Dealing with election-related violence in fragile and conflict-affected states

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Question

Identify literature on lessons learned for dealing with election-related violence in fragile and conflict-affected states. Where possible, look for literature on running elections in sub-national conflict areas and how armed groups have interacted with an election process – both positively and negatively.

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1. Overview

Elections do not necessarily cause violence, but they can exacerbate pre-existing tensions, particularly in conflict-affected contexts. There are a number of causes of election-related violence, which can occur at different stages of the electoral cycle. Dealing with this violence very much depends on understanding these causes and tailoring measures to address them.

This report draws on guidance material, evaluation literature and empirical studies to provide a brief overview of measures to prevent and address electoral violence, and outline lessons learned. There are a wide range of measures available to prevent and reduce electoral violence:

- **Election-related security and security sector reform:** The professionalisation of police, military and other security services to plan and respond to violent incidents, in a non-politicised manner. This requires timely training, coordination with all security actors, and broader security planning.

- **Election monitoring:** Independent electoral monitors can deter fraud, which can reduce violence, but can also publicise fraud which can heighten tensions. Monitoring should be continuous and focused on volatile or vulnerable areas.

- **Media monitoring:** The media can monitor elections and provide balanced information. Recommendations include improving media literacy skills among citizens around elections and reforming media policy and regulation to focus on a public interest approach.

- **Voter education and public awareness:** This can involve training on peaceful campaigning and civic education. Evidence suggests anti-violence awareness campaigns can be effective and the anti-violence message is reinforced through social networks, especially family.

- **Civil society and public engagement initiatives:** Similar to education and awareness, these initiatives can include consultations, forums, peace pledges and codes of conduct. Civil society networks can also coordinate other anti-violence activities.

- **Legal framework reforms:** These involve reform to constitutions, peace agreements and legislation to develop an electoral and legislative system less conducive to violent conflict.

- **Electoral management bodies:** This involves ensuring the appropriate structure and competence of these bodies to generate legitimate, accepted outcomes. Recommendations include managing the release of electoral information to deescalate tensions.

- **Electoral dispute resolution:** Formal and/or informal processes to deal with electoral disputes. Examples are special election courts and civil society-based mechanisms.

- **Social and economic support:** Support, compensation and justice for victims of electoral violence can help ensure long-term stability and development. Economic support, such as through jobs, can disincentivise violence.

- **Other measures:** Other suggestions include the need to build trust, to have an inclusive process and build on local ownership. Timing of elections is important; elections that take place soon after civil war can lead to a resumption of conflict.

Emerging literature on armed groups and elections highlights the relationship between armed groups and political forces, and the access of armed groups to independent resources. These determine whether armed groups are maintained by the government, eliminated, or continue despite opposition. Subnational conflict often relates to perceived injustice, marginalisation, and a sense of threatened identity. Such conflict can be ethnopolitical in nature, where the type of electoral system can have an impact on electoral violence levels.

2. Causes of election-related violence

Elections do not necessarily cause violence, but the process of competing for political power often exacerbates existing tensions and escalates them into violence. Election-related violence is special as the strategic intent and practical consequences of violent acts are designed to in some way to affect the process of election processes (Sisk, 2008). They are often designed to disable and disrupt opposing forces, so as to win; to undermine the integrity and legitimacy of elections all together; or to influence voting behaviour through threats and intimidation.

Sisk (2008) argues that the key causes of electoral violence are social structural conditions, electoral system choice and the stakes of political competition, the neutrality and competence of electoral administration, and the nature and functioning of the security sector.

Different types of electoral violence take place, or can be triggered, in different phases of the electoral cycle: the pre-election phase – from 18 months before the election, until the day; around election day; and post-election – between voting and proclamation of outcomes (USAID, 2013).

Fisher (2002) outlines five stages in the election chronology, and the types of conflict common to them:

- **Identity conflict:** This can occur during the registration process when refugees or other conflict-forced migrants cannot establish or re-establish their officially recognised identities.

- **Campaign conflict:** This can occur as rivals seek to disrupt their opponents' campaigns, intimidate voters and candidates, and use threats and violence to influence voter participation.

