor’s 88-member constituent assembly – the body tasked with drawing up the country’s first constitution – will use a mixed system, with 75 of the assembly’s seats elected on a nationwide basis by proportional representation, and 13 seats (one for each of the electoral districts) elected by first-past-the-post.

There is also variations within PR systems that need to be considered. For example, the precise kind of PR formula used can influence the extent to which minor parties are represented, or major parties are advantaged. For example, the use of a ‘Hare’ divisor at the provincial level in Cambodia, rather than using a ‘Largest Remainder’ system nationwide, had a major political effect: minor parties who would have gained seats had one national constituency been used fell short, while the two major parties – the Cambodian People’s Party and Funcinpec – both gained ‘seat bonuses’ as a result of these (apparently minor) system choices. Overall, an additional 10 parties would have gained representation had the election been held on a national rather than a provincial basis.¹⁵ In Namibia, by contrast, a highly proportional national PR system was introduced – despite concerns voiced by the United Nations Institute for Namibia that parties should “reject any PR system that tends to fractionalize party representation”.¹⁶ The final Namibian electoral system was one of the most proportional in the world: with no legal thresholds in place, a party needed less than 1 percent of the vote to gain election.

As such cases suggest, it is impossible to divorce the shape of the party system, and prospects for post-election powersharing, from the design of the electoral system. All three are mutually entwined to a large extent. For example, different types of electoral formula can encourage or retard different

¹⁵ My thanks to Michael Maley for the data on this point

¹⁶ Cliffe et al 1994, 116.

types of party constellations, and can also influence the extent to which post-conflict parties are broad-based and moderate entities, drawing cross-communal support, or whether they are (as in Bosnia) merely former armies in a new guise – wolves in sheep's clothing. Proportional representation, while fairly representing all views, can also enable small extremist parties to gain crucial footholds in power. In support of this contention, some comparative studies have found that smaller 'district magnitude' –the number of members elected from each electoral district -- is the crucial institutional variable in blocking the rise of 'fringe' or extremist parties and encouraging the development of a broad-based party system, suggesting that less proportional systems are to be preferred.¹⁷

Other technical considerations can also have major implications. Take the case of designing list PR systems for ethnically-divided societies: because such systems can utilise one standard national ballot paper and do not require electoral districts to be drawn or voter rolls to be demarcated on a geographical basis, they are by far the simplest system for electoral administrators -- and, arguably, voters -- facing first-time elections in new democracies. But in places like Bosnia, the application of PR has also been seen to undermine the process of democratization by disengaging politicians from voters and, worse, permitting the development of hard-line nationalist political parties, who can be achieve electoral success by making narrow, sectarian appeals to their core ethno-political base. Indeed, recent Bosnian elections have served to emphasise that under such conditions, the surest route to electoral victory under PR is to play the ethnic card – with disastrous consequences for the longer-term process of democratization.

Because of these concerns, the most recent Bosnian elections, in November 2000 therefore utilised an 'open list' PR system, in which votes could choose not just between parties but also between candidates within parties, with the expectation that this would encourage greater identification with and responsiveness from elected politicians. But -- as any scholar familiar with the use of the same system in the deeply ethnically-torn country of Sri Lanka could have advised -- this was a risky move in a divided society where ethnic affiliation remains the primary basis of voter choice. In Sri Lanka, parties that have attempted to field a multiethnic candidate list have found that such 'open lists' can undermine, rather than promotes, multi-ethnic government: Sinhalese voters will, if given the chance, deliberately move Tamil candidates placed in a winnable position on a party list to a lower position. This may well have been a problem which could afflict major parties in South Africa as well, had not the electoral system used been a 'closed' list, which allowed major parties such as the ANC and the NP to place ethnic minorities and women high on their party list. In Bosnia, the 2000 elections saw a wave of victories for extremist parties and candidates, a wave of victories that the 'permissive' open list PR electoral system only served to encourage, as it contained no real incentives for inter-ethnic cooperation or moderation.

¹⁷ See Willey 1998.

Political Parties and Powersharing

Transitional democracies, particularly those moving from a deep-rooted conflict situation, typically have a greater need for inclusiveness and a lower threshold for the robust rhetoric of adversarial politics than their established counterparts. Similarly, the stable political environments of most Western countries, where two or three main parties can often reasonably expect regular periods in office via alternation of power or shifting governing coalitions, are very different from the type of zero-sum politics which so often characterise divided societies. This is one of the reasons that 'winner take all' electoral systems like first-past-the-post have so often been identified as a contributor to the breakdown of democracy in the developing world: because such systems tend to lock out minorities from parliamentary representation they can, in situations of ethnically-based parties, easily lead to the total dominance of one ethnic group over all others.¹⁸ Democracy, under these circumstances, can quickly become a situation of permanent inclusion and exclusion, a zero-sum game, with frightening results.

