



COMPARATIVE EXPERIENCE IN ELECTORAL ADMINISTRATION AND THE ARAB WORLD

April 2011

Background

This paper comprises four sections. First, a summary of findings and lessons learned is provided on the different institutional models and experiences in the structuring and functioning of electoral management bodies (EMBs). Second, findings and conclusions on the cost of elections are also summarised. Third, the current state of EMBs in the Arab World and possible alternative developments in view of preparation of future elections are discussed. Finally, a closing section follows with concluding remarks based on comparative experience of EMBs during transitions.

I. Main Findings on the Structuring and Functioning of EMBs

It is frequently asked “what exactly is meant by international standards for democratic elections and do such standards even exist?” In fact, such standards can be readily identified both in international legal instruments and in best practices widely shared among democracy activists, analysts and electoral practitioners. The main legal international instruments in this respect are the *Universal Declaration of Human Rights* of 1948 (Article 21) and, even more specifically, the eight democratic principles enshrined in Article 25 of the UN *International Covenant for Civil and Political Rights* (ICCPR of 1966): 1) periodic elections; 2) universal suffrage; 3) equal suffrage; 4) right to stand for public office; 5) right to vote; 6) secret ballot; 7) genuine elections; 8) free expression of the will of the people.

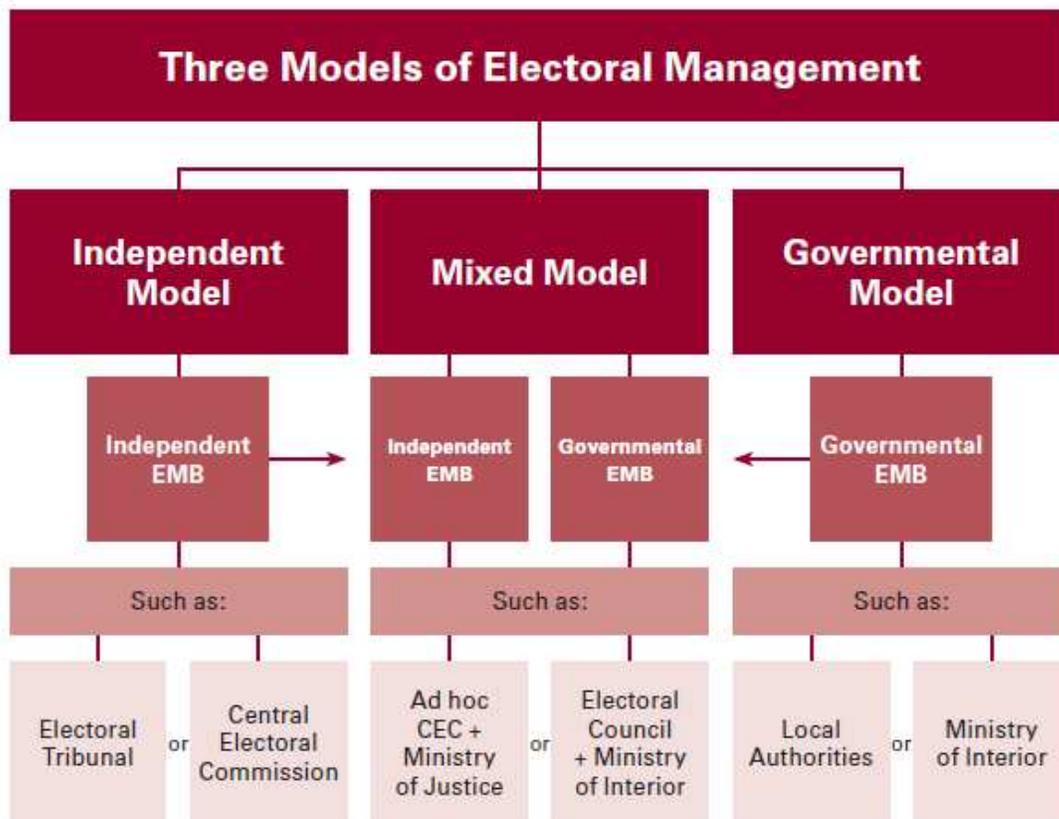
At a minimum, genuine elections require a level playing field where voters have a real choice and where the main obstacles to competition are removed by public authorities. Fair legal provisions, good will, and neutrality of law enforcement by election management bodies and other public authorities are necessary. On the administration of elections specifically, EMBs should perform in a neutral manner, regardless of whether they are part of the Executive, or take the form of an independent electoral commission, or a mix of both. No matter how electoral commissions are staffed - whether on a partisan basis, by independent professionals, or a mix of both - they should be open to systematic relationships with political contenders as the main players of the electoral game.

The main findings and lessons learned from a comparative review of global experience in electoral management are summarized in the answers to the following questions.

1. Which authority shall be in charge of elections?

Different authorities in different countries have managed elections both historically and at present. In older Western democracies, the Interior Ministry and the local municipal authorities traditionally conducted elections. With time, in a number of countries, government-run elections were supervised by electoral commissions normally composed of judges and representatives of political parties, following the so-called *French model* or mixed model. A wide variety of institutional arrangements actually fall under the umbrella label "mixed", yet the common characteristics remain that elections are managed by the executive branch of government, and some other external institutions have some surveillance/supervisory, sometimes regulative/eventually adjudication responsibilities on the electoral process. As a third historical development, elections have been managed by electoral commissions that are independent from the Executive. The latter has become the prevailing model of electoral administration today. Concrete data from all regions of the world show that elections are run by independent electoral commissions in 75% of all United Nations member states either in a full manner (59%) or by supervising the work of agencies from the Executive (16%). Elections are exclusively conducted by the Executive at central and local level in only 21% of cases, usually an historical residue of older democracies (Source: International IDEA, *Electoral Management Design Handbook*, 2006).

