GPECS
Global Programme for Electoral Cycle Support

UNDP

Understanding Electoral Violence in Asia

ACKNOWLEDGEMENTS

Introduction

Emerging from the Cold War at the end of the 1980s, a number of Asian countries were catapulted from communism or conflict to democratic elections. The collapse of totalitarianism as a viable and sustainable mode of governance was accompanied by a push for democracy. Demonstrations in Mongolia led to the first post-communist legislative elections in 1990, while in Cambodia in 1993, following decades of war and political upheaval, the United Nations was called in to administer elections.

Reflecting this rapid growth in democratic systems, between 1990 and 2010 the number of electoral democracies in the world, as reported by Freedom House, increased from 76 to 116, rising from 41 percent to 60 percent of the world's nation states.[1]

During this time though a view developed within the international community that elections were the ultimate goal of democratic development, an end-point that could beacon exit strategies for democratic and military involvement in fragile states. In this case, while the number of nominal electoral democracies was increasing, many states were not achieving broader democratic reforms such as widening political participation, improving representation, increasing accountability or utilizing elections as a legitimate political change management strategy.

Accordingly, electoral democracy has come at a high price in many countries. Each year hundreds of people lose their lives in connection with competitive elections. Electoral violence can suppress voter turnout, affect voter registration, prevent candidates from running for office, acerbate divisions in society, or even postpone an election or prevent it from taking place at all. While electoral violence is a longstanding phenomenon, ballots such as those in Afghanistan in recent years have brought attention to the challenge of establishing a secure environment that can facilitate free and fair democratic elections. But electoral violence is not the preserve of transitional or fragile states. Established democracies in Asia all report some electoral violence: from street protests in Thailand that have gained international attention since the 2006 coup that disposed Prime Minister Thaksin Shinawatra, to the 2009 Maguindanao massacre in the Philippines that saw 57 people killed, including 34 journalists, as they drove in convoy to register a candidacy for the 2010 elections.

These examples serve as reminders that in order for elections to be successful and non-violent, the goal of democratic development must go beyond the electoral 'event'. Instead, seeing elections as a test of democratic development, rather than a goal in themselves, provides a better conceptualization of the processes that are needed to ensure free, fair and peaceful elections. For electoral processes to achieve these objectives they need to rely on the preparation and engagement of key stakeholders including electoral management bodies, political actors, government agencies and security bodies, civic and media groups, and national purveyors of justice to play positive roles in the process. Accordingly, the United Nations Development Programme (UNDP) has become increasingly involved in moving electoral assistance from a focus on periodic elections to one on sustained planning and implementation that places elections within a framework of democratic governance.

This report highlights this approach by investigating electoral violence in Asia through analyses of case studies commissioned by UNDP for seven countries in South and South-East Asia: Bangladesh, India, Indonesia, Nepal, Pakistan, the Philippines and Thailand. The ultimate objective of these publications was to draw empirical lessons from each country as helpful guides for policy, legislation and institutional change to promote greater democratic governance.

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[1] Freedom House, 'Freedom in the World 2010: Erosion of Freedom Intensifies', selected data from Freedom House's annual survey of political rights and civil liberties, 2010.

Overall, the country studies illustrate that the key to understanding how each circumstance (fragile or not) perpetuates violence is to contextualize the politics and historical background of each country with its specific electoral and democratic institutions and processes. While the structure and design of the political system are important, understanding the enabling conditions of electoral violence (e.g. a system that promotes a winner-takes-all scenario) requires addressing other important drivers of violence that revolve around real and perceived fraud; corruption; clientelism; patronage; patriarchy; a belief that politics is merely a mechanism for solidifying business interests; and ethnic, religious and socio-economic conflicts and grievances.

Each case study was also developed with the benefit of focus group discussions. In addition to the historical background and a description of the institutions that underpin the electoral system in each country, the studies are strengthened by the perceptions, recollections and feelings of people on the ground that have been affected by electoral violence.

Drawing on information produced by these case studies, this report seeks to clarify key concepts of electoral violence, outline the state of electoral violence in the region, identify who the main actors involved in electoral violence are, and present a brief overview of each case study with recommendations for reducing violence in each country.

What is electoral violence?

Considering the contextual nature of electoral violence it is not surprising that the form it takes differs from country to country. Additionally, definitions can be reconstructed within a country depending on the politics of the violence. To ground the concept however, the types of electoral violence identified in each country study have been consolidated and matched against recent UNDP and academic analysis to produce the following definition:

> Any acts or threats of coercion, intimidation, or physical harm perpetrated to affect an electoral process, or that arise in the context of electoral competition. When perpetrated to affect an electoral process, violence may be employed to influence the process of elections — such as efforts to delay, disrupt or derail a poll — or to influence the outcomes: the determination of winners in competitive races for political office, or securing the approval or disapproval of referendum questions.[2]

When breaking down the different components of electoral violence there is general consensus on three main forms. The first, and most obvious, is that electoral violence involves acts of physical harm. Assaults and attacks on communities or candidates, gender-based violence, mob violence and political assassinations during the election campaign may force political contenders to leave the electoral process or prevent elections from taking place.

The second is that violent acts can be targeted against objects, buildings and structures as well as people. For example, the targeting or deliberate destruction of campaign materials, vehicles, offices or ballot boxes may deter targeted communities from exercising their vote in a free and fair manner.

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[2] UNDP, 'Elections and Conflict Prevention: A Guide to Analysis, Planning and Programming', 2009; Sisk T, 'Elections in Fragile States: Between Voice and Violence', paper prepared for the International Studies Association Annual Meeting in San Francisco, California, on 24–28 March 2008, 2008; Fischer J, 'Electoral Conflict and Violence: A Strategy for Study and Prevention', Washington D.C., International Foundation for Electoral Systems, 2002.

