



OECD DAC NETWORK ON GOVERNANCE (GOVNET)

FIRST ROUNDTABLE ON INTERNATIONAL SUPPORT FOR ELECTIONS: EFFECTIVE STRATEGIES AND ACCOUNTABILITY SYSTEMS Paris, 1 March 2010

TOWARD DRAFT PRINCIPLES AND AN ACTION PLAN

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The development of principles and an action plan by the OECD Development Assistance Committee (DAC) concerning effective strategies and accountability systems for international support for elections has the potential to contribute significantly to coordination and harmonization of OECD member assistance. This would advance the Paris Declaration's aims of increasing aid effectiveness and would be consistent with recent calls of the United Nations General Assembly, Third Committee and Secretary General for enhancing the effectiveness of the principle of periodic and genuine elections and the promotion of democratization, as well as recent conclusions of the Council of the European Union on democracy support in the EU's external relations.

The National Democratic Institute for International Affairs (NDI) has engaged with democratic development activists in more than 100 countries over the last 25 years, on the basis of political impartiality, multi-national approaches to assistance, development of sustained local capacities and enhancement political and electoral participation, including of women, youth and groups that are traditionally marginalized in governance and public affairs.

Through work with political parties across the democratic spectrum in many countries, civil society organizations – including domestic election monitoring organizations in over 75 countries, legislatures and other democratic governance bodies, the Institute has helped citizens engage on every element of the electoral cycle and has conducted international observation of various processes in over 200 elections. NDI co-initiated and served as a principal negotiator of the *Declaration of Principles for International Election Observation and Code of Conduct for International Election Observers* and serves as a co-leader in supporting the ongoing process of the 35 endorsing organizations on implementation of the Declaration. NDI also has published numerous guides and handbooks on monitoring all aspects of election processes, including most recently *Promoting Legal Frameworks for Democratic Elections*, which reviews each element of the election cycle.

The Roundtable's approach of linking electoral support to development of accountability mechanisms marks one of the key lessons learned in electoral assistance. Elections are more than events or technical procedures, even though it is critical that administration of electoral procedures be both politically impartial and effective. The "election cycle" is more than a two-dimensional construct, because elections are interwoven with a country's political process and are part of an inseparable fabric relating to many institutions connected to governance, human rights and the rule of law.

Thomas Carother's Discussion Paper touches directly on this, when it states that "assistance should explore and develop mutually reinforcing linkages between electoral support and the larger pool of democracy assistance." (Page 4.) A direct extension of this is reflected in the paper's statement that: "The aid community must therefore define and insist on a broader principle of local ownership

[beyond government ownership] in the elections domain, one that stresses a wider concept of country ownership extending to an array of actors and sectors involved in electoral processes rather than just the political power holders.” (Page 4.) This goes to the core of what an election is and what international assistance should seek to accomplish if democratic elections and democratic governance are assistance goals.

The Discussion Paper offers many useful insights that need not be repeated here. One additional critical point is experience demonstrates that the main element blocking attainment of democratic elections in many countries is the lack of political will of those holding power to allow the people to freely express their choice of who should occupy governmental office. Electoral related assistance must seek to allow the populace to achieve a genuine process that accurately records and honors a free and informed political choice. This is essential to establishing governmental legitimacy needed to maintain stability and avoid potentials for violence.

In violence-vulnerable societies, as well as “semi-authoritarian” states and countries exercising good will to move forward democratically, assistance must reach beyond those holding power to promote mediating structures, including democratically committed political parties, citizen associations, legislative oversight bodies, traditional news and community media, and use of new information technologies (ITs) that can bridge digital and technology divides to provide accurate information, encourage participation, and promote accountability. This goes to the powerful linkage between the internationally recognized fundamental rights to genuine elections, participation in government and public affairs and the freedom to seek, receive and impart information (freedom of expression).

With this general backdrop, the following points could be valuable in approaching principles for international electoral support and accountability systems.

- OECD-DAC principles should recognize and embrace the precepts set forth in the Universal Declaration of Human Rights (article 21), International Covenant on Civil and Political Rights (ICCPR, article 25) and other human rights documents that the will of the people is the basis of authority of government, and that will must be freely expressed, without unreasonable restrictions, based on universal and equal suffrage, through a secret ballot, in periodic and genuine elections. This is based on the right to participate in government and public affairs, directly or indirectly, exercised through a genuine opportunity to vote and to be elected. Electoral assistance should seek to achieve effective, good faith development of such election processes.
- Citizens’ right to participate in governance and public affairs combines with the right to seek, receive and impart information in the electoral context as the basis for citizens to see into all aspects of the election process to determine whether elections are genuine. Transparency of election processes is therefore a requirement for genuine elections and applies to citizen associations seeking to promote electoral integrity as domestic election monitors, agents of electoral contestants and the media. International election observers, operating on established principles, can also contribute to electoral transparency. Electoral assistance should engage in a manner that requires electoral transparency.
- Universal and equal suffrage is based on the norm against discrimination contained in the Universal Declaration of Human Rights, ICCPR and other human rights documents. Electoral assistance should promote the full participation of all citizens in the electoral process and seek to overcome barriers to participation of women, youth and other groups that have been traditionally marginalized from participation in public affairs.

- Elections are the exercise by citizens of sovereignty and are an essential means through which those in government are held accountable. A broad array of national and local stakeholders play critical roles in promoting and safeguarding electoral integrity, including electoral management bodies (EMBs), rule of law institutions, legislatures, political parties, citizen associations and media. Electoral assistance should engage and support the effective and constructive roles of all such actors.
- Elections relate to a wide range of governmental institutions and processes and to the exercise of an array of rights and freedoms. The processes that lead to elections set the stage for the nature of governance following elections. Electoral assistance should be linked to a broader range of democratic development assistance, relating to political parties, legislatures, civil society organizations, media and other structures and processes in an appropriate national context. Election assistance also should also be part of a sustained and continuous effort that reinforces pluralistic, fair and open political processes as part of democratic governance, and it should engage in building the elements of a sound electoral process throughout the election cycle.
- Genuine democratic elections are the vehicle through which the competition for governmental power is resolved peacefully. At the same time, electoral competition heightens potentials for violence, and effective conflict mitigation mechanisms are required for elections to fulfill their essential role. Election assistance must include analysis of underlying roots of potential violent conflict and support efforts to build domestic conflict mitigation mechanisms, which can be extensions of domestic election monitoring, political party dialogue, EMB liaison efforts and other more traditional electoral assistance, as well as activities in early warning, community dialogues and other means of building sustainable local conflict management efforts.
- Elections belong to the people of a country. Electoral related assistance not only should seek broad ownership of assistance but must enable domestic actors to carry forward the techniques and technologies that are provided through aid. Assistance should examine the range of techniques that could be applied and deliver the most effective ones for the national context. This includes techniques and technologies that can be sustained by local actors. Information communication technologies and electronic technologies in electoral administration should meet sustainability as well as transparency requirements, and the full range of local stakeholders should be involved in the decision making about whether certain technologies are needed, which ones to obtain and how their efficacy will be established, so that public confidence in the elections can be established and sustained.

Beyond these general precepts are a number of operational principles that could be considered. The OECD-DAC Roundtable, hopefully, will be able to advance to the operational level. The process surrounding the Declaration of Principles for International Election Observation, which is unprecedented in involving intergovernmental and international nongovernmental organizations in the electoral arena, demonstrates that the process of developing consensus on principles is best served with ongoing implementation consultations to share knowledge, improve cooperation and harmonize practices.