Figure 1: The Three Models of Electoral Management



CEC = Central Electoral Commission

(Source: International IDEA, *Electoral Management Design Handbook*, 2006, p.10).

The nature of the governmental model can offer a number of advantages primarily because the access to existing government resources can reduce costs, provide experienced bureaucrats and ensure corporate memory. However, a government-led election can be perceived as less credible due to alleged bias and/or previous behaviour; and the existing administration may not be able provide the required flexibility for electoral management nor the personnel with the appropriate electoral skills.

The impartiality of a truly independent EMB tends to bring more legitimacy to the electoral process. An independent EMB is in control of its own funding and implementation of electoral activities; this allows greater electoral focus and professionalism. But the independent EMB is also independent from and may lack influence over the political and decision maker that determine the electoral framework. Higher costs may burden the electoral management due to the difficulty in co-opting existing governmental structures, and member turnover is not conducive to building institutional memory.

The mixed electoral management model features the same advantages and disadvantages as both other models. Namely, it benefits from the increased credibility, control and electoral professionalism of the independent institution, as well as from the access to existing governmental resources and staff of the implementing EMB; but it may also lack sufficient political influence and flexibility for implementation. An interesting specificity of this model is however the fact that its dual structure provides checks independent of external observation. (Source: Ibid, p.21).

A country may evolve from one form of electoral management to another “Reforms may enhance the independence of the EMB – for example, the adoption of Independent Model of electoral management in countries such as Indonesia, Mexico, Nigeria, Romania and South Africa. Electoral responsibilities may be reassigned among existing and/or new bodies to promote better service delivery – as in New Zealand, Sweden and the UK. In some cases, as in Sweden, the suggestions for reform of electoral management were initiated by the EMB itself. In others, as in New Zealand and the UK, the reforms of electoral management were initiated by the government. Pressure from local civil society or international groups may also instigate reform of electoral management arrangements, as in Georgia and Liberia.” (Source: Ibid, p.298).

With the end of the apartheid regime, South Africa moved from a governmental to an independent model of electoral management. Interestingly, the Independent Electoral Commission (IEC) was first proposed as a body that would ensure the transparency of an election process administered by the government’s Department of Home Affairs, as in the past. However, some political forces challenged the Home Affairs’ role as potentially biased, and the mandate of the IEC created in 1993 included administrative, monitoring and adjudicative responsibilities. In fact, with little time to organize the elections and the need for a great amount of staff, the IEC used its prerogative to request the secondment of skilled personnel from the public service, including from the Department of Home Affairs. In 1996, a new permanent Electoral commission was established under the constitution and was able to build a permanent workforce and capacity. Great progress has been recognized in the administration

by the IEC of the successive electoral processes since 1996. (Source: EISA Website, *South Africa: Evolution of election management*).

Another example of evolution of the EMB model within a transitional setting is that of Indonesia, where the transitional EMB of 1999 with 53-members was larger than usual in order to ensure representation and inclusiveness; and in 2001, Indonesia amended its electoral law to provide for an 11-member expert-based EMB. (Source: International IDEA, *Electoral Management Design Handbook*, 2006, p.19).

2. How did independent electoral commissions come into existence?

Historically, elections tended to be run by partisan-controlled Executives and be as free as the relative degree of party pluralism and media independence would allow. It was only under the increasingly effective scrutiny of opposition groups and parliamentary committees that Interior ministries and local officials learned how to conduct elections which were acceptable to all contenders.

After World War II, decolonization brought new electoral openings in situations where no such citizen confidence existed in either colonial powers or new provisional governments. It was in this context that electoral authorities in the form of independent electoral commissions came to the forefront of electoral politics (e.g. India in the late 1940s). In Latin America, this type of electoral authority had been established by the first quarter of the 20th century when oligarchic governments were replaced by more liberal oppositions in a number of countries (i.e. Uruguay, Chile, Colombia and Costa Rica). By the time of the so-called *third wave* of democratization in the 1990s, this had become the institutional model prevailing in the different regions of the world. In post-communist Eastern and Central Europe, the majority of electoral administrations took the form of independent commissions, and to a lesser extent of a mixed model of government-led elections under the supervision of a regulatory/supervisory body (e.g. in Croatia, Czech Republic, Hungary, Slovakia) (See Annex 1).

Interestingly enough, if one looks at post-conflict contexts in the 1980's and 1990's, elections were invariably fully conducted by independent electoral commissions (e.g. Nicaragua, El Salvador, Guatemala, Haiti, Cambodia, South Africa, occupied Palestinian territories, Bosnia and Herzegovina). Sometimes under peacekeeping operations, there have also been electoral commissions either totally or partly staffed by international personnel (e.g. Cambodia, Bosnia and Herzegovina, Timor-Leste, Iraq or Afghanistan until 2009). Even more recently, such well-established democracies as the United Kingdom and Sweden have established some sort of independent electoral commission as recently as 2000, following earlier developments in the same direction in other established democracies (i.e. the USA establishing a Federal Electoral Commission in 1974 for the control of party funding and campaign finance, and the creation by Australia of an independent commission in 1984 with full powers for the conduct of elections).

3. What are the features of an independent electoral commission?

An independent electoral commission is a collective body fully or partly responsible for the conduct of elections, which is independent as an organization from the Executive as well as

from political parties and factions. Notwithstanding the above, the commission may be staffed at its highest governing level either by representatives of political parties, judges and other independent professionals, or a mix of both. The mandate of an independent commission is to conduct elections in a neutral and professional manner. The commission is usually permanent in time, and has a number of professional employees hired under civil service protection. An independent electoral commission may be endowed with full responsibility for the conduct of elections (see list of responsibilities below), or only with a regulatory and supervisory capacity as in the mixed or *French model*.