The third form relates to threats and intimidation which are types of coercion that can have just as powerful an effect as acts of violence. Indeed the threat of violence, especially where there is a history of previous conflict, can have just as strong an impact on participation in, or even the outcome of, an election as actual physical violence. This can include targeting supporters of political parties with threats of harm if they campaign for specific candidates or even threats of physical violence to candidates for advocating on certain issues (e.g. human rights or land rights). From a conflict-management perspective, violent discourse may also have a serious impact by polarizing the electorate along conflict lines and, in extreme cases, cause new outbursts of violence that exacerbate deep-rooted social conflict.

Following from this in all the case studies for this volume there exists a linkage between election violence and perceived or alleged cheating. Massive cheating or fraud such as conspiracies to bribe voters, tampering with ballots, dishonest counting or rigging voter lists can be the stimulus for a violent reaction by those, including the general public, who believe they have been cheated. It is of course not necessary for such fraud to be proven as the mere suspicion or allegation of fraud is often enough, in democracies lacking confidence in authorities, for people to react violently. A lot is at stake in elections. In Thailand for example one of the main precipitators of violent street protests has been allegations from both political sides that the other has somehow unfairly manipulated the electoral process. And in Bangladesh the political crisis of 2006–2007 was precipitated by high levels of violence and a lack of public confidence in the electoral system. As an example the collapse of the election process in January 2007 revealed that 12 million voters were illegally on the electoral role.

Thus the independence of the election process and electoral administration, and how they are perceived to be designed, managed and implemented, have a strong bearing on electoral violence: those elections considered to be adequately free, fair and transparent (remembering that no elections are perfect) are less likely to experience electoral violence than those where allegations of mismanagement or deliberate cheating are prevalent. Unfortunately, electoral management bodies often do not have the capacity or political neutrality to ensure this best-case scenario. Electoral management bodies may also work in an environment where political parties display little willingness to accept the results of an election. In this scenario, even if publically legitimate elections have been implemented by a competent and independent electoral commission, its ability to mitigate electoral violence perpetrated by political parties will be extremely limited.

Therefore holding free and fair elections is just as dependent on the cooperation of the government and the behaviour of political parties as it is on the technical management of elections.

The election cycle and violence

Elections are not in themselves sufficient mechanisms for managing political change when the players have not bought into the rules of the game. In such circumstances elections can act like a piece of tinder in a hayfield and just as easily ignite violence or conflict as enable a peaceful transfer of power. The assassination of Pakistani political leader Benazir Bhutto on 27 December 2007 as she was campaigning in a tense election slated for 10 January 2008 (subsequently postponed) serves as an example, as do the 2009 Iranian election protests that saw scores of people killed as the re-elected President Mahmoud Ahmadinejad defended his win against allegations of election fraud.

But just as important as the recognition that elections can trigger violence is the understanding that elections do offer the opportunity to manage political change in a participatory and peaceful manner.

Electoral processes are very much about the management of social conflict through public dialogue, vigorous debate (itself often divisive) and the authoritative selection of leaders through electoral rules. At its core, and in line with the principles of democratic development, when people perceive that they have had an opportunity to be heard in a procedurally fair election, they are more willing to accept the results and grant legitimacy to the elected government to implement its policy and programmes.[3]

So just as we have cyclical policies and procedures to deal with long, hot, dry summers to ensure that the potential for a fire to break out in a hayfield and cause destruction is limited, if not completely negated, election management specialists including UNDP have come to regard election planning as a cyclical rather than an event-driven field, to ensure free, fair and peaceful elections.[4] Under this approach the electoral cycle is divided into three interdependent stages. The pre-electoral phase focuses on electoral preparations including planning, training and registration, and the election period focuses on operations such as candidate nomination, voting and results management. The post-electoral phase then re-focuses on strategy such as reviews, strategic planning and legal reforms.

This cyclical approach also serves to indicate when electoral violence is likely to occur and of what type. For example, threats and intimidation may be used to interfere with voter registration in the pre-electoral period. Voter turnout may be influenced if large sections of the population refrain from casting their votes for fear of violence or its actual occurrence in the electoral period. And violence may erupt after the polls in the post-electoral period if voters believe the elections were illegitimate or fraudulent.

A focus on violence around the electoral cycle has the advantage of being better suited to identifying all instances of electoral violence. The 2010 special rapporteur report on election-related violence and killings found that only 11 percent of fatalities occurred on election day, with 46 percent occurring in the pre-election period and 43 percent in the post-election period.[5] These results illustrated how a focus on election day violence is likely to miss the majority of violent incidences that occur in the three months before and after the election.

Actors in electoral violence

An electoral cycle perspective helps to create an awareness of the broad variety of stakeholders that can be perpetrators and/or targets of electoral violence. Extending well beyond election management bodies the influence of political actors, government agencies, security bodies, civic and media groups, religious organizations and student movements can have both positive and negative impacts on a county's attempt to deepen democracy through elections.[6] The following actors have been highlighted in the seven country case studies as vital to preventing or perpetuating electoral violence. As the media was not a main concern rising out of the studies, an analysis of its role is not included in this section. However it is noteworthy that the media has an important role in circulating accurate information about elections. Where the media

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[3] Elkit J & Svensson P, 'What Makes Elections Free and Fair', *Journal of Democracy* vol. 8, no. 3, 1997; Finley SA, 'An Identity-based Understanding of Intergroup Conflict', Contemporary Justice Review, 2010.