- **Balloting conflict:** This can occur on election day, when rivalries are played out at the polling station.

- **Results conflict:** This can occur with disputes over election results, and the inability of judicial mechanisms to resolve disputes in a fair, timely, and transparent manner.

- **Representation conflict:** This can occur when elections are organised as 'zero-sum' events and 'losers' are not represented by government.

3. Measures to deal with electoral violence and lessons learned

Literature on dealing with electoral violence outlines a wide range of measures which can be used to prevent and address it, depending on the context. This section clusters these measures around key themes and identifies lessons learned.

Election-related security and security sector reform

The key to effective election-related security sector engagement is a focus on professionalism and standards, and clear rules of engagement for officers and other security personnel (UNDP, 2009). This can involve ensuring the correct skills, training, resources, or other capacities. However, professionalising the security sector may be impeded where they are politicised and act solely on behalf of incumbent governments or specific factions.

It can be important to find the right balance between deterrence and confidence-building. Höglund & Jarstad (2010) suggest that practitioners and policy-makers should engage in close collaboration between national security forces, local security forces, peace workers, political parties and other relevant actors. They should train security forces in electoral law and codes of conduct.

The literature suggests that efforts to improve electoral security should be accompanied by broader, long-term efforts to reform the security sector (Walton, 2012a). In some cases there have been tensions between international and domestic security actors, and election security has been most effective where there have been good relationships with all actors, especially between civil police and the military. Training should be timely; in some cases timing has been too late in the electoral cycle to be effective.

USAID (2013) argues that there should be greater effort on documenting and disseminating information on incidents of electoral violence to enable enforcement agencies to prosecute perpetrators. However, there are often practical challenges of prosecuting the perpetrators of election-related violence. In Kenya, HRW (2011) note that after four years after the onset of Kenya's 2007-2008 post-election violence, Kenya's government has done little to provide justice to victims. The government has failed to ensure the

prosecution of perpetrators in all but a handful of the 1,133 or more killings committed during the violence. The authors conclude there is a lack of political will to address post-election violence. Kenyan authorities have been unwilling or unable to effectively prosecute post-election violence and in some cases have failed to pay compensation to litigants who have won civil suits against them.

An evaluation of election support in Tanzania examined the effect of an agreed-upon absence of special forces and the development and use of an 'Incident Response and Reporting System' (Barradas et al. 2011). These measures enabled the police to track and respond to violent incidents on Election Day and contributed to a more positive perception of the police, who were previously considered to be partisan.

Election monitoring

These measures focus on training monitors, and those involved in verification missions, to observe more effectively indicators of likely electoral violence, to be able to issue accurate and timely warning (UNDP, 2009). This also involves the ability to devise on-the-ground strategies for mitigation, such as through mediation, problem solving, or agreement writing. Other measures include deploying additional election observers to particularly conflict-prone or potentially volatile areas; parallel vote tabulation or other confidence-building measures to limit fraud; ensuring that local monitoring teams reflect social diversity; and linking electoral observation efforts with security strategies, especially during contentious or potentially inflammatory events (UNDP, 2009).

Monitoring should be continuous, particularly in volatile areas around any by-elections, and there should be allocation of adequate resources for maintaining monitoring capacity (Höglund & Jarstad, 2010). In the interim periods between elections there should be groundwork carried out to prevent future violence.

The presence of electoral observers can in some cases increase levels of violence (Walton, 2012b). Where there is electoral fraud, electoral observers can highlight this fraud which can trigger violence. Post-election protests (and potentially subsequent violence) are more likely, last longer, and attract more supporters following negative reports from international observers on whether elections have been free and fair. While the presence of international observers reduces the potential for election-day violence, political actors can continue violent activities in the pre-election period when there is less international attention.

There can also be special observation measures in high risk areas. In the 2007 Kenya elections, analysis suggested that the best method to eliminate Raila Odinga as a presidential contender would be through preventing him getting his parliamentary seat. The UK High Commissioner and the US Ambassador therefore personally observed the ballot in Odinga's constituency to prevent fraud (DFID, 2010).