4. What responsibilities are implied in the conduct of elections?

The full range of responsibilities of electoral authorities – whether an electoral management body or the executive or some other model – in a given country would normally include most or all of the following:

- a) Legal initiative or advisory role on electoral matters, and self-regulatory powers;
- b) Election planning both strategic and operational;
- c) Voter registration;
- d) Political party and candidate registration;
- e) Control over party finance and campaign expenses;
- f) Media access for parties and candidates;
- g) Conducting the voting operations, and the tabulation of votes;
- h) Announcement of preliminary and final results;
- i) Voter and civic education;
- j) Accreditation of domestic and international observers;
- k) Adjudication of electoral grievances (claims and complaints directly related to election issues, procedures, and results).

5. What division of labour would prevail in cases where the responsibility for elections is shared between different institutions within the same country?

The responsibilities mentioned above may belong to a single authority, which is most often an independent electoral commission. Nevertheless, when elections are exclusively administered by the Executive (i.e. a ministry and local governments), all responsibilities belong to the government, except for the adjudicating function, which is performed by the judiciary, at least in the instances of appeals from decisions made by electoral officers at different levels. In cases where the government conducts the elections under the surveillance of an electoral commission, the latter body is responsible for electoral regulations, supervision of the process and adjudication of electoral grievances, either exclusively or along with the ordinary judiciary.

Further clarifications should be made on the adjudication domain by highlighting the distinction between electoral grievances per se and election-related criminal offences. Where a fully responsible electoral commission exists, it normally adjudicates all electoral grievances from initial claims to final appeals. Nevertheless, when common criminal acts are perpetrated within the electoral scenario, this would be brought by the electoral authorities or directly by the police or security forces to the public prosecutor and the ordinary courts of justice. Such would

be the case in an increasing number of countries. This is based upon the guiding principle that electoral justice must be specialized and timely. Notwithstanding the above, there are many countries where electoral adjudication beyond initial claims before the immediate electoral officers as well as further appeals of decisions from superior electoral commissions is left to the ordinary judiciary. There are also a number of countries where the electoral adjudication function is given to special electoral courts (i.e. Mexico, Bosnia and Herzegovina, and occupied Palestinian territories).

6. How would independence of electoral commissions from government and political parties be better ensured?

Independence of electoral commissions is to be understood as a matter of institutional freedom for decision making as much as of non-partisan conduct by commissioners and their staff. Some legal institutional resources exist in order to enhance the guarantees of independence no matter whether the electoral commission is staffed on a partisan basis, by professionals or a mix of both. These are basically the following:

- a) Special legal treatment of the independent electoral commission such as having it enshrined in the constitution and regulated by a special law (i.e. requiring approval by a two-third majority) in order to make it more difficult to introduce legal changes that would merely be supported by an incumbent government.
- b) As is true for all electoral legislation, legislation relating to the institutional status and composition of EMBs is more widely accepted and effective, and better ensures independence when all relevant parties and factions participate in its drafting.
- c) Regarding nomination and appointment procedures for commissioners and their chairman: lists of candidates submitted by the legislature should require a special majority vote in order to encourage political parties to reach some consensus on nominees.
- d) Funding of the commission and budgetary procedures. The regular functioning budget of electoral commissions can be ensured as a percentage of the national consolidated budget. The budget for a specific election is normally prepared and submitted by the electoral commission to the legislature standing committee directly or through the Finance Ministry. Ad hoc electoral budgets prepared and decided upon by the Executive alone should be avoided as a threat to the independence of the electoral bodies.
- e) Civil service protection of the professional technical and administrative staff of the electoral commission must be ensured.

7. What is the organizational structure of an electoral administration?

Except for countries where elections are run by the Executive, the institutional framework of electoral authorities would comprise two main bodies: a *governing body* of collective nature and varying size, and an administrative or *managing body* devised along the lines of standard executive organizations. Both bodies can form part of an all-encompassing Independent Electoral Commission, or be separated as different organizations (i.e. a supervisory commission and an implementing administration). Both governing and administrative bodies are usually

organised into central, provincial and local levels. Permanence of some professional staff as well as a measure of decentralization is normally the rule.

a) Governing bodies would normally comprise a national electoral commission, regional or provincial electoral commissions, local or municipal electoral commissions, and polling station committees. The latter are the basic units for the conduct of voting and counting of the votes on election day. All of these are collective bodies with a membership of around 3 to 5 persons except for the national commission, which might be somewhat larger depending on political arrangements being made at the time of drafting legislation. As for the managing bodies, sub-national offices are normally established along the same lines as governing bodies. The main difference is that managing bodies at all levels tend to be permanent offices while governing bodies, except for the national commission, are usually established only for the election period.

The composition of the *governing body* would normally follow one of these patterns: 1) non-political-party-based professional appointees only, usually from legal professions and academia; 2) only partisan appointees; or 3) a mix of professional and party representatives with or without representatives of the civil society. In any of the three models, recruitment based on ethno-cultural identity or gender quotas should be considered wherever politically relevant. The choice for a given model is basically made on political considerations (i.e. type and relevance of political cleavages in place, level of trust among contenders) and the politico-cultural tradition of governance.

Appointment of commissioners is most frequently made by the highest political executive (i.e. the Head of State) upon submission of lists of candidates by the Legislature: totally in the partisan-based model and frequently in the pure non-partisan model. In this latter model and in the mixed model, the Legislature would nominate that part of the candidates who are party-affiliated, and other institutions would nominate their own lists of candidates (i.e. from judiciaries, lawyers associations, universities, NGOs). Other eligibility requirements are: citizenship, age, being eligible to vote, not holding highest executive position in a political party or coalition, not standing as a candidate for the elections at any level of authority, not holding an elected mandate or be a member of an Executive body of authority, not simultaneously exercising certain professions while serving at the Commission, and not having been sanctioned for a serious violation of election laws or criminal laws. The Commission Chairperson is selected from among the Commissioners either by the Highest Executive of the country (i.e. Head of State) or by the Commissioners themselves, and invariably appointed by the Head of State.