[4] Other electoral assistance organizations also use a cyclical approach to addressing conflict and violence in elections. See, for example, Bardall G, 'A Conflict Cycle Perspective on Electoral Violence: Taking the Long and Broad View on Electoral Violence', Monday Developments, 2010, accessed at http://www.ifes.org/Content/Publications/Articles/2010/A-Conflict-Cycle-Perspective-on-Electoral-Violence.aspx.

[5] Alston P, 'Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions: Election-related Violence and Killings', 2010.

[6] http://www.ifes.org/Content/Publications/Articles/2010/A-Conflict-Cycle-Perspective-on-Electoral-Violence.aspx.

becomes politicized or is simply irresponsible it can fuel mistrust in the electoral process and destabilize it.

Electoral management bodies

The selection and functioning of the electoral administration, as well as the legal framework that establishes its independence, can have a direct impact on electoral violence. Electoral management bodies are at the fulcrum of issues related to impartiality and independence, efficiency, professionalism, and transparency.[7] Where any of these are questioned, either through a lack of capacity, authority or actual fraudulent activity, a context of suspicion and mistrust can arise that destabilizes confidence, precipitates violence and often characterizes elections in conflict affected areas. For example, despite a solid constitutional and legal framework in Pakistan, the Election Commission has been accused of failing to stand up for its independence, impartiality and integrity. As it has been unable to withstand the pressures and manipulations of an overbearing executive, elections in Pakistan are characterized by a deficit of public trust and the lowest rates of voter turnout in South Asia. This is particularly acute in the North West Frontier Province, where the Election Commission has not been able to address or rectify political parties' violation of women's electoral rights.

Political parties

Because they channel, aggregate and express political demands, political parties play an important role in managing conflict in societies, especially those divided along cultural, linguistic, religious, regional or other lines. If their maturity and commitment to democratic ideals is not high, and if the electoral system and the laws governing political parties are not effective, political parties can narrowly serve the interests of competing elite groups, enforce social cleavage, sideline women and pursue divisive agendas to secure power. In Nepal the high stakes following the end of the civil war in 2006 reinforced a winner-takes-all mentality among political parties. While freedom of movement was limited in the lead up to the 2008 Constituent Assembly elections to curtail violence by illicit armed groups, violence and harassment by all parties increased in the campaign period directly before the election as they sought to influence the outcome of the elections through threats and intimidation. This had an impact on women candidates who were deterred from campaigning by the hostile environment.

Research suggests that institutionalizing an effective party system depends on four factors: the regularity of party competition, the depth of parties' roots in society, the extent to which parties and elections are widely accepted as the means of determining who governs, and the strength of parties' internal organization.[8] By contrast, in juvenile or weak party systems, political party organizations are generally weak, electoral volatility is high, party roots in society are inadequate and individual personalities dominate parties and campaigns. In the Philippines a weak party system has benefitted political dynasties composed of families and close allies. The existence of political dynasties effectively excludes marginalized groups from participating fully in elections and other political processes, as running for office requires huge amounts of money, connections to government and electoral bodies, and even access to the police and military.

Political party supporters

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[7] Lyons T, 'Demilitarizing Politics: Elections on the Uncertain Road to Peace', Lynne Rienner Pub., 2005.
[8] 'Building Democratic Institutions: Party Systems in Latin America', Mainwaring S & Scully TR (eds), Stanford University Press, 1995.

In a number of the case studies, political party supporters were the main instigators and perpetrators of actual physical violence. In many instances they targeted their political rivals rather than the state or party leaders, especially during campaign events. For example, election violence in the 2008 election in Bangladesh reported by the human rights organization Odhikar was perpetrated overwhelmingly by supporters of the two main political party alliances contesting the election. Together they committed over 90 percent of recorded incidents of election-related violence, with 81 percent of incidents occurring in public areas and 77% involving physical harm or the destruction of property.[9] Here, again, the role of the political parties is key, as strong leaders should be able to exercise control over their supporters; indeed, often they are the ones who deliberately or inadvertently incite their followers through aggressive rhetoric.

Law enforcement agencies and security forces

One of the key contributing factors to election order or disorder is the state itself, particularly its police and military apparatus. In fragile states government agencies and security providers have important roles to play in protecting electoral stakeholders such as voters, candidates, poll workers, media and observers; electoral information such as vote results, registration data and campaign material; electoral facilities such as polling stations and counting centres; and electoral cycle events such as political rallies. But in instances where security forces are seen to be partisan or corrupt there is a higher chance that they will be purveyors of violence rather than protectors of peace. To address this issue, some countries prohibit the involvement of military forces and require uniformed personnel to stay in their barracks on polling day. In other countries, the military is integrally involved but may function under special arrangements, such as the head of the electoral management body temporarily assuming the mantle of armed forces commander-in-chief.[10] In the Philippines electoral violence hot spots are identified before an election, and local police and security forces there are placed under the direct administrative control of the Commission on Elections.

In addition to playing a specific role around the electoral event, security forces can have an important impact during other stages of the electoral cycle. For example, in Thailand large demonstrations held by politico-social movements demanding political and electoral change led to clashes with state security forces in April and May 2010, leaving at least 75 people dead and over 1,000 injured.

Illicit armed groups

Outside of official state-sanctioned security organizations, illicit armed groups are other key perpetrators of electoral violence in situations with sustained violent political conflict. Electoral violence can be used as part of a militant organization's overall campaign to achieve a political goal. Hired thugs and private armies come from various backgrounds, though many initially began their careers as security guards or policemen assigned to the politician. Others can be former military or police personnel who have gone absent without leave due to involvement in crimes and syndicates and who subsequently attach themselves to local politicians as a protective service. In many cases, private militias include local criminal or gang leaders who are feared in the community. These leaders can be hired to consolidate a candidate's electoral base by bullying supporters of rival candidates.

