



DANISH INSTITUTE FOR
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QUESTIONS & ANSWERS ON PARTY DEVELOPMENT

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ELECTORAL PROCESSES AND MANAGEMENT

INTRODUCTION

Free and fair electoral processes provide one of the key foundations for democratization. A well-managed electoral process provides confidence in the ability of people to influence their government through the ballot box. A poorly-managed one can undermine attempts to build democracy, especially in fragile, post-conflict environments. Holding free and fair and credible elections while managing the accompanying electoral processes is therefore very important for establishing multiparty democracy over time.

There are many issues to consider to ensure a well-managed electoral process that will provide for free and fair elections. This Knowledge Brief looks at some of the most crucial elements from international practice and experience. This can be of inspiration to political parties in Myanmar in their engagement in the electoral processes in Myanmar.

STAKEHOLDERS IN THE ELECTORAL PROCESS

The two key stakeholders in the electoral process are the voters and the political parties. The electorate gives their vote to the political party that best represent their needs, rights and interests and visions for the future. The political parties nominate candidates to stand in the elections and present their political programmes.

Normally, the Electoral Management Body (EMB – in Myanmar called the Union Election Commission) is also considered a very important stakeholder. The EMB manages the entire electoral process to take place in a free, fair and credible manner. The EMB also supervises the the logistical preparations regarding polling stations, the voter registration list, and the nomination and campaign process, to make sure that the elections run smoothly.

Finally the media is considered an important stakeholder as well as the channel through which the parties make their political programmes known and where political candidates explain their ideas to voters. The media also can give information about the key steps in electoral process, for voter education and even for telling where to find the polling places. Finally, independent, un-biased and objective reporting on the electoral processes is extremely important; the media organisation have a large responsibility on this dimension.

All political parties and political and members can forward queries or questions relating to the challenges of political parties to the Myanmar Multiparty Democracy Programme, and we will share information, manuals, training tools, guidelines, resource institutions and literature on the topics of interest.

Send requests to Country Coordinator Khin Thazin Myint at email: ktzm@dipd.dk

This knowledge facility is a living information resource for political parties in Myanmar. For more information visit the Myanmar page on www.dipd.dk and www.mynamarmultiparty.org

Thus, the four key national stakeholders in the electoral processes are normally considered to be the electorate, the political parties, the EMB and the media. Open and regular dialogue between the four key stakeholders is key to ensuring a peaceful and transparent electoral process.

In this knowledge brief we will look at the role of the four primary stakeholders.

ELECTORAL MANAGEMENT

The more successful electoral management can be, the more successful the election as a whole becomes. To achieve efficient and effective electoral management requires several conditions as follows: first, electoral legislation has to detail every single phase, stage, activity, and procedure in order to prevent any mistake or illegality; second, electoral authorities have to be designed according to the country's or the region's political and social particularities; third, such authorities must have institutional powers to perform their duties under the general principles ruling electoral processes: certainty, legality, independence, impartiality, transparency and objectivity.

“Electoral management is fundamental and must be taken into account in the design of a legal framework for the EMB. International law does not proscribe in detail the attributes of electoral management bodies but the United Nations Human Rights Council has stated that, “an independent electoral authority should be established to supervise the electoral process, and to ensure that it is conducted fairly, impartially and in accordance with established laws which are compatible with the Covenant.”^[i]

The “primary objective of a legal framework is to guide the EMB and enable it to achieve the delivery of a free and fair election to the electorate”^[ii] and to do so the efficient and effective performance of electoral management is fundamental.

The ideal requirements that electoral authorities have to meet can be summed up as follows:

- Professional and independent performance in respect to the political party in er. They have to treat all the contenders in an impartial way.
- Neutrality has to be recognized as one of its distinctive features by every single contender.
- Performance has to be efficacious and authority must be provided with as much material resources as required to fulfill the duties.
- Performance has to be closely related to the legal framework ruling the existence of the electoral authority. Electoral managers have to be scrutinized by permanent and independent examiners, which can be judicial.

The performance of electoral management bodies will also face constraints in any environment. Some of these constraints are limited independence, unclear mandates, inadequate resources, the appointment procedures and tenure of members of the electoral management body.^[iii] Especially in post-conflict countries, the political stakes may be extremely high, and the commitment to democracy among former combatants may be weak.^[iv]

The management of democratic elections requires independent and non-partisan electoral authorities that are free from any kind of political bias. This a fundamental issue, especially for countries in which a democratic regime is not yet consolidated and where electoral managers may take and execute important decisions which can directly affect the electoral results. Therefore, specific political conditions have to be taken into account to determine who is going to be in charge of electoral management and what kind of institution will be empowered to do so.