The term of office in an electoral commission is usually governed in such a way as to ensure a certain continuity of the body and professional competence of its commissioners. Thus commissioners are frequently appointed by shifts rather than for the entire body at a given time, their term of office would usually last for a period starting by mid-term of a legislature and ending by mid-term of the following legislature. Re-eligibility for successive terms of office is usually allowed.

b) As for the *managing body*, eligibility requirements for the chief electoral executive (Director of Elections, Secretary of Elections or other titles), nomination, appointment, and term of office would usually follow the same rules as for other similar positions under civil service protection. Such an executive is usually recruited by the Commission governing body among cadres of the civil service, and is appointed by the Chairman of the Commission. As a career officer, he/she can be re-appointed or even serve until retirement if un-objected on performance. In countries

where the election managing body has a separate existence from the Commission, the chief electoral executive is appointed by the Head of State normally upon nomination by the Legislature, although he/she works under the direct command and supervision of the Electoral Commissioners (e.g. Chile, Colombia, Peru).

c) The main guiding principle on the management of elections by different electoral bodies is that of centralized authority or government, but *decentralized management* (i.e. recruitment, training, production and distribution of materials). The degree of the centralization of electoral authorities derives largely from the basic difference between the common law system of the Anglo-Saxon world, which follows a fairly decentralized pattern, and the civil law system that stems from Continental Europe, where the central government concentrates a higher degree of authority. Whatever the model of electoral administration, some degree of decentralization is required to address the massive outreach of elections and to facilitate the organization of local elections.

d) Permanent offices: The standard practice in countries where electoral authorities have a permanent status is a permanent staff at the central unit, with some permanent employees at the level of returning officer or its equivalent position in sub-national offices, and temporary assistance elsewhere as the need arises (usually hiring hundreds if not thousands of employees at election times). The size of the permanent professional staff should vary with the size of the country, among other factors; national headquarters may have 10 to 100 staff and 1 to 3 in divisional offices. Permanent professional staff at national headquarters is usually organized in the following departments of the managing body: General Management, Finance, Human Resources, Legal Administrative, Voter Registration, IT, Election Operations, and Public Information.

Consolidating a professional management body - regardless of whether the EMB is independent or government supervised/administered- is a long-term cost-reducing management approach, because the permanence of the EMB is a critical cost reduction factor, and because previous experience in conducting multi-party elections tends to reduce costs (López-Pintor, 2000; and López-Pintor and Fischer, 2005). Where elections are an integral and permanent element of the political process, permanent EMBs would appear axiomatic if only because the efficiency of a governmental institution enhances the legitimacy of the political system.”

II. How costly can elections be?

How much do elections cost?

Before coming to a conclusion on the cost of elections in different political environments, a couple of key distinctions need to be made about the nature of electoral costs. One is the distinction between **core** and **integrity** costs. Those costs routinely associated with carrying out elections are designated as core costs. They are incurred independently of the degree of uncertainty and security of the political environment and have to do with voter lists, voting materials, competence among polling officials, voter information, and organizational and logistical arrangements. Core costs are assumed to be fixed rather than variable. Contrarily, integrity costs are incurred when special and often unexpected expenses are required to ensure that the process works efficiently. Integrity costs generally concern security arrangements for

registration and polling places. They may include funding for international personnel serving as part of the electoral administration; tamper-resistant electoral materials necessitated by a low level of trust among contenders; long-term electoral observer missions; intensive voter education campaigns and election publicity; and assistance to political parties at national and local levels as part of a broader approach to capacity building.

Another key distinction is between **direct** and **diffuse** costs. Electoral-budget costs that can be readily identified on a budget document are called **direct costs**. There are also **diffuse costs**—those that may prove difficult or impossible to accurately assess even if properly identified. This category can be further divided by degrees of diffusiveness; for example, some costs for activities can be clearly identified, yet still cannot be disentangled from within the general budget of the agency involved (i.e. the contribution of civil registries in providing information to EMBs for the production of voter lists; or the production of voter lists by the national agency in charge of censuses and statistics). Obtaining specific information about such costs is frequently impossible because activity-focused cost audits are not often practiced by organizations responsible for a multiplicity of programs, such as those mentioned above. As noted above in the funding source category, other diffuse costs may include actual costs hiding beneath the ordinary operations of agencies that lend various forms of support to the electoral process (i.e. police force, postal services, school systems, local governments and public TV). While these are real costs, they are neither included in the electoral budget nor are they easy to assess in many cases.

The cost of elections in peacekeeping environments tends to be between \$10 and \$30 per registered voter (López-Pintor, 2000), although can be much higher, for example when out of country voting is involved. The overall post-conflict electoral budget ranges from hundreds of millions of dollars in larger, more complex operations (Afghanistan, Angola, Cambodia, DRC, Mozambique, Sudan) to tens of millions in environments with better communications and administrative infrastructure (Balkan states, Central America). As could be expected in war-torn societies, integrity costs may amount for more than half the total electoral budget. The following figures result from a dummy exercise on the cost of a standard post-conflict election. This is an educated guess on core and integrity costs for a country with a small or mid-size electorate of between 2 million and 6 million. In this hypothetical example, the largest part of the budget is funded by the international community and paid in US dollars. A total of \$52 million would cover: 1) core electoral costs, including voter registration (\$30 million); 2) two international observer missions (\$2 million); 3) support to domestic NGOs monitoring the polling (\$1.5 million); 4) support to political parties and media development (\$1.5 million); 5) civic education (\$2 million); and 6) other integrity costs, such as security and international staff (\$15 million). The average cost per registered voter would be between \$8.70 and \$17.30 (López-Pintor and Fischer, 2005, 15-16).