In the context of ethnic conflict, malpractices also stem from measures that curtail freedom of movement that in turn restrict voting. As an example the Sri Lankan 2005 presidential election saw the Liberation

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[9] Odhikar & International Foundation for Electoral Systems (IFES), 'Final Report on Election Violence in Bangladesh', Election Violence, Education and Resolution, Dhaka, 2009.

[10] ACE Electoral Knowledge Network, http://aceproject.org/ace-en/focus/elections-and-security/onePage.

Tigers of Tamil Eelam successfully and violently impose an election boycott in the north and east of the country. In the Philippines, hired thugs, security forces, private armies and armed rebel groups feature prominently in election violence that features abductions, killings, physical attacks, intimidation and other acts resulting in death, injury and property damage. According to military reports in 2001, some 100 private armies were behind about 80 percent of election-related violence in the Philippines.[11] And in Timor-Leste in 1999 the Indonesian military recruited, paid and deployed large numbers of local "militia" members to violently coerce the population during the referendum on independence, so as to disguise the military's role in the violence.

Extremist groups

Religious extremism is a subject of much attention as it has become one of the major contributors to violence, electoral and otherwise, in the modern world. As groups that pursue narrow interests at the expense of broader political consensus, religious extremists can affect elections by threatening with violence those who pursue diverging agendas or hold different views. In parts of Pakistan's North West Frontier Province elders, religious groups and local political parties forcibly exclude women from voting in or contesting elections as candidates. There have been examples of decrees and religious edicts being issued from mosques claiming that women's participation is un-Islamic and declaring that they would forcibly stop women from going to polling stations. In Bangladesh the hard-line criminal element in politics involves extremist groups that employ Islamic rhetoric for their own political interests. The impact of religious extremism in Bangladesh has worsened in recent years, most notably in August 2005, when 500 bombs exploded in a coordinated attack on the judiciary and civil administration in 63 districts. This incident was eventually traced to the activities of the Jama'aetul Mujahideen Bangladesh.[12] As this party does not recognize any law but its own version of 'God's law', the targets of the attack were courts, judges and administrative officials of the government.

Youth and student movements

The creation of youth and student movements has the ability to shape and reflect larger struggles for social and political change. In 2005 there were 3 billion people in the world aged between 15 and 25, and nearly two thirds of them, 61 percent, lived in Asia.[13] Where this bulging demographic is either excluded from participating in and benefiting from the advancement of social economic and political developments, or live in a society that is dominated by corruption and violence they are likely to become perpetrators of violence themselves.

In Indonesia widespread public dissatisfaction to the New Order's handling of the 1997 Asian financial crisis was sparked by student movements. These movements accused the government of being incapable of handling the crisis and organized demonstrations throughout the country urging President Soeharto to step down. While the demonstrations were originally peaceful, violence was triggered between security forces and student demonstrators, eventually leading to President Soeharto's resignation in May 1998 following large riots. In Bangladesh a number of political parties have youth fronts that are led and supported by *mastaans* or *santrashi* who are essentially strongmen. There is considerable overlap between local party leaders and *mastaans,* and political figures have been accused of patronizing

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[11] Patino P & Velasco D, 'Election Violence in the Philippines', Friedrich Ebert Stiftung, Philippine Office, 2004.

[12] International Crisis Group, 'The Threat from Jamaat-ul Mujahideen Bangladesh', International Crisis Group Report No. 187, 2010.

[13] http://www.unescap.org/esid/psis/publications/YouthRep/Youth%20Report.pdf.

mastaans to ensure election victory and retain political authority in their constituencies. As a result, these organizations reach deep down into society to exert their influence and ensure electoral victory.

Preventing electoral violence

An all-encompassing policy for conflict-mitigation in an election cycle centres on the institutional design, political system and election laws of a given country. The mix of these three factors is especially important in countries that experience political violence. As highlighted above, the mix also rests on the acceptance and willingness of political parties and actors to participate in the electoral cycle and accept results. While this can be partly attributed to the real and perceived independence, transparency and effectiveness of an electoral administration, peaceful elections still rely heavily on a political culture that is motivated by, and respectful of, democratic principles.

Institutional design

The design of a political system has broad consequences for how different groups, ideologies and interests can be structured into a democratic system. Some systems can present ideological platforms that encourage narrow and divisive interest alongside a winner-takes-all approach to elections. Other systems can assist in encouraging wider policy and ideological platforms, where competing groups have incentives to come together and pursue common interests. For example, providing electoral incentives to campaigning politicians to reach out to and attract votes from ethnic, religious and ideological groups other than their own can encourage candidates to moderate their political rhetoric on potentially divisive issues and force them to broaden their political positions. Indeed electoral systems specifically designed to bring political actors from different groups together to negotiate positions that move beyond their narrower interests have a better chance of breaking down entrenched social cleavages that promote conflict.[14]

In Thailand the design of the electoral system has fluctuated in part because of the 18 constitutions that have followed in succession since 1932. This has been both a cause and an effect of political instability, with many changes in government resulting from army-led coups d'état. These constitutions have been seen by some groups not as instruments of the people to control the government but as instruments by which a government controls its people. Today, how the electoral system is designed to represent different geographical areas of Thailand remains a key concern for all parties involved in the violent street protests of 2010 and elections in 2011.