Media monitoring

As well as official electoral monitoring, media monitoring can be conducted by state and non-state stakeholders with media organisations required to comply with a code of conduct on accuracy and integrity (USAID, 2013). An evaluation of the USAID Office of Transition Initiatives (OTI) programmes in Bosnia and Croatia between 1996 and 2000 concludes that disseminating balanced information about elections through television and radio "no doubt minimized violence and helped key communities continue on the path to reconciliation" (Taylor, 2000, p. 40).

Semetko (2010) provides a number of recommendations based on a review of case studies on the role of the media in elections in Kenya, Russia, Mexico and Turkey. The author suggests it is important to promote and enhance media literacy skills among all citizens before, during and after elections. Establish and

reinforce national election studies to ensure the systematic collection of verifiable and independent survey data throughout electoral campaigns. Support technical assistance to build capacity in efforts to study the impact of any media bias on public opinion and political behaviour during elections.

Abdi & Jeane (2008), in a study on the role of media in Kenya's post-election violence of 2008, find that the media had both undermined and invigorated democracy. Recommendations are for reform of the media policy and regulatory environment so that it focuses on a public interest approach to broadcasting. Training for those facilitating public debate (such as talk show hosts) should be prioritised, along with training on conflict reporting. Coordination, information sharing and long-term strategic planning of media support within Kenya could be substantially improved and community media could provide a model for the future. At the same time the authors note that substantial progress in strengthening the media will not be possible unless the working conditions of journalists are improved.

Voter education and public awareness

Voter education and public awareness efforts should be a continuous activity with ongoing support for political party development, citizen education and media training (Höglund & Jarstad, 2010). Special electoral education programmes, including for youth audiences, can provide focused civic education on democratic values and processes (USAID, 2013). Examples of other activities include: political party workshops to foster negotiation among rivals; training for political parties on peaceful campaigning methods; media engagement on the problem of election-related violence; creating community conciliation structures; and working with the vulnerable or displaced populations (UNDP, 2009). USAID (2013) highlight the importance of public education campaigns to enhance intolerance for political violence against women.

In a field experiment, Collier and Vicente (2014) found that that an awareness campaign to encourage Nigerian voters to oppose electoral violence was effective. The study found that the campaign increased voter turnout, decreased violence perceptions, increased empowerment to counteract violence, and resulted in a reduction in the intensity of actual violence, as measured by journalists. The campaign worked through town meetings, popular theatres and door-to-door distribution of materials. In a related study, also on Nigeria, Fafchamps and Vicente (2013) found that a campaign's anti-violence message could be reinforced through social networks, especially family.

In a DRC case study on countering electoral violence with electoral education, Kehalia (2014) concludes that it would be naïve to suggest that electoral violence will not occur as a result of a voter education campaign. Effective electoral education can only address, in part, voter-initiated violence and the likelihood of electoral violence depends largely on factors beyond the control of the electoral educator. The pacifying effects of effective voter education are reduced if an electoral commission is unable to ensure a low number of technical flaws and a robust communication strategy. An informed citizenry, that is aware of its rights, may see violence as legitimate if the work of the electoral management board is perceived as biased, fraudulent or excessively flawed. The author concludes that "electoral peace requires electoral justice" (Kehalia, 2014, 17).

Civil society and public engagement initiatives

In many ways civil society and public engagement initiatives overlap with voter education and public awareness initiatives. Examples of activities include: multi-stakeholder forums and consultations in preparation of a public campaign; electoral assistance groups; peace campaigns; religious and cultural leaders' forums; traditional leaders' forums; and strategic leadership development and training (UNDP,

2009). Höglund & Jarstad (2010) note that where well-developed, civil society can help coordinate electoral violence management.

One recommendation is a peace pledge which brings together political parties, religious and civil society leaders, to publicly declare a commitment to a code of conduct. Sisk (2008) argues that working with parties to develop pre-election peace pledges, backed by violence monitoring, are the most pragmatic approaches to counter electoral violence, given limits to international engagement.