The table below contains the scope of different costs for the various components of the electoral operation to be expected of elections in different political environments

Table 2. Elections Costs in Stable, Transitional and Post-Conflict Democracies

Cost Component	Stable		Transitional		Post-Conflict	
	Core Costs*	Integrity Costs*	Core Costs*	Integrity Costs*	Core Costs*	Integrity Costs*
Voter registration	High	Not relevant	High	Relevant but variable	Very High	Very High
Boundary delimitation	If relevant are moderate	Not relevant	If relevant variables	Not relevant	Relevant and variable	Relevant and variables
Voting operation: Materials, Logistics, Training	Very high	High	Very high	Very high	Very high	Very high
Counting and transmission of results	High	Not relevant	Relevant and variable	High	Very high	Very high
Dispute adjudication	Relevant	Not relevant	High	Not relevant	High	High
Voter education and information	High	Not relevant	Very high	High	High	Very high
Campaigning by political parties	Very high	Not relevant	High	Very high	Very high	Very high
Vigilance: Party agents, Domestic monitors, International observers	High	Not relevant	Very high	Very high	Very high	Very high

*Cost categories include direct and diffuse costs

Source: López-Pintor and Fischer, 2005, 18; amended by author for this paper.

A frequently asked question on costs is: What are the likely **cost differences** in going from elections run by the Ministry of Interior to those run by an EMB in the shape of an electoral commission? The answer is that it depends on three main factors. One, and the most important (and costliest), factor is political trust in government. If political parties, candidates and voters generally trust the Ministry of Interior (i.e. not only the Minister, who may be a new democratic appointee, but the bulk of the staff from central to local levels), the election has a much higher

chance of being considered as legitimate. Otherwise, popular rejection of electoral results and management would likely occur, and the election might turn out to be one of the most expensive items of political life, probably after warfare itself, which is the costliest of all. With scarce trust in government integrity cost skyrocket, and the opposite would also be true: with widespread trust in place electoral cost are reduced to core costs mainly materials and basic logistic expenses.

Factor number two is the degree and strength of the state apparatus throughout the country. Well settled state structures are a main cost saving element in the electoral operation since so many electoral costs get diffused, even unnoticed, throughout different agencies of the state administration both at central and local levels.

Finally factor number three is that competing political parties and candidates have a relatively extended presence in the territory, and also are allowed and able to be present at all stages of the electoral process from voter registration to counting and transmission of results.

The concluding answer to the question is that when all three factors are in place (i.e. public trust, effective state apparatus, and overall presence of political actors), keeping the Ministry running the elections would be the less costly alternative. This would be even more so if collective supervisory bodies integrated by representatives of all parties or by well recognized independent personalities are temporarily established at different levels during the electoral process (e.g. this happened and is still the model in post-Franco Spain and post-Salazar Portugal, among other countries). If factor one exists (trust) jointly with factor three (presence of parties all along the process throughout the territory), the elections might be effectively run and considered legitimate even under precarious state structures (e.g. some countries in the Balkans like Albania in 1992). Yet this is less likely to happen. Therefore public confidence becomes the key factor. If it requires being built, it is expensive and a new election administration, albeit modest, must be put in place.

How can elections be made cost-effective?

- ✓ In general, the single most important cost-cutting measure is probably continuous registration. Although there may be few countries in the world where continuous voter registration has been completely and successfully instituted, many countries are moving in that direction, including the older democracies, among them Canada since 1997. Given the huge costs involved in undertaking voter registration operations for the first time, permanent registers that can be updated periodically will prove cost-effective in the long run.
- ✓ Second, particularly once democracy is stabilized, integrated planning (strategic, organizational and managerial) is a big cost-reducing tool, although it is not as frequently practiced as it should be. Among other advantages, integrated planning anticipates needs and allows for timely assessment, the possibility of lowering procurement costs by dealing with a larger number of suppliers of goods and services. It would also enhance the quality and accuracy of the proposal submitted to the finance authority of the government as well as the international community; and therefore the possibility of getting the necessary funding for the elections.

- ✓ Third, decentralization of some major electoral operations, such as the training of registration and polling officials and the distribution of electoral materials, usually results in savings for at least transport and accommodation costs. A good practice is centralized direction and decentralized operations.
- ✓ Coordination between donors, election authorities and political parties in advance of the elections – starting with civic education and voter registration – not only increases confidence in the electoral process, as well as its transparency, but may also prove cost-effective by improving the planning capacity of the different actors.
- ✓ Not using a voter card wherever other citizens' ID documents are in existence such as national ID card, driver licenses, passports, etc. The use of a voter card does not in itself add anything to the democratic quality of an election, and may increase its cost considerably.
- ✓ Political party finance and campaign expenses fall largely in a grey area concerning electoral costs. Some cost effectiveness can be expected by filling the legal vacuum in this area prevailing in so many countries (on issues like expense limits, disclosure obligation, sanctioning and enforcement powers of public authorities). But the issuance of legal provision is only a first step towards transparency and likely cost-reduction of campaign expenses. Recent research efforts in this domain have been undertaken by UNDP, IDEA, the Federal Electoral Institute of Mexico and IFES. (Lopez-Pintor and Fischer, 2005, 46-48)

III. The current state of EMBs in the Arab World and their future

The institutional shape of electoral administration in the Arab World generally followed the same model used by colonial powers, with the executive branch of government running the elections. It was only in the last few years that some countries introduced supervisory electoral commissions or a fully fledged independent electoral commission. The situation at the moment is as follows:

- The government runs (or has until the most recent political events) the elections in: Bahrain, Egypt, Jordan, Kuwait, Lebanon, Morocco, Oman, Syria, Tunisia and the United Arab Emirates.
- Government-run elections are supervised by a commission in: Algeria and Djibouti.
- An Independent Electoral Commission runs the elections in: Iraq, Sudan, Yemen and the occupied Palestinian territories.