The legal system

Electoral laws can set out legal constraints on the use of violence, the mandate and powers of election management bodies and regulations on who may stand in elections. Laws that are not perceived to be fair (such as being designed to advantage the incumbent) can undermine the credibility of the entire process. Such laws can also stipulate an electoral code of conduct, which can involve agreement on avoidance of hate speech and other activities that may spur violence and polarization.

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[14] Reilly B, 'Political Engineering and Party Politics in Conflict Prone Societies', *Democratization* vol. 13, no. 5, 2006, pp. 811–827.

But without adequate procedures or enforceable sanctions against those who break electoral law a culture of impunity undermines the best efforts to mitigate violence.[15] However, a positive example of laws being adequately enforced comes from the Philippines, where it is believed that the Philippine National Police's implementation of a gun ban, checkpoints, chokepoints and the monitoring of suspected private armed groups reduced the frequency of violence in the 2010 elections.

Electoral dispute resolution

Disputes are a natural part of any transparent democratic competition. However, their effective resolution so that they do not undermine confidence or spiral into violent conflict is key to the electoral process. Mechanisms to resolve electoral disputes can be either formal, such as complaint and appeal processes, or informal, such as joint committees between political parties and the election commission, codes of conduct, or third party mediation. In terms of preventing electoral disputes, party liaison committees can be established to allow the electoral management body and political parties to meet together regularly to help mitigate electoral violence and ensure trust in the electoral process. Mechanisms to resolve electoral disputes should be put in place early enough to deal with challenges that arise during any stage of the electoral process. Formal dispute resolution procedures should be clearly elaborated in election law and procedures. Effective dispute resolution is often the climax of the election process.[16] The legitimacy of the election process depends in part on the objectivity and impartiality of dispute-resolution mechanisms. This objectivity and impartiality is central to building public confidence and legitimacy in democratic institutions and in the election process.

Election observation and monitoring

Another important mechanism that raises public confidence in elections and that can therefore prevent violence is the observation and monitoring of elections to guard against manipulation and to record incidents of violence throughout the electoral process.

International election observation involves organizations generally recognized as neutral and credible, who can detect and therefore help deter and prevent manipulation, instil confidence in the results and bring international pressure to bear to achieve their acceptance. Domestic election monitoring, while sometimes perceived as less neutral by local or international actors, can deploy large numbers of people with intimate local knowledge to similarly detect and deter manipulation. While election observation groups usually work for only a short time just before and after election day, human rights monitoring organizations collect information about violence on a regular basis and draw attention to election-related rights violations during the longer pre- and post-election period. Other methodologies specifically aim to record incidents of election violence and may document facts such as motives, victims, perpetrators, responses and impacts of violence. In the latter case, such monitoring is done specifically to present findings to electoral commissions, government agencies, security forces, the media and other stakeholders to help craft responses that prevent or mitigate further electoral violence.[17] Internal and external

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[15] Höglund K & Jarstad AK, 'Strategies to Prevent and Manage Electoral Violence: Considerations for Policy', Policy and practice brief 'Knowledge for Durable Peace (1)', Uppsala University, 2010.

[16] Autheman V, 'The Resolution of Disputes Related to Election Results: A Snapshot of Court Practice in Selected Countries around the World', IFES Rule of law Conference Paper Series, 2004.

[17]IFES Electoral Violence Education and Resolution: http://www.ifes.org/Content/Projects/Applied-Research-Center/Cross-Cutting/Election-Violence-Education-and-Resolution/Nav/About/Methodology.aspx.

observation and monitoring provide both transparency and a means of mapping and tracking incidents to dissuade perpetrators and hold them accountable.[18]

Other measures to mitigate electoral violence

A number of other strategies can be used to mitigate electoral violence that were not specifically examined in the seven country case studies. As a starting point, building a strong democratic culture is vital to developing a country's ability to embrace participatory political transition through elections. Civic education is central for this, whether it be through formal school curricula or less formal media strategies that can include television programmes and radio shows. The media can play an active role in creating informed constituencies, but when it is controlled by the government or political identities it can have a destructive role in promoting narrow interests, inflaming political rhetoric and retarding democratic processes.

Civil society's engagement can be a vital component in promoting civic and voter education, electoral monitoring and a forum for conflict mediation for candidates, political party supporters or political parties themselves. All these measures can be used to promote voter education and awareness as a method of clarifying and building confidence in the electoral process and its safeguards. This can include components on the value of democracy, how to cast a ballot, establishing the rules and procedures that electoral stakeholders should abide by, and establishing the electoral justice mechanisms available for voters who have been prevented by violence or other means from casting a ballot in an election.

Electoral violence in Asia: experiences from country case studies

Bangladesh

This case study examines the political crisis that began in 2006 when the titular president assumed the role of the chief adviser and unconstitutionally declared that Bangladesh had a presidential form of government. This period saw Bangladesh increasingly descend into political violence as a result of the political intransigency of the two major parties and intra-party rivalry for nominations, licenses and other forms of patronage. To end the crisis the opposition parties wanted a revised voter list (as the number of registered voters' exceeded the actual number of voters by 17.3 percent indicating massive fraud), a reconstituted and independent Election Commission, and a purge of the civil service and the police.

Following domestic and international political manoeuvring, the president declared a state of emergency in 2007 and relinquished the role of chief adviser. A technocratic caretaker government was formed and mandated to deal with the issues that had precipitated the crisis in the run-up to the election conducted in 2008. In terms of addressing electoral violence, the reforms placed prohibitions on party affiliate groups that had caused problems in the past; implemented a new code of conduct for political parties and candidates to provide a secure and peaceful atmosphere for campaigning; introduced revised campaign spending limits, candidate disclosure requirements and better enforcement provisions; addressed issues regarding the impartiality of the election administration; and created a new and accurate voter list of 81 million citizens.