Another activity is codes of conduct. In advance of the 2009 elections in Ghana, an African Union mission of eminent persons, including former presidents of Ghana and Mozambique, brokered a code of conduct between all political parties which DFID (2010) concludes paved the way for a successful election and an orderly transfer of power. A USAID evaluation on the 'Tamkeen' election-related programme found that the Palestinian Code of Conduct for Political Parties produced by the Arab Thought Forum (ATF) was an important demonstration of the political will of all parties to ensure transparency and good conduct in the electoral process (Reeves, 2006).

Legal framework reforms

This involves providing assistance in the design and implementation of legal frameworks so as to reduce underlying drivers of violence. It is crucial to develop a legal framework that has broad support among competing parties and candidates (UNDP, 2009).

USAID (2013) argue that the legal frameworks most relevant for electoral security are those from: constitutions; peace agreements; electoral legislation; women's protection and equality legislation; and, land ownership legislation. Each of these legal instruments can intersect with electoral security. Key considerations include minority representation; developing election codes of conduct and legal requirements; reviewing and revising political party registration requirements; working towards international electoral standards; and assisting electoral systems or election law reform processes (UNDP, 2009).

Höglund & Jarstad (2010) recommends focusing on the electoral system and outlining measures and resources for activities to revise and support the institutional settings and legal frameworks. Practitioners and policymakers should consider the consequences of the electoral system for the risk of violence, and analyse potential changes to electoral systems, codes of conduct, and other regulations on the electoral process. They should stipulate sanctions against violence makers, for example by limiting the right for repeat violence-makers to engage in politics, to avoid a culture of impunity.

Electoral management bodies

This involves ensuring the structure, balance, composition, and professionalism of the electoral management body (for example, an electoral commission) is such that electoral processes generate legitimate, accepted outcomes. An independent electoral agency can also help assess and evaluate different actors' capacity to assist with electoral violence prevention tasks (Höglund & Jarstad, 2010).

Activities to strengthen electoral management bodies can involve: creating an open dialogue process between the body and other stakeholders; supporting the monitoring of compliance with international professional best practices and legal requirements; and deterring fraud and intimidation (UNDP, 2009). Other activities include arbitrating and adjudicating boundary delimitation processes, and adopting policies to limit the effects of some information on conflict escalation tendencies. For example, it may be best to

withhold detailed results which help identify how certain individuals or communities voted, if it puts them at risk.

An evaluation of DFID's electoral support to Afghanistan, Burundi, Bangladesh and Malawi recommends the building of wider national capacity to manage conflict (ICAI, 2012). This includes not just official mechanisms for adjudicating electoral disputes and electoral management bodies, but also stronger dialogue among political parties. An evaluation of election support in Tanzania also found that promotion of dialogue and sharing of information was perceived to have helped reduce electoral violence (Barradas et al. 2011).

Electoral dispute resolution

Disputes can be resolved through formal and/or informal methods which are ideally impartial, efficient, legally valid and widely accepted (UNDP, 2009). Formal electoral justice mechanisms can be judicial, a special process, or a combination of the two. Effectiveness depends on the independence of the adjudicating body from governmental or political influences (USAID, 2013). Informal electoral justice mechanisms can also be employed to resolve disputes including the involvement of non-state stakeholders such as civil society organisations, faith-based organisations and traditional leaders.

Special election courts should have clear and well-articulated processes for the lodging, investigation, adjudication of complaints of fraud, intimidation, or instances of violence (UNDP, 2009). Electoral bodies can take on this role but require well-developed processes for monitoring, investigating, and responding to election violence. Electoral bodies can also develop crisis management plans in the case of a serious or prolonged election disputes.

A key recommendation of an evaluation of UNDP support for strengthening electoral systems found that UNDP country offices should be more proactive in the period between elections to promote improvements including in electoral dispute resolution mechanisms (UNDP, 2012).

Social and economic support

Reducing electoral violence tends to focus on the perpetrators. However, Höglund & Jarstad (2010) suggest that practitioners and policymakers include in their analysis an assessment of how victims are affected by electoral violence and how their different needs (material, physical and psychological) can be addressed.