Such legislative decisions have to determine both the size and the integration of electoral authorities. Such legislative decisions also have to determine who will be appointed and how the appointments and the removals from such appointments will be done”
<http://aceproject.org/ace-en/topics/lf/lfb/lfb02>

The relationship between EMBs and the other three primary stakeholders determines the legitimacy of the electoral processes and also has a major impact on how the elections are administered. For the purposes of this brief we will focus on relationships between the EMB and three other key stakeholders: political parties, the media, and civil society.

POLITICAL PARTIES AND CANDIDATES

Political parties and candidates are key stakeholders whose concerns and interests an EMB needs to consider when designing and implementing policies and activities. Unless the EMB enjoys a good relationship with, and the confidence of, political parties, its policies and programmes will attract criticism that will make it difficult for the EMB to enjoy widespread stakeholder support. Where political party nominees are appointed as full members of an EMB, as in Georgia, or as non-voting members, as in Mexico, there is a permanent structure for EMB dialogue with the political parties.

Political parties and candidates are more likely to have confidence in an EMB that maintains an open-door policy to them, that treats all political parties and candidates with respect, impartiality and fairness, and that considers their opinions and suggestions. It is important that all political parties believe that they are being treated equitably and are offered the same opportunities and information by the EMB. Regular meetings with political parties – at least one per month and more frequently during an electoral period – can provide a framework for reciprocal communication and can promote acceptance of the EMB's timetables, processes and outputs.

EMBs in countries such as Canada, the Democratic Republic of the Congo, Ghana, Lesotho and South Africa have such arrangements. In South Africa, the law requires the EMB to set up political party liaison committees at all levels of government, from national to local level, and in Mexico political parties' non-voting membership of the EMB serves a similar purpose.

Other countries, such as Liberia in 2005, have instituted consultative structures although they are not legally required to do so. It is preferable for the EMB to meet all the political parties at the same time (rather than separately) to discuss its decisions or policies. Minutes of these meetings need to be provided to all political parties, whether they have attended or not. As well as these regular meetings, an EMB may be able to improve its relationships with the political parties by including their representatives in EMB-sponsored events. Examples of joint activities are familiarization visits to voter registration facilities, participation in voter education and information workshops, joint media interviews, or the EMB sponsoring public debates between candidates. Equal opportunity for participation should be given to all political parties and candidates.

It is important that political parties are involved in consultations about setting an EMB's strategic objectives and in evaluations of its performance. As key EMB customers, political parties' and candidates' opinions on the EMB's focus, priorities and service are useful ingredients in improving electoral management. After each electoral event it is helpful for the EMB to include political parties in general consultations with stakeholders on how to improve the electoral framework, and to consider them in any proposals the EMB may make for electoral reform. (IDEA's Handbook on Electoral Administration)

THE MEDIA

As one of the key stakeholders in electoral management, the media can carry out a number of useful functions. First, the media informs the public about democracy, electoral processes, and voting. The media also monitors electoral processes and reports on any concerns in how elections are being managed. Media allows the different stakeholders in the electoral process to voice their concerns and issues to the public, helping to stimulate public discussion and dialogue on electoral management issues. An unprofessional media, however, may undermine trust in the electoral process or provide biased or incorrect information. A lack of a transparent and professional relationship between the EMB and the media can also lead to incorrect infor-

mation, a breakdown of trust in the electoral process, and public perceptions that the electoral process is illegitimate.

To ensure that the relationship between the EMB and the media is constructive and mutually beneficial, an EMB needs a media relations strategy that establishes consistent, cordial and constructive interaction with the media. If the EMB regularly provides the media with accurate and relevant information, the likelihood that the media will transmit incorrect information decreases dramatically. Likewise, an EMB that responds to questions from the media promptly and helpfully will generate more goodwill from the media, who will be less likely to question the credibility of the EMB. Holding regular briefings for the media (especially around election time), monitoring information published by the media on elections, training journalists on election reporting, having an accessible media liaison officer, and distributing useful and accessible materials on elections, are some of the best practices that the EMB can implement to build positive relationships with the media.

CIVIL SOCIETY

Civil society organisations contribute to a wide range of functions within the election cycle, including civic and voter education, electoral reform, election observation or monitoring.