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[18] Fischer J, 'Electoral Conflict and Violence: A Strategy for Study and Prevention', Washington D.C., International Foundation for Electoral Systems, 2002.

While the political crisis resulted in a reformed electoral system that saw electoral violence abate for the 2008 elections, violence was still mainly tied to political parties when it occurred. The following recommendations can make further improvements:

- All political parties should refrain from personal attacks on one another and from delivering provocative speeches, following instead the Code of Conduct and Representation of the People Order.
- The Bangladesh Election Commission still requires resources and systems in place to verify or investigate the expenditure filings of candidates.
- The commission should have the capacity to implement electoral laws and rules strictly, without fear or bias.
- It should develop a mechanism to monitor candidates' and parties' electoral expenditure and take due legal action in case of any violation.
- The commission should set examples by disqualifying candidates, if applicable, for violating electoral norms and rules.

Crucial questions for the future will be whether the reforms adopted in 2007–2008 will prove to be sustainable and, when the current Election Commission's term expires, whether the government will select new commissioners who enjoy the full confidence of political parties and the public.

India

While elections in India have meant more meaningful participation across a broad spectrum of society and better representation of all sections in politics, the incidence of electoral violence has grown along with Indian democracy. This trend reflects a complex mixing of socio-political factors and keen competition for political dominance among political parties. Outside recognizing quotas for women, this political atmosphere makes it difficult for women candidates to contest against men. As one example political parties that wish to win a larger number of seats do not want to risk their chances by nominating women as candidates. The case study outlines the electoral system, laws and dispute mechanism in India before focusing on the historical fight of marginalized lower castes in the Indian state of Bihar to exercise their right to vote.

Electoral violence in this circumstance is seen as accompanying a social and political movement that sought to empower the poor and landless labourers. The political movement saw resistance from the landowning upper-caste groups in the area, and the jostling for rights through electoral processes multiplied incidences of electoral violence from 1967 to 1995. Violence such as killings, booth capturing, protests and poll-related violence finally declined in state assembly elections in 2000 as caste-based discrimination and conflict eased. Focus group discussions complement this analysis by detailing individual's perceptions on the scope and types of election violence.

As the world's largest democracy, India delivers the world's largest exercise in voter participation and is fast becoming a source for advice on free and fair elections across the globe. The following recommendations aim to ensure that the political rights of the marginalized are realized and further capacity built in the electoral system to prevent violence:

- New voter registration and the updating of voter lists should be simplified and conducted at regular periods.
- The Model Code of Conduct outlined by the Election Commission should be incorporated into law, and candidates who violate it should be reprimanded accordingly.

- A system for the verification of information furnished by candidates in affidavits should be set up, and those providing false information or concealing information should be barred from contesting elections.
- The speedy disposal of electoral disputes can be achieved by setting up fast-track special courts and tribunals.
- The Election Commission should be vested with more quasi-judicial powers to settle electoral disputes.
- Stronger legal provisions should be established to prosecute polling officials found to play a partisan role in elections.

Indonesia

In the Indonesia case study, electoral violence is described according to three distinct phases of its post-independence electoral history: the Orde Lama or Old Order from 1945 to 1966; the Orde Baru or New Order Regime, which saw a military general assume the presidency and introduce symbolic elections from 1966 to 1998; and the current Orde Reformasi or Reformation Order. This last period, with three elections held in 1999, 2004 and 2009, is best understood as a period of transition, with the country institutionalizing the values of democracy.

Under the old model of indirect elections in Indonesia, the pattern of violence was mainly characterized by conflicts among political parties, their supporters, local legislatures and the general voter. Today, under the system of directly electing the president and heads of local government, branches of the General Election Commission (KPU) are among the main targets of violence and conflict. A case study by the Carter Center investigating electoral dispute resolution in the 2009 election provides insight into issues that need to be addressed to maintain a legitimate electoral process. While relatively peaceful, the 2009 legislative elections were marred by difficulties regarding the voter register, with reports indicating that the 171 million-name register was riddled with inaccuracies. While the General Elections Law 2008 provides a mechanism for addressing alleged administrative and criminal violations, it does not provide any recourse for a judicial body to review KPU determinations of alleged administrative violations or KPU decisions involving citizens' rights. The Carter Center analysis indicates that fine-tuning of this democratic process should incorporate the following recommendations, to increase transparency and accuracy of the electoral cycle process, and reduce the potential of corruption and confusion as contaminants for violence:

- Improve the training of election officials, especially those managing polling stations where doubts about the legitimacy of elections have previously been raised.
- Update voter data annually and accurately record it, and use stricter law enforcement to prevent and penalize multiple voters, phantom voters and underage voters.
- Extend the period for receiving administrative and criminal complaints to reduce cases of electoral impunity
- Bawaslu (electoral supervisory body at the national level) and Panwaslu (electoral supervisory bodies at provincial and district levels) should be granted a mandate to mediate disputes, as this will lighten the burden on the KPU and allow more cases to be processed in a timely manner.
- To promote more effective investigative measures by Bawaslu and/or Panwaslu, additional human and financial resources should be provided to these bodies in a timely fashion.
- A comprehensive electoral dispute-resolution reform strategy should be put in place that can be reflected in a future election law.