But there are also distinctive elements of political parties in post-conflict situations that appear to transcend institutional considerations. Because of the underdeveloped and deeply-divided nature of most post-conflict societies, elections often have the effect of highlighting societal fault-lines and hence laying bare very deep social divisions. In such circumstances, the easiest way to mobilise voter support at election time is often to appeal to the very same insecurities that generated the original conflict. This means that parties have a strong incentive to 'play the ethnic card' or to take hard-line positions on key identity-related issues, with predictable consequences for the wider process of democratisation. Post-communist elections in Yugoslavia in the early 1990s, for example, resulted in the victory of extremist nationalist parties, committed to (and achieving) the break-up of the federation. The 1993 elections in Burundi, which were supposed to elect a power-sharing government, instead mobilised population groups along ethnic lines and served as a catalyst for ethnic genocide a few months later. Similarly, Bosnia's 1996 and 1998 elections effectively served as ethnic censuses, with parties campaigning on ethnic lines and voters reacting to heightened perceptions of ethnic insecurity by electing hard-line nationalists to power, greatly undermining the process of democracy-building.

For this reason, scholars and policymakers alike have frequently identified the need to build broad-based, cross-regional and multi-ethnic political parties in fragile multi-ethnic states, particularly those susceptible to separatist appeals. Horowitz, for example, has consistently advocated the need for broad multi-ethnic parties or coalitions of parties as a key facilitating factor in avoiding ethnic conflict.¹⁹ Similarly, Huntington argues that fractionalized and ethnically or regionally exclusive party systems are extremely damaging for democratic prospects and are, consequently, found widely in the failed democracies of

¹⁸ The classic argument on this remains Lewis 1965.

¹⁹ See Horowitz, 1985, 1991.

the Third World.²⁰ A 26-nation study of democracy in developing countries concluded that “a system of two or a few parties, with broad social and ideological bases, may be conducive to stable democracy”.²¹ Diamond sums up the prevailing view of many scholars, arguing that “political parties remain important if not essential instruments for representing political constituencies and interests, aggregating demands and preferences, recruiting and socializing new candidates for office, organizing the electoral competition for power, crafting policy alternatives, setting the policy-making agenda, forming effective governments, and integrating groups and individuals into the democratic process.”²² By contrast, under the conditions of ‘polarized pluralism’, featuring competition between extremist movements, the logic of elections changes from one of convergence on median policy positions to one of extreme divergence.²³ Politics becomes a centrifugal game. Such fragmented party constellations are empirically much more likely to experience violence and the breakdown of democracy than more moderate multipartism based on a few ‘catch-all’ political parties.²⁴

For this reason, there is an increasing focus in the policy world – which has yet to be adequately digested by scholars – on the need to build broad-based, programmatic political parties in new democracies, and to avoid the narrow, personalized and sectarian parties and party systems that have undermined so many new democracies. Particularly in societies split along ethnic lines, cross-regional and multi-ethnic parties that compete for the center ground appear to be a – and perhaps the – crucial determinant of broader democratic consolidation and peace-building. For this reason, new democracies around the globe have, over the past few years, experimented with a unusual array of institutional approaches to encourage the development of sustainable political parties and party systems.

There are several ways of doing this. First, *party rules* governing the formation, registration and campaigning of political parties can be enacted which encourage parties to be cross-regional and cross-ethnic in their composition. This was the approach used successfully at Indonesia’s transitional 1999 elections, where to qualify to compete in the election, political parties must have established a branch structure in more than half of Indonesia’s 27 provinces, and within each of these provinces also must have established branches within over half of all regions and municipalities. The Indonesian drafters stated clearly that their aim was to discourage political groups based on ethnicity or region which could form the basis of secessionist claims, and to encourage the development of broad-based organizations campaigning on a national platform.²⁵ The results from the 1999 election were encouraging for these expectations, as the main electoral contest did indeed appear to take place between three large cross-regional parties, and the level of ethnic violence associated with the elections was much lower than had been feared

²⁰ See Huntington 1991.

²¹ See Diamond, Linz and Lipset 1995, 35.

²² Diamond 1997, xxiii.

²³ See Sartori 1976.

²⁴ See Powell 1982.

²⁵ See McBeth 1998.

(although it appears to be rising again in the post-election period).. Variations on this approach have also been used in several other Asian and West African countries.

Second, *electoral systems* can be designed to enable voters to rank-order choices between candidates ('preferential voting'), a process which has been shown to help sustain centrist parties. This was the approach used at Northern Ireland's break-through 1998 'Good Friday agreement' elections, which utilised a single transferable vote form of electoral system which enabled voters to indicate secondary choices on their ballot. Analyses of these elections have found that the use of a transferable ballot enabled 'pro-peace Republican and Unionist voters to give their first vote to their communal party, but to transfer their 'secondary' votes to pro-agreement non-sectarian parties (thus advantaging the 'moderate middle' of non-ethnic parties). Vote transfers overwhelmingly flowed from sectarian parties on both sides towards the pro-agreement but non-sectarian middle.²⁶ Pro-agreement parties on both sides of the sectarian divide benefited from such vote transfers, which – among other things – were ultimately crucial in converting a bare 'anti-agreement' unionist voter majority into a bare 'pro-agreement' unionist parliamentary majority. Evans and O'Leary, for example, conclude that the principal reason that a workable assembly emerged from the 1998 elections "was the adoption, or re-adoption, of the single transferable vote ... voters' lower-order preferences kept the Assembly on-track by reducing the numbers of seats that the anti-Agreement unionist parties won in the election".²⁷