Compensation can be awarded to victims of electoral violence and their families (USAID, 2013). In cases where electoral violence has occurred at a scale, or with the intent that it becomes a crime against humanity, the procedures exist for the International Criminal Court's (ICC) Office of the Prosecutor to initiate an investigation. Citizen networks and task forces can help to provide social services to victims including emergency medical, psychological, and legal assistance.

Economic factors, especially unemployment, can be an underlying cause of electoral violence, and USAID (2013) highlights the importance of demobilising youth from electoral violence through employment. Youth vulnerabilities to electoral violence are often economic in nature and employment programmes during the electoral cycle can provide income and disincentives to be involved in violence.

Other measures: Building trust, inclusiveness, local ownership and timing

A recent guide to elections and conflict prevention highlights, in particular, the need to build general trust among key players (UNDP, 2009). It is important to involve a range of key constituencies and centres of

influence, including the media, the security services, political parties, civil society leaders and others in conflict prevention programmes. Local ownership and local stakeholders play a critical role in successful violence-prevention efforts.

Another factor is the general timing of the elections. A quantitative analysis finds that holding elections soon after a civil war ends generally increases the likelihood of renewed fighting (Brancati & Snyder, 2013). The authors conclude that early elections are less likely to lead to renewed fighting when the opposing sides are not well armed and have institutional guarantees of their security. Conditions that would therefore mitigate this risk include decisive victories, demobilisation, peacekeeping, power sharing, and strong political, administrative and judicial institutions. The authors argue that international actors should not push for elections in circumstances most likely to lead to renewed fighting, such as in the cases of settlements and truces.

4. Armed groups

Staniland (2013) outlines a model of potential trajectories of armed groups involved in elections that become militarised, and provide examples of such groups in South Asia from the last few decades. The author notes that an armed group's trajectory is dependent on how the government or ruling party perceives the group's political value, and also the degree of organisational and resource autonomy the group enjoys. Figure 1 outlines five possible trajectories for armed groups.

Figure 1. Electoral Armed Group (AG) Trajectories
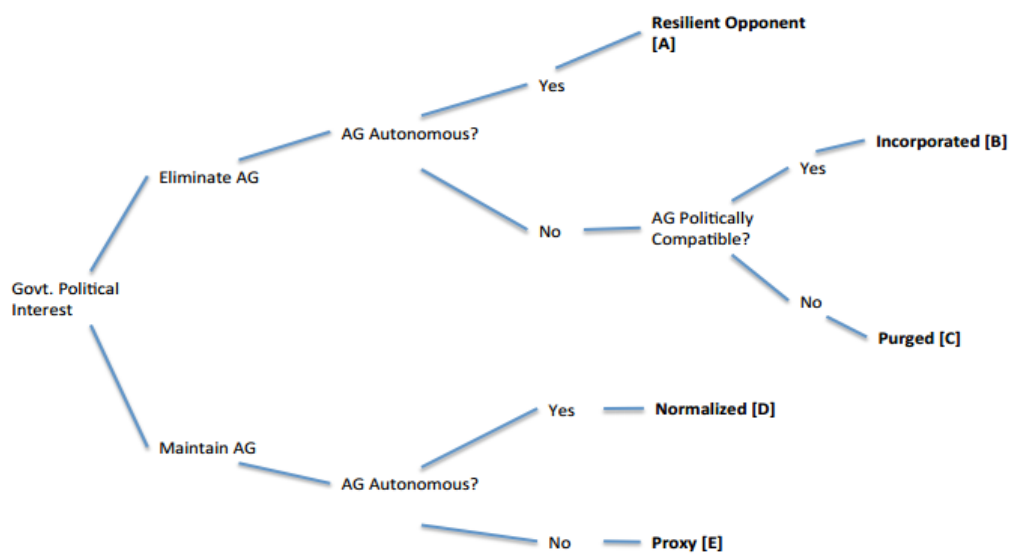
These five possible trajectories for armed groups are not fixed, and groups can go from being resilient to purged, for example. The five trajectories can be broken down as follows:

▪ **Resilient Opponent [A]:** Armed groups that end up in opposition to the ruling party can remain resilient to government efforts to purge them. These groups would have the organisational and resource capacity to resist repression by the ruling party. An example of this is the Bhindranwale

movement in Indian Punjab who were first normalised, and then became a resilient opponent until the end of the Sikh insurgency in 1993-4.