Nepal

This case study investigates the relationship between elections and democracy in Nepal, focusing on political parties' roles as contestants in electoral politics and a growing scepticism of the electoral system's ability to guarantee representative democracy. Building on a historical analysis of Nepal's turbulent democratic history that takes into account the Maoist insurgency, abolition of the monarchy in 2007 and Constituent Assembly elections in 2008, it explores weaknesses in Nepal's electoral system that perpetuate a winner-takes-all scenario. In particular, the growth in money politics and crime has corresponded with an incremental increase in electoral violence from the 1991 general elections to the 2008 Constituent Assembly elections.

Leading up to the 2008 Constituent Assembly elections, freedom of movement was particularly limited in the southern lowlands, or Tarai, largely because of the increased presence of armed groups, and in some hill and mountain areas mainly because of political party violence, harassment and threats. Violence and harassment by all parties increased in the campaign period directly before the election. Security forces suffered a lack of capacity, authority and public confidence in the pre-election period. Measures to prevent and resolve electoral disputes had been introduced, including laws, rules and regulations mandating codes of conduct and financial disclosure for political parties. However, a number of these provisions have been unsuccessful as neither the Election Commission nor other agencies have the capacity to implement them. The Election Commission of Nepal has come under criticism for not having the regulatory teeth or independence needed to ensure that the incumbent government and political parties do not pursue election strategies that may provoke violent responses. As the nation is poised for a fundamental restructuring of the state through the Constituent Assembly, the opportunity exists to strengthen the electoral system in line with the following recommendations:

- Though the Election Commission is an independent constitutional authority, political parties must support its initiatives to improve the electoral process.
- Political parties need to be transparent and clear in their financial dealings. It should be mandatory for all candidates nominated by political parties to file their property and income information, and failing to do so should make them liable before the law.
- The electoral code of conduct should become a law and other bills passed in relation to elections should be strictly enforced.
- The Election Commission should be empowered to deal stringently with cases of rigging and other election fraud.
- As the election constituencies are about to be reviewed/changed after approval of the new constitution the election constituency delimitation should be done impartially and not influenced by undue political party pressure. Once the boundaries for representation are established the Election Commission may need to increase polling booths as well as resources to oversee election processes
- It is imperative that the new government focus on providing a secure environment for Nepali citizens and on properly enforcing the rule of law to limit impunity and corruption.

Pakistan

This case study examines Pakistan's troubled political history since independence from British colonial rule in 1947. A traditional feudal society, weak democratic norms, insufficiently robust modern

institutions and continuous power struggles between presidents, prime ministers and army chiefs caused the country to suffer military takeovers four times, in 1958, 1969, 1977 and 1999. These coups produced regimes that ruled Pakistan for more than half of its 60 years of existence as an independent state. This fragile past has contributed to citizens' lack of faith in a free and fair electoral process, causing voter turnout to average only 45 percent since general elections in 1947 and producing an electoral commission that lacks the independence or authority to withstand pressure from, and manipulation by, an overbearing executive. Obstacles examined in relation to free and fair elections include inaccurate electoral rolls and difficulties in identifying voters, a lack of faith in official electoral complaint processes and their timely execution, the politicization of electoral boundary delimitation to maintain constituency dynasties, insufficiently trained polling staff, and poor security for polling stations and ballot boxes.

The case study outlines how in the North West Frontier Province women are forcibly obstructed from voting or contesting elections as candidates by socio-cultural structures, values and male-dominated politics. An example is illustrated where five major political parties signed agreements on legal stamp papers declaring that they would not allow women to file nomination papers or cast their votes in elections. The signatories further threatened to launch a campaign to force women candidates who did file their nomination papers to withdraw and warned civil society organizations to stop mobilizing women and supporting their participation in elections. They issued a number of decrees and religious edicts from mosques, claiming that women's participation was un-Islamic and declaring that they would stop women by force from going to polling stations. As a result, female candidates and their families were harassed and pressured into withdrawing from contesting the elections. The following are recommendations to rectify the situation:

- Existing electoral laws should be implemented, and more stringent punishments should be enforced for election offences and violations.
- The power exercised by the political elites should be curtailed, and the government should be more committed to protecting the rights of women and minorities and mainstreaming their political participation.
- The Election Commission should assume almost all administrative functions during elections. It should assert its authority and not allow the executive to influence the election process.
- The commission should set up a complaint-tracking system to more effectively deal with registered complaints.
- The Election Commission must ensure effective security at polling stations with a special focus on stations for women and non-Muslims.
- The number of separate polling stations for women at easily accessible locations should be increased, in particular in tribal and remote areas. They require trained female staff and special arrangements for security and privacy. Appropriate facilities such as waiting rooms and washrooms should be provided.
- The Pakistan penal code should be amended to make punitive actions mandatory against anyone found to stop women voting. The Election Commission should take strong and prompt action against any individual, candidate or group that restrains women from voting or contesting elections as candidates.

Philippines

The Philippines case study outlines a history of elections and political power that has been dominated by martial law, political dynasties, accusations of fraud and violence. The Philippines has a weak party system that favours political dynasties composed of families and close allies. Parties are often reduced to coalitions of prevailing elites instead of offering inclusive, responsive and responsible representation of civic interests. Unable to command party discipline, leaders and government functionaries are induced to gather legislative and local support through patronage, privilege, pork barrelling and other forms of rent-seeking that can easily spill over into electoral violence.

As part of an effort to reduce violence and fraudulent practices, the Commission on Elections (COMELEC) declares hotspots, or areas with an observed or expected high degree of violence. Alongside the deployment of additional security forces, exemptions to gun bans are withdrawn in these areas, while in critical hotspots the local police and other security units deployed are placed under the direct administrative control of COMELEC. In light of these measures, election-related violence appears to be becoming more targeted since the 1998 elections. In the 2010 election, acts of violence were generally planned ambushes, assassinations and premeditated shootings of targeted candidates and key campaign operators. However, COMELEC is also subject to political pressure and may make compromises as a result. The vast majority of its personnel are political appointees. Most of its offices are located in local government premises by virtue of the 'generosity' of local incumbents. Problems also arise when police and armed forces are politicized or favour specific candidates.