It is unknown at the time of writing which EMB model will be adopted in those countries where current political upheaval is taking place, and in those where elections have been announced in the coming months (e.g. Egypt, Tunisia). Yet one thing is clear: mistrust of the previous government is paramount, and this might not encourage reliance on the political Executive to run new elections. In this sense, it is worth mentioning that the limited experience with independent electoral commissions in the region has been generally positive, independent of the fact that serious political conflict continues, which clearly stems from factors falling out of the responsibility of electoral commissions. In fact, performance by the Palestinian Electoral Commission was considered exemplary by observers in the last general elections, won by Hamas, and which are at the origin of the current split in government between the West Bank and Gaza. In Iraq, the overall performance of an Iraqi staffed Electoral Commission, albeit heavily supported by international assistance, should also be considered positive under an

extremely difficult political environment. Finally in Yemen, it cannot be said that current political turmoil is due to the performance of the Electoral Commission so much as it is against the Executive per se.

Each political scenario on the world's democratizing scene presents specific challenges and opportunities for the EMB to be established or already existent. The Arab world shows examples of different scenarios except the scenario of *sustained progress of democratic consolidation* such as that seen in countries like El Salvador, Mexico, Brazil, the Philippines, South Korea, Mongolia or South Africa. The main challenge to the electoral authorities in this scenario is the full professionalism of the electoral administration, normally in the shape of an independent electoral commission.

A second scenario is that of *transition to democracy being pursued by reform and negotiation between an authoritarian government and its opposition*. Such was the case of the largest number of democratizing countries in the recent past, and seems to be developing in **Tunisia and Egypt**. The main challenge here for electoral administration is how to structure an EMB, which is independent from the government and political parties, and which acts neutrally and professionally. Lessons learned point to the necessity of dialogue among all significant political actors in order to ensure acceptance of the electoral "referee", whatever institutional shape it may take.

A third scenario is that of any of the undesirable post-transition syndromes either of *feckless pluralism* (non-delivering government) or *dominant-power politics* (unchallenged government or semi-authoritarian government deliberately blocking progress towards democracy). Such has been identified as the prevailing evolutionary pattern in emerging democracies throughout the world in Latin America, Central and South-East Asia, and Africa (Carothers, 2002). Arab countries where popular uprising of varying intensity are currently occurring, such as **Algeria, Bahrain and Yemen**, would fall into this category. The main challenge here is whether is it possible or desirable to "rescue" the EMB from becoming part of a de-legitimized political establishment, and how to ensure that the EMB remains an honest and neutral guarantor of the right to enfranchisement and vote. There are some outstanding examples of EMBs acting democratically at elections under authoritarian rulers (Uruguay and Chile in the 1980s). But the more likely occurrence is that the EMB would follow the same fate as the government after not being politically sensitive to citizens' expectations and demands for freedom and transparency (Côte d'Ivoire in 2000, Peru and Serbia in 2000; Georgia in 2003; or Haiti in a number of elections).

A fourth and paradoxical scenario is that of politics of *democracy in the midst of civil war*, where elections are held while a state of warfare continues, with or without the presence of international armed intervention. In the Arab world, such would be the case of **Iraq**. In such contexts, international presence in the election management is sometimes a feature and the question becomes, should internationals form part of the EMB with or without a veto power, or only provide technical assistance and with what scope? If the former alternative is chosen, then the modality and timing for the transfer of international authority to a national EMB will ensue. In any case, the problem will arise in time of how to make the new EMB sustainable (technically, financially and politically sustainable as discussed below).

IV. Which lessons from international experience might be of particular applicability for the Arab World?

The following lessons might be of particular interest to the current circumstances in the Arab world.

1. Historical evidence as well as recent observers, analysts and practitioners in new democracies would almost unanimously conclude that elections run by independent electoral bodies are preferable to those run by government executives, and that permanent electoral administrations are more cost effective than temporary ones. This view has been underscored by regional associations of electoral authorities; international organizations such as the United Nations, the European Union, the Organization for Security and Cooperation in Europe (OSCE) and the Commonwealth; such electoral assistance providers as the United Nations Development Programme (UNDP), the International Institute for Democracy and Electoral Assistance (IDEA), the International Foundation for Election Systems (IFES), the National Democratic Institute for International Affairs (NDI); and a host of scholars in the field of democratization.

The need for an independent EMB has been identified in most emerging democracies, and all post-conflict elections. In the search for trust and legitimacy, independence from government may be guaranteed either by multi-partisan recruitment of commissioners or by the appointment of independent personalities with a legal or other professional backgrounds (i.e. academics, engineers, civil society activists), or a mix of the two. A mixed model of electoral administration could also be recommended with a Ministry or other executive agency running the elections under strict supervision of a genuinely pluralistic collective body with clear regulatory, surveillance and even adjudication responsibilities. It would all depend on strategic considerations among the elites, and their assessment on which mechanism would better ensure a neutral and transparent performance by the EMB. There is no safe recipe, except that consensus and acceptance among the elites is needed. The format of a regulatory and decision-making collegial body and a professional secretariat is quite a common practice in shaping electoral commissions.

2. Electoral bodies are also better protected when their members are appointed either by multi-party parliamentary approval or from lists approved by a multi-party parliamentary consensus or some other kind of all-party or social assembly. The status and composition of electoral bodies are more widely accepted and effective when all (or at least all statistically significant) political parties participate in the drafting of its legal basis. Indeed, electoral legislation by consensus should be considered an important tool for national reconciliation and democracy building, whether it is achieved through formal negotiations (such as in Uruguay since 1924, Australia in 1984, or Nicaragua in 1988) or informal discussion (as in Spain in 1977, or the Russian Federation in 1993).
3. An electoral authority can be political party based and still operate neutrally and independently. Where there is no other tradition or existing body of widely respected

and independent civil servants, multi-party composition may guarantee a balanced approach better than executive or judicial appointment. Multi-party electoral commissions can effectively contribute to establishing mutual confidence, transparency and credibility, which are essential for the proper conduct of elections. In many new democracies, as well as in the supervisory bodies of countries whose elections are managed by the Interior Ministry, a mixture of judges and political party representatives or nominees is common.