Through a positive relationship with civil society organisations on civic and voter education, EMBs can reach out to citizens at the community level with useful information through the medium of CSOs. CSOs may have more appropriate tools for providing helpful information on elections in a relevant format to citizens, compared to EMBs. CSOs can also help provide civic and voter education to citizens who may have limited trust in the EMB, but identify positively with civil society organisations.

Civil society organisations can also provide an independent perspective on electoral reform, and contribute to EMBs proposals for holding better elections. EMBs that consult thoroughly with civil society organisations will generate additional ideas for electoral reform and increase popular ownership over reforms that create changes in electoral process management.

The area of election observation or election monitoring provides a final area in which civil society organisations can serve useful functions. CSOs can provide useful oversight over electoral management, making input into how processes could work better to reflect the will of the people and ensure that citizens are not disenfranchised. Also, CSOs that release positive assessments of the conduct of elections enhance the legitimacy of the polling process.

Best practices in building positive relationships with civil society include the inclusion of civil society representatives on the EMB, as in Timor-Leste. In other cases, like Ghana and South Africa, regular consultation between the EMBs and CSOs helps keep EMBs aware of CSO demands and also helps CSOs to publicize the EMB's programmes. EMBs also establish partnerships with CSOs on specific programs including EMB temporary staff training and voter education programmes.

OTHER ACTORS

Other national and international actors also potentially play an important role as monitors, advisers or supporters of the electoral process.

National and international election observers play an important role – by providing oversight of the conduct of electoral processes and also offering constructive suggestions for streamlining electoral processes. National and international election observers can also help build confidence in the process through deterring abuses, lobbying for reforms, and providing an extra level of monitoring in addition to that provided by the parties.

Electoral dispute resolution (EDR) bodies — whether housed in the EMB or in an external institution— also provide an essential function of resolving conflict between winners and losers in

elections. EDR bodies also provide a legal means of resolution for disagreements between aggrieved parties in an election and the EMB. If parties that lose an election have no legal recourse through an EDR body, they may be tempted to criticize the legitimacy of the electoral process, and opt out of the electoral process entirely.

To the extent that the judicial system serves as an arbiter in terms of hearing election cases, it also provides an important function in guaranteeing the legitimacy of an election. An efficient, impartial and independent judicial system provides a valuable bulwark against unfair or biased electoral processes.

Civil society organisations also often play an important role through advocacy on the overall electoral rules and in helping providing voter education to the citizens, monitoring of electoral processes, and information sharing on policy issues that candidates and voters should consider. Civil society organisations can also cooperate with other stakeholders in numerous ways that can support efforts for free, fair and transparent elections. A strong and committed civil society often defends against fraud and electoral abuses in cases where political opposition is weak.

Finally, in many countries the international donor community and electoral assistance agencies also seek to provide support and technical expertise to help a smooth conduct of elections that meet the expectations of all the four key stakeholders. Although international donors and electoral assistance agencies cannot guarantee free, fair and credible elections without the contributions of national stakeholders, they can provide strategic resources and advice at key stages of the electoral process.

All the stakeholders above make important contributions to the electoral process. Through constructive involvement they make inputs into electoral management processes.

BEST PRACTICE ORGANISATIONS & CASE STUDIES ON ELECTORAL MANAGEMENT

Organisations

The **International Institute for Democracy and Electoral Assistance (IDEA)** provides knowledge to democracy builders, supports democratic reform, and promotes sustainable democracy worldwide. It produces comparative knowledge on electoral processes that can be extremely useful for political parties to identify suitable strategies to build sustainable democracy in Myanmar.

The **Asian Network for Free Elections (ANFREL)**, a regional network of civil society organisations focused on elections and election monitoring strives to promote and support democratization at national and regional levels in Asia. It provides capacity building on issues related to election observation, voter education, and electoral reform, among others.

The **Electoral Institute for Sustainable Democracy in Africa (EISA)** is a non-for-profit organisation based in South Africa that strives for excellence in the promotion of credible elections, citizen participation, and the strengthening of political institutions for sustainable democracy in Africa.

The **International Foundation for Electoral Systems (IFES)** supports citizens' right to participate in free and fair elections. IFES advances good governance and democratic rights by providing technical assistance to election officials and empowering the underrepresented to participate in the political process.