The case study illustrates how fundamental reforms to the system are critical for conflict management and the development of political parties that support the integrity of the election process and reduce the use of violence and fraud:

- There is a need to professionalize COMELEC by removing political appointees, raising salaries, promoting staffers on merit and training COMELEC personnel.
- COMELEC should be given the necessary capability to enforce election laws and prosecute violators.
- The government should ensure that the perpetrators of electoral violence are brought to justice, be they civilians, politicians or government authorities.
- The government must take proactive steps to dismantle and disarm the private militias that proliferate across the country.
- The government should implement measures to improve governance and reduce graft and corruption at all levels. Much electoral violence is rooted in struggles for illegal racketeering and patronage opportunities to which government offices provide access.
- The House Bill 3655, 'An Act Strengthening the Political Party System, Appropriating Funds Therefor, and for other Purposes', should be passed immediately to make political parties more competitive and robust.
- Once the bill is passed the Commission on Audit should examine the financial reports of the accredited parties on their use of state subsidies.

Thailand[19]

The Thailand case study traces the establishment of Thai democracy from 1932 and illustrates how the system has been characterized by fierce competition, political instability and electoral violence. The establishment of parliament as an effective and integral part of the country's political system has been constantly disrupted by military coups, and since 1932 the country has had 18 constitutions. The 1997 Constitution shifted the responsibility of administering and supervising elections from the Department of Provincial Administration under the Ministry of Interior to the independent Electoral Commission with quasi-judicial authority. The Constitution also allowed for the creation of a number of other independent bodies to monitor state power holders, including the Constitutional Court and the Supreme Court. However, even after the 1997 reforms, it has remained easy for the governing party to intervene in the selection of election commissioners, and political manipulation and threats made to all bodies have raised serious questions about the willingness of all to act independently.

With large amounts of money now invested in Thai politics, financial gain has become a major incentive for candidates. The close relationship elections have with power has meant that powerful actors with business interests and old political loyalties have come to split the population. Identity politics has come to define the political landscape, with street protests and violence a common feature, and enduring resolution and reconciliation a vague promise once streets are cleared. The Thailand case study examines this split through an analysis of the political protests and related violence that have occurred on and off from 2006. The protests have seen the People's Alliance for Democracy (yellow shirts) and the United Front of Democracy Against Dictatorship (red shirts) step outside the electoral system and blockade Government House, international airports and Bangkok's central business district to achieve their goals of political change. One step to prevent further violence is to bring all sides back to contesting elections and accepting results under a legitimate and accepted system through the following recommendations:

- All political parties should abide by the Code of Conduct for the General Election Campaign 2011 to ensure the election campaign is peaceful and the outcome respected.
- Steps should be taken to ensure that election commissioners and all independent bodies established to monitor state power-holders remain independent and that any political efforts to intervene in their selection or to influence their decisions be punished.
- Efforts should be made to ensure the integrity of the voter registry so that electoral fraud does not tarnish election results.
- There should be an equally strong stand against all candidates who cheat and strong enforcement of laws to prevent ruling parties from misusing state facilities.
- The Electoral Commission should provide extra training to provincial officers to ensure that they have the capacity to judge evidence of irregularities and other faults.
- To address the perception of inequality that has driven the violence, decentralization reform that started under the 1997 Constitution needs to be pushed forward to strengthen public participation and control over local affairs and resources.

Conclusion

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[19] For a comprehensive account, see also International Crisis Group, 'Bridging Thailand's Deep Divide', International Crisis Group Report No. 192, 2010; International Crisis Group, 'Thailand: The Calm before the Storm', International Crisis Group Report No. 121, 2011.

The key to preventing electoral violence is to strengthen the credibility of the election process and its outcomes. Doing so requires not only technical development and transparency but also political and legal reforms, broad public and civil society participation, and education. Taken from the case study on the Philippines, the following passage exemplifies the state of democracy and electoral violence across a number of countries in Asia outlined in this report:

> The challenge remains for the Government, political parties and civil society to pursue reforms to counter public cynicism about the credibility of the election process. Fundamental reforms in the system are critical for areas as diverse as conflict management, gender representation and the development of political party systems. Without these, it will be difficult to safeguard the integrity of the election process, and reduce the use of violence and fraud.

What is clear in Asia, as is the case across the world but not always acknowledged, is that the political and the electoral are inextricably tied together. Democracy means politicians rely on the electorate for their survival, and at its worst the strangulation of the electoral system may mean the shape of the electoral system remains but its democratic basis, principles and *rasion d'etre* exist in name only. This situation is exacerbated in countries where internal conflict has further motivated politicians to pursue stability at the expense of democracy. Thus, to curb electoral violence, reforms must tackle the political as well as the technical side of elections. In particular, political parties have a crucial role to play in countries where electoral fraud and violence have become institutionalized.

Using extra-legal and violent means to ensure electoral victory is prominent in countries with electoral systems that promote a winner-takes-all scenario. But one of the most visible trends emerging in Asia is the patron–client dimension of electoral politics. The nexus between political actors and established non-state actors such as businesses, crime syndicates and socially influential people is contributing to cynicism regarding democratic processes among the public and to a range of interconnected electoral stakeholders' moving outside the legal system to secure power and privilege.

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