4. Maintaining a minimum of permanent and professional staff at different levels of the electoral administration has proven not only instrumental for institution building, but also cost effective. How this staff is recruited, trained and equipped is more important than its size. Although a large, permanent nation-wide staff appears to indicate managerial efficiency, the personnel may not be professional; worse, it may comprise patronage appointees and even agents of a particular government who seek to control elections.
5. The recruitment and training of permanent staff, whether for the main or regional offices, is most efficiently carried out from a central unit that uses consistent standards and a professional civil service approach, even if part or all of the staff must be recruited on a party basis. Further, the recruitment and training of temporary registration and polling officers is most efficiently done under the general direction of electoral authorities at the national level; this enables the various parties to follow the procedures and to articulate their interests. In most new democracies, the national election commission should perform this role, either through its national secretariat or a special director for these functions.
6. Technical assistance by the international community has generally been considered effective in helping both the democratization process and the establishment of electoral management bodies. In some of the newer democracies, the impact of technical and financial international assistance on the organization of elections has been decisive. Generally, EMBs have improved both organizationally and operationally. Over time, their dependence on administrative, management and operational support from the international community tends to decrease, although very often they continue receiving some technical advice and some financial assistance.
7. A number of guiding principles have been widely recognized as crucial to the work of electoral authorities: EMBs should advocate participation by all political parties, promote transparency at all stages of the electoral process, be accountable to the legislature and to the public, promote the dissemination of voter information and civic education, and implement cost-effective measures. These principles have been reiterated by different authors and organizations and should be considered as the ethical framework for conducting elections and for the operations of EMBs. Codes of conduct on ethical and professional administration of elections have recently been developed by different organizations such as International IDEA after consultation with scores of electoral authorities, analysts and practitioners over the world.

Political history only rarely allows for invention. In the Arab world today, it is most likely that popular demand on electoral administration will follow the historical trend of removing total or partly electoral management from the hands of political executives and having electoral authority vested in independent electoral bodies. Attention should be paid to ensure that proper safeguards for real independence and neutrality are established and enforced for the effective and efficient functioning of the new bodies.

Main findings and conclusions of a global survey on elections administration in 2000 and cost of elections in 2005 have been summarily discussed, and an update of the state of the art in EMBs offered. Issues of independence, permanence, professionalism, neutrality and cost-effectiveness of electoral administrations do constitute the crux on election management in democratizing societies. In post-conflict scenarios particularly, EMBs' main challenges and opportunities are closely tied to a need for enhanced political trust among contenders, and ensuring neutrality and transparency of the authorities in charge of elections. It is in this connection that the expanding model of independent electoral commissions with full responsibility for the electoral operations has taken the lead in contemporary emerging democracies from all regions of the world.

V. Concluding Remarks

An argument on good practice and the role of electoral leadership

Some historical and more recent examples of outstanding successes as well as failures at election management have proven how powerful an impact an efficient and neutral electoral administration may have as an instrument for democratization and institution building. The potential of electoral authorities for democratic institution building is perhaps best illustrated during crises. On the performance side, the cases can be mentioned of Uruguay in 1980 and Chile in 1988 where former democratically established EMBs served as the ultimate referee and certified the results of constitutional referendums in which the ruling military governments failed at institutionalization of autocratic rule. The historical legitimacy of these electoral institutions made transition to democracy possible. In Mexico during the 1990s it was the fairness and good sense of the EMB leadership that helped diffuse fears and mistrust of election results at critical transitional times.

In contrast, on the less positive side of the picture, some cases with striking similarities can be mentioned where politicized electoral commissions are considered to have contributed to an attempt to rig an election by the ruling power: Peru, the Yugoslav Federation and Côte d'Ivoire in 2000, Georgia in 2003, and Ukraine more recently. In all five cases, a popular revolt ensued that rejected the results of a rigged election, and forced the fall of the autocrat (namely Fujimori, Milosevic, Gueye, Shevardnadze and Yushchenko). The fact that these examples belong to countries with very different socio-cultural and economic conditions illustrate a high degree of autonomy of electoral politics. Despite all of the other differentiating factors, a rigged or mismanaged election ignited a near-revolutionary process that resulted in the breakdown of the regime.

An argument on sustainability

How long does it take to fully establish and capacitate an independent EMB? It would all depend on the starting point. The factor of public confidence comes back in this question too. If whatever model of existing electoral management (i.e. Ministry or an Electoral Commission) is put into question by the populace, then one has to start from scratch as in some of the countries already mentioned. Sometimes, a number of former professional staff could be spared from the storm; but the institution needs to be rebuilt. At a minimum, a six-month period is considered necessary to establish the basics of an electoral administration if both governmental authorities and political parties cooperate in a joint effort. Later on, after elections, issues of sustainability will have to be faced in due time. Frequently, assistance by the international community to election management is requested and provided, which would alleviate sustainability needs at least on the short term for emerging EMBs. Three main components of sustainability can be identified as technical, financial and political.

Technical sustainability is fully achieved when external advice is no longer needed for the conduct of elections. This is the easiest and cheapest of all, and the fastest to develop since election organization and management can be taught and learned quickly and with relatively meager resources. Challenges to technical sustainability would basically emanate from the size of the EMB, degree of centralization, professionalism of a permanent staff, career and salary patterns, the use of new technologies, and the kind of activities undertaken by the EMB between elections.

Financial sustainability is achieved when funds for elections are raised from internal sources. This is a harder goal to achieve. On the one hand, the government and certain political parties may not facilitate the provision of safe funds to the election budget because they have an interest in controlling the EMB by keeping it financially dependent. On the other hand, the longer international financial assistance endures, the less likely it is for the EMB to become financially sustainable. Challenges of financial sustainability for an EMB striving to become self-sufficient and cost effective would mainly stem from the need for stability as a public institution, the practice of integrated planning, and the development of continuous voter registries.