- **Incorporated [B]:** This can be for armed groups that no longer serve politically useful functions. An armed group dependent on the state for support can be absorbed into the state, either through disbanding it or through repurposing it as a formal addition to the regime. Examples include the local private armies, rebranded as state security forces, and put on the government payroll, in the Philippines.

- **Purged [C]:** Groups can be purged when they no longer serve politically useful functions, depend on the government for resources, but cannot be easily accommodated into existing political structures. Purged groups are suppressed and dismantled through force, threats, and removal of resources. An example of this is the People's Aman Committee in Pakistan. Several armed groups became proxies or were incorporated into the Pakistan People's Party (PPP) around elections, but the People's Aman Committee were purged by state forces around 2012-13.

- **Normalized [D]:** These groups have the organisational power and resources to withstand suppression or incorporation and serve the ruling government's political interest. Their operations do not directly threaten the regime's political survival and they can carve out an independent role in the political system, including becoming political parties or the private armies of parties. Examples include the MQM in Pakistan, Hezbollah in Lebanon, ISCI the two Kurdish parties in Iraq, and private armies of politicians in the Philippines.

- **Proxy [E]:** These armed groups benefit the government and can provide 'deniable' violence in support of the government while being in effect controlled by it. Examples are the local armed gangs who became proxies of the Pakistan People's Party, some of which were incorporated into the party in the 2000s.

Haider (2008) highlights a number of case studies involving armed groups activities around elections:

- **Afghanistan:** After 2001 many powerful armed actors in Afghanistan tried to convert into political parties. The need to change these groups image so as to gain legitimacy caused clashes between commanders of militia groups and their more political leadership, with the central government looking to exploit the divide to weaken them (Giustozzi, 2011). In the end the armed groups responded to this tactic by consolidating their relationship with their armed wings.

- **DRC:** In the DRC one of the main former rebel groups, the Congolese Rally for Democracy (RCD) risked losing most of its power at the polls and this triggered renewed violence in the east (ICG, 2006).

Burchard (expert comments) notes that the presence of armed groups has different effects on electoral violence, and that this depends in part on their ideological orientation and organisational goals. Certain groups, such as the Mombasa Republic Council (MRC) in Kenya and Boko Haram in Nigeria have disavowed elections and democracy as un-Islamic. They engage in attacks meant to prevent voters and aspirants from participating in an election and aim to delegitimise the electoral process.

5. Sub-national conflict

Among the literature on subnational conflict there is research which suggests what might be the key factors that would precipitate violence, including around elections. It may be possible to conclude from these what appropriate measures would be.

In a study on improving international development assistance in Asia, Parks et al. (2013) note that the majority of subnational conflicts take place in stable, middle-income countries, with relatively strong governments, regular elections, and capable security forces. In these countries the legitimacy of the state, and not its capacity tend to be the key factor in local contestation. Subnational conflicts can be fuelled by perceived injustice over governance, political and economic marginalisation, and threatened identity of the local minority population.

In a case study of South Sudan, Dreef and Wagner (2013) highlight the importance of the electoral system in relation to ethnopolitical conflicts. A proportional representation system can facilitate the representation of ethnic minorities in parliament where ethnicities live intermingled throughout the entire country. Wherever ethnic groups concentrate in specific regions, pluralist and majoritarian systems can also be equally inclusionary. Majoritarian systems can help overcome ethnic cleavages, as they provide incentives for candidates to campaign for the votes of members of other ethnic groups. Majoritarian systems encourage interethnic bargaining and promote accommodative behaviour. This contributes to the de-ethnicization of politics and society in the long term.

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