CASE STUDIES

Afghanistan has struggled to ensure independent and credible elections since the ouster of the Taliban regime in late 2001. The Independent Electoral Commission (IEC) and its predecessors have faced pressure from the Executive through, for example, the pressure to accept or reject

the nominations of certain candidates. Both the Executive and strong local entities exerted pressure on Principal Election Officers to interfere with polling results in 2009. Due to this interference and other factors, the 2009 election “involved industrial-scale fraud,” included the active collusion of senior IEC staff, and constituted “possibly the worst electoral event in living memory.” Due to declining confidence in electoral management (and also to some extent due to declining security conditions), turnout dropped from eight million valid ballot papers 2004 to four million in 2010. Despite an improved turnout in 2014, allegations of significant fraud undermined the legitimacy of the process and were only resolved through a political power-sharing deal. –Based primarily on *Afghanistan: An Electoral Management Body Struggles to Deal with Executive Interference*, by Andy Campbell, on the ACE Project <http://aceproject.org/ace-en/topics/em/electoral-management-case-studies/afghanistan-an-electoral-management-body-evolves>

India has established the Election Commission of India in such a way as to make it “widely regard as a model of an independent EMB.” According to one analysis, it has achieved this through its establishment in the Indian Constitution as a body with significant financial and administrative autonomy, both through the legal provisions of the Constitution and the accompanying legal framework, and through support from the judiciary, media, and public for its mandate. For finances it draws from the government budget through the Consolidated Fund, and has not faced major funding shortfalls—many of the costs of elections are paid for by state governments. Electoral Commissioners are appointed for six year terms, have similar status as Supreme Court judges, and can only be removed from office after impeachment by Parliament. – Based primarily on India: the Embodiment of EMB Independence, on the Ace Project, <http://aceproject.org/ace-en/topics/em/electoral-management-case-studies/india-the-embodiment-of-emb-independence>

Timor-Leste has been extremely successful in establishing autonomous and professional electoral management bodies, despite its status as a “young” country. So far the Technical Secretariat for Electoral Administration (STAE) and the National Elections Commission (CNE) have overseen ten elections. CNE includes 15 Commissioners, selected in a variety of ways for a six year term. To support its work, CNE has sub-commissions for its various areas of responsibility, including political parties, voter registration, civic education, legal affairs and public relations. STAE has staff in districts throughout the country, who manage training, electoral education, voter database management, finance and logistics. Although there is some overlap and ambiguity between the functions of STAE and CNE, they have managed to resolve these differences through compromise mechanisms. Both receive state funding, and also receive support from donors and the UN to allow them to maintain a relatively well resourced staff and adequate programming. –Based on Timor-Leste: Election Administration by Michael Maley, <http://aceproject.org/ace-en/topics/em/electoral-management-case-studies/timor-leste-election-administration>

Kenya has taken the step of establishing a Political Parties Liaison Committee as a formal institution for dialogue within its Electoral Commission. According to Section 38 of Kenya’s Political Parties Act of 2011, the Political Parties Liaison Committee is established at the national and county levels, as a committee with the Independent Electoral and Boundaries Commission, to provide a platform for dialogue between the Registrar, Commission and political parties. In a structure similar to that established in South Africa, the PPLC “provided a venue for regular dialogue on contentious issues during constitutional implementation and the 2013 electoral process,” according to the National Democratic Institute.

TOOLS, MANUALS AND GUIDELINES RELATED TO ELECTORAL MANAGEMENT AND PROCESSES

Electoral Management Design: The International IDEA Handbook.
http://www.idea.int/publications/emd/upload/EMD_inlay_final.pdf

Principles for Election Management, Monitoring and Observation in the SADC Region,
<http://eisa.org.za/PDF/pemmo.pdf>

Gender Equality and Election Management Bodies: A Best Practices Guide. IFES
http://www.ifes.org/~media/Files/Publications/White%20PaperReport/2014/Gender%20Equality%20and%20EMB%20Best%20Practices%20Guide_FINAL.pdf

Electoral Management During Transition: Challenges and Opportunities. International IDEA.
<http://www.idea.int/publications/electoral-management-during-transition/index.cfm>

WEBPAGES & LINKS

Free and Fair Elections: Inter-Parliamentary Union
<http://www.ipu.org/pdf/publications/free&fair06-e.pdf>

National Democratic Institute: Tools for Professional Election Observation:
<https://www.ndi.org/files/Materials%20for%20Professional%20Election%20Observation.pdf>

For a list of case studies on Electoral Management, consult:
<http://aceproject.org/ace-en/topics/em/electoral-management-case-studies/>