Third, *distribution requirements* can be enacted which require parties or individual candidates to garner specified support levels from across different regions, rather than just their own. The best-known example of this type of cross-regional engineering has been in Nigeria. Nigeria's February 1999 presidential elections which swept Olesgun Obasanjo to power took place under laws which contained a so-called 'distribution requirement': instead of the usual majority vote requirement, successful candidates had to obtain not just a majority of the vote, but also not less than one-quarter of the vote cast in at least two-thirds of the states of the federation. The intention behind this kind of distribution requirement – first introduced in 1979 and since adopted in two other African countries as well – was to ensure that the winning candidate gained cross-ethnic support across the country rather than just in one part. Again, a primary aim was to counter the fissiparous secessionist tendencies that may have been unleashed by the electoral process under different rules. From the 1999 Presidential election, the preliminary evidence is encouraging: Obasanjo ran on a cross-ethnic platform and in fact gained greater votes outside his own region than within it (precisely because, it appears, he campaigned on a cross-regional multi-ethnic platform).

Fourth, the 'rules of the game' can be constructed in such a way as to encourage, or require, parties to put forward *multi-ethnic lists of candidates*, thus encouraging multi-ethnicity *within* parties. In countries as varied as

²⁶ See Reilly 2001.

²⁷ Evans and O'Leary 1999, 3-4.

Lebanon, Singapore and South Africa, the 'rules of the game' encourage parties to present multi-ethnic candidate lists to the voters. In Lebanon, for example, election is dependent, at a practical level, of being part of a mixed list of candidates representing different religious groups. In most cases, candidates must compete for election against other members of their own group. Electors choosing between party lists must thus make their choice on the basis of criteria other than ethnicity. In Singapore, most MPs are elected from multi-member districts known as 'Group Representative Constituencies', which each return between three and six members from a single list of party or individual candidates. Of the candidates on each party or group list, at least one must be a member of the Malay, Indian or some other minority community. Moving from a compulsory to a voluntary model of multi-ethnic candidate lists, the closed-list proportional representation system used in South Africa's 1994 elections enabled the major political parties to voluntarily adopt a multi-ethnic candidate composition – thus enabling the major 'black' party, the ANC, to place white and coloured members at winnable places on their candidate list.

Finally, *external interventions* can be used to try to stimulate the development of a meaningful party system where none exists. In Kosovo, for example, the OSCE have devoted substantial resources to introducing a network of 'political party service centres', which are intended to support the territory's nascent political groupings and provide them with logistical and material assistance and, by implication, move them towards becoming functioning, policy-oriented political parties, rather than the narrow and personalized vehicles for ethnic extremists that were evident in Bosnia. The party service centres aim to help strengthen the organizational capacity of Kosovo's political parties, to assist them develop their policy platforms and prepare for election campaigns. They have a particular focus on assisting parties that have demonstrated that they are viable and have a popular mandate. In Papua New Guinea, which has a weak and fragmented party system that has destabilized executive government, a new law tries to strengthen the party system by encouraging newly-elected MPs to build stable coalitions in parliament, and granting the resulting 'parliamentary parties' monetary and administrative support. The laws also provide for a by-election if an MP votes against his or her own party leader in a parliamentary confidence vote. Both the Kosovo and Papua New Guinea approaches can be seen as 'top down' inducements to organise and build sustainable parties.

Conclusion

It seems almost trite to state again what has been said many times before: democratization is a long-term process of social and political development, rather than a short-term event run by the international community. But we forget this at our peril. The impact that external interventions can have on democratization – particularly in post-conflict situations -- is largely limited to the design and construction of hardy institutions; the provision of adequate security and infrastructural conditions; as well as a modest input into the norms and routines of a first election. Beyond that, democracy is a domestic

game, and its longer-term outcomes and very much the preserve of local actors and conditions. International interventions are crucial in putting in place the short-term conditions for a transition to democratic rule, but their longer-term impacts are necessarily limited.

Given this, the most important contribution that the international community can make is to help establish coherent and robust political institutions, rather than to engage in broader attempts at social engineering. Because institutions structure the routines of behaviour in which political actors engage, they are crucial elements, over the longer term, in helping to build a moderate and sustainable political culture, in which routines of cooperation and accommodation come to be accepted as the norm rather than the exception. But such routines have to be allowed to develop organically within a facilitating institutional framework. The role for the UN and other external actors should ultimately be to make sure that such a framework is the best and most appropriate that can be devised. Such a limited focus is necessarily a modest endeavour – but a worthy one nonetheless.

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