Finally, *political sustainability* is achieved when the outcome of the electoral system – voter and candidate registration, voting results and adjudication decisions – are accepted as legitimate and binding by internal and international actors. Political sustainability entails full legitimacy, and is the hardest to achieve especially when the society has been heavily affected by the political consequences of armed confrontation. Consequently the challenges of political sustainability are political, and have much to do with reducing the confidence breach. Political sustainability being more than anything else a function of public trust, it is confidence building that is a priority requirement for the strengthening of an electoral administration that is also technically efficient and cost effective.

References

Bendix, Reinhard, (1964). *Nation-Building and Citizenship*. New York: John Wiley

Carothers, Thomas. (2002). "The End of the Transition Paradigm". *Journal of Democracy*. 13.1, pp. 5-21.

International IDEA. (2006) *Electoral Management Design: The International IDEA Handbook*.

Lipset, Seymour Martin and Rokkan, Stein (eds.) (1967). *Party Systems and Voter Alignments*. New York: Free Pres.

Lipset, Seymour Martin. (1960). *Political Man. The Social Bases of Politics*. New York: Doubleday. (A revised and updated edition was published by Johns Hopkins University Press in 1981).

López-Pintor, Rafael. (2010). *Assessing Electoral Fraud in New Democracies. A Basic Conceptual Framework*. Washington DC. The International Foundation for Electoral Systems, IFES.

López-Pintor, Rafael. (2006). *Post-conflict Elections and Democratization. An Experience Review*. Washington DC.: USAID.

López-Pintor, Rafael and Fischer, Jeff. (2005). *Getting to the CORE. On the Cost of Registration and Elections*. New York: UNDP

López-Pintor, Rafael. (2000). *Electoral Management Bodies as Institutions of Governance*. New York: UNDP.

Moore, Barrington. (1966). *The Social Origins of Dictatorship and Democracy*. Boston: Beacon Press.

Palumbo, Karen and Robert. (2006). *Age of Entitlement and Expectation*. Publish America

ANNEX 1: Classifying Countries from Different Regions of the World According to Type of Electoral Administration

TYPE OF ELECTORAL ADMINISTRATION	GOVERNMENTAL MODEL (40 COUNTRIES)	MIXED MODEL (31 COUNTRIES)	INDEPENDENT MODEL (114 COUNTRIES)
NORTH AMERICA AND WESTERN EUROPE (26 COUNTRIES)	Austria, Belgium, Denmark, Finland, Germany, Greece, Ireland, Italy, Luxemburg, Norway, San Marino, Sweden, Switzerland, United Kingdom, USA 15	Andorra, France, Italy, Iceland, Monaco, Netherlands, Portugal, Spain 8	Canada, Lichtenstein, Malta 3
LATIN AMERICA AND THE CARIBBEAN (33 COUNTRIES)	Grenada 1	Argentina, Belize, Cuba 3	Antigua and Barbuda, Bahamas, Barbados, Bolivia, Brazil, Chile, Colombia, Costa Rica, Dominica, Dominican Republic, Ecuador, El Salvador, Guatemala, Guyana, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, Saint Kitts-Nevis, Saint Lucia, Saint Vincent, Suriname, Trinidad and Tobago, Uruguay, Venezuela 29
ASIA AND THE PACIFIC (36 COUNTRIES)	Democratic People's Republic of Korea, Iran, Marshall Islands, Micronesia (Federated States of), Nauru, New Zealand, Singapore, Sri Lanka, Tonga, Tuvalu, Vietnam 11	Japan, Lao People's Democratic Republic, Maldives, Timor-Leste 4	Afghanistan, Australia, Bangladesh, Bhutan, Cambodia, Fiji, India, Indonesia, Kiribati, Malaysia, Mongolia, Nepal, Pakistan, Palau, Papua New Guinea, Philippines, Republic of Korea, Samoa, Solomon Islands, Thailand, Vanuatu 21
ARAB STATES (15 COUNTRIES)	Algeria, Bahrain, Egypt, Jordan, Kuwait, Lebanon, Morocco, Oman, Syria, Tunisia 10	Djibouti 1	Iraq, Sudan, Yemen, occupied Palestinian territories 4
EASTERN EUROPE AND CIS (30 COUNTRIES)	Cyprus, Czech Republic 2	Hungary, Slovakia 2	Albania, Armenia, Azerbaijan, Belarus, Bosnia and Herzegovina, Bulgaria, Croatia, Estonia, Georgia, Kazakhstan, Kyrgyzstan, Latvia, Lithuania, Macedonia (the former Yugoslav Republic of), Montenegro, Poland, Republic of Moldova, Romania, Russian Federation, Serbia, Slovenia, Tajikistan, Turkey, Turkmenistan, Ukraine, Uzbekistan 26
AFRICA* (45 COUNTRIES)	Sao Tome and Principe 1	Burundi, Cameroon, Cape Verde, Central African Republic, Chad, Congo, Cote d'Ivoire, Equatorial Guinea, Gabon, Madagascar, Mali, Senegal, Togo 13	Angola, Benin, Botswana, Burkina Faso, Comoros, Democratic Republic of the Congo, Eritrea, Ethiopia, Gambia, Ghana, Guinea, Guinea-Bissau, Kenya, Lesotho, Liberia, Malawi, Mauritania, Mauritius, Mozambique, Namibia, Niger, Nigeria, Rwanda, Seychelles, Sierra Leone, South Africa, Swaziland, Uganda, United Republic of Tanzania, Zambia, Zimbabwe 31

Source: International IDEA, *Electoral Management Design: The International IDEA Handbook* (2006)

*The countries that fall into these regional groupings are based on UNDP classification